

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 June 2011

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

**S/0733/11 - WILLINGHAM
19 Dwellings at 57 Brickhills
for Mr Andy Greed**

Recommendation: Approve Conditionally

Date for Determination: 6 July 2011

This Application has been reported to the Planning Committee for determination because the officer recommendation differs to that of the Parish Council, and the District Council owns part of the application site.

The site lies adjacent to the Willingham Conservation Area.

Site and Proposal

1. The site is located within the Willingham village framework, and is located close to the existing residential areas of Brickhills to the north, Rockmill End to the east and Church Street to the south. The eastern section of the site represents a small area of agricultural/grassland. The western section of the site is formed from the long rear gardens of the properties at Church Street. The southern boundary of the site is adjacent the Willingham Conservation Area, whilst 45-47 Church Street to the south are grade II listed buildings.
2. Access to the site would be from Brickhills to the north, which forms a cul-de-sac accessed from Wilford Furlong further northwards. The north end of the site along Brickhills is owned by South Cambridgeshire District Council. The northern boundary along the rear gardens to the dwellings of Brickhills is a 1.8m high fence, with some hedging alongside. This fence is panelled alongside the two-storey properties, but is a chain link fence by the bungalows to the eastern end of Brickhills. The eastern boundary is some low hedging and trees. The southern boundary alongside 15 and 17 Rockmill End is a 1.8m high panel fence. These two properties are a chalet bungalow and two-storey property respectively. The site consists of a number of garden boundaries in its western side, consisting of hedging and fencing of various heights. The land to the east of the site is the beer garden to the former Three Tuns public house, now a restaurant.
3. The full application, validated on 6 April 2011, seeks the erection of 19 dwellings on the land. This would include six affordable units. The application is accompanied by a Design and Access Statement, a Transport Statement, A Flood Risk Assessment and a Planning Statement.

Planning History

4. Planning application **S/0014/10/F** was refused by Planning Committee on 2nd June 2010 following a site visit and dismissed at appeal for 19 dwellings at the site. In dismissing the appeal, the Inspector commented upon the impact upon the dwellings along Brickhills, the lack of outlook from proposed bedroom windows, and the incomplete Section 106 package.
5. Planning application **S/2196/06/F** was approved for nine dwellings following demolition of the existing dwelling and outbuildings at 37 Rockmill End. This is located to the northeast of the proposed application site.
6. There have been various other planning applications made on various parts of the site, although none are considered relevant to the determination of this application.

Policies

7. **Local Development Framework Core Strategy Development Plan Document 2007:**
ST/5 Minor Rural Centres
8. **Local Development Framework Development Control Policies (LDF DCP) 2007:**
DP/1 Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/7** Development Frameworks, **HG/1** Housing Density, **HG/2** Housing Mix, **HG/3** Affordable Housing, **HG/4** Affordable Housing Subsidy, **SF/6** Public Art and New Development, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/1** Energy Efficiency, **NE/3** Renewable Energy Technologies in New Development, **NE/6** Biodiversity, **NE/9** Water and Drainage Infrastructure, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **CH/5** Conservation Areas, **TR/1** Planning for More Sustainable Travel & **TR/2** Car and Cycle Parking Standards.
9. **Development Affecting Conservation Areas SPD, Open Space in New Developments SPD, Public Art SPD, Trees and Development Sites SPD, Affordable Housing SPD & District Design Guide SPD.**
10. **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.
11. **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

