

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th April 2005
AUTHOR/S: Director of Development Services

S/2032/04/F - Histon
Erection of a Bungalow with Garage Together with Double Garage for Existing Dwelling (No. 28) and Widening of Existing Access Road at 28 High Street and Adjoining Access Road for Mr A. Buck

Recommendation: Delegated Approval
Date for Determination: 11th April 2005

Conservation Area

Members will visit the site on Monday 4th April 2005.

Site and Proposal

1. The site is an area of land measuring approximately 0.187 hectares to the rear of nos. 28 and 28A High Street. It is located between the access and car park at the shopping precinct and an access road serving the BT site, offices, shops and leading to the Council's public car park over which there is a public right of way. The rear of the site adjoins the Council's awarded drain. 1.8 metres high close-board timber fencing has been erected to mark the side boundaries of the site.
2. This full planning application originally submitted on 4th October 2004, has been amended following discussions with the Case Officer and now proposes the erection of a two-bedroom bungalow adjacent to the boundary with the 'Tesco's' car park in what was the rear garden of no. 28A High Street. This dwelling will have an attached garage with a lower ridge height. The site will be developed at a density of 10.70 dwellings per hectare. The application also seeks permission for a double garage to serve the existing dwelling at no. 28 and the widening of the existing access road that serves the SCDC car park to a minimum width of 4.1 metres wide, to enable vehicles to pass.

Planning History

3. Outline planning applications on land to the rear of no. 28 only were refused in 1988 on grounds of the site and adjoining land being allocated for public car parking facilities, it being an undesirable location for residential development being surrounded by commercial uses, and having an unsatisfactory access that would be shared with the public car park and existing commercial uses (refs. **S/0149/88/O** and **S/2134/88/O**).
4. In 1989 outline planning permission (ref. **S/2328/89/O**) was again refused for the property, with a smaller area of the rear garden being proposed for development, directly to the rear of the existing house. The reasons for refusal again included the planned use of the land as a public car park and poor amenities of the resulting dwelling due to the proximity to commercial uses. In addition, the development was

refused as being undesirable backland development due to its poor relation to no. 28 and the impact on amenity of no. 28 due to the proximity of the proposed access, which would have been via the existing residential access. An appeal against this decision was dismissed. The Inspector cited an unacceptable impact upon the Conservation Area and loss of public car parking provision. The Inspector did not agree with the Council that the development would be unacceptable backland development impacting upon the amenities of neighbouring dwellings or having poor amenities itself.

5. More recently, the applicant has acquired garden land to the rear of no. 28A High Street. With an increased site area, an outline planning application was made in 2003 for two dwellings (ref. **S/0273/03/O**). This application was withdrawn in the face of concerns relating to the access.
6. The most recent planning application (ref. **S/2364/03/O**) was again for the larger site but proposing a single dwelling together with a link road between the two car parks. This application was refused on grounds of the link road being unfeasible so that there would be no gain in terms of the traffic congestion at the entrances of the two sites, additional congestion on the car park access road, impact of accessing the proposed site on the amenities of the existing dwelling, poor living environment for the future occupiers, which would be exacerbated by the proposed link road, and insufficient detail to be able to assess the impact upon the Conservation Area.

Planning Policy

7. **Policy SE2 'Rural Growth Settlements'** of the South Cambridgeshire Local Plan 2004 ("Local Plan") defines Histon as a Rural Growth Settlement in which residential development will be permitted on unallocated land providing the development meets with the criteria of this and other policies included within the Local Plan.
8. **Policy HG10 'Housing Mix and Design'** of the Local Plan requires developments to include a mix of housing types and sizes, with the design and layout being informed by the wider area.
9. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
 - Result in overbearing, overlooking or overshadowing of existing residential properties;
 - Result in noise and disturbance to existing residential properties through the use of its access;
 - Result in highway dangers through the use of its access; or
 - Be out of character with the pattern of development in the vicinity.
10. **Policy TP1 'Planning for More Sustainable Travel'** of the Local Plan seeks to promote sustainable travel and as such planning permission will only be granted where small-scale increases in travel demands will result, unless satisfactory measures to increase accessibility are included. Standards for maximum car parking levels and requirements for cycle storage are found in Appendices 7/1 and 7/2.
11. **CS5 'Flood Protection'** restricts development where a site is liable to flooding, either by impeding the flow or storage of floodwater, increasing the risk of flooding elsewhere or increasing the number of people or properties at risk of flooding.

12. **Policy EN30 ‘Development in Conservation Areas’** of the Local Plan requires development within these areas to preserve or enhance the special character and appearance of the area, especially in terms of scale, massing, roof materials and wall materials.
13. **Policy P1/2 ‘Environmental Restrictions on Development’** of the Cambridgeshire and Peterborough Structure Plan 2003 (“Structure Plan”) restricts development where it could damage areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational value.
14. **Policy P1/3 ‘Sustainable Design in Built Development’** of the Structure Plan states that a high standard of design and sustainability should be adopted for all new forms of development.
15. **Policy P7/6 ‘Historic Built Environment’** of the Structure Plan requires Local Authorities to protect and enhance the historic environment, including designated conservation areas and archaeological remains.

