

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 October 2011

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

S/1608/11 – COTTENHAM

Extension of Time Limit for Implementation of Planning Consent S/0392/08/F for Erection of Dwelling following Demolition of Existing Garage at Land R/O 64 Rampton Road for Mr D Lytton

Recommendation: Approval

Date for Determination: 7 October 2011

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Cottenham Parish Council

Site and Proposal

1. The site is located within the Cottenham village framework. It measures 0.06 of a hectare in area and currently forms part of the rear garden to No. 64 Rampton Road. This is a detached, one and half storey, buff brick/render and slate dwelling that has a detached double garage set back to the side adjacent No. 62 Rampton Road served by an access driveway. There is also a parking area to the front. The rear garden is bounded by high hedges. The dwelling has a door and four ground floor windows in its side elevation.
2. This full planning application, received 12 August 2011, proposes the erection of a single storey, two-bedroom bungalow following demolition of the existing double garage. It would be sited 17.5 metres back from the rear elevation of No. 64 Rampton Road, 10 metres from the rear boundary with dwellings in Tower Close, 4.5 metres off the boundary with No. 62 Rampton Road, and 2 metres off the boundary with No. 68 Rampton Road. It would have a rectangular footprint and a pitched roof with gables facing to the front and rear. The dwelling would have a height of 2.4 metres to the eaves and 6.7 metres to the ridge. The materials of construction would be buff bricks/weatherboarding for the walls and slate for the roof. It would be accessed via the existing driveway to the side of No. 64 Rampton Road.

Planning History

3. Planning permission was refused and subsequently allowed at appeal for a dwelling on the site under reference **S/0392/08/F**.
4. A planning application for an extension of time for the implementation of the planning consent for the vehicular access approved at No. 84 Rampton Road is currently under consideration (reference **S/1603/11**).
5. Planning permission was granted for a vehicular access at No. 64 Rampton Road under reference **S/1129/08/F**.

6. Planning permissions were granted for extensions and a garage at No. 64 Rampton Road under references **S/1155/88/F** and **S/0001/84/F**.

Planning Policy

7. ***Local Development Plan Policies***

South Cambridgeshire LDF Core Strategy DPD, 2007:

ST/5 Minor Rural Centres

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

HG/1 Housing Density

NE/6 Biodiversity

SF/10 Outdoor Playspace, 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

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009

Trees & Development Sites SPD - Adopted January 2009

Landscape in New Developments SPD - Adopted March 2010

District Design Guide SPD - Adopted March 2010

8. ***National Planning Guidance***

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

9. ***Circulars***

Circular 05/2005 Planning Obligations

Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

10. **Cottenham Parish Council** – Recommends refusal for the following reasons:

“According to guidance notes within the document ‘Greater Flexibility for Planning Permissions’ published in October 2010, paragraph 24 states that local planning authorities may refuse applications to extend the time limit for permission where change in the development plan or other material considerations indicate that the proposal should no longer be treated favourably.

On the 9 June 2011 the Government implemented new powers for Local Authorities to stop ‘Garden Grabbing’ and the Planning Policy Statement 3 was amended with the following change: -

- Private residential gardens are now excluded from the definition of previously developed land in Annex B.

These changes emphasised the fact that it is now up to local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas.

In view of the 2011 amendments to PPS3, and the exclusion of gardens from the definition of 'brown land', CPC believe that it would be prudent of SCDC to give greater weight to the following sub clauses (of its/general local planning authorities policy) hitherto hampered by the brown-land definition. Therefore, applications should be rejected if they:

- a) have a significant adverse impact on the amenities of neighbouring properties through a loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) provide adequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) detract from the prevailing character and appearance of the area;
- d) adversely affect the setting of listed buildings or buildings of gardens of local interest within or close to the site;
- e) adversely affect trees, wildlife features, or architectural features of local importance located within or close to the site; and,
- f) prejudice the comprehensive development of the wider area of which the site forms part.

CPC believes that this proposed development would be in direct contradiction to two of these amendments, points a and b, and therefore the application should be refused."