12. **Willingham Parish Council** recommends refusal of the proposal on the grounds that there is an inadequate access through a sheltered housing estate. The application is considered overly dense and not in character with the nearby Conservation Area.
13. The **Council's Housing Development and Enabling Manager** notes the demand for affordable housing in the District. 6 affordable units would not meet the 40% requirement, however previous viability assessments have proven that the development is not viable for any further units. The number is supported depending upon whether the tenure mix is acceptable to the housing association (the proposed mix is four socially rented properties and two intermediate). The affordable units should remain so in perpetuity. The site is not an exceptions site, and therefore open to applicants who are registered on the Council's Home Link system. The application has the full support of the Housing Strategy Team.
14. The **Council's Section 106 Officer** notes the applicant is willing to provide £51,198.16 towards required contributions, with a split of £32,976.87 for public open space and £16,721.29 towards primary education, and £1,500 towards Section 106 monitoring.
15. The **Council's Trees Officer** notes the limited tree cover on site and has no objections.
16. The **Old West Internal Drainage Board** notes the site is outside the OWID district but in an area that drains into it. The Board's surface water receiving system has no residual capacity to accept increased rates of surface water run-off. However, providing infiltration methods are used, there will be no effect on the system.
17. **Anglian Water** notes the foul drainage from the development is in the catchment of Over STW that at present has available capacity for these flows. The sewerage system also has available capacity for the increased flows. A condition is proposed regarding the surface water disposal method.
18. The **County Archaeology Team** previously recommended a condition regarding a programme of archaeological work, and confirms this advice remains appropriate.

Representations

19. Letters of objection have been received from the occupiers of 3 properties, based on the following points:
 - (a) Highway safety concerns and parking provision (including the loss of 3 spaces in Brickhills)
 - (b) Risk to children from construction and resident traffic
 - (c) Overdevelopment of the site
 - (d) Proximity to the dwellings along Brickhills
 - (e) Loss of amenity to neighbouring properties
 - (f) The impact upon services within the village

- (g) The design of the dwellings
- (h) Impact upon the adjacent Listed Buildings
- (i) The standard of accommodation
- (j) Outbuildings, structures and vehicles missing from the site plan

Planning Comments

20. The key issues to consider in this instance are the principle of development, and whether the previous Inspector's concerns have been overcome.

The Principle of Development

21. Willingham is classified as a Minor Rural Centre in the LDF Core Strategy 2007, where residential development up to a maximum scheme size of 30 dwellings per hectare will be permitted within village frameworks. Such villages have a reasonable level of services and facilities to allow capacity for such developments. The scheme therefore falls within the development criteria. The policy also states that where a material burden is placed on the existing village services, the District Council can secure financial contributions at an appropriate level through a Section 106 agreement. This is considered in depth below.
22. The site has an area of approximately 0.458 hectares and the proposal seeks 19 dwellings. Policy HG/1 of the LDF Development Control Policies 2007 seeks residential developments to make best use of a site by achieving average net densities of at least 30 dwellings per hectare, and higher average densities of at least 40 dwellings per hectare should be achieved in more sustainable locations. This development achieves 41 dwellings per hectare, in line with the target and aims of the policy. Willingham has a number of services and facilities within the village, and has the capacity in this location for the density of dwellings proposed. The Planning Inspector in determining the appeal for application S/0014/10/F agreed with this principle.

Whether the Previous Inspector's Concerns Have Been Overcome

23. In dismissing the previous appeal (S/0014/10/F), the Inspector noted the distance of 17m between the front of plots 12-15 and the Brickhills houses, with tall frontages due to the design. He states "at this distance it is considered that the dwellings would be overwhelming due to their height and scale". He added the development would "unreasonably harm the living conditions of these neighbours and erode their enjoyment of their rear rooms and gardens".
24. The new application has changed the design of plots 12-15. Previously the dwellings had a monopitch, with a height of 6.4m facing towards Brickhills. The properties did have lower aspects measuring 4.7m in height. The location of the dwellings has not changed. However, the monopitch roof has been changed to a flat roof with a consistent height of 5.1m across the whole of the dwelling. The frontage gable remains and this would be taller at 5.6m. This gable is not considered to add any significant bulk above the roof line of the dwellings.

