

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 April 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2575/13/FL
Parish(es):	Great Shelford
Proposal:	Two Dwellings (Amended Design)
Site address:	Plots 1 and 2, Trinity Lane
Applicant(s):	Shelford Properties Ltd.
Recommendation:	Approval
Key material considerations:	Housing Density Housing Mix Affordable Housing Developer Contributions
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Karen Pell-Coggins
Application brought to Committee because:	Conflict with the recommendation of Great Shelford Parish Council
Date by which decision due:	28 March 2014

Site and Proposal

1. The site is located within the Great Shelford village framework. It is situated to the south west of Cambridge Road off a private access that leads to 7 other dwellings. The site measures 0.24 of a hectare in area. It currently comprises two recently constructed, detached, two-storey, render and plain tile dwellings that originally formed part of a larger parcel of land. A group of trees subject to a Tree Preservation Order are situated along the south eastern boundary of the site. Trinity Lane is a shared private driveway that runs along the north western boundary of the site serving the new development. A recently constructed, detached, render and plain tile dwelling is situated to the south west.
2. This full planning application, received 31 January 2014, proposes the retention of the two dwellings on Plots 1 and 2 that were constructed of a different design to the plans originally approved under planning consent S/0867/08/RM. The amended design of the dwellings includes two-storey rear

extensions that measure 4.4 metres in width x 4 metres in depth beyond the originally approved dwelling to the south x 7.5 metres in height and 4.5 metres in width x 3 metres beyond the originally approved dwelling to the north x 7.5 metres in height; single storey side extensions that measure 4.5 metres in width x 7.4 metres in depth x 3.9 metres in height to both sides; single storey front extensions that measure 2.6 metres in width x 1.2 metres in depth x 3.7 metres in height; and high level clear glazed roof lights in both side facing roof slopes. The access would remain as originally approved.

Planning History

3. **S/1525/13/LD** - Lawful Development Certificate for Proposed Extensions - Withdrawn
This application was withdrawn when it was found that the dwellings had not been constructed in accordance with the approved plans.
4. **S/0926/11/F** - Dwelling and Garage (Revised Design) (Plot 3) - Withdrawn
5. **S/0700/10/F**- Dwelling with Attached Garage (Plot 3) - Appeal Dismissed
This application was refused on the grounds of housing density and the impact of the development upon the character and appearance of the area. Although the extant planning consent for three dwellings approved under planning consent S/0867/08/RM was the fallback position, limited weight was attached as a result of the lack of implementation of the development and harm to the character and appearance of the area. Density was considered in the determination of the application as the scheme was substantially larger than that originally approved and the changes would not have been permitted development due to the height increase.
6. **S/0867/08/RM** - Reserved Matters for the Approval of Access, Appearance, Layout, Scale and Landscaping for the Erection of Three Dwellings - Approved
This application was for one, five bedroom dwelling and two, two bedroom dwellings. No condition was attached to the planning consent to remove permitted developments rights for extensions under Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
7. **S/0440/08/RM** - Reserved Matters for the Approval of Access, Appearance, Layout, Scale and Landscaping for the Erection of Three Dwellings - Appeal Dismissed
This application was for three, five bedroom dwellings. It was refused on the grounds of the lack of any housing mix within the scheme.
8. **S/0567/05/O** - Three Dwellings (Renewal of Planning Consent S/1591/02/O) - Approved
Outline consent was originally granted for three dwellings under reference S/0497/89/O and kept alive via a succession of renewals until 2005. The policy at this time of this application only required affordable housing in schemes of 10 or more dwellings. The density was appropriate. Housing mix was not a consideration at this stage given that no details were submitted.
9. **S/0305/86/F** - House and Garage - Approved
10. **S/0788/81/O** - Five Dwellings and Conversion of Barn to Dwelling - Approved

Planning Policy

11. Adopted Local Development Plan Policies

South Cambridgeshire LDF Core Strategy DPD, 2007: ST/4 Rural Centres

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/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

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
Affordable Housing SPD - Adopted March 2010
Great Shelford Village Design Statement- Adopted February 2004

12. Draft Local Development Plan Policies

South Cambridgeshire Local Plan Proposed Submission (July 2013)

