

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 February 2013

AUTHOR/S: Planning and New Communities Director

S/2609/11/FL – MELBOURN

**Demolition of Existing Dwelling and Erection of 10 new Units and Associated Access for Windsor Life Assurance Company Ltd and NM Life Trustees Ltd at
31 The Moor, Melbourn, Royston, Cambridgeshire, SG8 6ED
Recommendation: Delegated Approval**

Date for Determination: 24th February 2012

This application has been reported to the Planning Committee for determination as the Parish Council recommendation differs from that of the officer recommendation.

A site visit will take place on 5 February 2013

To be presented to the Committee by Saffron Garner

Site and Proposal

1. The site is located on The Moor in Melbourn. This road comprises, although essentially a 'dead end', a large mixture of different uses including both residential and commercial. The Moor is home to Melbourn Village College as well as various other business uses and recreational uses. The proposal site is located towards the end of The Moor neighbouring Thatcher Stanfords Close and opposite a relatively new development of flats. The application site is predominately surrounded by residential uses.
2. The application site comprises an existing detached brick built dwelling with a vast garden curtilage. The dwelling has been unoccupied for sometime and the current site appearance is unkempt and overgrown. To the south of the site is the recreation ground, running along the southern boundary is a track that leads to the pavilion and associated hall and parking area. A strong tree belt lines the southern boundary and although predominately free of development to the south the views onto the recreation grounds are limited.
3. The amended application submitted July 2011 seeks planning permission for the erection of 10 dwellings and associated access. The application proposes 4 affordable units and 6 market dwellings. The market mix comprises 2 x 2 bedroom dwellings, 2 x 3 bedroom dwellings and 2 x 4 bedroom dwellings. The affordable housing mix comprises 3 x 1 bed units and 1 x 2 bedroom dwelling. The application was submitted with a Planning Design and Access Statement, Landscape and Tree Report, Bat Report and a Transport Statement and Travel Plan.

Planning History

4. The site benefits from a relatively small planning history. Originally the applicant was going to refurbish the existing dwelling. A new dwelling was

proposed on the site under planning reference S/1798/10 and approved. As a result of this another application was submitted for a revised access to the original property (S/1823/10), allowing separation of the two plots. However, a later application under reference S/1091/11 came in for the erection of 9 dwellings. This application was later withdrawn. Namely due to problems relating to affordable housing, housing mix proposals, lack of planning obligations and design problems. Following this withdrawal, officers discussed the site at length with the agent with an aim to address the potential reasons for refusal.

5. The application received in July 2011 proposed 12 units. This figure came about due to density requirements and best use of land. However, this has since been amended to take into account of various concerns that were raised as part of the on going discussions and negotiations, such as onsite parking, housing mix and impact on existing trees. The number of units has been reduced again to 10 units.

Planning Policy

6. **National Planning Policy Framework (NPPF)** the thrust of this document suggests a 'presumption in favour of sustainable development'. Local Planning Authorities are directed to plan positively for new development and approve development proposals that accord with the development plan (paragraph 14).

7. **South Cambridgeshire Local Development Framework Development Control Policies 2007**

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/5 Cumulative Development

DP/7 Development Frameworks

HG/1 Housing Density

HG/2 Housing Mix

HG/3 Affordable Housing

SF/6 Public Art and New Development

SF/10 Outdoor Play space, Informal Open Space, and New Developments

SF/11 Open Space Standards

NE/1 Energy Efficiency

NE/2 Renewable Energy

NE/6 Biodiversity

NE/12 Water Conservation

TR/2 Car and Cycle Parking Standards

TR/3 Mitigating Travel Impact

8. **District Design Guide SPD** (adopted March 2010)
9. Circular 11/95 (The use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Consultations

10. **Melbourn Parish Council** recommended refusal for this scheme. The reasons for this are as follows:
 - Concern about the accuracy of the sunlight assessments and the impact this will have on the residential units.
 - Not enough parking for visitors within the site will result in on road parking in The Moor
 - Strong concerns about the traffic movement this development will create.
11. **Environmental Health Officer** - No objections subject to conditions regarding hours of construction and demolition, pile foundations, no bonfires or burning of waste and the requirement to ensure a demolition notice is served.
12. **Local Highway Authority** - No objection subject to conditions regarding construction traffic, visibility splays, adequate drainage measures, hard surface material being bound and no works in the Highway.
13. **Ecology Officer** - No objections following extensive assessment of bat activity.
14. **Environment Agency** - No objections. A list of informal advice with regard to drainage should be included on the decision notice if minded for approval.
15. **Section 106 Officer** - No objections, although concern about the lack of Public Art provision.
16. **Rights of Way and Access Team** - Footpath 6 is located to the south of the site but is not affected by the proposed development. No objections.
17. **Tree Officer** raised concerns with regard to the potential impact the development would have on the sycamore tree in the corner of the plot fronting The Moor. The development has been adapted following on going negotiation. No objection is raised from the Tree Officer subject to no encroachment into the 10 metre root protection area. Protection should be conditioned accordingly.
18. **Natural England** - No objections subject to standing advice being adhered to regarding protected species.