25. The proposed 2m high acoustic boundary fence would remain along the northern boundary of the site and the Inspector noted this would “screen the new houses to some degree”. The first floor of the dwellings would still be clearly visible over this fence. However, the reduction in the maximum height of the dwellings would significantly reduce the bulk of the proposal when viewed from the garden and rear windows of the Brickhills properties. The upper storey would still be visible over this fence. However, officers conclude the reduction in height has overcome the previous Inspector’s comments.
26. The design of the dwellings has changed as a result of the reduction in bulk. The flat roof aspects are not as visually appealing as the monopitch elements. However, they do retain an element of modern design, and plots 11 and 16 have flat roof elements creating a common theme in the street scene. The frontage gables break up the elevations, as does the change between brickwork and proposed render. The changes are not considered to seriously affect the design of the proposal.
27. The second reason for the dismissal of the appeal related to the frontage first floor bedrooms to plots 12 and 15. As shown on refused plans for application S/0014/10/F, these rooms had small “narrow slit” openings facing towards Brickhills. These would need to be obscure glazed given potential overlooking towards Brickhills. As a result, the Inspector noted this would “give rise to issues about the quality of accommodation created within the bedrooms”. The Inspector concluded the two bedrooms would provide an “unreasonably poor outlook for their occupiers” and “would not create the high quality of housing sought by PPG3”.
28. To overcome this concern, the applicant has added side windows to both of these rooms. This would allow more natural light into the rooms and an outlook for the occupiers. Given the oriel design of the windows, no serious overlooking should result to the adjacent proposed properties, subject to conditions controlling future openings and angles of relevant window opening. Plots 13 and 14 have similar openings, and the Inspector conditioned these acceptable. Again, the design of the proposal would not be seriously harmed by these changes.
29. The final aspect of the previous scheme that was dismissed by the previous Inspector was the Section 106 package. The section 106 Agreement was required to ensure provision of affordable housing in perpetuity and contributions towards open space and education. The unilateral undertaking provided to the Inspector at the appeal had not been signed by all landowners. The Inspector therefore judged the obligations had not been properly secured in line with paragraph B54 of Circular 05/2005 Planning Obligations, and limited weight was therefore afforded to the undertaking. With regard to its content, the Inspector notes there is no basis to disagree with the provision of 6 affordable units. He added that education and open space contributions would be needed, although the method for calculating the amounts was queried.
30. The applicant has been in discussions with the Council’s Section 106 Officer and Planning Lawyer regarding the proposed Section 106 Agreement. The current proposal again includes affordable housing, and open space and education contributions. Negotiations, involving Cambridgeshire County Council, are taking place as to the required contributions for the latter. The viability of the site allows for a pot of £51,198.16 to be split between the three

(including Section 106 monitoring), and this split is currently being negotiated. If the application were approved, officers would wish for the 106 Agreement to be signed prior to issuing the consent due to the complexity of the Agreement. If parties agree the detail and the Agreement is signed by all, this would overcome the previous Inspectors concerns.

Other Matters

31. All other aspects of the proposal remain as per the previous application, and have effectively been agreed by the Planning Inspector, subject to necessary conditions. These issues include the impact upon the Conservation Area and development within the garden of the Listed Buildings, design of the units, impacts upon the street scene, highway safety, parking provision, impact upon trees, flooding and drainage. The comments from the occupiers of neighbouring properties are noted. However, given the Planning Committee's previous reasons for refusal and the comments of the previous Inspector, all the outstanding issues have been overcome. Any approval would be subject to a number of conditions discussed below.

Decision/Recommendation

32. Delegated approval subject to the signing of the Section 106 Agreement to ensure the retention of affordable housing in perpetuity, and contributions towards open space and education.
33. Any consent would require conditions regarding the following: the time implementation, the listing of the approved plans, a landscape scheme, landscape implementation, details of site boundaries, obscure glazing to plots 1, 3, and 8-17, removal of permitted development rights for windows to plots 1, 3, and 8-17, side window opening details for plots 13 and 14, the detailing and retention of the Jakoustic Barrier, lighting details, surface and foul water drainage schemes, archaeological investigation, time of construction, materials, retention of parking spaces, pedestrian visibility splays, renewable energy production, and a water conservation strategy.

Informatives

34. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
35. 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 Core Strategy 2007
- South Cambridgeshire Local Development Framework Development Control Policies 2007

- Development Affecting Conservation Areas SPD, Open Space in New Developments SPD, Public Art SPD, Trees and Development Sites SPD, Affordable Housing SPD & District Design Guide SPD
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Circular 05/2005 - Planning Obligations
- Planning File Refs: S/0733/11, S/0014/10/F and S/2196/06/F

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