

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee
AUTHOR/S: Planning and New Communities Director

4 July 2012

S/0571/12/FL - MELBOURN
**Erection of 13 affordable dwellings and community building following
demolition of four existing dwellings, police station and outbuildings
(garages), High Street for Hundred Houses Society**

Recommendation: Refusal

Date for Determination: 15 June 2012

A. Update to the report

Agenda report paragraph number 33 - Representations by members of the public

The report should also have referred to a letter of objection from The Long House (2 Meadow Way). Officers confirm that the issues raised in the letter have been covered in the report.

B. Further Information received after publication of the agenda report.

Agenda report paragraph number 14 – Site and Proposal.

A local resident has written to suggest the density figures quoted should rear 30.2 and 36.4 dph respectively. Whether or not this is strictly true, officers do not consider these increased figures in themselves have any material bearing.

Agenda report paragraph number 33 - Representations by members of the public

The occupier of 3 Kays Close has written further to publication of the committee report. He stresses there are only four police houses on site at present; that his boundary is marked by a virtually 100% deciduous mix of trees and hedges rather than yew as set out in the report; and the section on trees needs to take account of a tree and landscape report prepared on behalf of himself and other residents (see below). This report suggests that officers have given insufficient consideration to the impact of the proposal on trees on the site.

Agenda report paragraph number 33 - Representations by members of the public

The occupier of 57 High Street objects on the grounds of lack of need for more affordable housing in the village. The site should be used to provide a well-designed building to provide community facilities. The facilities provided should not just be another bookable hall and should benefit not just the village, but services for the wider community.

Agenda report paragraph numbers 39 and 40 – Applicant’s Representations

It is with some disappointment that the applicant notes the circulated report makes limited reference to the amendments made following the latest meeting with the planning authority.

The applicant valued the opportunity to meet with the development control manager, principal planning officer, trees and landscape officer and conservation manager. This allowed positive discussions to be had with regards to the concerns and comments raised during the consultation period. From this dialogue the proposals were amended to reflect the areas of concern and the following significant changes have been made and submitted:

- Relocation of the Community Building deeper into the site layout, as requested by the planning officers, to maintain a sufficient margin of planting along the High Street.
- ‘Sit-on’ Photovoltaic Panels omitted.
- Proposed roof finish to the Community Building is clay tiles and slates to the dwellings, as requested by EH and the Conservation Manager.
- The front elevations to the dwellings have been amended with the omission of the bin stores, indicating a simpler frontage, as requested by the planning officers, to reflect the appearance of listed buildings along the High Street.
- The side elevations/gables of all dwellings have been amended to show painted render to relate more closely with no.32 High Street, as requested by the Conservation Manager.

An updated photomontage indicating the street elevation, which includes existing properties no.32, Kay’s Close and no.16, has been re-issued. This has been modelled accurately to clearly show the relationship of the proposal in its conservation setting and demonstrates the appropriate massing of the Community Building and Dwellings in close context to the listed buildings.

Lastly, it was agreed that any detailed landscaping proposals should be developed in close liaison with the trees and landscape officer to ensure that suitable species are specified and that any ambiguity over screening of cars and car parking to the dwellings is correctly implemented.

Agenda report paragraph number 47 – Impact on Trees

Members will have received an email dated 27 June 2012 from Strutt and Parker acting on behalf of local residents. It is therefore not repeated here. This sets out a summary of their objections and specifically includes a Tree and Landscape Report from Lesley Dickinson. The Council’s Trees and Landscapes officer has responded to the report as follows:

My comments with reference to Lesley’s report are as follows but please note I have not been back to site to clarify comments in the report: -

Beech Hedge with Kays Close & T24 Maple: There was in the original submission some ambiguity about the boundary with Kays Close. This has now been addressed in the amended tree report from Hayden’s in terms of the crown spread and overhang of T24. This has resulted in a reduction of the amount of crown reduction initially proposed. T24 was historically on the edge of a ditch which was filled in, this is reflected in the buttress root which is an indication of an anchoring root, the extent of this root is clearly unknown but should be considered in the proposed root pruning.

The Beech hedge has been managed as a formal hedge and it has been discussed in a meeting with the applicant that a 1.5-2m strip should be afforded to the hedge allowing a rooting area not to be compacted, in relation to any trees not included in the Arb report the several ash referred to by Ms Dickinson if no larger than T24, T12 or T23 will be protected by the Root Protection Areas of these three trees. Noted on the plan drawing number 2782-D both ground protection during construction and a no dig area are proposed, These are perfectly acceptable compromises in accommodating trees within development, combined with root pruning and the appropriate foundation design for the gable end of unit 13 and the community building.

