

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 November 2012

AUTHOR/S: Planning and New Communities Director

S/1693/12/FL –CALDECOTE
Proposed Dwelling and Detached Garage at 101A West Drive for Henry Moss

Recommendation: Delegated Approval

Date for Determination: 18 October 2012

Notes:

This Application has been reported to the Planning Committee for determination because the Parish Council's recommendation of refusal conflicts with Officers' recommendation

Members will visit the site on 6 November 2012

To be presented to the Committee by Andrew Phillips

Site and Proposal

1. The site is located within the village framework and measures approximately 0.04 hectares.
2. A private roadway defines the southern boundary. To the west is a small grassed public space. To the north and east are adjacent residential properties.
3. The proposal is for a single dwelling and garage. The proposal is similar in style and scale to the dwelling approved by planning permission S/1448/11. The proposal was amended on the 17 September 2012 in order to change the location of the window to bedroom 4 back to the previous approved location.
4. This application was deferred at the October Planning Committee to allow for a site visit by members and to confirm landownership. This report is an updated version of the report considered at the October meeting.

Planning History

On site

5. S/0608/09/O – Outline application for erection of 1 dwelling following demolition of existing bungalow was approved. The outline consent was for a dwelling that would measure 9m x 11m, with a height of 8.5m.
6. S/1448/11 – Proposed single dwelling was approved. Planning permission expires on the 28th September 2014.
7. S/0950/12/FL – Proposed single dwelling and garage was withdrawn.

On adjacent land

8. S/0586/09/F – (101 West Drive) Erection of dwelling following demolition of existing was approved. Expired 2nd July 2012.
9. S/1583/09/O – (97-99 West Drive) Erection of one dwelling and conversion of existing garage to form dwelling was approved.
10. S/0267/10/O - (97-99 West Drive) Erection of one dwelling was approved.

Planning Policy

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

ST/ 6 – Group Villages

12. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 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/1 – Energy Efficiency

NE/6 – Biodiversity

NE/12 – Water Conservation

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

Consultation by South Cambridgeshire District Council as Local Planning Authority

13. **Caldecote Parish Council** – The Parish Council unanimously recommended refusal. The main reasons for refusal are:

- The development is not in keeping with the streetscene
- Residential Amenity
- Highway Safety
- Water Drainage

14. The full Parish Council comments form Appendix 1 for this application.

15. **Ashcroft Gardens Management Company** – The Management Company states that the new application does not address any of the concerns raised about previous applications. The development is also overdevelopment of the site, with some important material facts missing from the application.

16. An attachment was also sent but was not possible to open; further comments from this Consultee will form an update to Members.

Representations by members of the public

17. No representations currently received

Material Planning Considerations

18. The key issues to consider in this instance are:
- Update to October Planning Committee
 - Principle of Development
 - Visual Impact
 - Residential Amenity
 - Highway Safety
 - Other Matters

Update to October Planning Committee

19. Having seen a copy of the Land Registry Title for the land, the Councils Legal Department has expressed concern that the applicant does not have full control over the site in question. However, the applicant's agent has stated that the solicitor working on behalf of the applicant is fairly confident that the site ownership details as submitted as part of this application are correct. Further evidence to this effect will be provided, but was not available at the time of writing this report.
20. If the applicant is proven to be incorrect with their ownership details, any planning permission would be invalid and the development could not be lawfully implemented. An informative can be added to any approval explaining that incorrect ownership details would prevent the development from commencing and this is at the entire risk of the developer.

Principle of Development

21. Policy ST/6 allows for residential development of up to 8 dwellings within the village framework. With the proposal being for a single dwelling the proposal complies with this policy.
22. The developer has provided a draft heads and terms that covers the required contributions towards community facilities, public open space and waste receptacles for the proposed four bedroom dwelling.
23. The proposal will lead to an approximate density of 25 dwellings per hectare. While this is under 30 dwellings per hectare (Policy HG/1), two dwellings with a density of 50 dwellings per hectare is considered to be too high for this location and difficult to achieve given the constraints of the site.
24. The proposed dwelling is considered to be acceptable in principle.

