

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 April 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2725/13/FL
Parish(es):	Little Eversden
Proposal:	Outline consent (access) for the erection of two detached residential units.
Site address:	The Elms, 23 High Street, Little Eversden, Cambridge, CB23 1HE
Applicant(s):	Mr Harri AP Rees
Recommendation:	Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees.
Key material considerations:	Principle of development; Character and Appearance; Residential Amenity; Affordable Housing Contributions; Highway Safety and Other Considerations
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council
Date by which decision due:	7 March 2014

Planning History

1. SC/0302/59 Erection of garage and fuel store
2. SC/1107/73/F Single storey rear extension

Planning Policies

3. *National*

4. National Planning Policy Framework
5. *South Cambridgeshire LDF Core Strategy DPD, 2007*
ST/7 Infill Villages
6. *Adopted Local Development Framework, Development Control Policies*
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
NE/6 Biodiversity
NE/15 Noise Pollution
SF/10 – Outdoor Play Space, Informal Open Space and New Developments
SF/11 – Open Space Standards
TR/2 - Car and Cycle Parking Standards
7. *Draft Local Plan*
S/5 Provision of new jobs and homes
S/11 Infill Villages
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
H/11 Residential Space Standards for Market Housing
NH/4 Biodiversity
TI/2 Planning for Sustainable Transport
TI/3 Parking Provision
8. *Supplementary Planning Document(s)*
District Design Guide SPD – adopted 2010

Consultations

9. **Eversdens Parish Council** - Recommend refusal.

The Council are of the opinion that this is over-development of the site. It will directly impact on many homes in the immediate area and it not in keeping with the surrounding properties. The development is also against South Cambs own backland policy. The issues of concern were;

- This is backland development which will affect a number of householders in Wheeler's Way and Finch's Field
- Several letters of objection have been received from residents e.g. the property at 13a Finches Field is not shown as a separate dwelling on the plans. There is only 18ft from the edge of the dwelling to the boundary fence, a 6ft close-boarded fence would be required if the development were to be given the go ahead.
- Protecting the ditch at the boundary with the gardens in Whelers Way

- 2 smaller homes would be preferred as opposed to larger houses or given the scale of the properties, one house may be better
- There is concern that there may be Crested Newts in the ponds; does an investigation need to be carried out?
- A bat statement is not apparent on the plans. There is said to be a number of bats in the garden
- Would like to see the trees/shrubbery maintained on the Wheelers Way side.

Following discussion the Council voted on the application and the majority vote, with one abstention, was that outline plans be refused.

10. **Local Highway Authority** – No objection. Recommend conditions requiring provision of 2m x 2m pedestrian visibility splays, construction of the driveway to prevent private water draining onto the public highway, the driveway be constructed from bound material and the vehicular access be constructed using dropped kerbs.

Representations

11. 5 letters of representation have been received from neighbouring residents opposing the application for the following reasons;

- The application will result in a loss of privacy
- Result in the devaluation of my property
- The properties will cause overshadowing/loss of light
- Recommend the use of obscure glazing to the windows
- The gardens serving the new properties are too small
- The increased density will be akin to an inner city housing development rather than village life
- Questions whether building two houses in a garden between two rows of houses meets the local or regional planning policies
- Building two private executive houses will do nothing to provide extra affordable housing for local residents
- Result in the loss of trees
- Noise and pollution will result in a loss of amenity
- The development will set a precedent with further urbanising of the village
- Will be out of keeping with the existing cottage at The Elms

Planning Comments

12. The application site comprises some 1677sqm of relatively flat garden land to the side and rear of the host dwelling, which lies to the west of High Street within the village of Little Eversden. To the south-east of the site lies the host, a two-storey detached dwelling of gaunt brick construction set below a slate roof with single storey rear extension and garage outbuilding. The site is adjoined to the north and south by a mix of dwellings and bungalows fronting Finch's Field and Wheeler's Way.
13. This application seeks outline permission (access only) for the construction of 2no. dwellings with appearance, landscaping, layout and scale all reserved matters. Indicative drawings show the footprints of the dwellings set into their plots, with plot 1 being two storeys in height and positioned directly behind The

Elms with plot 2 positioned at approximately a 45 degree angle and being 1½ storeys in height.