Consultations

16. **Histon Parish Council** has recommended refusal of the original proposal, commenting that the issues for which the previous application was refused have not been overcome in the case of access. Comments on the amended scheme will be reported verbally to the Committee.
17. **Drainage Manager** - Under the Council’s land drainage byelaw, the following points are relevant:
 - Direct discharge of surface water from the development will not be permitted. A soakaways condition is recommended.
 - No hedging, fencing, planting, buildings or other obstructions will be allowed within 5 metres of the Award Drain.
 - An informative is requested on any consent advising the applicant that any further works to the bank of the Award Drain must not take place without prior consent from the Council.

Any additional comments on the revised scheme will be reported verbally to the Committee.

18. **Environment Agency** initially objected to the proposal on grounds that the site is identified as falling within zone 3 of the Agency’s Indicative Flood Risk Maps. The proposed development would be at risk of flooding and would increase the risk of flooding to existing property. A flood risk assessment (FRA) was required. This has now been submitted based on the original site layout. On the basis of the information contained within the FRA, the Agency’s initial objection to the proposed dwelling is discharged. It recommends a condition be appended in respect of ground floor levels (to be at minimum of 10.90m ODN). Any additional comments in light of the revised siting and design will be reported at the Committee.
19. **Environmental Health** - Suggested conditions on period of construction, foundations and an informative re: bonfires. They took noise readings at the time of the original application, S/0273/03/O. A close-boarded fence and reorientation of some windows in the bungalows were suggested. No further readings have been taken since then. It was the mainly the noise from the fans at Tesco’s that was of concern. On a recent

visit they were not aware the situation had changed and also took into account that there is now only one bungalow

20. **Conservation Manager** - Previously recommended delegated approval/refusal to provide the opportunity to incorporate additional changes. Amended plans incorporating most of the changes have been received and comments on these will be reported verbally to the Committee.
21. **Trees and Landscape Officer** - Any comments on the revised scheme will be reported verbally. Previously, it had been stated that the trees indicated for removal included five Cypress' and a Norway Spruce of mediocre quality, therefore, no objections were raised. A large Cypress was shown for retention, adjacent to the turning area. Owing to the species involved there was no strong view regarding its retention, however if it were to remain, the driveway and turning area would need to be constructed with a no dig method.
22. **Local Highway Authority** - Although this is a 'minor development' upon which the Local Highways Authority would not normally comment, at the Officer's request, they have stated that while unsatisfactory, the access road serves a car park, so it would be difficult to sustain an objection on highways grounds to the access being used for a further dwelling. It is strongly recommended that the private parking shown on the plan that lies adjacent to no. 28 be omitted from the scheme. The boundary enclosures each side of the access should be no higher than 750mm to provide suitable vehicle-to-vehicle visibility splays.

Representations

23. **SCDC Lands Officer** - the Council's Vehicular Right of Way over the link road belonging to BT providing public access from High Street, Histon to the Council's car park to the rear must not be put at risk by this proposal.

The Aqua Group Ltd., which owns the group of shops, including Tesco's, to the west of the site, has no objection to make.

Planning Comments - Key Issues

24. There are several issues to be considered as part of this planning application, including access, drainage, flood risk, impact on the Conservation Area and residential amenities.

Access

25. The proposed widening to the access serving the Council's public car park will improve safety within the access road. The additional dwelling proposed is accepted by County Council Highways to not have a significant highway impact. If approved, a condition requiring the access improvements to be carried out prior to development on site commencing is recommended. This would ensure that suitable access is provided. Closing the existing access to the side of no. 28 would remove the need for the white line delineating the private access. Additional conditions as recommended by the Local Highways Authority should be added to that suitable access arrangements are provided without having a negative impact on public highways and existing users of the car park access.

Drainage and flood risk

26. Subject to the re-siting of the dwelling to provide a full five metre clearance from the top of the bank to the Award Drain and a condition requiring the finished floor level to be at a minimum of 10.90m ODN, there is no objection in terms of flood risk and drainage. Confirmation has been sought from the Environment Agency with regard to the flood risk in light of the revised site layout.

Conservation Area

27. The revised drawings follow negotiations with the agent and applicant. Conservation issues have not been fully considered in prior applications. The amended drawings, have incorporated changes requested by the Conservation Manager and overcome the main areas of concern raised previously. The one area that has not been amended is the siting in relation to the boundary with the car park. The Conservation Manager has previously stated:

“While the new dwelling is sited along the north-east boundary, it is kept back approximately 1200mm off the boundary, with the existing close boarded fence retained. This will result in a strip of dead land down the rear of the new dwelling and I would have thought it preferable to construct a new gault brick wall down the boundary and to move the dwelling back to abut this brick wall (giving extra width to the garden in front. The brick wall will also provide better sound insulation from the service yard to the rear of Tesco’s and the Library.”

