

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 July 2012

AUTHOR/S: Planning and New Communities Director

S/0594/12/FL - FOWLMERE

**Erection of single storey dwelling and associated works for Mr Stewart McGinty
Recommendation: Approval**

Date for Determination: 14 May 2012

Notes:

This Application has been reported to the Planning Committee for determination due to a difference in recommendation between the Parish Council and Officers

Members will visit the site on Tuesday 3 July 2012.

To be presented to the Committee by Matthew Hare

Site and Proposal

1. The application site comprises a piece of land sited to the rear of nos 80-86 Chapel Lane. Currently there is a large dilapidated storage shed on the site and this appears to be being used to store building equipment therein, however there is no record of planning permission having been granted for this use.
2. The site is accessed by a long drive that leads from Chapel Lane with a gated entrance at present.
3. The site falls within the Fowlmere Development Framework, the boundary of which runs along the eastern boundary of the site and beyond this is the Cambridge Green Belt and a Scheduled Ancient Monument (ground works). Surrounding development is entirely residential comprising a planned 20th century housing estate.
4. The application under consideration proposes a detached flat-roofed dwelling house of broadly linear form, the proposed location being adjacent to the rear boundary line of nos 80-86 Chapel Lane. The proposals have been amended following concerns raised by the local community.

Planning History

5. S/2347/89/O – Residential Development – Refused

6. Planning Policy

**South Cambridgeshire Local Development Framework (LDF) Core Strategy,
adopted January 2007**

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure in New Developments

DP/7 Development Frameworks
HG/1 Housing Density
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/2 Renewable energy
NE/6 Biodiversity
CH/2 Archaeological sites
TR/1 Planning for more Sustainable Travel
TR/2 Car and Cycle Parking Standards

7. **Consultation by South Cambridgeshire District Council as Local Planning Authority**

Fowlmere Parish Council – Advises that it supports the principle of development of the site but recommends refusal of the specific scheme for the following reasons:

Scale - the overall size and height of the proposed development is excessive in relation to the plot and it is disproportionately large. Also some measurements are incorrect, for example 3 out of 4 neighbouring gardens have a boundary fence height of 1.5m, not 1.8m as reported, which makes a material difference to the extent to which the proposed development would be perceived as overbearing by the existing neighbouring residents. Also the scale on PL(21)01 is not correct (it should be 1:100?) which has implications on the eventual overall height allowed.

Position - The proximity of the proposed development, including the overhang of the canopy, to the existing neighbouring boundary fences renders it extremely close (0.6m).

Height - The height of the lantern 'light' makes it significantly more intrusive than a standard single storey building would be. The lantern is specified to have glass sides which will reflect the sun on the adjoining properties for a significant part of the day.

Access - The design appears to encroach on the access to the scheduled ancient monument at the rear of the site (and appears to be the only access.)

Following amendment to the scheme the Parish Council upholds its recommendation of refusal.

Local Highways Authority - Recommends standard conditional requirements regarding: Pedestrian visibility, Drainage and Bound driveway material

English Heritage – No objection in principle. Suggests potential for archaeological interest within the site. Advises that The County Archaeology Team should comment on proposals.

County Archaeology Team – No comments received.

Environmental Health Officer – Recommends standard conditions for working hours during construction and pile driven foundations.

Scientific Officer – Recommends standard contaminated land condition.

Tree Officer – No objections – providing tree protection details in the arboricultural report are implemented.

Ecology Officer – No comments received.

8. Representations by members of the public

Three letters of representation received from the occupants of nos 74, 80, 82, 84 and 86 Chapel Lane supporting the principle of development but raising the following concerns for the specific design proposed:

- Harm to residential amenity through overbearing
- Sunlight glare from proposed lantern rooflight
- Maintenance of common boundary

Following amendment to the scheme residents uphold the above concerns with the omission of sunlight glare impact and the addition of concern for the increase in height proposed to the common boundary treatment with the site and nos 80-86 and access to the scheduled ancient monument beyond.

9. Material Planning Considerations

10. The key issues to consider in this instance are the principle of development, the impact upon residential amenity, character and appearance, archaeology and highway safety.

Principle of Development and Efficient use of land

11. The site is considered to meet the definition of 'green field land' and as such, in accordance with the guidance set out in the NPPF it is important to make an initial assessment of the impact that residential development would have upon the character and appearance of the area. In this case surrounding development is predominantly residential and a new dwelling in the location proposed would not appear overly cramped when viewed from the public realm. To this end it is considered that the principle of residential development of the site in question would not be detrimentally uncharacteristic to the character and appearance of the area in this instance.
12. The application site is approximately 0.58ha in area and a single dwelling is proposed. Thus the resultant density of development would be approximately 17dph which is short of the LPA's housing density policy HG/1 which seeks 30dph. However in reality it would not be possible to develop the site to a greater density due to access restrictions and amenity and green belt impacts, hence the proposals are considered to constitute an efficient use of land.

Residential Amenity

13. The proposed dwelling is sited to the rear of the rear gardens that serve nos.82, 84 & 86 Chapel Lane. A joint letter of representation has been received from the occupants of all three of these properties. The chief material concern raised by this representation is the potential overbearing impact that the dwelling would have upon the rear garden areas of these properties.
14. In response to these concerns the applicant has made amendment to the proposed dwelling to set it approximately 200mm lower into the ground, reduce its footprint (thus increasing the separation from adjacent dwellings), omit the proposed lantern rooflight and reduce the overhang of the eaves.

