

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 December 2012

AUTHOR/S: Planning and New Communities Director.

S/1995/12/FL - CALDECOTE

**Erection of Three Dwellings, Land at Bosserts Way, Caldecote, Cambridge, CB22 7PA
for Mr and Mrs Morley and Mrs Joslin**

Recommendation: Delegated Approval

Date for Determination: 20 November 2012

Notes:

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Caldecote Parish Council

This application is presented to Planning Committee by Saffron Garner

Site and Proposal

1. The application site is located off of Highfields, the main spinal road through the village of Caldecote. It is not located close to any listed buildings and is not located in the designated Conservation Area. Bosserts Way is a privately owned road with 11 existing properties within it. There is a mixture of single storey, 1.5 storey and 2 storey dwellings along this road, all with a predominant brick and tile material palette. The design is varied with a mixture of hipped roofs, gable ends and integral garages. All of these properties have the option of off road parking provision. Bosserts Way is accessible by vehicle only from Highfields.
2. The application dated 21st September 2012 is the follow up from a withdrawn application under planning reference S/2137/11. The application proposes the erection of 3 detached units. The mix comprises 1 x 4 bed two storey dwelling, 1 x 3 bed bungalow and 1 x 2 bed bungalow. Off road parking is proposed for all 3 properties and accessed directly off Bosserts Way. The application was submitted with a draft Heads of Terms, a Design and Access Statement, an affordable housing statement and Daylight and Sunlight assessments.

Planning History

3. **S/2137/12** – Erection of 3 detached dwellings – Withdrawn
S/1954/09/F – Dwelling – Withdrawn
S/2116/07 – Dwelling – Approved
S/0348/76/O – Residential Development - Approved

The planning history for this site has varied over the years due to the mixed ownership of the land. This has led to a varied array of applications which have had individual complications. This application sees the two land owners coming together with a strategic approach to development on the site. This has allowed for more joined up thinking which has led to a scheme that has been able to better address neighbour amenity and access problems encountered in earlier applications.

Planning Policy

4. *Local Development Plan Policies*

South Cambridgeshire LDF Core Strategy DPD, 2007:

ST/6 – Group Villages

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

HG/2 Housing Mix

HG/3 Affordable Housing

NE/1 Energy Efficiency

NE/2 Renewable Energy

NE/6 Biodiversity

SF/10 Outdoor Play space, 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

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009

District Design Guide SPD - Adopted March 2010

5. *National Planning Guidance*

National Planning Policy Framework 2012

6. *Circulars*

Circular 11/95 The Use of Conditions in Planning Permissions

Consultation by South Cambridgeshire District Council as Local Planning Authority

7. *Caldecote Parish Council* –Recommend refusal – Comments are as follows:

- a. The Pumping Station serving Highfields Caldecote is already overloaded and does not have the capacity to cope with the amount being pushed through. Raw effluent runs down Main Street at times and emergency pumps have had to be called out 67 times over the past year. To add any more effluent to this would mean more frequent episodes of overflow and emergency pumping. Until this issue is sorted out the Parish Council cannot recommend the addition of too many large properties.
- b. This particular area is a local Flood Plain due to an internal spring and filled drainage ditches. If this application were approved and the proposed buildings erected, this would exacerbate the existing problem for the current residents and properties and would also affect the new buildings. Indeed, number 63 Highfields Road which is adjacent to the plot under question, was flooded so badly it was made uninhabitable for a whole year whilst it was dried out, cleaned, dangerous moulds removed and remedial works were carried out. All the local rear gardens are regularly under water after any heavy or sustained rains.

