

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

1 August 2012

S/0717/12/FL - CAXTON
Dwelling and Garage - Land between 88 and 94 Ermine Street
for Upware Marina, C/O Agent

Recommendation: Delegated Approval

Date for Determination: 29 May 2012

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of the case officer.

To be presented to the Committee by Paul Derry

The application is a Departure to the Local Development Framework

Site and Proposal

1. The application site is located along an existing access road that leads to the properties of 94 and 94a Ermine Street. The designated Caxton village framework includes the entire access road and the two dwellings mentioned. Only the southwest corner of the application site lies within the framework. The access track is also within the Caxton Conservation Area. The land is currently laid to grass with the appearance of a paddock, with a post and rail fence located along the access track. 94 and 94a Ermine Street are both two-storey properties, whereas 88 Ermine Street to the south is a bungalow. There is a change of levels on the site, with the land rising eastwards.
2. The full application, validated on 3 April 2012, seeks the erection of a two-storey property and detached garage on land outside of the designated framework. The proposed dwelling would be a five bedroom unit, with its design similar to the neighbouring property at 94 Ermine Street including the hipped roof elements. The application is accompanied by a Design and Access Statement and a draft Heads of Terms. The application has been amended by plans date stamped 28 June 2012, and the highway plan received 25 June 2012.

Site History

3. There is a long planning history relating to the site and the land to the north. Applications **S/1865/07/F** and **S/1514/09/F** granted consent for two dwellings on the site following demolition of the existing dwelling. A similar application **S/0947/07/F** was refused. Application **S/2174/05/O** for a single dwelling south of Olivers Barn and **S/0340/06/F** for a single dwelling were withdrawn and approved respectively.

Planning Policy

4. **Local Development Framework Core Strategy 2007 (LDF CS) – ST/7** Infill Villages.
5. **Local Development Framework Development Control Policies 2007 (LDF DCP) – DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Developments, **DP/7** Development Frameworks, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **CH/5** Conservation Areas, **NE/1** Energy Efficiency, **NE/6** Biodiversity, **NE/15** Noise Pollution and **TR/2** Car and Cycle Parking Standards.
6. **Open Space in New Developments SPD** – Adopted January 2009, **Trees and Development Sites SPD** – Adopted January 2009, **District Design Guide SPD** – Adopted March 2010 & **Development Affecting Conservation Areas SPD** – Adopted January 2009.
7. **National Planning Policy Framework:** Advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It adds planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. **Caxton Parish Council** recommends refusal of the application on grounds of development outside of the village envelope, highway safety from the access and junction with Ermine Street, the loss of the turning circle, and the lack of access to the potential fourth plot remaining. The comments are repeated with regard the amended plans.
9. The **Local Highways Authority** recommends refusal to the originally submitted plans. Following the submission of plan PL01 Rev A date stamped 25 June 2012, the Local Highways Authority has withdrawn its objection.

Representations by Members of the Public

10. Letters of objection have been received in relation to the original plans and the amended plans, from the occupiers of 80, 88, 94, 94a and 96 Ermine Street, and 15 Tates Field. The reasons for objection relate to the following points:
 - Development outside of the designated village framework.
 - Scale and massing of the dwelling.
 - The design being out of keeping with the village and the adjacent Conservation Area.
 - Piecemeal development in the village.
 - Highway safety given the state of the access, its width, and the junction with Ermine Street.
 - Loss of the turning area for vehicles.
 - Ownership and future maintenance of the access.

- Health and safety aspects given children playing close to the access.
- Loss of outlook and overbearing impact to 94 Ermine Street.
- Drainage concerns.

11. Members should be aware the press notice does not expire until 14th August 2012.

Planning Comments

12. The key considerations in the determination of this application are the principle of development, impact upon the street scene and surrounding countryside, impact upon the amenity of the occupiers of adjacent properties, highway safety, drainage, and infrastructure provisions.

Principle of Development

13. The designated Caxton village framework runs along the rear of the properties of 94 and 94a Ermine Street, before running southwest along the access track. It then includes an area within the red line of the application site before running along the side boundary of 88 Ermine Street. Members should be aware the rear gardens to 94 and 94a which run to the east boundary are outside of the designated framework.
14. The applicant requested pre-application advice regarding the principle of developing the site. The applicant attempted to demonstrate that a dwelling could be located within the village framework, although the garden would be outside to match 94 and 94a Ermine Street. A dwelling in this location would be located much closer to the access track than others in the vicinity, and would potentially cause a more cramped form of development. The preferred location of the dwelling is therefore considered to be more in line with 94 Ermine Street. Policy DP/7 of the LDF DCP states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The aim of the policy is to protect the countryside from gradual encroachment on the edges of villages, and to help guard against incremental growth in unsustainable locations. Given the likely location of the proposed garden if the dwelling was inside the framework, the principles of the policy are unlikely to be harmed as a result of the development. Relocating the dwelling outside of the framework is therefore a Departure from this policy, and the application has been advertised accordingly.
15. There is local concern regarding the “gap” left between the site and 88 Ermine Street, and the likelihood of a further application for another dwelling in the future. Whilst this may come forward in the future, this is not a consideration for the determination of this application. The plot would remain as grassland/paddock should this application be approved.

