

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 1<sup>st</sup> September 2010

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/1275/10/F - OVER  
Dwelling at Land to the East of 9 New Road,  
for Mr & Mrs P Doggett**

**Recommendation: Delegated Approval/Refusal**

**Date for Determination: 10<sup>th</sup> September 2010**

**This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of the case officer.**

**Members will visit this site on 1<sup>st</sup> September 2010**

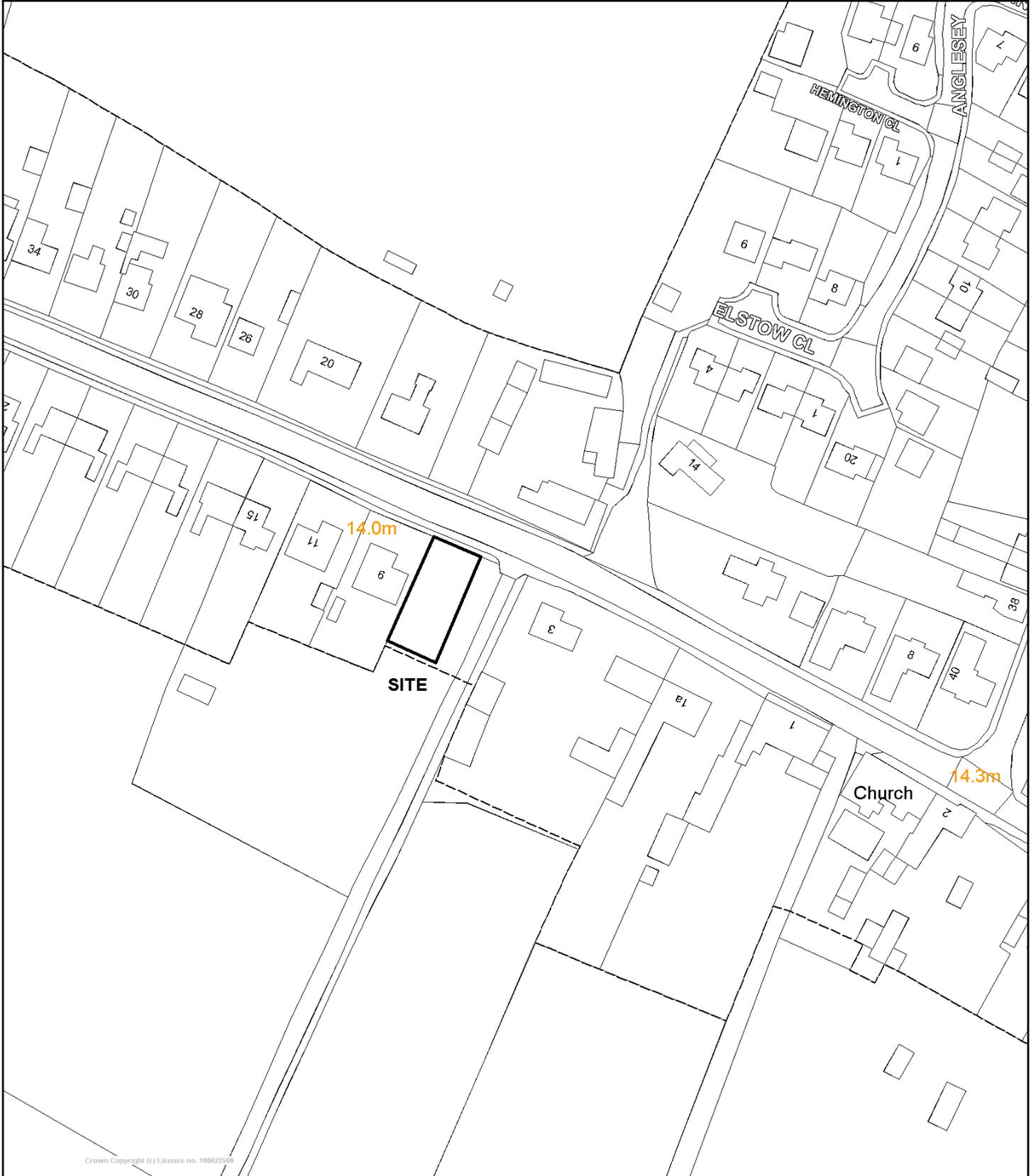
### **Site and Proposal**

1. The site is located within the designated Over village framework, which does run across the southern boundary of the site, beyond which is agricultural land. A public footpath runs along the eastern boundary of the site, beyond which is 3 new Road. This is a detached chalet bungalow with accommodation in the roof space. Directly to the west is 9 New Road, a detached two-storey property. There are further residential dwellings to the north. The site is currently overgrown, with an unkempt hedgerow fronting New Road.
2. The application, validated on 16<sup>th</sup> July 2010, seeks the erection of a dwelling on the land. This is a two-storey detached property located roughly in line with the neighbouring property at 9 New Road and with a very similar height. A Planning, Design and Access Statement, and an Ecology Survey accompany the application.
3. Members should be aware that the Parish Council comments have yet to be received regarding the new application. They recommended refusal of a similar scheme through reference S/0361/10/F. The application is before Members to determine as it is assumed the Parish will retain their recommendation, given the design of the dwelling has not altered.

### **Planning History**

4. Application **S/0361/10/F** was withdrawn for a dwelling on the site. The application details were identical except from the lack of an Ecology Survey.
5. Application **S/1560/82/O** was approved for three dwellings dated 8<sup>th</sup> December 1982. This included nos. 9 and 11 New Road, but the third dwelling on this application site was never constructed. This outline consent followed a previous approval for residential development on the land (**S/1606/79/O**) dated 18<sup>th</sup> December 1979.

### **Planning Policy**



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Scale 1/1250 Date 18/8/2010

Centre = 537348 E 270038 N

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6. **Local Development Framework Core Strategy Development Plan Document 2007:**  
**ST/6** Group Villages
7. **Local Development Framework Development Control Policies (LDF DCP) 2007:**  
**DP/1** Sustainable Development, **DP2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/7** Development Frameworks, **HG/1** Housing Density, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/6** Biodiversity, **NE/9** Water and Drainage Infrastructure, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/15** Noise Pollution & **TR/2** Car and Cycle Parking Standards.
8. **Open Space in New Developments SPD, Trees and Development Sites SPD, Biodiversity SPD & District Design Guide SPD.**
9. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
10. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

#### **Consultation**

11. At the time of writing, no consultations responses have been received. The plan is identical to the previous application S/0361/10/F. The following is a summary of responses from this application.
12. **Over Parish Council** recommends refusal on grounds of the development being out of character with the surrounding street scene by virtue of its cramped appearance on site.
13. The **County Council's Rights of Way and Access Team** notes the scheme runs alongside Public Footpath No. 1 Over, which has a width of approximately 3-4m and shares an access track leading to agricultural land to the south of the site. There are no objections subject to a number of informatives.
14. The **Council's Ecology Officer** has placed a holding objection on the scheme subject to further ecological information being submitted.
15. The **Local Highways Authority** has requested a number of conditions, relating to vehicle-to-vehicle visibility splays, gates on the site, parking space dimensions, the retention of parking and turning areas, temporary facilities for construction vehicles, potential overhanging onto the public highway, drainage from the access, and access materials. Informatives are recommended regarding works to the public highway and public utility apparatus.

#### **Representations**

16. At the time of writing, no comments have been received. With regard to the previous application, two letters were received from the occupiers of **9 New Road**. These objected to the proposal on grounds of loss of wildlife habitat, impact upon the street scene and local character, and overshadowing and loss of light.

## **Planning Comments – Key Issues**

17. The key issues to consider in this instance are the principle of development, design and the impact upon the street scene, the impact upon the amenity of occupiers of adjacent properties, and ecological implications.

### ***The Principle of Development***

18. Over is classified as a Group Village, where residential development up to a maximum eight dwellings will be permitted within village frameworks subject to site-specific issues. Policy DP/7 of the LDF DCP 2007 lists a number of criteria when development on unallocated sites within development frameworks will be permitted. These criteria are covered in this report. There is in-principal support for a dwelling on the site.
19. The site has an area of 0.04 hectares. A single dwelling on the plot relates to a development of approximately 25 dwellings per hectare. Policy HG/1 of the LDF DCP 2007 seeks residential development to achieve best use of land by achieving at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. Recent changes to PPS3 (Housing) have reduced the pressures on Council's to achieve higher densities on inappropriate sites. The applicant has stated that the development is in keeping with the character of the area and therefore would not be out of keeping. Despite the density being below that usually sought, in this instance I consider the density of the development to be acceptable.