Representations

19. There has been a vast amount of interest with regard to this application, namely because the site itself adjoins so many other residential properties but also due to the site location and the amount of activity that occurs on The Moor. Following the amendments of the scheme from 12 to 10 units and various design changes, all of those who were originally notified or wrote in were notified again to comment further. The objections can be summarised as:
 - Overdevelopment in The Moor

- Traffic increase
- garden grabbing
- reference to the Village Plan - 59% of residents do not agree with further infill
- site purposefully left to deteriorate
- sewerage problems
- localised flooding
- inadequate parking
- change to the character of The Moor
- Overbearing, overshadowing, overlooking
- loss of skyline
- inaccurate sunlight assessment
- density not appropriate
- Bats and Wildlife
- piece meal development given planning history (cumulative development)
- disturbance during construction
- properties are too big

Material Planning Considerations

20. The key issues to consider in this instance are the principle of development, impact on neighbour amenity, impact on highway safety and parking provision, impact on the character of the area, affordable housing, ecology and contributions.

Principle of development

21. The application site is located within the village framework; it is not in the Conservation Area or located close to any listed buildings. Melbourn is classified as Minor Rural Centre in the LDF Core Strategy adopted 2007 where development of up to 30 houses is considered to be acceptable in principle. The area is predominately residential in character and the proposal for residential units is therefore considered acceptable in this instance. The land measures 0.33 hectares equating to 30 dph. This is in line with expected densities and given the sensitivity of the site in relation to its surroundings and the negotiations that have taken place to address neighbour amenity and tree concerns this figure is considered to be the maximum number of units this plot could sensibly provide.
22. The housing mix is considered to be reflective of the policy requirements with an almost even split between 2 bed, 3 bed and 4 bed properties. The scheme proposes exactly 40% of the development for affordable housing and within this there are 3 x 1 bed and 1 x 2 bed units. With the above in mind the principle of development is considered to be acceptable.

Impact on Neighbour Amenity

23. There are various concerns with regard to neighbour amenity and these have been broken these down into sub headings for better clarification.
24. Overlooking - there have been various concerns with regard to overlooking and the agent has made clear changes to overcome them. Objections raising overlooking are primarily related to plots 8, 9 and 10. These units will have the closest relationship with the existing units in Thatcher Stanford's Close (TSC). Plots 9 and 10 have been altered to overcome overlooking and the

distances and designs of these units have been significantly improved from the original submissions.

25. The property at plot 10 has been redesigned so as to avoid the need for any first floor windows in habitable rooms facing No. 1 TSC.
26. The property at Plot 9 has removed openings at first floor in the west elevation so as to reduce the potential to overlook into the garden of 4 and 5 TSC. The window at first floor that faces directly towards No. 6 TSC is for an en suite and proposes to be fitted with obscure glazing. The roof lights in the west facing roof slope of Plot 9 are proposed to be installed at no lower than 1.7m from finished floor level. The roof light in the north facing roof slope is proposed to be fixed and fitted with obscure glazing to prevent the perception of overlooking from the first floor to the openings in No. 2 TSC. The distance between this window and the openings on the south elevation of No. 2 TSC is 25.8m and considered to be acceptable by the standards of the District Design Guide.
27. The openings in the all of the units have been informed by the guidance in the District Design Guide and the neighbour to neighbour relationship between the proposed new units and those of the existing have been specifically designed to address overlooking.
28. With this in mind overlooking between properties is considered to be acceptable.

Overbearing

29. There is some concern with regard to the units that back onto the properties in TSC. Whilst the agent has applied where possible the guidance from the Councils District Design Guide 2010 there are still objections with regard to the proximity of the new units to those existing. As part of the overall re-design of the scheme from the initial 12 units down to 10 the agent has taken on board all of the previous officer concerns raised with regard to ridge heights and distances between units aiming to address potential overbearing impact. Plots 1, 2, 4, 5 and 6 TSC all back onto the application site where several of the proposed gardens will meet with those of the existing. For brief guidance the application plots relationships are as follows (with those of TSC).

