

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 May 2011

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0534/11 - STAPLEFORD

**Dwelling and vehicular access - Land to rear of 26, Church Street, Stapleford,
Cambridge, Cambridgeshire, CB22 5DS for Mr & Mrs Osmant**

Recommendation: Delegated Approval

Date for Determination: 11 May 2011

Notes:

This application has been reported to the Planning Committee for determination as the Officer recommendation is contrary to the recommendation of the Parish Council.

Site and Proposal

1. The site lies within the Stapleford village framework and forms the southern part of the rear garden of No.26 Church Street, a two-storey brick and tile dwelling. The site contains a number of significant trees adjacent to the eastern and southern boundaries of the garden. The eastern boundary of the curtilage of No.26 Church Street, which is defined by a close boarded fence, adjoins Cox's Close, a development of Council owned properties. Between the boundary of the property and the roadway is a grass verge and parking area owned by this Council. On the opposite side of the road to the site are a row of single-storey dwellings whilst, beyond the southern boundary, is a building providing warden's accommodation and community facilities. To the west, the site adjoins the rear garden of No.22 Church Street and, beyond this, the garden of No.18 Church Street.
2. The full application, received on 16th March 2011, proposes the erection of a three bedroom two-storey dwelling within the rear/southern part of the garden of No.26 Church Street. The dwelling would front towards, and be accessed from, Cox's Close. It would comprise timber weatherboard walls under a plain tile roof and would stand 7.5 metres high to the ridge and 3.7 metres high to the eaves. The front elevation would be punctuated by three dormer windows whilst rooms to the rear would be lit by high level rooflights. In order to accommodate the dwelling, it is proposed that the mature trees adjoining the side and rear boundaries be removed. Additionally, the proposal involves the formation of a vehicular access across the Council owned grass verge at the front of the site.

Planning History

3. Extensions to the existing property were approved under application references **C/0624/73/F**, **S/1135/86/F**, **S/1971/88/F** and **S/0894/93/F**.

Planning Policy

4. South Cambridgeshire Local Development Framework Core Strategy Development Plan Document, adopted January 2007:

ST/4 – Rural Centres
 5. South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007:

DP/1 - Sustainable Development
DP/2 - Design of New Development
DP/3 - Development Criteria
DP/4 - Infrastructure and New Developments
HG/1 – Housing Density
NE/6 – Biodiversity
SF/10 - Outdoor Play Space, Informal Open Space and New Developments
SF/11 – Open Space Standards
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards
 6. South Cambridgeshire LDF Supplementary Planning Documents:

Open Space in New Developments – Adopted January 2009.
Trees and Development Sites – Adopted January 2009.
District Design Guide – Adopted March 2010.
Landscape in New Developments – Adopted March 2010.
 7. **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.
 8. **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.
- ### Consultations
9. **Stapleford Parish Council** recommends refusal, stating:

“Overdevelopment of site.
Present invasion of privacy of adjacent properties.
Lead to increase in traffic movements.
Relates to criteria DP/3 – adverse impact.”
 10. **The Trees Officer** – Raises no objections. The beech trees to the rear provide screening but are close to the adjacent SCDC property and are therefore already compromised.
 11. **The Landscape Design Officer** – No comments received.

12. **The Local Highways Authority** - Raises no objections subject to the provision of 2m x 2m visibility splay; construction of driveways to ensure no water drains onto the highway; and construction of the proposed driveway with a bound material.
13. **The Environmental Health Officer** raises no objections subject to conditions being added to any consent to protect neighbours from noise disturbance during the construction period.
14. **The Lands Officer** – States that the proposed access to the new dwelling is over land in SCDC ownership. No request for right of access or for purchase of the land has been received from the applicant. Should a request be received, grant of right of access or sale of land will be considered by the Council as landowner following consultation.
15. **EDF** – No comments received.

