

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 July 2015

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0565/15/FL
Parish:	Great Chishill
Proposal:	Erection of a new single storey dwelling and garage to the rear of 6 New Road
Site address:	6 New Road, Great Chishill
Applicant(s):	Mr Martin Lane
Recommendation:	Approval
Key material considerations:	Principle Impact on surrounding area Neighbour amenity Access
Committee Site Visit:	30 June 2015
Departure Application:	No
Presenting Officer:	John Koch
Application brought to Committee because:	The recommendation of the Parish Council conflicts with that of Planning Officers
Date by which decision due:	7 July 2015 (extension of time agreed)

Planning History

1. PRE/0218/14 – Proposed Dwelling - Pre-application advice provided
S/0588/05/F – Conservatory and 3m high fence - Refused
S/2270/04/F Conservatory - Refused
S/0671/04/F – Conservatory - Approved
S/1818/03/F – Porch - Approved

Planning Policies

2. **National Planning Policy Framework 2012**
3. **Core Strategy Development Document (adopted January 2007)**
ST/7 Infill Villages

4. **Local Development Framework Development Control Policies (adopted July 2007)**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
TR/2 Car and Cycle Parking Standards
CH/5 Conservation Areas
NE/6 Biodiversity
5. **Local Development Framework Supplementary Planning Documents**
District Design Guide SPD (Adopted March 2010)
Trees and Development Sites SPD (Jan 2009)
6. **Proposed Submission Local Plan (July 2013)**

CC/4 Sustainable Design and Construction
HQ/1 Design Principles
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
TI/3 Parking Provision
NH/4 Biodiversity
NH/14 Heritage Assets

Consultations

7. **Great Chishill Parish Council** – (The application as originally submitted).
The PC does not object in principle to a development, on this particular site, which is proposed outside the village envelope. In our 2013 submission to the South Cambs Local Plan, after full village consultation, we wished the envelope to be retained, but not to be immutable.
8. As an in-fill village very limited development should be allowed, if it conforms to all relevant guidelines. (We do not believe that the fact that the SC Local Plan is in technical abeyance should offset these principles)
9. The PC does, however, have substantial reservations about this application, viz.
 - (i) We consider the building to be too large. In our submission to the Local Plan we expressed a strong preference for 2/3 bedroom builds, more affordable for younger entrants, or significant downsizing.
 - (ii) The proposal is not sensitive to the nearby properties in Heydon Road, or to the open vista currently enjoyed in this part of Gt Chishill
 - (iii) The proposed building appears unnecessarily close to the boundary of 29 Heydon Road
 - (iv) Given the sloping nature of the site, the quoted ridge elevations do not clearly present the visual impact of the development. To properly ascertain the impact to the site, further submissions including elevation diagram's, contour drawings and more 3D information would need to be submitted to see how the dwelling would fit into the landscape

10. May we also refer you to previous applications/appeals on this site S/0995/78/0 (1978) and S/0867/88/0 (1988).
11. **Great Chishill Parish Council** – (The application as amended)
- (i) In the context of the Parish Council's previous comments the reduction from four bedrooms to three is acknowledged, but remains to be convinced that the proposal, with the footprint of about 9% less than the original, fits the objective and benefits of reasonable affordability.
 - (ii) Our previous comments / concerns (submitted April 6 2015), relating to the sensitivity to Heydon Road properties, the open vista and the close proximity to 29 Heydon Road still stand.
 - (iii) The lack of elevation diagrams, contour drawings, etc, do not appear to have been addressed. We cannot make an informed decision without seeing these.
12. **Local Highway Authority** – Requested plan of site access to be submitted. No objection provided the development would be connected to the public highway in a satisfactory way. Additional plans were submitted showing visibility splays of 2.4m by 43m for both site accesses. The Local Highway Authority has not commented on these.
13. The Highway Authority also request conditions in respect of private water which should not drain over the highway; surface to be bound material; submission of a Construction Management Plan and an informative over works to the highway needing LHA permission.
14. **Environmental Health Officer (Communities Team)** – No objections. Request conditions over the following: hours of operation for construction machinery/plant; no burning of waste; construction method required for pile driving and an informative over minimising disturbance to neighbours.
15. **Trees Officer** – The site contains no protected trees and is just outside the Conservation Area. The ash tree in neighbouring garden (29 Heydon Rd) is in poor condition. The proposal would encroach into root protection zone of this tree. Recommends a condition to ensure tree root protection is erected in accordance with the submitted arboricultural report and tree protection plan. The street tree on the site frontage would be removed to make way for the new site access. This part of the site is within the Conservation Area and the tree should be replaced and recommend a deciduous fastigiate tree to replace it.