S/7 Development Frameworks
S/8 Rural Centres
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
CC/1 Mitigating the Impact of Climate Change
CC/4 Sustainable Design and Construction
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
HQ/1 Design Principles
NH/4 Biodiversity
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

13. **Great Shelford Parish Council** – Recommends refusal and makes the following comments: -

"The appeal decision relating to these two plots was quite clear that there should be smaller units on the site. However, the developer has chosen to ignore this and build two houses that are quite different from those approved and have a ground floor area of 173.13 sq m compared to the 67.58 sq m approved. The houses have been built in direct contravention of the approved plans which is totally unacceptable but is something which is not unusual. We find that nearly every application we deal with, applicants carefully seek to obtain approval for minor changes to the approved plan and are constantly frustrated by the applicants ignoring the planning rules and procedures".
14. **Local Highways Authority** – Comments that the proposal would not have a significant adverse effect upon the public highway.
15. **Trees and Landscape Officer** – Comments that the only issue is the mound of stored topsoil outside the protective Heras fencing. It is a sufficient distance away to ensure that it does not adversely affect the health of the trees. However, it is recommended that the soil is removed before the dismantling of the Heras fencing and not spread over the ground any closer to the trees or the ground level altered to ensure protection of the trees.
16. **Landscape Design Officer** – Has no objections but requests a landscape condition for hard and soft details to suit the revised layout.
17. **Environmental Health Officer** – Suggests that a condition is attached to any consent to limit the hours of use of construction plant and machinery, noisy works and construction related deliveries. Also requests informatives in relation to the use of pile driven foundations and the burning of waste on site.

Representations

18. None received.

Planning Comments – Key Issues

19. The main issues to consider in the determination of this application relate to housing density, housing mix, affordable housing, developer contributions, and the impacts of the development upon the character and appearance of the area, neighbour amenity, highway safety, trees, and landscaping.

Background

20. The principle of residential development has already been established on the site through the grant of planning consent S/0567/05/OL for three dwellings. The details of the development were later agreed through the grant of planning permission S/0867/08/RM. This permission approved one, five bedroom dwelling and two, two bedroom dwellings. The dwelling on Plot 3 is occupied and the dwellings on Plots 1 and 2 are currently under construction and very close to completion. The extant planning permission is the fallback position along with permitted development rights that have not been withdrawn. This is a material consideration in the determination of this

application and should be given significant weight in this case due to the fact that a very similar size development could be built without the need for planning permission.

Housing Density

21. The site measures 0.24 of a hectare in area. The retention of the two dwellings on the site equates to a density of 8 dwellings per hectare. Whilst it is acknowledged that this density does not comply with the requirements of at least 40 dwellings per hectare as set out under Policy HG/1 of the LDF, the development is considered to be acceptable in this case given that the fallback position would be for two dwellings on the site that would be in keeping with the character and appearance of the area.

Housing Mix

22. The housing mix granted permission under planning consent S/0867/08/RM was for one, five bedroom dwelling and two, two bedroom dwellings. This mix was agreed in accordance with Policy HG/2 of the LDF following the dismissal of an appeal under reference S/0440/08/RM for three, five bedroom dwellings. In the appeal, the Inspector stated "there is nothing to suggest that local housing needs show a mix other than that described in the policy should be sought". However, no condition was attached to the planning consent to remove permitted development rights for extensions under Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The applicants could therefore have built part of the rear extension, the side extensions and front extension if completed in accordance with the approved plans. This would increase the number of bedrooms within the dwellings without the need for planning permission. As a result of the fallback position, it is difficult for the Council to now argue that the dwellings do not comply with the housing mix requirements set out under Policy HG/2 of the LDF.

Affordable Housing

23. No affordable housing was secured through planning consent S/0567/05/OL. Although it is noted that the development does not comply with Policy HG/3 of the LDF that seeks at least 40% of dwellings within developments of two or more dwellings to contribute towards affordable housing, the development is considered acceptable in this case given that the fallback position would be for two dwellings on the site without any affordable housing. In addition, from 28 March 2014, significant weight is to be attached to Policy H/9 in the South Cambridgeshire Local Plan Proposed Submission that increases the threshold for affordable housing to developments of three or more dwellings.

