

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 November 2012

AUTHOR/S: Planning and New Communities Director

S/1892/12/FL – WATERBEACH

Erection of Dwelling at Land to the North of 41 Rosemary Road for Mr C. Dean

Recommendation: Approval

Date for Determination: 15 November 2012

Notes:

This application has been reported to the Planning Committee for determination as it is a minor application and the recommendation of Waterbeach Parish Council conflicts with the officer recommendation.

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located within the Waterbeach village framework. It currently forms a gravel parking area within a fenced off section to the rear of the garden to No. 41 Rosemary Road. A public footpath runs along the western boundary of the site, which is aligned by a 1.8 metre high close boarded fence. A low picket fence defines the eastern boundary adjacent to No. 43 Rosemary Road. The site lies in flood zone 1 (low risk).
2. Nos. 41 to 45 Rosemary Road form a terrace of two-storey cottages with long rear gardens. They have single storey rear elements with kitchen windows in their rear elevations at ground floor level. The dwellings at Nos. 45 and 43 have no windows in their rear elevations at first floor level but the dwelling at No. 41 has a bedroom window at first floor level in its rear elevation. The neighbour at No. 43 currently has a parking area with access on to Burgess Road adjacent the site where planning permission has recently been granted for a two-storey dwelling.
3. The proposal, received on 10 September 2012 seeks the erection of detached, two-storey two bedroom dwelling with access on to Burgess Road. The dwelling would be set back 5.5 metres from the road with one vehicle parking space and a refuse store to the front. The dwelling would have width of 6 metres, a depth of 7 metres, and a height of 4.7 metres to the eaves and 7 metres to the ridge. A small garden would be provided to the rear that has an area of 32 square metres. The dwelling would be constructed from Olde Ely Cream bricks for the walls and natural slate for the roof.

Planning History

4. Site:
S/2032/08/F - Extensions, Garage and Vehicular Access - Approved
S/2119/86/O - House - Withdrawn
5. Adjacent Sites:

S/2291/11 - Dwelling Rear of 43 Rosemary Road - Approved
S/1513/12/FL - Extensions at 10 Burgess Road - Approved

Planning Policy

6. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/5 Minor Rural Centres
7. **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
DP/7 Development Frameworks
HG/1 Housing Density
NE/6 Biodiversity
NE/11 Flood Risk
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
8. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Open Space in New Developments SPD - Adopted January 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Waterbeach Parish Council** – Recommends refusal on the following grounds: -
“The positioning of the off-road parking next to a public footpath and opposite a T junction does not provide adequate safe sightlines.”
10. **Local Highways Authority** – Comments are awaited.
11. **Rights of Way and Access Team** – Comments that public footpath number 8, Waterbeach runs along the west boundary of the application site but it does not appear that this byway will be affected by the proposed development. Therefore no objections are raised. However, requests informatives in relation to points of law in respect of the footpath.
12. **Environmental Health Officer** – Comments are awaited.
13. **Trees and Landscapes Officer** – Comments are awaited.
14. **Landscape Design Officer** – Comments are awaited.

Representations by Members of the Public

15. None received to date.

Planning Comments – Key Issues

16. The key issues to consider in the determination of this application are the principle of the development and density, and the impacts of the development upon the character and appearance of the area, the amenities of neighbours, and highway safety.

Principle of Development

17. The site is located within the village framework of a 'Minor Rural Centre' where there is a good range of services and facilities and residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations.
18. The site measures 0.0119 of a hectare in area. The erection of one dwelling would equate to a density of 84 dwellings per hectare. This density would meet the requirement of at least 40 dwellings per hectare for sustainable villages such as Waterbeach as set out under Policy HG/1. Whilst it is acknowledged that it would result in a high-density development, it would make the most efficient use of land.
19. The proposal is not considered to result in piecemeal development. Although it is noted that the sites are situated side by side and a larger development would require infrastructure to make the scheme acceptable in planning terms, the sites are under different ownerships.

Character and Appearance of the Area

20. The proposed development is not considered to harm the character and appearance of the area. The southern side of Burgess Road has mainly two-storey dwellings that are set close to the road. The main element of the dwelling would be set back from the adjacent proposed dwelling but set forward from the dwelling at No. 10 Burgess Road. The siting would therefore reflect the linear but slightly staggered pattern of development in the vicinity. It would be two-storey in height and in keeping with the scale of dwellings in the locality and a similar height to the proposed dwelling at No. 45 Rosemary Road. The dwelling would have a simple design that would replicate that opposite at No. 5 Burgess Road and the proposed dwellings at Nos. 43 and 45 Rosemary Road. It would be constructed from materials that are evident in the surrounding area.
21. Whilst it is noted that the dwelling would occupy almost the entire width of the site, it is not considered to result in the loss of an important gap in the street scene or a cramped development, as the area has a fairly high density of development and the comparable sized dwellings at Nos. 4c to 6b Burgess Road have a similar relationship to their surroundings.

Neighbour Amenity

22. The proposed dwelling is not considered to adversely affect neighbours through being unduly overbearing in mass or through a significant loss of light. It would be orientated to the north and situated a distance of 4.5 metres off the boundary with No. 41 Rosemary Road and 14 metres from the kitchen window its rear elevation. This would comply with the window-to-building distance of 12 metres as set out in the District Design Guide. It would be orientated to the west of the new proposed dwelling to the rear of No. 43 Rosemary Road and set back slightly behind its rear elevation. This relationship is therefore considered acceptable. It would be orientated to the east and the other side of the footpath from No. 10 Burgess Road and situated 4 metres from its side elevation that comprises ground floor cloakroom window and secondary living room window, and first floor bedroom window.

