

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

14 January 2015

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1885/14/FL
Parish(es):	Pampisford
Proposal:	Demolition of garage, erection of 2 detached dwellings and erection of replacement garage for no. 3 Hammond Close
Site address:	Land adj. 3 Hammond Close Pampisford, Cambridge, CB22 3EP
Applicant(s):	Mr Tim Purdew and Ms Jackie Surridge
Recommendation:	Delegated authority for officers to approve subject to condition and completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring fees (subject to conclusion of pending legal advice)
Key material considerations:	Principle of development; Character and Appearance of the conservation area; Residential Amenity; Affordable Housing Contributions; Highway Safety and Other Considerations
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	David Thompson
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council
Date by which decision due:	13 October 2014

Planning History

1. SC/0786/65/D – erection of new dwelling (adjacent to no. 6 Hammond Close as now built) – refused and appeal dismissed

Planning Policies

2. *National*

3. National Planning Policy Framework
National Planning Policy Guidance
4. *South Cambridgeshire LDF Core Strategy DPD, 2007*

ST/7 Infill Villages

Adopted Local Development Framework, Development Control Policies

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and new developments
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
CH/5 Conservation Areas
NE/1 Energy efficiency
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage
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

5. *Draft Local Plan*

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
NH/14 Heritage Assets
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space
TI/2 Planning for Sustainable Transport
TI/3 Parking Provision

6. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted 2010
Trees and Development Sites SPD - 2009

Consultations with Council Services and Statutory consultees

7. **Pampisford Parish Council** - Recommend refusal.
Object to the application on the following grounds:

- The proposal represents over-development of the site given its location at the end of a cul-de-sac.
 - The proposed access is not safe – visibility will be poor and the level of traffic unacceptable at 4 per property. The location of garage at no.2 and the narrow nature of the road would cause difficulties in terms of vehicular access to and from the site.
 - The development would not be in keeping with the streetscene – the proposed properties are large in scale with little separation between which is out of character of this part of the conservation area where large properties are set within large plots.
 - Concerns relating to the impact on the capacity of the sewerage network.
8. **Local Highway Authority** – no objections subject to conditions relating to the construction of the driveway and the management of traffic during the construction process
9. **Environmental Health** – no objection subject to a condition relating to the hours of construction and noise and vibration mitigation measures
10. **Anglian Water** – no objections raised.

Representations from members of the public

9 letters of objection have been received from residents in relation to the proposals. The issues raised are summarised as follows:

- Concerns relating to the increase in traffic and the safety of the proposed access arrangements as indicated by the Parish Council (see above). In addition the amenity impact of the glare of car headlights is raised.
- Concerns regarding the safety of demolishing the garage at no. 3 which abuts the garage owned by no. 2 Hammond Close.
- Pampisford is classified as an 'in-fill' village – the proposal represents 'back-fill' development and should therefore be refused – as a proposal was for a development at 6 Hammond Close.
- Adverse impact on the capacity of the sewerage network
- Cramped form of development on the site

The ward Councillor has also objected to the proposals and has mirrored the above concerns in his response.

Requirements under Section 106 of the Town and Country Planning Act 1990

11. Under the provisions of policy DP/4 of the current LDF and policies SC/6 and SC/7 of the emerging Local Plan, the applicant would be required to make financial contributions to towards the supply of off-site open space and infrastructure provision.
12. On 28 November 2014 the National Planning Policy Guidance was updated and now states that on schemes of less than 10 dwellings (such as this), 'tariff based' and affordable housing contributions can no longer be sought. The Authority is currently seeking legal advice on whether the change in guidance also reflects a change in planning policy.
13. As such, if Members are minded to approve the applications, officers seek delegated powers to either approve subject to conditions and the prior completion of a Section 106 Agreement or, if the legal advice is that these contributions can no longer be requested, approval with conditions only.

Comments from the planning officer

14. The application site is land to the north west of no. 3 and to the north east of no. 2 Hammond Close Pampisford. The site lies within the conservation area and is currently garden space associated with no. 3.
15. The applicant seeks full planning permission for the erection of 2 dwellings on the site and the erection of a replacement garage to be attached to the existing property at no. 3.
16. The site lies within the village framework as defined by the Local Development Framework (LDF) inset map for Pampisford, whilst the settlement is identified as an 'Infill Village' in the LDF Core Strategy.

17. The principle of development on this site

The site is located within the development framework boundary of Pampisford, which is classified as an infill village in the adopted Core Strategy. The provision of up to two dwellings may be acceptable on sites within infill villages in circumstances including the subdivision of residential curtilage, as is proposed in this application. The principle of erecting two dwellings on the application site is considered to be acceptable, subject to all other material considerations being satisfied.

Affordable Housing Contribution

18. 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.
19. 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:
20.
 - 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).
21. 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.
22. 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.

23. 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.

24. 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.

25. Density and housing mix

Given the substantial size of the plot, the proposal for 2 dwellings would be significantly less than the 30 dwellings per hectare requirement of policy HG/1. Given the low density nature of the conservation area and the proximity of neighbouring properties, it is considered that there are exceptional circumstances in this case that ensure a lower density is appropriate in this location. The proposal does not conflict with policy HG/1 therefore.

26. In terms of housing mix, the current LDF policy (HG/2) suggests that at least 40% of properties in new development should be 1 or 2 bedrooms in size – equating to 1 of the 2 in this proposal. However, policy H/8 of the emerging Local Plan applies housing mix thresholds only to schemes of 10 or more dwellings. Given that the objections received to the emerging policy are seeking further flexibility as opposed to less, it is considered that significant weight can be applied to the emerging threshold. On that basis, it is considered that the proposal could not be refused on the grounds that both properties are proposed to be four bedrooms in size.