Representations

16. The owners of No.18 Church Street object to the application for the following reasons:
 - The proposed dwelling, which would be located to the south of No.18, would result in a loss of privacy to, overlooking of and a loss of outlook to No.18.
 - The loss of mature trees would affect the character of the local landscape.
 - The proposal would result in overdevelopment of the site.
 - The size of the proposed plot and the resultant garden for No.26 would be out of keeping with the size of gardens in the immediate area.
 - The designated parking space would be on public land.
17. The applicant has submitted a representation. This refers to objections received from the owner of No.22 Church Street, although it must be stressed that no formal comments on the planning application have been received from this neighbouring property. The applicant's letter indicates that the owner of No.22 has requested that consideration be given to increasing the size of the site to include the rear part of the garden of No.22, and erecting a bungalow rather than two-storey house, on the enlarged site area. It is asserted that the owner of No.22 has two reasons to object to the proposal, firstly to increase the value of his land and, secondly, that he has expressed interest in purchasing the bungalow for his own occupation.

Planning Comments – Key Issues

Impact on the character of the area

18. The Parish Council and the owners of No.18 Church Street have objected to the application on the grounds that it would overdevelop the site and result in a form of development that would be harmful to the character of the area. The site is located between a two-storey dwelling to the north and a single-storey building to the south. It would be a two-storey property incorporating dormers within the front facing roof slope and rooflights to the rear. The property would

be set further from the road than both the flank wall of No.26 Church Street and from the front elevation of the adjacent Council property and is not therefore considered to be an unduly intrusive feature within the street scene in terms of height or prominence. The proposal to use timber boarding for the walls of the proposed dwelling would however be alien to the character of the area, with the predominant material in the vicinity of the site being characterised by brick. The applicant's agent has agreed to amend the plans accordingly.

19. With regards to concerns regarding overdevelopment of the site, the proposed plot would measure 13.5 metres wide x 13 metres deep, with the rear garden having a depth of just 4 metres. The remaining curtilage of No.26 Church Street would be approximately 18 metres deep. The adopted District Design Guide SPD states, with reference to private gardens and amenity space, that each house comprising 3+ bedrooms should have private garden space of 50m² in urban settings. In this instance, the garden of the proposed dwelling would measure approximately 63m², whilst the space retained by the existing dwelling would be significantly larger than this. Given that the site lies within the centre of the settlement, it is therefore considered that the size of the proposed plot is, on balance, acceptable. Additionally, the plot size would be larger than those of the bungalows on the opposite side of the road, and would not therefore be out of keeping with the character of the area.

Density

20. The site measures approximately 0.0175 hectares in area. The erection of one dwelling on the site equates to a density of approximately 55 dwellings per hectare. The development therefore complies with Policy HG/1 of the Local Development Framework, which seeks to ensure new developments achieve a minimum density of 40 dwellings per hectare in the most sustainable locations, such as this one.

Residential amenity

21. The proposed dwelling would be located 21 metres to the south of the rear elevation of No.26 Church Street. Given the separation between the existing and proposed properties, the dwelling would not result in an unacceptable loss of sunlight to, or outlook from, the existing property at No.26. The rear elevation of the property would be sited just 4 metres from the rear boundary with No.22 Church Street and 24 metres from the rear elevation of No.18 Church Street. The original plans proposed a number of first floor openings in the rear elevation. This was considered to result in an unacceptable degree of overlooking of the adjoining garden area at No.22 Church Street. In order to overcome this issue, the plans have been amended to change the rooflights in the rear roof slope to high-level openings, with the sill heights being 1.7 metres above the finished floor level.
22. Given the siting of the proposed dwelling approximately 24 metres to the east of the dwelling at No.18 Church Street, it would not result in harm to the amenities of occupiers of No.18 by reason of a loss of light or outlook.

Highway safety and access Issues

23. The Local Highways Authority has advised that the proposed vehicular access is acceptable from a highway safety point of view. This access would

cross Council owned land and it is evident from the responses received that no consent has been granted by the Council as landowner for a right of access over the land. This does not affect the decision relating to the planning application, although the applicant's agent needs to be made aware that such consent will be required before any permission can be implemented.