14. The access point to the site would be set in from the northern site boundary.
15. The site lies within the village framework as defined by the Local Development Framework (LDF) inset map for Little Eversden, whilst the settlement is identified as an 'Infill Village' in the LDF Core Strategy.

The principle of development on this site

16. One of the core planning principles contained in the NPPF is that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. It states that housing proposals should be considered in the context of the presumption in favour of sustainable development.
17. In relation to local policies, the Development Plan (Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007) identifies Little Eversden as an 'Infill Village' which is described as having a basic range of services and where the principle of residential development is considered acceptable where this involves the sub-division of an existing residential curtilage and does not result in an increase in more than two dwellings.
18. As such, the development of this site for housing, which lies within the established development boundary for Little Eversden and would help towards the provision of local services, is considered acceptable in land use terms subject to the other key considerations being satisfied

Character and Appearance

19. The western side of High Street is characterised by a varied mix of housing styles that are mainly two-storey in scale and evenly spaced on their plots. Further residential properties can be found along Finches Field and Wheelers Way which lead off High Street, and the built form to the western side of High Street is as such consolidated and more suburban in character. To the east of High Street the development is less dense and concentrated to the roadside frontage, with little development at depth. Open fields can be found to the south no. 8 High Street and here the character is rural.
20. The site is some 1677m²sqm in size and considered of adequate proportions to construct 2no. dwellings whilst still providing for a reasonable curtilage to each property. The indicative layout plan indicates the possible siting of plot 1 on a north-south axis directly behind the host dwelling, with plot 2 set at approximately a 45 degree angle to the rear of the site and separated from plot 1 by garaging/turning head. The indicative layout also suggests that the plots could be served by rear gardens extending up to a maximum of 15m in depth.
21. The scale and design of the dwellings should take into account the locality and should be constructed in sympathy with each other, whilst the indicative elevations indicate that their ridge heights would not exceed the host property; however outline consent is only sought for access and layout. Appearance, scale and landscaping would be addressed at reserved matters stage.

22. It is therefore considered that in principle the construction of two residential dwellings in this location would not have any significant adverse effects and can be designed in harmony with the form and character of the area.

Residential Amenity

23. The indicative site plan and elevations submitted with this application indicates that plot 1 would be two storeys in height with the first floor north facing windows serving two bedrooms and a bathroom and the single window to the south elevation serving a bedroom. These windows would be 10m and 11m from the site boundaries. Plot 2 would be lower in height and set at an angle to neighbouring properties again with bedroom windows at first floor level.
24. The potential impact upon the residential amenity of adjoining dwellings would mainly be addressed within the reserved matters submission, although it is considered that appropriate window arrangements and boundary screening could reasonably mitigate any issues of overlooking, especially given the size of the site. Furthermore, the plots overall size ensures the positioning of the dwellings would provide a reasonable buffer to the neighbours such that there would not be any unreasonable levels of shadowing, whilst the reduced host plot would retain a reasonable amount of amenity space to its rear.

Highway Safety

25. The application seeks outline consent for the means of access which is to be provided via private drive extending along the boundary to the north of the host property, which is to retain an access to its southern side.
26. The Highways Authority considers this access arrangement suitable as appropriate visibility splays can be provided. Conditions are recommend requiring the provision and permanent retention of 2m x 2m pedestrian visibility splays, details of the driveway construction to prevent surface water run-off and debris spilling onto the public highway and a requirement that the access be provided with dropped kerbs.
27. The indicative details of the parking and turning arrangements are suitable; however this will be assessed in full at the reserved matters stage when the siting of the units is considered. As such the development is considered to provide a suitable and safe means of vehicular access onto the public highway.