Character and Appearance of the Area

24. The amended design of the dwellings is not considered to harm the character and appearance of the area, due to Cambridge Road consisting of variety of different size and styles of dwellings. The scale, massing, form, design, and materials are considered to be in keeping with the surroundings.

Neighbour Amenity

25. The amended design of the dwellings will not result in harm to the amenities of neighbours through being unduly overbearing in mass, through a loss of light or through overlooking, given the distance of the buildings from the boundaries of the site.
26. The roof lights in the side facing roof slopes are at high level and have not resulted in a loss of privacy within the development. The extensions have not resulted in a loss of outlook or light within the development as the windows on the side elevations are secondary in nature and the windows in the rear elevation are set an adequate distance off the boundaries. .

Highway Safety

27. The proposal has not led to an increase in traffic generation to and from the site that is detrimental to highway safety.

Trees and Landscaping

28. The proposal has not resulted in the loss of any important trees that contribute to the visual amenity of the area. The protected trees along the south eastern boundary of the site have been retained. An informative will be attached to any consent in relation to mound of topsoil currently close to the trees.
29. A condition would be attached to any consent to secure a hard and soft landscaping scheme to reflect the revised layout of the proposal.

Developer Contributions

30. No contributions were secured through planning consent S/0567/05/O. Although it is noted that the development does not comply with Policy DP/4 of the LDF that seeks to secure the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms and the maintenance and upkeep of facilities. The development is considered acceptable in this case given that the fallback position whereby the applicant could erect two dwellings on the site without any contributions at any time.

Conclusion

31. 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

32. Approval subject to the following conditions: -

Conditions

- i) The development, hereby permitted, shall cease and all equipment and materials brought onto the land for the purposes of the development shall be removed within 28 days of any one of the following requirements not being met:

- a) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority schemes for the provision of hard and soft landscaping and the said schemes shall include a timetable for their implementation.
- b) Within 11 months of the date of this decision, the hard and soft landscaping scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such schemes, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
- c) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted hard and soft landscape scheme shall have been approved by the Secretary of State.
- d) All works comprised in the hard and soft landscape scheme as approved shall have been implemented, and completed within the timetable set out in the approved schemes.

(Reason - To ensure that a scheme of landscaping is implemented in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)

- ii) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the dwellings hereby approved.
 - (a) No retained tree shall be cut down or uprooted, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas

shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

- iii) 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 Class A of Part 1 of Schedule 2 on the site and Class A of Part 2 of Schedule 2 along the north eastern, north western and south western boundaries of the site, shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - In the interests of the character and appearance of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- iv) The existing visibility splays shall be retained on either side of the new access road (Trinity Lane) with the adopted estate road (off Cambridge Road). For the avoidance of doubt, the minimum dimensions to retain the required splay lines shall be 2.4 metres measured along the centre line of the proposed access road from its junction with the channel line of the estate road, and 44.5 metres to the tangent point of the corner to the north east and 28 metres to the tangent point to the corner to the north west. These splays shall be maintained free from any obstruction over a height of 600mm.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- v) Visibility splays shall be provided on both sides of the accesses to each dwelling and shall be maintained free from any obstruction over a height of 600mm within an area of 2 metres x 2 metres measured from and along respectively the boundary with the shared access road.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- v) The development shall be implemented in accordance with the details agreed under conditions 1 (materials), 6 (means to prevent the discharge of surface water on to the highway) and 7 (siting and storage of refuse) of planning consent S/0867/08/RM.
(Reason - To ensure the development is implemented in accordance with the approved details).

Informatives

- i) The mound of topsoil close to the trees shall be removed prior to the removal of the Heras fencing. It must not be spread any closer to the trees and the ground level must not be altered.

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
- South Cambridgeshire Local Plan Proposed Submission (July 2013)
- Planning File References: S/0867/08/RM, S/0440/08/RM, S/0567/05/O, S/1591/02/O, S/1995/99/O, S/0590/97/O, S/1625/94/O, S/1740/91/O, and S/0487/89/O

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