

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 March 2012

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

S/2567/11 - HARSTON

Erection of two-storey dwelling, together with two-storey extension to rear of existing property – 44, High Street, Harston, Cambridge, Cambridgeshire, CB22 7PZ for Mr T Jack

Recommendation: Delegated Approval

Date for Determination: 15th February 2012

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, and at the request of District Councillor Lockwood.

Members of Committee will visit the site on Tuesday 6th March 2012.

Site and Proposal

1. The application site is located within the Harston village framework on the east side of the High Street and was formerly occupied by an end-terraced brick and slate two-storey dwelling. The other properties within the terrace comprise a mix of brick and render finishes, all with slate roofs. The dwelling is accessed via a shared driveway on its south side that also provides vehicular access to a number of other dwellings. Beyond this driveway to the south is the village shop and post office. In front of the shop and the terrace of dwellings, Nos. 44-50 High Street, is a lay-by area providing a number of informal parking spaces clear of the main carriageway.
2. The full application, received on 21st December 2011, proposes to extend the existing dwelling on its south side in order to create a two-bedroom two-storey end terraced dwelling. It would be constructed from rendered walls under a slate roof. A centrally positioned two-storey wing would be added to the rear of the existing and proposed properties. Vehicular access to both properties would be via the existing shared driveway, with one parking space for each property provided within the rear garden areas of the existing and new dwellings.

Planning History

3. S/1027/11 - Erection of dwelling, together with two-storey extension to rear of existing property - approved.

Planning Policy

4. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/6: Group Villages

5. **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
HG/1: Housing Density
NE/1: Energy Efficiency
NE/15: Noise Pollution
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
6. **South Cambridgeshire Local Development Framework Supplementary Planning Documents:**
Open Space in New Developments – Adopted January 2009
District Design Guide – 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. **Harston Parish Council** - Recommends refusal, stating:
"This needs to be re-thought.
Do we really need another dwelling in what is by far the busiest part of Harston?"
10. **The Local Highways Authority** – Raises no objections, although states that the dimensions for the proposed car parking spaces, 2.5m x 5m with 6m for reversing, must be shown on the submitted drawings.
11. **The Environmental Health Officer** – Raised no in-principle objections to the previous application, although expressed concern that problems could arise from construction noise and recommended that the hours of use of power-operated machinery be controlled during the construction period.

Representations

12. A letter of objection has been received from Nos. 28, 30, 34, 38 and 46 High Street. The main points raised are:
 - According to the proposed plans, the shared private drive measures 3.1m in width. The proposed development site is not as large as the plans would suggest. The shared private drive is 3.7m wide and this boundary has already been exceeded with the excavations. The hedge and path to the side of the property would also encroach on this land.
 - The applicant should not be able to apply for planning permission on land outside his ownership.

- The scaffolding required to construct the property would obstruct the private shared driveway, preventing residents from gaining vehicular access to their properties and preventing access for emergency vehicles.
- Can permission be granted for development that reduces pedestrian and vehicular access and conflicts with adjoining owners' access rights?
- Reducing the access below a width of 3.7m would prevent access for emergency vehicles.
- No consultation has taken place with local residents, as claimed within the application form.
- When the developer previously commenced construction, there were frequent and numerous deliveries by lorry, with the shared drive often being blocked during peak hours and resulting in hazards to pedestrians.
- It is disputed that there is sufficient space for two cars to park and manoeuvre clear of the highway.
- The belief that all contractors vehicles would park in this rear space during the works is also disputed. There is no turning circle for large vans and no space for two of them.
- Increasing the number of vehicles using this access would exacerbate the existing highway safety problems caused by the fact that the shared access is not wide enough for two vehicles to pass, and as vehicles parked in the layby obstruct visibility from the driveway.
- No.44 has access rights, but there are no access rights for a new dwelling. The developer has not asked the shared owners of the private drive for access for a new property.
- The site plan shows a right of access from the rear of the property. This is owned by No.46 and no such right of access exists to the rear.
- The developer has made no commitment to making good the condition of the shared drive.
- If planning permission is granted, pre-commencement conditions must be put in place and enforced.