Silver birch: The silver birch are a feature of the site located on the frontage however they are mature specimens and as stated in Ms Dickinson's report have a limited life expectancy of 10+ years. There is a discrepancy on the plans of whether T4 & 5 are to be retained. If retention is desirable then as stated details of tree protection and foundation design need to be agreed. However my understanding is that the parish council are looking to manage the green space on the frontage and the footprints may be moved back into the site increasing this space thereby providing the opportunity for replacement future feature trees.

T6 Ash, T8 Whitebeam, T10 Ash: These trees are of a nice rounded form at the rear of the site and have all been 'open grown' and by their form and growing conditions have developed broad spreading crowns, trees of such a form are not always suitable for retention within developments due to conflict with the canopy and need to be provided with the appropriate space to negate this. Due to the various constraints of the site, the limit of development line reducing the area available for development space is going to be an issue. This constraint reflects on the removal of T8 & 10. If these trees were retained within the rear gardens of units 12 & 13 they would dominate the gardens and post development pressure for their removal would be significant. The trees do provide an element of screening from 3 Kays Close across into the proposed development. However there may be the opportunity to replacement plant with trees that can be managed for the space, or given the adjacent land being a school playing field outside of this planning application there may be scope for some planting within the corner to provide screening lost by the loss of T6 & 8. The issue raised over light into unit 8 is questionable given that T6 is on the northern aspect of the property. While the tree will have some impact the rear garden(s) are always going to be shaded.

H5 Hedge: Ms Dickinson states the ash trees as being 'off-site'. While any tree adjacent to a development site that is within an influencing distance (e.g. the Root Protection Area encroaches or canopy overhangs) should be plotted and noted for reasons of protection, any trees off site that are outside the control of the applicant cannot be considered a part of the larger landscaping scheme as they could be removed. It is acknowledged that this adjoining area is a school playing field and therefore unlikely that the trees will just be removed.

Conclusion: As with any boundary trees/hedges or trees/hedges in the ownership of a third party the law of 'Common Law Right' needs to be acknowledged and considered, this means that any overhang of both canopy and roots can in theory be cut back to the boundary and no further, with or without development pressures. The proposals use accepted Arboricultural practices to reduce the overhang of T24 & 12 while using root pruning, ground protection and no dig to accommodate the roots. However due to the form of T24 careful site investigation to make an assessment of the rooting habits needs to be undertaken due to the anchorage root that has developed due to the tree historically growing on the edge of a ditch.

The Silver birch at the front of the site are mature specimens and while they are a significant landscape feature with high amenity trying to retain them may place them in a situation of conflict and post development pressure for extreme works or removal, as suggested consideration of a phased replacement and removal needs to be considered, taking into consideration that this area on the frontage may be increased in size if the footprints are modified.

The loss of T8 & 10 does open up a view into the site from the top of Kays Close. However due to their form, the trees will be in direct conflict with a dwelling and the rear garden. It would be unreasonable to retain these trees if the layout of the site stays as currently proposed. Replacement planting, or if possible off site mitigation with the co-operation of the school for planting on the playing field, could be achieved (it is acknowledged that this would clearly not be a part of any decision notice condition as it is outside the planning application).

In relation to trees not being plotted, I am unable to comment directly. However industry guidance does request trees off site if influencing a development site to be plotted and RPA's determined, however if the trees are smaller than others in the immediate vicinity that have been plotted their RPA's will probably overlap and therefore any protection afforded will cover those not plotted,

Agenda report paragraph numbers 67-71 – Conclusion

Officers are conscious that comments in the report focus mainly on the proposal as originally submitted. This is to some extent inevitable given that the amendments were received on 19 June and the report needed to be completed for publication a very short time thereafter.

The amendments made to the layout and design of the buildings as highlighted in the applicant's representations above have improved the scheme as a whole and are therefore welcomed.

As stated in the original report, a balance needs to be struck between the perceived harm to heritage assets and the community benefits of the proposal.

While officers remain keen to support proposals that deliver such benefits, the view remains somewhat reluctantly that the harm arising from the scheme as amended is still sufficient to outweigh the public benefits it would deliver.

The recommendation therefore remains one of refusal as set out in paragraph 72 of the main report.

Additional Background Papers: the following background papers (additional to those referred to in the agenda report) were used in the preparation of this update:
None

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