Impact upon the Street Scene and Surrounding Countryside

16. The proposal is a detached two-storey dwelling with a detached garage located to its frontage. The two properties of 94 and 94a are large detached units. 94a is a barn style development with an attached range of outbuildings to its frontage which is shared with 94. No. 94 is a two-storey property with a large two-storey range to the rear. It is finished with buff bricks, with a slate on

the hipped roof above. The proposed dwelling would be viewed alongside 94 Ermine Street, with 94a screened by the range of outbuildings.

17. The design of the dwelling takes design principles from 94 Ermine Street. The front elevation would be similar and the hipped roof would match. The height of the dwelling on the original plans was considered excessive, and the amended plans seeks to ensure it would sit comfortably with 94 Ermine Street in the street scene. There is local concern that the design of the dwelling is not appropriate in this edge of village location. The design does not directly reflect the semi-rural character of the area. However, Members will note from the side visit that it should sit sensitively with the direct neighbouring property. Given the presence of 94 Ermine Street, the proposal is considered to be in character with the local vernacular and is not considered to seriously harm the setting of the street scene.

Impact upon the Amenity of the Occupiers of Adjacent Properties

18. The proposal would sit close to the shared boundary with 94 Ermine Street. The amended plan has relocated the dwelling between 1.5m and 2.25m from this shared boundary, which is currently a post and rail fence running to a 1.2m high to the side of the dwelling and beyond. The side facing elevation of 94 Ermine Street has two windows at ground floor level that serve a kitchen area that runs from the front to the rear of the property. The windows are therefore secondary windows to the main openings at the front and rear. The proposed dwelling would be clearly visible from these windows, with a separation of between 8.5m and 9.25m. However, given the secondary nature of these windows, no serious harm should result from the proposal appearing overbearing.
19. The proposed dwelling would also be located due south of the two windows. Given the distance, some light will be lost during daytime hours given the orientation, especially during winter months. However, the room will remain naturally lit due to the other windows. The period when both side windows would be shadowed will not form a large portion of the day. No serious loss of light would result to this kitchen room.
20. The rear elevation of the proposed dwelling will affectively align with the rear elevation of 84 Ermine Street. The first floor windows facing the rear will form a usual estate relationship with the neighbouring rear garden. No. 94 has a two-storey element set approximately 16m from the shared boundary. At this distance, no serious overlooking would result. A condition should be added to ensure no windows are permitted to the proposed north elevation given the potential for overlooking between windows and to the rear garden of 94 Ermine Street.
21. No. 88 is a bungalow with a blank facing elevation. The proposal will not be visible from within the dwelling. It will however be visible from the garden space to the front and rear. There would be a separation of 17m, and given this distance, the proposal is not considered to cause any serious harm to the amenity of the occupiers of 88 Ermine Street.

Highway Safety

22. The access track is relatively narrow, and will not allow vehicles to pass at numerous points including by the junction with Ermine Street. This access

already serves five dwellings. The Local Highways Authority originally recommended refusal of the scheme given the lack of information regarding the junction between the access and Ermine Street. Having driven the access, visibility is impeded by planting, especially southwards. The applicant has submitted a plan (PL01 Rev A date stamped 25 June 2012) which shows that a 2.4m by 43m vehicle-to-vehicle visibility splay is possible southwards and a 2.2m by 43m splay is available is possible northwards. The Local Highways Authority has confirmed that this is acceptable and it has withdrawn its objection.

23. There is local concern regarding the future maintenance of the access track. This would be a civil matter between parties as is the case today. There is also local concern regarding safety of serving an additional dwelling given the number of children playing in the vicinity of the access. The access is clearly visible as such and therefore it represents the same dangers as playing on any roadway. Whilst the addition of a dwelling will increase trips across the site and potentially increase the chances of an accident, it is the responsibility of parents to ensure that children do not play in this area, and they will be aware of the dangers of doing so.
24. There is an existing turning area that extends towards the side elevation of 94 Ermine Street, and this would be altered during the course of the application given the location of the garage. The applicant has shown an area to the front of the dwelling to be retained for turning. The road widens in this area given the accesses to 94 and 94a, and the Council's Building Control Officer has confirmed the site has adequate turning facilities assuming this area was retained for this function.

Drainage

25. The site lies within flood zone 1 and therefore no flood risk assessment is necessary as part of the application. The application has proposed the use of soakaways to dispose of surface water. This is considered acceptable assuming it meets Building Regulations. No details regarding foul water drainage are provided, and therefore a condition can be added to ensure satisfactory detailing.

Infrastructure Considerations

26. The applicant has submitted a draft heads of terms with the application with regard to the provision of contributions towards open space, community facilities and waste receptacles, and the Section 106 monitoring fee. This has been passed to the Council's Legal team for the drafting of the agreement. The recommendation is for delegated approval subject to the completion of the Section 106 Agreement.

Recommendation

27. Delegated approval as a Departure to the Local Development Framework subject to the completion of a Section 106 Agreement with regard to off-site contributions and any new issues raised until the expiration of the press notice on 14th August 2012.
28. If approved, conditions will be required regarding time implementation, plan numbers, materials, landscaping and implementation, boundary details,

removal of permitted development rights for windows to the north elevation, foul water drainage details, retention of the parking and turning areas for the dwelling, retention of the appliance turning area to the front of the site

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- Open Space in New Developments SPD, Trees and Development Sites SPD, District Design Guide SPD & Development Affecting Conservation Areas SPD.
- National Planning Policy Framework
- Planning File refs: S/0717/12/FL, S/1514/09/F, S/1865/07/F, S/0340/06/F & S/2174/05/O.

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