Plot Number (TSC)	Orientation to closest property	Distance between plots (at its closest point)	First Floor Windows	Compliance with DDG 2010
1	north of Plot 10	11m	No	1m short of guidelines (12m)
2	north north west of Plot 9	conservatory to garage 17m	Yes. 1 x bathroom window obscure glazed, 1 x roof light fixed obscure glazed	Yes

4	north west of Plot 9	24.5m	Yes. 1 x dormer (bathroom) fixed and obscure glazed. 2 x roof lights 1.7m ffl to prevent overlooking	0.5m short of guidelines (25m) Overcome - bathroom not a habitable room and increased height of roof lights
5	west of plot 9	21m	Yes. 1 x dormer (bathroom) fixed and obscure glazed. 2 x roof lights 1.7m ffl to prevent overlooking	4m short of guidelines (25m) - Overcome by increased height of roof light and bathroom not considered habitable
6	west of plot 8	17m	Yes. 1 x bathroom window glazed with obscure glass.	8 metres short of guidelines (25) Overcome by increased height of roof light and bathroom not considered habitable

30. With regard to the above table, whilst there is some sympathy with local residents about the change this development will bring to the area, based on the guidance in the adopted District Design Guide it is not considered that the proposal results in an adverse impact on the existing properties by being unduly overbearing. The DDG states in paragraphs 6.67 -6.69 for two storey properties a minimum distance of 25 m should be provided between rear or side facing buildings containing habitable rooms. Where the opposing alignment of facing windows is significantly offset, these distances may be slightly reduced. Where blank walls are proposed opposite widows to habitable rooms, this distance can be further reduced with a minimum of 12 m between the wall and any neighbouring window that are directly opposite.

Loss of Sunlight

31. There has been a lot of back and forth with regard to the proposal having an adverse impact on neighbour amenity by way of loss of light. Specifically it is felt by the occupier of No. 2 TSC that the property proposed at plot 9 would result in a significant loss of light. Various information has been submitted as a result of this and it would appear that both parties are in disagreement with regard to how much sunlight would actually be lost as a result of the property at Plot 9 being built. The agent has provided evidence to show that the impact will be minimal and that much of the sunlight is actually lost as a result of the existing properties on TSC. The objector, using the agents' method of calculation has concluded the loss could be significant. It is still unclear to

officers as to which assessment is correct and it may be necessary to carry out an independent assessment for further clarity.

32. With regard to the details submitted on behalf of the applicant drawing P3082-200 Rev A details the level of shadowing the proposed development is likely to create. It is noted that the shadows detailed are based upon the Winter solstice 01 January at 10:00 hours and 14:00 hours. It suggests that the overshadowing will be most prominent on the garden space of No. 6 TSC. The garage roof of plot 9 has been reduced to take into account the potential level of overshadowing the property could cause on the garden space of No. 2 TSC. The drawing shows the potential overshadowing from the revised ridge height of the garage.
33. Having regard to the above guidance and the importance this consideration can have on the determination of a scheme, officers are of the view that the details submitted by the agent and argued by the Parish Council and local residents should be the subject of an independent assessment at the cost of the applicant. It is not considered that officers are able to assess the full impact of this proposed development until it has been confirmed by an independent specialist that the impact will be minimal. While officers are of the view that given the sensitivity of the site and parties involved an independent assessment is the most appropriate way forward Members will be able to make their own assessment at the proposed site visits.

Impact on highway safety and parking provision

34. The scheme proposes 10 units. All units have off road parking. Units 6, 7 and 8 have double garages and external manoeuvring parking/turning space that can accommodate 2 cars (up to 4 spaces in total each). Units 9 and 10 also have 2 off road spaces each. Unit 5 has a single garage and space in front to park another car, equating to 2 spaces. Units 1 to 4 are flats (1 x 2 bed and 3 x 1 bed). The parking provision for these units is 6 off road spaces fronting The Moor. This allows for 1 space per unit and 2 visitor spaces. The level of parking provision for visitors is calculated at no less than 0.25 spaces per dwelling, in this instance equating to 2.5 spaces. The proposal overall, using the Council's guidance is 0.5 spaces short for visitors but exceeds the maximum requirement for residential units by approximately 9. It is appreciated that garages are not always used for parking cars but they are counted as parking provision. Even if the garages were not used for parking the development overall still provides 15 spaces. This figure is an average requirement across the District, with a maximum of 2 spaces for dwellings of 3 or more bedrooms in poorly accessible areas. Melbourn, as a Minor Rural Centre is not considered as such.
35. With the above in mind the parking provision is considered to be acceptable. Likewise the actual traffic generation arising from the development is considered acceptable in highway safety terms.