- c. The soil is impervious boulder clay which does not drain sufficiently to alleviate the problems of standing water and flooding. Should the Application be approved, we would ask for a Rain Water Harvester to be stipulated as a condition of the approval.
- d. An approved flood relief and drainage programme is necessary before any permission is granted to build on this site.
- e. House Sparrows, which are a protected species, are known to inhabit this area and indeed it is believe that they use the area as a breeding ground.
- f. The building of these properties, in particular the end property, would mean that the existing buildings, numbers, 59, 61 and 63 Highfields Road, would be overlooked which is inappropriate. The site is, in reality, too small for the proposed buildings.
- g. The building lines relating to Highfields Road and Bosserts Way which have been used in the plans are questionable. They appear to have extended their plans to incorporate areas which would normally not be acceptable from a planning perspective.
- h. There is a small seating area proposed on the pavement area on the main Highfields Road, which is inappropriate. The pavement is not wide enough to accommodate these benches and still be wide enough for pedestrians, particularly those with children. In addition, the site is opposite the Social Club and our experience tells us that they will be used for illegal drinking by youths and be vandalised, as has happened in the past.
- i. The proposed 5 bedroom dwelling is out of context for the site. It is too large and will overshadow both of the proposed bungalows. The site is too cramped and can possibly only take Two Bungalows if it is going to relate to existing properties and not stand out like a sore thumb!
- j. Bosserts Way is an unadopted Road which is in extremely poor condition. There are no street, the road is in desperate need of repair and maintenance and there have been 5 letters of complaint received from the residents with regards to this application. The Application indicates that there is a management committee looking after the road; this is in actual fact not the case, which is causing the existing residents much frustration.
- k. The Planning Application does not provide for adequate off road parking. There is already a parking problem on the road as the road is extremely narrow and causes visual and manoeuvring problems for drivers and it would be inappropriate to build such large residences without providing car parking and/or garage spaces for at least two spaces for each bungalow and 3 for the 5 bedroom dwelling. There is no bus service through the village and the use of cars is therefore unavoidable and the storage and parking space for vehicles needs to be planned or accordingly.
- l. The Design and Access Statement indicates that this is currently a wasteland and unkempt. The fact is that this site is a flood plain and been specifically neglected by the owners for the purpose of using this as a reason to build. In truth, much of the visual aspect would be improved by a little maintenance by the owner, thus removing this excuse from the application.

- m. The Design and Access Statement states that “general services and transport facilities offered is good”. This is not the case. The village does not have a bus service, there are very few amenities in the village (we do not even have a post office or public house or eatery). As stated earlier in the comments, the occupiers would need to have vehicles to get about. In practical terms this means that every adult would have a car, as is the case throughout the rest of the village.
- n. The Design and Access Statements also states that the Parish Council supports the Planning Application. This is in fact not the case. Indeed the previous application which was submitted was rejected by the Parish Council and comments made giving reasons.
- o. Should the Application be accepted, then the Parish Council would recommend that the hedge or fence around the buildings should be no higher than 1 metre. Each junction on Highfields Road currently have visual problems for those trying to come out of the side roads and to allow a hedge or fence to be higher than 1 metre would cause a dangerous impediment to the drivers’ vision. The Drawings/Sketches submitted do not reflect the actual situation and could affect the visibility aspect of approaching T Junction.
- p. The Parish Council has been contacted by letter from five local residents highlighting their concerns over the following aspects (these letters have also been forwarded to SCDC Planning Department):

“There is no Management Committee dealing with the condition of the road”

“There is inadequate allocation of OFF STREET PARKING”

*“Filled in ditch causes local flooding. The ditch should be reinstated as an OPEN DITCH and **NOT** piped to alleviate the problem.”*

“The road is in terrible condition and unfinished which is why it is an unadopted road. It is also far too narrow to accommodate more on street parking which such properties as those proposed would lead to.”

- q. Recommended conditions, should the application be approved:
 - No work should be carried out before 8am and should finish by 6pm (1pm Saturdays)
 - No work on Sundays or Bank holidays
 - Any spoil removed should not be used to raise ground levels and create neighbouring flood problems
 - Parking and compounds should be provided on site if possible to ensure that disturbance to nearby properties is kept to a minimum.
 - Roads used by any site traffic should be kept free of mud and if necessary regularly swept. Wheel washing facilities should be used.
- 8. **Local Highways Authority** –The LHA have raised no objection as the land is not publically maintainable highway.
- 9. **Environmental Health Contaminated Land Officer** – No objections raised from a contaminated land viewpoint.
- 10. **Environmental Health** – Comments for this scheme are unchanged from that of the earlier proposal. No objection subject to conditions regarding construction hours and pile driven foundations. Informatives include restriction on the burning of waste.

11. **Housing Enabling Manager** – There is a housing need across the District, demonstrated by the fact we have 3, 275 applicants on the list. The housing list is the number of occupants waiting to be housed in accommodation in South Cambridgeshire. Therefore having looked through the application, I note 3 RP's have been consulted over the provision of affordable housing in Caldecote and they have declined to commit to this. We would therefore seek to ensure, an offsite contribution in this case. Discussion is still taking place with regard to a final figure being agreed.
12. **Ecology Manager** – No objections.

Representations

13. Five representations have been made with regard to this application. Concern has been raised with regard to the following points:-
- The benches proposed would promote anti social behaviour
 - The open ditch that runs across the front of the site should be fully reinstated and not piped as this will limit its functionality.
 - The road and surface in Bosserts Way is narrow and sub standard
 - Not enough parking on individual plots that will lead to parking in Bosserts Way.
 - Maintenance of the road is unclear – No residents association as indicated in the submissions.
 - The impact of construction traffic on the already poor road and surface will have an adverse impact on the road and other occupiers
 - The footpath is not to Highway Standards
 - The road and footpath should be resurfaced as part of the development to Highway standard
 - Better signage on the road (indicating No Through Road)
 - As the last plots to be developed in this street there are conditions in the deeds that state the road should be surfaced and maintained to adoptable standards.