28. The agent in a covering letter sent with the revised drawings has explained that this is due to legal implications for the long-term maintenance of the building if it is sited on the boundary, as well as health and safety issues during construction.

Notwithstanding this one small area where potentially improvements to the design and layout could be achieved, it appears that the main areas of concern have been addressed. The proposals, as amended, will enhance and preserve the character of the Conservation Area, having an architectural relationship with the frontage dwelling and improved relationship with the surroundings.

Residential amenities

29. A material planning consideration in considering this application, is the Inspector’s report on planning application ref. S/2328/89/O. As set out in the planning history above, the site was a smaller area of garden to the rear of no. 28 only. The Inspector did not agree with the Council that the development would be unacceptable backland development impacting upon the amenities of neighbouring dwellings or having poor amenities itself:

“The site is adjoined by open land to the north-west and by a residential home for the elderly to its north-east. Since there are non-commercial activities on three sides of the appeal site, and a single storey building would not be likely to overlook its surroundings, I conclude that erecting a bungalow on this site would not harm the amenities of its neighbours nor result in poor residential standards for occupants of the proposed dwelling.”

30. Notwithstanding, the Inspector’s comments the site area has been enlarged to include the open area to the north-west, this being the former garden to no. 28A. Environmental Health Officers have previously commented, having taken noise readings on this site, that a dwelling on this site would not be unduly impacted by noise. A dwelling sited alongside the car park boundary would in affect turn its back

on the noise source and would block noise disturbance. This will leave a large garden area in front of the main elevation of the building. It is the view of Environment Health that the existing close board fence will provide a suitable noise barrier.

31. The amended drawings include a small additional projection to the lounge of approximately 1.6 metres, creating a 3 metre deep projection. This will screen an area of private garden area in front of the proposed dwelling, so that it is not overlooked from the elderly persons flats to the north-east.

Recommendation

32. Subject to the comments on the revised scheme of the Conservation Manager, Trees and Landscape Officer, and the Environment Agency; and receipt of further amendments to this, as negotiated by the Officer, delegated powers are sought to approve the application, subject to the following conditions:

1. Standard Condition A - Time limited permission. (Reason A);
2. The access road serving properties and the Council's public car park shall be widened to a minimum of 4.1 metres wide for the entire distance back from the public highway on the High Street to the start of the public car park prior to development of the garages and bungalow commencing on site.
(Reason - The improvements to the existing access road are required in order that the development approved has safe access without conflicting with the users of the existing access).
3. The existing access to no. 28 High Street shall be permanently and effectively closed within 28 days of the bringing into use of the new access.
(Reason - In the interests of highway safety).
4. The private parking bay adjacent to no. 28 shall be removed.
(Reason - In the interests of highway safety).
5. The existing boundary to the access road serving the site and public car park shall be reduced to and maintained at a height not exceeding 750mm above the existing ground level.
(Reason - In the interests of highway safety).
6. Sc5a - Details of materials for external walls and roofs (Rc5a);
7. Sc51 - Landscaping (Rc51);
8. Sc52 - Implementation of landscaping (Rc52);
9. Sc60 - Details of boundary treatment (Rc60);
10. Sc5f - Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas. (Reason - To minimise disturbance to adjoining residents);
11. Surface water drainage details;
12. Foul water drainage details;
13. Restriction of hours of use of power operated machinery during construction;
14. Assessment of noise exposure together with appropriate mitigation measures;
15. The minimum ground floor level of any building involved in the development must be at least 10.90 metres AOD unless otherwise agreed in writing by the Local Planning Authority.
(Reason - to provide reasonable freeboard against flooding).

Informatives

1. As recommended by Environmental Health.
2. As recommended by Environment Agency.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/2** (Environmental Restrictions on Development) **P1/3** (Sustainable design in built development) and P7/6 (Historic Built Environment);
 - **South Cambridgeshire Local Plan 2004: SE2** (Development in Rural Growth Settlements), **HG10** (Housing Mix and Design), **HG11** (Backland Development), **HG12** (Extensions to dwellings within frameworks) **TP1** (Planning for More Sustainable Travel), **CS5** (Flood Protection) and **EN30** (Development in/adjacent to Conservation Areas).
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Access and highways, in particular to the public car park;
 - Drainage;
 - Flood risk;
 - Conservation Area;
 - Trees; and
 - Residential amenity

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file refs. S/0149/88/O and S/2134/88/O, S/2328/89/O, S/0273/03/O and S/2364/03/O.

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