27. Character of the conservation area

Hammond Close is a cul-de-sac containing large detached properties, set in relatively large plots. There are variations in the layouts however. Whilst the property at 1 Hammond Close sits in a substantial, long plot, the properties at 7-9 are located closer together in less deep plots. At the northern end of the street, there is a variation in the front building lines of the properties and 2 Hammond Close is located to the rear of 6 Brewery Road.

28. It is considered that the size of the site allows for subdivision that would allow the erection of two dwellings within plots that would not be out of character with the street. Plot 1 would be in excess of 20 metres in width and 25 metres in depth. Plot 2 would be narrower in width at 16 metres. No. 2 Hammond Close has a width of 25 metres but a very similar depth to the application site. The width of plot 2 is comparable with those of properties 7-9 Hammond Close.

29. The proposed properties would be set behind the building line of 2 Hammond Close to the south west. This is considered not to be detrimental to the character

this part of the conservation area however because of the variation in the building lines of the cul-de-sac. Whilst the proposal would result in the intensification of development on the site, it would be accessed from the existing cul-de-sac and the properties would be orientated so that they face Hammond Close. Whilst located to the rear of the properties on Brewery Lane, the orientation of the properties and the layout of the plots ensure that the scheme would relate to the cul-de-sac with its varied plot forms as opposed to the long narrow plots that front onto Brewery Lane.

30. In relation to the character of the wider conservation area, High Street and Brewery Road are characterised by properties positioned in relatively uniform lines and towards the front of the plots. As a cul-de-sac leading off Brewery Road, Hammond Close is clearly in contrast to this pattern. Given that the site is associated with and accessed from Hammond Close, it is considered that the development of the site would not be harmful to the established character of the conservation area.

31. Residential amenity

The proposed dwelling at plot 2 would be set behind the rear elevation of no.2 Hammond Close to the south west. The separation distance from the rear elevation of no. 2 to the proposed dwelling at plot 2 would be approximately 10 metres at the shortest point. Given the oblique relationship between the properties and the fact that the only window at first floor level in the proposed dwelling would serve a bathroom (to be obscurely glazed by condition), it is considered that unreasonable overlooking into the rear of the neighbouring property would be avoided. This separation distance is also considered sufficient to prevent unreasonable overshadowing of that property.

32. The applicant has confirmed that the large window on the gable of no. 3 Hammond Close serves a landing area and the upper level window serves loft space as opposed to a habitable room. Given this situation, it is considered that the 15 metre separation between the front elevation of plot 1 and the gable of the neighbouring property would mitigate unreasonable overlooking into or overshadowing of the neighbouring property.

33. The location of the proposed garage serving plot 2 of the scheme would be close to the boundary with no.2 Hammond Close. The development would be single storey and would not harm the residential amenity of that property given the separation distance to be retained to the corresponding gable (approximately 6.5 metres).

34. The corresponding gables of the two proposed properties (south west of plot 1, north east of plot 2) would be blank ensuring that no unreasonable overlooking could occur between the two properties and the proposed layout would avoid unreasonable overshadowing.

35. Highway safety

The applicant has provided a plan showing visibility splays of 22 metres at 2.4 metres back from the edge of the highway. Given that the site is located at the top end of a cul-de-sac, it is considered that there will be sufficient visibility from the access, a view supported by the Highway Authority. Conditions relating to the levels of the access to prevent water drainage onto the highway, requiring the driveway to be constructed in a bound material and the management of construction traffic can all be controlled by condition.

36. Trees

The proposal would retain the majority of trees on the site and the property at plot 1 would retain sufficient separation to the trees on the northern boundary of the site. The Tree Officer has raised no objections to the proposals subject to conditions relating to the protection of the trees to be retained.

37. Other matters

Comments have been raised by neighbours with regard to drainage capacity. The applicant has indicated that the proposed dwellings would be connected to the existing mains sewer network. Neither the District Council Environmental Health Officer nor Anglian Water have raised any objections to the scheme in this regard. It is therefore considered that refusal of planning permission on these grounds could not be substantiated.

38. Conclusion

It is considered that two detached dwellings can be adequately accommodated on the site and the layout and detailed design of the proposal ensures that the scheme would not harm the character of the conservation area or the residential amenity of neighbouring properties. The Highway Authority is satisfied that the proposal would not result in harm to highway safety.

39. The lack of affordable housing provision, whilst 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.

40. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF

41. Recommendation

Delegated authority for officers to approve subject to prior completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees (if the conclusion of legal advice is that this is still required), subject to the following conditions –

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the approved plans.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before the occupation of either of the dwellings, in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

4. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted and approved.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No demolition, site clearance or building operations shall commence until tree protection measures have been put in place. Replacement of damaged/dying trees required.
(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.)
6. Access and parking provision to be laid out as indicated on the approved plans prior to the first occupation of either of the dwellings.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
7. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. Details of the materials to be used to surface the new access and measures to ensure that surface water does not drain onto the highway shall be submitted and approved before development commences
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. A method statement relating to the management of traffic during the construction process shall be submitted and approved.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
11. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

12. The proposed first floor window in the south western side elevation of the proposed dwelling at plot 2 of the development hereby permitted, shall be fitted and permanently glazed with obscure glass.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scambs.gov.uk/localplan>

Report Author: David Thompson – Senior Planning Officer
Telephone: (01954) 713250