Planning Comments – Key Issues

14. The proposed scheme was resubmitted after withdrawal of an earlier scheme. The applicant was made fully aware of the policy requirements in terms of density, housing mix, heads of terms, affordable housing and neighbour amenity. Whilst it is considered that the principle of the development is acceptable and the submitted scheme ticks all the boxes with regard to specific policy criteria these main issues are discussed below briefly for clarification.
15. The main areas of concern with regard to this application that have been raised by third party representations are drainage, ecology, neighbour amenity (overlooking, overshadowing, overbearing), impact on the wider street scene, parking provision and highway safety.

Principle of development

16. Caldecote is defined as a Group Village within policy ST/6 of the Core Strategy. The site falls within the Caldecote Development Framework and thus the proposed development is in accordance with policy DP/7 of the Local Development Framework. In accordance with policy ST/6, residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings is permitted within the village frameworks of Group Villages. Given the location and the size of the plot it is advised that any more than three units on this plot is likely to be too intensive for the site and

larger schemes could not foreseeably be facilitated without significant harm to neighbouring properties.

17. Housing density policy HG/1 is applicable in this instance and this seeks a minimum density of between 30-40 dwellings per hectare, depending upon sustainability. The entire site equates to 0.161ha. A scheme of 3 dwellings would result in a density of approximately 18dph. Given the strong character of the site and the existing surrounding context it is considered that development at such a low density would not be unacceptable in this instance. It is considered by the Parish Council that the development is cramped. However, officers are of the view that the pattern of development is consistent with its surroundings and on balance, not significant to warrant a recommendation of refusal.
18. With regard to Policy HG/2, the development proposes 1 x 2 beds, 1 x 3 beds and 1 x 4 beds. This mix is reflective of the policy requirement that asks for a mix of units providing accommodation in a range of types, sizes and affordability to meet local needs. In developments of up to 10 units the policy asks that at least 40% should be 1-2 bed, 25% 3 bed and 25% 4 bed units. This proposal comprises one of each and considered to not only meet the LDFDCP requirements but also the 30% of residents represented in the Caldecote Parish Plan. Whilst the Parish Plan has minimal weight as a policy document, the preference of development from those represented does not indicate a general consensus for specific dwelling types, however homes for single people and sheltered housing accounted for the majority of opinions (73%). For those represented development of small groups of dwellings (10 or fewer) or single dwellings in controlled locations was preferred. The Caldecote Parish Plan states that the majority of its residents (56%) do not want further residential development in the village. Whilst the Local Authority appreciate the comments of those represented in this figure it is highly unlikely that no further residential development will be considered as an option and local residents should be mindful of the need for additional housing in the village, the wider District and the UK as a whole, especially where proposals meet policy requirements.
19. With regard to Affordable housing and the requirements within HG/3 this is still undergoing negotiation, however, it is agreed that an off site contribution is likely in this instance. A draft heads of terms was submitted with the application and final figures are still being discussed. Members will be updated on this matter.
20. The District Design Guide March 2010 (DDG) was used as a specific reference in the discussions following the withdrawal of S/2137/11 and the agent has applied the principles in the new submissions. Where two storey houses were proposed, these have been changed to bungalows to respect the amenity of adjoining properties. Distances between boundaries have been increased where possible, overlooking windows have been removed or relocated via internal changes, ridge heights have been reduced to lessen overbearing impact and reduce overshadowing and overall spacing on the site has been improved to contribute towards informal open space within the site edged red thus creating an opportunity to enhance the street scene.

Drainage

21. Based on the concerns raised by local residents and the Parish Council further consultation has taken place with the Environment Agency and the Councils' Drainage Manager. Members will be updated accordingly.

Ecology

22. The Ecology Officer has been consulted on this scheme throughout the application process and no specific concerns have been raised with regard to ecology on site.

Other than the prevention of site clearance during the bird breeding season this site has no ecological reasons for refusal.