Affordable Housing Contribution

28. Planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted development plan requires the provision of 40% affordable housing on sites where there is a net gain of two or more dwellings. This scheme seeks permission for two residential units and does not propose any affordable dwellings, contrary to the requirements of adopted policy.
29. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies

(the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

30. The current development plan is proposed to be replaced by the emerging Local Plan, where draft policy H/9 relates to affordable housing and seeks to raise the threshold of affordable housing provision to sites of three or more dwellings.
31. The draft Local Plan has been approved by council for submission to the Planning Inspectorate for 'Examination in Public' and is therefore at an advanced stage in its preparation. In respect of unresolved objections four representations have been received on draft policy H/9, with three of these opposing the policy and the fourth supporting and offering comment. Notably all the representations consider the proposed threshold of three dwellings too low (and seek to raise this). No representations seek to maintain (or lower) the current threshold of two dwellings and as such there are no unresolved objections to this draft policy as far as it relates to this application.
32. Turning to the consistency of the relevant plans with the NPPF. Although no detailed advice is provided on the threshold of affordable housing provision within the NPPF, it advises local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development, and look for solutions and to approve applications for sustainable development where possible.
33. For these reasons officers are of the view that sufficient weight can be attributed to draft policy H/9 of the emerging Local Plan that approval of the application without affordable housing contributions would be acceptable in planning terms, assisting the delivery of small housing sites that would otherwise not come forward in the short term.

Other Considerations

34. The development will result in loss of a number of trees, most notably the Beech tree positioned to the front of the site at the point of the vehicular access. The application is accompanied by an Arboricultural Report which classifies trees according to British Standard BS5837:2012, and which categorises the Beech Tree in the 'retention is desirable' category. The applicant advises this tree is required to be removed irrespective of the outcome of the application in order to safeguard the property although no evidence of this is provided. Whilst the loss of the Beech tree is regrettable, the tree is not protected and its loss is not so significant so as to justify refusal of consent.
35. No specific issues are raised with regards to Crime and Disorder.
36. The Parish Council oppose the application expressing a view this is overdevelopment of the site, will directly impact on many homes and is not in keeping with the surrounding properties. Several further concerns are also cited.
37. In terms of housing density adopted policy HG/1 advises average net densities of 30 dwellings per hectare, with this site delivering a lower density, more reflective of the established built form. The concerns relating to the impact on neighbouring

residents and the properties being in keeping with the surroundings are addressed in paragraphs 23-24 and 19-22. The Habitat Survey accompanying the application did not identify any adverse impact on protected species.

38. A number of third party representations have been received from local residents, raising a variety of concerns chiefly relating to the impact on neighbour amenity through overlooking. This issue is addressed in paragraphs 23-24. The other concerns raised by neighbours do not alter the view the development is acceptable in planning terms.
39. The application is accompanied by S106 Heads of Terms with the applicant prepared to pay the councils contributions in respect of open space provision, community facilities and waste receptacles. This agreement has not been completed and therefore delegated powers are sought for officers to approve the application upon completion of this agreement.

Conclusions

40. It is considered that two detached dwellings can be adequately accommodated on the site and be designed such that they would be in harmony with the surrounding area without causing harm to neighbouring amenity in terms of over shadowing or loss of privacy. The Highways Authority is satisfied that the provision of a new access is suitable subject to conditions, with the loss of the Beech tree not so significant so as to justify refusal of consent.
41. The lack of affordable provision, contrary to the requirements of adopted policy, is justified on the basis of the stage of preparation of the emerging Local Plan, lack of unresolved objections to draft policy H/9 and thrust of the NPPF which seeks to support the delivery of sustainable development.
42. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that permission be granted for officers to approve the scheme subject to the completion of a S106 legal agreement securing contributions towards open space, community facilities, waste receptacles and monitoring and legal fees, and the conditions outlined below.

Recommendation

43. Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees, subject to the following conditions –
44. Approval of the details of the means of layout, scale, appearance and landscaping of the site (hereinafter called ‘the reserved matters’) shall be obtained from the Local Planning Authority before any development is commenced.
(Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.)
45. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
(Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.)

46. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.)
47. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
(Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.)
48. Prior to the first occupation of the development hereby permitted pedestrian visibility splays measuring 2m x 2m shall be provided at the sites access with the public highway. The splays shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high and retained thereafter in perpetuity.
(Reason: In the interest of highway safety)
49. The driveway shall be constructed so that its falls and levels are such that no surface water from the site shall drain onto the adopted public highway.
(Reason: In the interests of highway safety)
50. The driveway shall be constructed using a bound material for the first 10m when measured back from the public highway.
(Reason: in the interests of highway safety)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scams.gov.uk/localplan>

Report Author: Andrew Fillmore – Senior Planning Officer
Telephone: (01954) 713180