11. **Local Highways Authority** – The proposal would not have an adverse affect upon the public highway.
12. **Environmental Health Officer** – Concerned that problems could arise from noise during construction and suggests a condition in relation to the hours of use of power operated machinery. Also requests informatives with regards to pile driven foundations and the burning of waste on site. States that the driveway should be constructed from bonded material to prevent nuisance to nearby residential properties.
13. **Trees and Landscapes Officer** – Has no objections.
14. **Landscape Design Officer** – No reply (out of time).

Representations

15. The occupier of **No. 68 Rampton Road** re-iterates the Parish Council's view and states that the local authority and the local community opposed the original application and it would be inconsistent for the local authority to now support the application. It would also set a precedent for Council supporting garden development on a site previously opposed. Also comments that the lack of implementation of the consent is not supported as if the property was marketed for sale, potential purchasers would not be able to see the development. The continuing uncertainty has the effect of a blight on the property.

Planning Comments – Key Issues

16. The key issue to consider in the determination of this application is whether any material changes in circumstances would justify a different decision to that originally granted planning permission. The main factors to take into consideration relate to the

principle of the development and density, and its impact upon the character and appearance of the area, highway safety, and neighbour amenity.

17. The site is located within the village framework of a 'Minor Rural Centre' where residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations.
18. The development of one dwelling would equate to a density of 15 dwellings per hectare. Whilst this would be below the density requirement of 30 to 40 dwellings per hectare that should be achieved in villages such as Cottenham, it is considered appropriate in this case given the low-density character and appearance of the area and access restrictions.
19. The introduction of the revised PPS3 in relation to housing that removes gardens from the definition of previously developed land and removes a limit on the density of developments is not considered to result in a material change in circumstances that would warrant a different decision to that of the Inspector. Cottenham is one of the most sustainable settlements in the district where dwellings should be located, the site is within the village framework, and one dwelling would make the most efficient use of the land. The proposal as originally approved was also not considered to harm the character and appearance of the area, adversely affect the amenities of neighbours, or be detrimental to highway safety. The development is therefore considered acceptable.
20. New development plan policies have been introduced since the approval of the previous planning consent in relation to developer contributions.
21. The South Cambridgeshire Recreation Study 2005 identified a shortage of sport and play space within Cottenham. No sport or public open space is shown within the development. The increase in demand for sport and play space as a result of the development requires a financial contribution of £2,244.90 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution.
22. The South Cambridgeshire Community Facilities Assessment 2009 identified Cottenham to have a poor standard of facilities. Due to the increase in the demand for the use of this space from the development, a financial contribution of 371.00 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution.
23. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide, which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution.
24. Each application is determined upon its merits and a favourable decision would not set a precedent for other similar developments to be supported.

25. The delay in the time period for the implementation of the consent and its impact upon the saleability of a property is not a planning consideration that can be taken into account in the decision making process.
26. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

27. Approval. The following conditions and informatives are suggested:

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: 1:1250 location plan and drawing numbers C/TB/07/1 (excluding garage).

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

5. 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, dormer windows or rooflights shall be constructed in the roof or gables of the dwelling above ground floor level or in any addition to the dwelling 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.)

6. No development shall take place until a pavement crossing with a dropped kerb has been constructed to serve the parking area at the front of No. 64 Rampton Road in accordance with details to have been previously submitted

to and approved in writing by the Local Planning Authority; the developments shall be carried out in accordance with the approved details.

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

7. No development shall begin until details of a scheme for the provision of open space, community facilities and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 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 open space, community facilities and waste receptacles in accordance with Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

8. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 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.)

Informatives

1. The granting of a 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 that a separate permission must be sought from the Highway Authority for such works.
2. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
3. During demolition and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
4. See attached Environment Agency advice regarding soakways.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Landscape in New Developments, and District Design Guide.
- Planning Policy Statements 1 and 3
- Planning File References: S/1608/11, S/1603/11, S/1129/08/F, S/0392/08/F, S/1155/88/F, and S/0001/84/F.

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