Neighbour Amenity

23. The Parish Council have raised specific concern with regard to neighbour amenity; specifically overlooking of the new units on to 59, 61 and 63 Highfields Road. These properties are bungalows and are located to the southwest of the application site. As two of the three units are bungalows and the closest to the properties mentioned above overlooking is not considered to be adversely impacted. With regard to the two storey property, the first floor openings on the rear of this unit are of a far enough distance away (in line with the DDG) and would look towards the bottom of these units' rear gardens. Again, concern of overlooking these properties is not considered to cause an adverse impact on neighbour amenity.
24. The Parish Council also suggest that the two storey property is too large and out of context. The immediate neighbouring unit to this property and those opposite are all 1.5 or two storey properties and therefore, although the design is different to that of its immediate surroundings the scale and height is consistent with its immediate context. As this unit is located to the north of No. 59, 61 and 63 overshadowing is not considered to be significant, if at all, in terms of loss of light. The proposed bungalows are located to the south east of the two storey unit and due to the orientation will not experience loss of light either.

Open Space

25. Whilst the applicant has provided a draft heads of terms the development also includes an area of space within the site, clear of the public footpath, for the location of a village bench. It has been raised as a concern by the Parish Council and local residents that this could too easily become an area of unsocial behaviour and therefore request its removal. Having discussed this with the applicant removal of this from the submission is not a problem if it will assist in the positive support of officers. The Local Authority is supportive of open space within developments but appreciates the concerns of the Parish Council and will support its removal from the scheme. Appropriate landscaping of this area will need to be further considered if not to be used by the general public. Landscaping and implementation conditions will help secure this.

Parking Provision and Highway Safety

26. Whilst it is apparent that the road is not adopted and privately owned, the agent on behalf of the applicant is trying to negotiate further on this issue. It has been a main concern that has been raised by local residents and the Parish Council. The road is not maintained to a highway standard; however, this is difficult for the Local Authority to insist upon in the approval of this application. It is a matter that the landowners and buyers of the properties would have to negotiate outside of local authority powers.
27. With regard to parking provision the scheme proposes a double garage for plot 1 (4+ bed unit) with a 13 metre space to the front that has the potential for up to 4 cars to park clear of the highway (6 if the garage is used for parking). Plot 2 (3 bed) has a single garage space and a driveway comprising 8m x 6.5m allowing for off road parking for up to two cars (3 if the garage is used for parking). Plot 3 (2 bed unit) also has a single garage and a driveway measuring 7.5m x 6m allowing for off road parking for up to 2 cars (3 if the garage is used for parking). In light of the above each property is considered to have adequate provision for off road parking in accordance with the requirements of the LDFDCP

Developer Contributions

28. The applicant is aware of the required contributions towards open space, community facilities, waste receptacles and monitoring and legal fees. A Council Heads of Terms document has been submitted as part of this application.
29. *Other Matters*
- One resident in the Parish Council comments refers to deeds of the land. This is not a planning matter.
 - Construction traffic can be controlled by condition if required to ensure Bosserts Way remains free from congestion during construction.
 - Fencing along the boundary for plot 3 facing onto Highfields is raised by an objector. It is suggested that this be a 1 metre high fence to ensure visibility is appropriately addressed. At present hedging on the boundary is overgrown and the removal of this with a new fence line will improve visibility. The boundary fence is actually located further back into the site than the existing to allow for the siting of benches. With the benches removed the new fence could look a little stark. With this in mind there is scope for controlled planting in front of the proposed boundary fence that will not only improve the street scene aesthetically but also afford the new resident of plot 3 a private garden area.

Conclusion

30. The application proposes the development of 3 houses of varying design, size and scale on land owned by two individuals that have come together to get the best development out of the land. It promotes best use of land and a housing mix representative of LDF policy. The proposal has considered and addressed affordable housing, wider community contributions and on site open space, if wanted. The dwellings reflect existing properties in Bosserts Way as well as trying to respect those in Highfields. It has addressed neighbour amenity by reducing size and scale, thus having a positive impact on overshadowing, overlooking and being overbearing. All parking is off road. Overall the scheme is providing much needed housing in the District that appears to positively respect all LDFDCP policy. For the above reasons this scheme is recommended for approval subject to conditions.

Recommendation

31. Delegated approval be granted subject to further advice on drainage and affordable housing figures being agreed

The following conditions are suggested: -

- i) Time Limit
- ii) Approved Plans
- iii) Removal of Permitted Development Rights for Extensions
- iv) Windows on the rear to be fixed obscured
- v) No further openings in any of the elevations or roof slopes
- vi) Parking spaces to be retained for parking only
- vii) Developer Contributions including affordable housing if required.
- viii) Control over construction traffic
- ix) Hours of Construction
- x) Drainage – foul/surface water
- xi) Landscaping and Implementation

- xii) Deletion of the proposed bench (if agreed)

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 and District Design Guide
- National Planning Policy Framework
- Planning File References: S/2137/11

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