23. The proposed dwelling is not considered to result in overlooking to the gardens or dwellings of neighbours that would lead to a severe loss of privacy. The distance of 4.5 metres between the first floor bathroom window and the rear boundary and the distance of 14 metres between the first floor bathroom window and the kitchen window at No. 41 Rosemary Road would fall short of the window to boundary distance of 15 metres and window to window distance of 25 metres as set out in the Council's District Design Guide SPD. However, the window would serve a non-habitable room and a condition would be attached to any consent to ensure it would be fixed shut and obscure glazed. The first floor bedroom window in the side elevation would not overlook No. 10 Burgess Road providing a condition is attached to any consent to ensure it would be obscure glazed and hinged on the south side with a 45 degree maximum openable section. The first floor landing window would not result in a loss of privacy to the new dwelling at No. 43 Rosemary Road as it would serve a non-habitable room and have a very oblique view into the rear garden of that property.

Highway Safety

24. The erection of one dwelling would not result in a significant increase in traffic generation along Burgess Road.
25. The proposed dwelling would have one on-site parking space and would result in the loss of the parking space to No. 41 Rosemary Road. However, given that it would provide a small unit of accommodation within a sustainable village that has good access to public transport as a result of the railway station and bus routes, it would be situated in a central location with easy access to local services by walking and cycling, the Council's parking standards are maximum numbers required, Burgess Road and Rosemary Road currently have unrestricted on-street parking, and the majority of properties in Burgess Road have on-site parking, the proposal is, on balance, considered acceptable. The development is not considered to result in a significant level of on-street parking that would cause an obstruction to the free flow of traffic along Burgess Road or Rosemary Road and be detrimental to highway safety.
26. Cycle parking would be provided on site within a covered and secure store as part of a condition of any consent.
27. Pedestrian visibility splays measuring 2.0 metres x 2.0 metres would be provided on each side of the access and maintained free from obstruction over a height of 600mm. This would accord with the Local Highways Authority standards and ensure safety for pedestrians using the footpath and Burgess Road. A condition would be attached in relation to the use of bound material and surface water drainage for the hardstanding.

Other Matters

28. The proposal would not increase the risk of flooding to the site and surrounding area subject to satisfactory methods of surface water drainage.
29. Details of the refuse store would be a condition of any consent.
30. A landscape condition would be attached to any consent to agree some planting at the front of the dwelling to soften the development.
31. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Waterbeach. No open space is shown within the development. The

increase in demand for sport and playspace as a result of the development requires a financial contribution of approximately £2,244.90 (index linked) towards the provision and management of open space off-site and in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution.

32. The South Cambridgeshire Community Facilities Assessment 2009 did not audit indoor community space in Waterbeach. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £378.88 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution.
33. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide. In accordance with the guide, developers are requested to provide for household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution.

Conclusion

34. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

35. Approval. The following conditions and informatives are suggested: -

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: Drawing number CCL0812.1.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. Details of the materials to be used in the external construction of the dwelling, hereby permitted, shall follow the specifications as stated on the planning application form and shown on the approved drawings unless otherwise approved in writing by the Local Planning Authority.
(Reason- To ensure the development is in keeping with the character and appearance of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. Apart from any top-hung opening section above a height of 1.7m above internal floor level, the first floor bathroom window in the rear elevation of the dwelling shall be fixed shut and obscure glazed and thereafter retained.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

5. The first floor bedroom/study window in the side elevation of the dwelling shall be obscure glazed and hinged on the south side with a maximum opening capability of 45 degrees from the shut position and thereafter retained.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. 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 development within Classes A, B, C and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To safeguard the amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. 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 shall be completed before 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.)
8. No development shall take place until full details of the hard surfaced materials to be used for the driveway and method of surface water drainage for the driveway have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. No development shall take place until full details of 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.)
10. 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.)

11. The dwelling hereby permitted, shall not be occupied until one vehicle parking space has been provided on the site in accordance with the layout shown on drawing number CCL0812.1; the space shall thereafter be retained for that purpose.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. The dwelling, hereby permitted, shall not commence until a covered and secure cycle parking space has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
(Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
13. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.0 metres x 2.0 metres measured from and along respectively the highway boundary.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
14. No development shall take place until a scheme for the design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage shall be completed before the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.
(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
15. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 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.)
16. No development shall begin until details of a scheme for the provision of outdoor sport and playspace, indoor community facilities, and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and 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 outdoor sport and playspace, indoor community facilities, and waste receptacles in accordance with the above-mentioned Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

Informatives

1. The use of gravel is not acceptable for the driveway. Alternative materials need to be submitted under condition 7.
2. See attached Environment Agency advice regarding soakaways.

3. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
4. Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.
5. Public footpath No. 8, Waterbeach runs along the western boundary of the site. The effect of a development on a public right of way is a material planning consideration in determining applications for planning permission.
6. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it and contractors' vehicles must not be parked on it (it is an offence under Section 137 of the Highways Act 1980 to obstruct a public footpath).
7. No alteration to the surface of the footpath is permitted without the consent of County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971). If any works are likely to affect the public footpath, these should be agreed in advance with the Rights of Way and Access Team at Cambridgeshire County Council.
8. Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 154 of the Highways Act 1980).
9. The granting of planning permission does not entitle a developer to obstruct a public right of way Circular 1/09 paragraph 7.1).

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Landscape in New Developments, and District Design Guide.
- Planning File References: S/1892/12/FL, S/2032/08/F, S/2291/11, and S/1513/12/FL

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