### ***Design and Impact Upon the Street Scene***

20. The proposed dwelling is a two-storey detached property, as are 9 and 11 New Road to the west. It is with these two dwellings that the proposal would be visually related. The proposed dwelling is of a similar width to 9 New Road, but the western element of the dwelling is single storey, thus reducing the bulk of the dwelling. This also seeks to reduce the building mass when combining these two neighbouring dwellings. They would only be 2m apart, but the single storey element would create a 5.1m gap between the two-storey elements.
21. The proposed dwelling would have a forward projecting element forming a home office. 9 New Road does have single storey lean-to extension at the front, whilst 11 New Road has a two-storey forward projecting gable. I do not consider that the proposed home office element would look out of place. The dwellings in the immediate vicinity do not have integral garages. However, I do not consider that this element would cause any serious harm to the visual quality of the street scene.
22. The removal of the vegetation on the site would change the appearance of the site, which is currently overgrown. The frontage is currently an overgrown hedge, which does provide a green frontage, but is visually untidy. The applicant has shown a new hedgerow to be grown along the front boundary, and further planting along the shared boundary with 9 New Road. A new hedge is also proposed along the boundary with the adjacent public footpath, set in front of a 1.8m high panel fence. This hedge would restrict views of this fence, whilst retaining security for the occupiers of the dwelling.
23. Whilst the development would change the character of the area, I do not consider that this would be harmful to the street scene, provided a landscape condition is added to ensure appropriate planting is provided to retain a green frontage and screen the rear garden fence.

### ***Impact upon the Amenity of the Occupiers of Adjacent Properties***

24. The dwelling would be located close to the shared boundary with 9 New Road. This is a detached two-storey property. It has a living room window at ground floor level in its facing elevation that would look out at the proposal. However, this is not the primary window to this room, which has a front facing window and also gains light from the conservatory attached to the rear. Given the orientation of the site, only a small amount of early morning light would be lost to the conservatory. The proposal does have a single storey element closest to the boundary, with an eaves height of 2.5m. This would give some relief to the occupiers of 9 New Road. I do not consider that the proposal would cause any harm to the occupiers of this property.
25. 3 New Road is located on the opposite side of the public footpath. It has facing windows both at ground and first floor levels in its facing elevation. The proposed dwelling would be located approximately 19m from its facing elevation. At this distance, I do not consider the proposal would harm the outlook from the proposed dwelling. The facing side elevation of the proposed dwelling does have a proposed bedroom window that would allow some views into the garden at 3 New Road. However, I do not consider that any serious loss of privacy would be caused. The proposal would also be visible from the rear garden of 3 New Road. Given the proposed hedge and fencing on the boundary, I do not consider any serious harm would result to the occupiers of this property.

### ***Ecological Implications***

26. The original application (S/0361/10/F) was withdrawn given comments from the Council's Ecology Officer. He requested further ecological information following a visit to the site, which showed evidence of badger activity on the site, and notes the site has potential for nesting birds. The new application provides an Ecology Survey, which shows mitigation measures following its findings. Members will be updated regarding comments from the Ecology Officer.

### ***Other Matters***

27. The applicant has confirmed in their Planning, Design and Access Statement their willingness to contribute towards provision of open space and community infrastructure, and provision of waste receptacles and the need for a Section 106 Monitoring fee. A condition can ensure their supply.

### **Recommendation**

28. Delegated approval/refusal subject to comments from all consultees. If members choose to approve the scheme, conditions will be required regarding the time implementation for the consent, agreed plan numbers, materials, landscaping, boundary treatments, provision of open space, ecological mitigation, and the relevant requested highway conditions.

### **Informatives**

29. The proposal involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an offence to carry out works within the public highway, which includes a public right of way, without the permission of the Highways Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the

Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Public Utility apparatus may be affected by this proposal. The applicant may need to contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

Please note the following comments in relation to the adjacent public footpath:

The footpath must remain open and unobstructed at all times. Building materials must not be stored on this section of the footpath and the contractors' vehicles must not be parked on it (it is an offence under s137 of the Highways Act 1980 to obstruct a public footpath).

No alteration of the paths surface is permitted without consent from the County Council Rights of Way and Access team (it is an offence to damage the surface of a public footpath under s1 of the Criminal Damage Act 1971).

Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

The granting of planning permission does not entitle a developer to obstruct a public right of way.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007).
- Local Development Framework Development Control Policies (LDF DCP) 2007.
- Open Space in New Developments SPD, Trees and Development Sites SPD, Biodiversity SPD & District Design Guide SPD.
- Circular 11/95 – The Use of Conditions in Planning Permissions.
- Circular 05/2005 - Planning Obligations.
- Planning File refs: S/1275/10/F, S/0361/10/F, S/1560/82/O and S/1606/79/O

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