13. District Councillor Mrs Lockwood has requested that the application be referred to Committee with a site visit, and expresses the following concerns about the proposal:

- Due to the narrow width of the access road, construction lorries would have to reverse out onto the A10.
- The footings of the building are further out than shown on the plans and the required scaffolding would obstruct the driveway, including for access by emergency vehicles.
- The replacement hedge and the path would also encroach on the road.
- Can the site be measured to ensure it corresponds to the plans? The correct boundary should be restored.
- Construction lorries previously blocked the road and parked in the shop lay-by.
- A meeting should be held with local residents to agree delivery times and parking or contractors vehicles.
- It has been reported that the asbestos garage was removed without proper precaution.

Planning Comments

Background

14. Members may recall that the previous application reference S/1027/11 was approved at the Planning Committee meeting held on 7th September 2011, following a site visit.

The consent was subject to a number of conditions, including a requirement for the off-street parking provision and boundary treatments for both dwellings to accord with the submitted drawings, and for details of contractors access and storage arrangements to be approved in writing before commencement of any development. A copy of the previous committee report, update and decision are attached as an **appendix**.

15. Development then commenced on site before any details required by the pre-commencement conditions of the consent had been submitted. This was brought to Officer's attention following complaints from local residents regarding disruption being caused during the construction period. In addition, the Highways Authority advised that the parking plan approved as part of the previous consent was unworkable, as insufficient space had been provided to enable vehicles to manoeuvre. This meant that conditions 2 and 7, which required the development and parking spaces respectively, to be constructed in accordance with the approved plans, could not be satisfied. In addition, a hedgerow had been removed from the boundary of the site with the private driveway, in contravention of condition 9.
16. It also came to light that the applicant had not acquired the site until after the date that the ownership certificate and application had been signed. The ownership certificate provided with the application, which stated that the applicant was the sole owner of the site for at least 21 days prior to the date of the certificate and application, was therefore false, and this had the effect of rendering the previous planning permission void. The applicant was therefore required to cease construction and to submit a new application for the development.
17. The principle of the development has previously been assessed, and it is therefore only necessary to consider the additional issues and concerns arising following the commencement of development.

Highway safety / parking issues

18. The previously approved parking layout proposed the provision of two car parking spaces to the rear of the proposed new dwelling, and positioned directly adjacent to the edge of the site with the shared driveway. The driveway at this point is approximately 3 metres in width, and the parking spaces did not therefore have the standard 6 metre depth required for manoeuvring/reversing. The proposed layout has now been amended to position the parking spaces further into the site, straddling the rear gardens of both the existing and new properties. Further to the comments made by the Local Highways Authority, an amended plan showing the dimensions of the parking and manoeuvring spaces has been requested.

Ownership issues

19. Concerns have been raised by local residents and by Councillor Lockwood, who state that the development has encroached onto land that falls outside the site edged red and is not within the applicant's ownership. The applicant has advised that he has measured the site and compared the measurements to the title deed plan, and has confirmed that the development can be accommodated on land within his ownership. The deeds show the road to be 3.7m wide at the front of the Post Office and narrowing to 3.1 metres at the rear of the Post Office. He states that the new dwelling is sited 4 metres away from the Post Office and would not therefore encroach on the access road. The measurements have established that the pathway at the side of the dwelling needs to be narrower to ensure the development would not encroach onto adjacent land, and this will be shown within the requested amended drawing. Once

this drawing has been received, Officers will aim to verify these measurements on site.

20. The applicant has advised that the removal of the hedgerow to the side of the site was necessary to prevent the foundations being undermined, following a recommendation from the Building Control Officer. He states that the hedgerow previously encroached onto the road and its removal has therefore increased the access width.
21. The Council's Legal Team has advised that the site edged red should encompass the shared driveway, as this constitutes the proposed means of vehicular access to both dwellings, as well as the access for construction vehicles. The drawing is in the process of being amended accordingly. The applicant has not been able to establish who owns the lane, but has served notice on owners/tenants of adjacent properties that have a right of access across the land and, in accordance with the regulations, has also advertised the application in the Cambridge Evening News.
22. The concerns raised relate to ownership issues and it should be stressed that, other than ensuring correct ownership certificates have been served, this is not strictly a material planning issue. The revision to the site edged red, press advert and revised ownership certificates would satisfactorily deal with this issue from a planning perspective. Should any breach of other legislation be proven to exist at a later date, the owner(s) of the lane would be entitled to pursue legal action separately.