Trees

24. The proposed development would result in the loss of a number of significant, mature trees. Whilst these trees are a prominent feature in the area, the Trees Officer has advised that they are already compromised by the adjacent building to the south, and has therefore raised no objections to their removal. The immediate area is otherwise suburban in character and the loss of the trees is not therefore considered to result in harm to the overall character of the area.

Infrastructure requirements

25. In accordance with the requirements of Policies DP/4 and SF/10, as well as the Supplementary Planning Document on Open Space, all residential developments are expected to contribute towards: the off-site provision and maintenance of open space, the provision of indoor community facilities, and the provision of household waste receptacles. For the three-bedroom dwelling proposed, this results in a requirement for contributions of £3,104.38 towards open space, £523.93 towards community facilities, and £69.50 towards household waste receptacles, as well as additional costs towards Section 106 monitoring (£50) and legal fees (minimum £350). The applicant's agent has confirmed, in writing, his client's agreement to the payment of these contributions.

Recommendation

26. Subject to the receipt of amended plans to alter the materials from timber to brick, delegated powers are sought to approve the application, as amended by drawing number P01 Rev A date stamped 31st March 2011, ownership certificate dated 29th March 2011, and drawing numbers P02 Rev A and P03 Rev A date stamped 18th April 2011, subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: P01 Rev A date stamped 31st March 2011, and P02 Rev A and P03 Rev A date stamped 18th April 2011.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side or rear elevations of the dwelling at and above first floor level unless expressly authorised by

planning permission granted by the Local Planning Authority in that behalf.

(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

4. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

5. The proposed vehicular access shall be provided in accordance with drawing number P01 Rev A before the dwelling is occupied and thereafter retained as such.

(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

6. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. The access and driveway for the proposed dwelling shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

(Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. No development shall begin until details of a scheme for the provision of recreational infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009.)

9. No development shall begin until details of a scheme for the provision of community facilities infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards community facilities infrastructure in accordance with the Policy DP/4 of the adopted Local Development Framework 2007.)

10. No development shall begin until details of a scheme for the provision of household waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has

been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards household waste receptacles in accordance with the Policy DP/4 of the adopted Local Development Framework 2007.)

Informatives

Please note that this permission does not include any consent from the District Council as landowner for the proposed means of access to the site. The Council's Lands Officer has advised that, to date, no request for right of access or for purchase of the land has been received from the applicant. Should a request be received, grant of right of access or sale of land (subject to valuation) will be considered by the Council as landowner following consultation.

The Local Highways Authority has advised that the proposed drive must be constructed using a bound material to prevent debris spreading onto the adopted public highway. The use of 'tar spray and shingle' is not acceptable to the Highway Authority.

Condition 8 requires the provision of recreational infrastructure to meet the needs of the development in accordance with Policies DP/4 and SF/10 of the adopted South Cambridgeshire Local Development Framework 2007. This amounts to a financial contribution of £3,104.38, as calculated on the date of the decision, to be secured through a scheme (Section 106 Agreement). This figure is index linked so may be subject to change when any payment is made.

Condition 9 requires the provision of community facilities infrastructure to meet the needs of the development in accordance with Policy DP/4 of the adopted South Cambridgeshire Local Development Framework 2007. This amounts to a financial contribution of £523.93, as calculated on the date of the decision, to be secured through a scheme (Section 106 Agreement). This figure is index linked so may be subject to change when any payment is made.

Condition 10 requires a payment of £69.50 towards the provision of household waste receptacles.

The granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the public highway, and a separate permission must be sought from the Highway Authority for such works.

Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Open Space in New Developments; Trees and Development Sites; District Design Guide; Landscape in New Development.
- Circular 11/95 and 05/2005
- Planning File References: S/0534/11, S/0894/93/F, S/1971/88/F, S/1135/86/F and C/0624/73/F.

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