Visual Impact

25. It is noted that West Drive does not have any specific character, as it is made up of a variety of different house styles while Grafton Drive has more of a uniform design.
26. The proposed dwelling is very similar in design to the previous approved development on the site (S/1448/11). The proposed front elevation has a well-

designed traditional appearance. The proposed development does not have any blank elevations, with windows and a chimney feature defining the side elevations. It is considered that the proposal will be in keeping with the local area.

27. The dwelling is proposed to be constructed in very pale colour brick and a black slate roof. While the slate roof is supported there is concern over the pale coloured brick, as it might not be in keeping with the surrounding properties. A materials condition will, therefore, need to be added.
28. Landscaping and boundary treatment details are absent from the application. This can be overcome by way of a condition. The boundary treatment will need to ensure that the corner of Grafton Drive and West Drive is not a blind turn for pedestrians and cycles.

Residential Amenity

29. The proposal will not cause any significant different loss of light than what would have been caused by the previous approval (S/1448/11). In addition the shadow created from the proposed dwelling will mainly fall across the roof of the existing bungalow. It is considered that there will be no detrimental loss of light to 101 West Drive. There is only one first floor window (serving a bathroom) facing 101 West Drive and this could be conditioned to be fixed obscure glazing and for this reason there is no concern over loss of privacy. Window permitted development rights from this elevation will also need to be removed.
30. The proposed dwelling is located approximately 23m away from the existing dwelling of 97-99 West Drive. The window of bedroom 4 will mainly overlook the garage of the proposed dwelling, but will overlook a small part of the garden of 97-99 West Drive. This is not considered to be significant enough to warrant refusal. The distance between the proposed dwelling and the boundary of 97-99 West Drive is of sufficient distance to prevent there from being any significant loss of light or for it to be unduly overbearing.
31. It should still be possible to design a dwelling at 97-99 West Drive that would not cause residential amenity concerns to the development currently being proposed.
32. It would be considered reasonable to control power operated machinery during construction due to the scale of the development and its proximity to adjacent residential properties.

Highway Safety

33. The Local Highways commented on the previous application (S/0950/12) in which it stated there would be no adverse effect on the public highway, as the site connects onto a private highway. The access to the road will, therefore, be a civil matter between developer and management company.
34. The proposed car parking spaces are slightly below the normal standard length by 0.2 metres. With neither the Local Highways Authority nor the Management Company for Grafton Drive raising concern for the same size parking spaces in the previous application (S/0950/12/FL) and taking into consideration that many cars would still be able to use these parking spaces it is not considered reasonable to refuse the development on lack of off street parking spaces. The proposed garage would give secure space to store cycles.

Other Matters

35. In response to the remaining questions raised by the Parish Council the development is not of sufficient size in order to require water conservation methods in order to slow down the speed in which rain water drains into the ground or public sewers. In addition the address of the new dwelling is not an aspect that the Local Planning Authority can control.

Conclusion

36. The proposal is considered to be acceptable, subject to certain conditions as mentioned above being duly added to any consent.

Recommendation

37. It is recommended that the Planning Committee should 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: 22 Rev A, 24 Rev B, 26 Rev D, 20 Rev A and 28 Rev A.
(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 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 [for each dwelling] shall be completed before that/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.)
 4. 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.)
 5. 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 shall begin until details of a scheme for the provision of Outdoor Playspace and Informal Open Space to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 and 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 Outdoor Playspace and Informal Open Space in accordance with Policies DP/4, SF/10 and SF/11 of the adopted Local Development Framework 2007.)

8. No development shall begin until details of a scheme for the provision of Community Space and waste receptacles in accordance with adopted Local Development Framework 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 Community Space Provision and waste receptacle provision in accordance with Policy DP/4 of the adopted Local Development Framework 2007.)

9. Apart from any top hung vent, the proposed first floor window serving the bathroom 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.)

10. 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 rear (north) elevation of the dwelling 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.)

11. 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.)

Informatives

1. The Local Planning Authority has raised concerns over the land ownership of the site, which it has made the applicant aware of. If the site ownership certificate is proved to be incorrect and it is the case that the applicant does not own the whole site, this will invalidate the planning permission hereby granted. This will prevent the development from being lawfully implemented and any development undertaken is at the sole risk of the developer.

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

- **Local Development Framework Core Strategy and Development Control Policies DPD**

Case Officer: Andrew Phillips – Planning Officer
Telephone: (01954) 713169