15. The proposed dwelling does lie close to the rear boundaries of nos. 82, 84 & 86. However the structure comprises a single-storey flat roofed building, which would be set slightly into the ground resulting in a scale of approx. 3.1m relative to the approximate garden level of nos 82-86. The development proposes a common boundary treatment to comprise a 1.8m high closed-boarded fence with 0.6m high trellis above. Thus the projection above this boundary treatment would be approximately 0.7m. having regard to all of the above overbearance is, on balance, not considered to be a sustainable reason for the refusal of the application.
16. The proposed dwelling lies to the east of the rear gardens serving nos 82-86 and taking this orientation and the low scale of the structure into consideration it is not considered that there would be any overshadowing impact sufficient to materially harm the residential amenity of these adjacent properties.
17. All windows in the proposed dwelling are ground floor only and thus do not provide any elevated view of adjacent sites. Notwithstanding this, those windows that do face nos.82-86 are proposed to be obscure glazed. Given the proximity to the rear gardens this is sensible and it is considered reasonable to condition such treatment in perpetuity.
18. Sunlight glare is cited as a concern both by residents and the Parish Council. It is difficult for officers to substantiate these concerns but none-the-less the amended design omits the lantern rooflight from proposals and thus alleviates this concern.

Character and appearance

19. The proposed dwelling comprises an interesting flat roofed design that has been largely informed by the need to minimise the impact upon those adjacent dwellings to the west. Whilst the design proposed represents a departure from the prevailing architectural trend of the surrounding estate development there would not be prominent views of the dwelling afforded from the public realm of Chapel Lane and thus it is not considered that significant design conflict would arise.
20. When considering the design in the context of the existing grassed site and verdant green belt land to the east it is considered that the use of soft and organic materials such as the timber boarding and sedum roof relate well to these surroundings. To this end there is not considered to be significant adverse visual harm to the surrounding countryside/green belt caused by the proposals.
21. A rudimentary soft landscaped scheme has been submitted to accompany the application, this indicates the retention and protection of most significant trees within and adjacent to the site but suggests that the existing vegetation at the point where the site access meets chapel lane will be removed. Although no comments have been received from the Council's Landscape Design Officer it is considered that a holistic loss of planting from this point of the site would materially harm the character of Chapel Lane. To this end it is considered reasonable to seek a limited landscape scheme by conditional requirement.

Archaeology

22. No comments have been received from the County Archaeology Team and this is considered to imply that there are no concerns for the impact of the proposals upon the archaeology of the area. Comments have been received from English Heritage but it raises no specific concerns in this regard.

Highway Safety

23. The Local Highways Authority raises no significant concern for the impact of the proposals upon the highway safety of the area. A number of standard conditional requirements regarding retention of visibility splays, drainage and the use of a bound material for the first 6m of the driveway. The application is accompanied by a foul and surface water drainage strategy but this does not assertively conclude how surface water run-off from the access track will be dealt with. Thus these are all considered reasonable and justified in this instance.

Developer Contributions

24. A draft heads of terms has been submitted with the application agreeing to pay the Councils standard contribution rates for public open space, community facility and refuse infrastructure provision. In lieu of this a standard Grampian style condition is considered reasonable and justified in this instance.

Further Considerations

25. Representations made by both the Parish Council and adjacent land owners raise the issue of access to the adjacent scheduled monument that lies to the east of the site. It is believed that the access to the application site comprises the existing access to the monument site. The monument site is in private ownership and it is not believed to be open to the public, therefore access to this site is a civil matter and not something material to the considerations of this planning application. Regardless it is understood that the scheme does allow for a civil arrangement for access to the monument site.
26. Occupants of adjacent dwellings raise concern for the proposed new common boundary between the site and nos 80-86 Chapel Lane. Due to the fact that no substantive details of the proposed boundary treatment have been submitted it would be reasonable to condition details of the boundary treatment to be agreed.
27. The Council's Contaminated Land Officer advises that there is potential for the site to be contaminated and in this regard recommends a standard contamination investigation condition. This is considered reasonable and justified.

28. Recommendation

It is recommended that the Planning Committee approves the application subject to the following conditions.

29. 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 and documents: PL(21)01 Rev A, PL(90)01 Rev

A, LD934 (feb '12), Arboricultural Implications Assessment dated February 2012 and Foul and Surface Water Drainage Strategy (dated Dec 2011)

(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 following have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details:

- **External materials to be used in construction**
- **A plan indicating the positions, design, materials and type of boundary treatment to be erected**
- **Surface water drainage details for the access way**

(Reason - To ensure the appearance of the development is satisfactory and in the interests of highway safety in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)

4. No development shall begin until details of a scheme for the provision of recreational, community services and refuse infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 & SF/11 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 public open space, community facilities and refuse in accordance with the above-mentioned Policies SF/10 & SF/11 and Policy DP/4 of the adopted Local Development Framework 2007.)

5. Notwithstanding the Arboricultural Implications Assessment dated Feb 2012 no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

7. No development approved by this permission shall be commenced until:

- a) **The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.**
- b) **Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.**
- c) **The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.**
- d) **If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.**

(Reason (a) - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

8. **Pedestrian visibility splays shall be provided in accordance with plan ref PL(90)01 Rev A shall be thereafter be permanently kept clear of all planting, fencing walls and the like exceeding 600mm in height.**

(Reason – In the interests of highway safety)

9. **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.)

10. **Apart from any top hung vent, the proposed windows in the western side elevations of the dwelling, hereby permitted, shall be 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.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted January 2007)
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Case Officer: Matthew Hare – Senior Planning Officer
Telephone: (01954) 713180