Character of the Area and Street scene

36. The area is predominately residential and the overall design of the development promotes conventional house types. Certain plots have been designed to take on board relationships to neighbouring units and the spacing between properties very much influenced by the Council's own District Design Guide. There are a mixture of house types, some including dormers, gable

fronted subservient projections and single garages. All with predominately traditional finishes. Drawing P-3082-15 Rev A franked 8 November 2012 shows the street from The Moor. It is considered that the design of the development and the general layout is reflective of local character and there is no adverse harm to the street scene.

37. The layout of the development that fronts The Moor was dictated by the large protected tree on the corner of the plot. This was considered to be an important feature in the street scene and every care taken with regard to its long term retention. The parking for the flats was designed around its root protection area and revisions to plot 5 meant there was far more scope to landscape the front of the site. Since the changes a revised landscaping scheme has not been submitted but given the changes to the frontage it is felt there is better scope for soft landscaping than the earlier schemes. This will help blend the development into the street scene.
38. The road is intended to be private with an area half way down for bin collection for the 6 units. The flats have an area to the front, close to the parking provision as a refuse collection point. There seems little scope for planting along this road but P3082-101 Rev B shows some indicative planting that would help soften the development overall. This is an area that should be conditioned to ensure the best possible scheme is achieved.

Affordable Housing

39. The application proposes 10 units, 4 of which are proposed to be affordable. The Affordable Housing Enabling Officer is in agreement with the provision and supports the scheme put forward.

Ecology

40. The Ecology Officer comments are noted. There has been concern with regard to bats on site and extensive research has been on going with external consultants and the Councils Ecology officer. Following a more recent bat survey it is confirmed that there no objections with regard to bats. Other concerns have been raised in the past with regard to Japanese Knotweed being on site and the applicant has worked with the LA to ensure its appropriate removal.

Contributions

41. The applicant is aware of the required contributions for a scheme of this size and willing to enter into an agreement to provide them. These are as follows:
- Pre-School Contributions = £5,040 (sought in line with Cambridgeshire County Council guidance, £8,400 x 0.6 pupils generated)
 - Primary Education Contributions = £10,920 (sought in line with Cambridgeshire County Council guidance, £8,400 x 1.3 pupils generated)
 - Strategic Waste Infrastructure Contributions = £75.51 (sought in line with Cambridgeshire County Council guidance. The sites is in the catchment area for Thriplow Household Recycling Centre, for which

contributions are sought on the basis of £8.39 per household, £8.39 x 9 dwellings)

- Off site Public Open Space - £24,847.23
- Indoor Community Facility - £4589.80
- Household Waste recycling - £695.00
- S106 Monitoring - £250.00
- There would be no contributions required for libraries and lifelong learning or secondary education
- No Public Art provision has been sought.

Other Matters

42. Concern was raised with regard to the way in which the developer has submitted the applications. The approval of the single unit under S/1798/10 was assessed individually on its merits and considered acceptable at the time of determination. With the approval the scheme generated its own provision for open space, community facilities and waste receptacles. When considering the site as a whole it is necessary to assess whether the cumulative development has resulted in a loss of infrastructure provision. In this case officers agree that there has been no significant loss here in terms of financial contributions or the provision of affordable units.
43. No objections have been raised by the Environment Agency regarding flooding and no comments have been received from Anglian Water. With this in mind and the inclusion of conditions to agree drainage and water conservation methods it does not raise a reason for refusal.
44. With regard to construction traffic and noise and disturbance this too can be appropriately controlled by condition.

Conclusion

45. 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 subject to the further independent advice on the impact this development will have on loss of sunlight to the existing properties in Thatcher Stanford's Close. If this results in positive feedback in that the neighbouring units are not adversely impacted then the scheme can be approved under delegated powers. If the information comes back negative the application should be presented to committee again to discuss whether the negative impact (whatever level) is considered, on balance, to warrant a refusal.

Recommendation

46. Powers of delegated approval

Conditions (if approved under delegated powers) shall include the following:

- Time Limit
- Approved Plans
- Materials
- Landscaping scheme - to include boundary treatment
- Landscaping Implementation
- TPO Tree Protection
- Drainage - foul and surface water
- Renewable Energy Technologies
- Water Conservation
- Construction traffic and parking
- Contributions - as detailed in the report
- Parking and Turning prior to occupation
- Garages shall not become living accommodation
- PD rights removed (all from plots 8, 9 and 10) (all plots - roof alterations)
- LHA conditions
- EHO conditions

- EA Informatives
- EHO Informatives

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

- National Planning Policy Framework

- Local Development Framework Core Strategy and Development Control Policies DPDs
- National Planning Policy Framework
- Planning file reference S/1798/10, S/1823/10, S/1091/11 and S/2069/11

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