Construction issues

23. Significant concerns have been raised in relation to problems that occurred when construction of the previously approved dwelling commenced. The current application includes a plan showing that construction vehicles and materials would be accommodated within the site area (vehicles and compound to the rear and storage to the front). The shared driveway would be used by delivery vehicles but, as the foundations are now in place, it is anticipated that there would be approximately 1 vehicle movement per week. The applicant has also confirmed the following in writing:
 - During the construction period, vehicles would not be parked in the lay-by to the front of the site. Operatives will be dropped off and tools left in the existing house.
 - Other than unloading of vehicles, the shared driveway would be kept clear in order to avoid disruption to nearby residents.
 - Deliveries will be kept to a minimum and warning will be given to residents prior to a big delivery taking place.
 - Scaffolding for the side wall will be built inside the property and will not obstruct the adjacent access.
 - Any damage caused to the shared access as a result of the construction process will be repaired.
24. The Local Highways Authority has not raised any specific objections to the construction management plan. It is recommended that any permission be subject to a condition requiring the development to be carried out in accordance with the submitted drawing and to the additional points above.

Safety issues

25. The applicant has confirmed that the asbestos garage was disposed of properly, and that documentation can be provided to prove this.

26. Concerns have been expressed that the reduction in the width of the access would prevent access to dwellings at the end of the lane by emergency vehicles. The evidence provided by the applicant indicates that the development has not reduced the access width. Nevertheless, these concerns have been forwarded to the Building Control team for further comment and advice.

Infrastructure payments

27. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. Based on the proposed two-bedroom dwelling, this amounts to £2,244.90, as calculated at the time of the application. It would also result in the need for a contribution towards the provision of indoor community facilities (£378.88), and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £350). The applicant has confirmed his agreement to such payments.

Recommendation

28. Subject to the receipt of an amended drawings and corrected ownership certificates, delegated powers are sought to approve the application 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.....[amended drawing numbers to be inserted].
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. The materials to be used for the external walls and roofs of the development hereby permitted shall accord with the specification in the application form and approved plans, unless otherwise agreed in writing by the Local Planning Authority.
(Reason – To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the Local Development Framework 2007.)
 4. During the period of 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 or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason – To minimize noise disturbance to adjoining residents in accordance with Policy NE/15 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, doors or openings of any

kind, other than those expressly authorised by this permission, shall be constructed in the side elevation of the new dwelling, and in the side and rear elevations of the two-storey rear extension, 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.)

6. Apart from any top hung vent, the proposed first floor bathroom windows in the rear elevation of the two-storey rear extension shall be fixed shut and fitted and permanently glazed with obscure glass.
(Reason – To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. The proposed parking spaces shall be provided in accordance with drawing number.....[amended drawing number to be inserted] before the dwelling hereby permitted 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.)
8. The front garden of the dwelling, hereby permitted, shall not be used for the parking of vehicles.
(Reason - In the interests of highway safety, and in order to preserve the character of the area, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. The boundary treatments shown on drawing number.....[amended drawing number to be inserted] shall be completed before the new dwelling, hereby permitted, is occupied and shall retained in accordance with these details thereafter.
(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.)
10. No development shall begin until details of a scheme for the provision of recreational and community facilities infrastructure, and household waste receptacles, 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 infrastructure in accordance with the Policies DP/4, SF/10 and SF/11 of the adopted Local Development Framework 2007.)
11. During the construction period, development shall not be carried out other than in accordance with the details shown within drawing number SP2, and set out within paragraph 23 of this report.
(Reason – In the interests of residential amenity and highway safety in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)

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 – Adopted January 2009, District Design Guide – Adopted March 2010.
- Circular 11/95 and 05/2005
- Planning File References: S/1027/11 and S/2567/11

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