Representations

16. Three responses (in response to the initial application) have been received from the occupiers of no 14 New Road, from Ickleton Consultancy on behalf of 14 New Road and from no 29 Heydon Road. The objections raised can be summarised as follows:
- (i) Development beyond the Village Development Framework is not acceptable

- (ii) Absence of 5-year housing supply is not a reason to allow development in an unsustainable location.
- (iii) Planting on boundary to 14 New Road must be retained to protect privacy. Proposed 2m high fence on this boundary would allow overlooking. The main windows face No 14 New Road's property.
- (iv) Disproportionate size and height of dwelling and overbearing impact on No 14.
- (v) Absence of site section makes impact of building hard to assess
- (vi) Overlooking of and proximity to 29 Heydon Road
- (vii) Damage to ash tree in Conservation Area
- (viii) Loss of views (not a material planning consideration)
- (ix) Adverse impact on street vista from New Road

Site and Proposal

- 17. The site comprises part of the large rear garden of no 6 New Road. It lies outside, but abuts, the adopted village framework boundary. It also lies outside, but abuts a small part of, the village conservation area.
- 18. As amended, the application seeks full planning permission for a single-storey dwelling comprising three bedrooms (reduced from four bedrooms). The house is in the form of two linear blocks connected by a small link building. A single garage is positioned between the new house and the revised rear garden boundary of no. 6. A new access is to be provided between nos. 4 and 6 New Road. This also involves alteration of the existing access to no. 6. Both properties would have their own parking and turning areas.

Planning Comments

- 19. The main issues in this application are:
 - Principle of development and housing need
 - Impact on surrounding area
 - Impact on neighbour amenity
 - Access

Principle of Development

- 20. The NPPF advises 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. The proposed dwelling is located outside the village framework and in the countryside for planning policy purposes. The erection of a dwelling would therefore normally be considered unacceptable having regard to policy DP/7. However, this policy is considered out of date due to the current lack of a five year supply of housing.

21. Great Chishill is identified as an Infill Village where Policy ST/7 of the LDF Core Strategy allows for residential development in the village framework of not more than 2 dwellings. The site lies in the elbow of existing development along New Road and Heydon Road and abuts the framework on two sides. As such has a generally good relationship to the village framework boundary. While the village lacks day-to-day services and facilities and has only a very limited bus service, officers note that the parish council does not object in principle.
22. While the parish council's concerns are noted, Local Plan policies do not allow the local planning authority to prescribe the bedroom size of an individual property.

Impact on surrounding area

23. The application site is tucked in the elbow of the junction of New Road with Heydon Road behind the houses along the street frontages. New Road has a well-defined frontage with properties a similar distance from and fronting the public highway from where vehicle access is provided. There is an exception to this at No 14 which is set back about 60m from the road (and which lies outside the framework boundary). The proposed dwelling in the rear garden of no 6 would be 58m back from the road and would not materially detract from the character or appearance of the area. There would also be no impact on the adjoining conservation area.
24. The site is host to several trees which were not covered by TPOs or within a Conservation Area. A small group of trees within the site (nos 96, 97, 98 and 100 in the Arboricultural Survey) would be removed to clear the footprint area of the proposed house. The submitted Arboricultural Survey states that the remainder of the trees be fenced off and protected in accordance with BS5837:2012 Trees.
25. The acceptability of the proposal depends upon the retention and protection of the trees and shrubs on the side boundaries of the site. Their root protection zones would need to be protected during construction of the proposed house to prevent builders' materials from being stored over them and potentially damaging them.
26. Protective fencing is shown for the trees on the boundary with No 14 on the submitted Tree Constraints Plan and adequate fencing is proposed in Section 4 of the Arboricultural survey. For the avoidance of doubt this can be secured by a condition. It is also considered that protective fencing should be placed around the trees and shrubs on the south-eastern boundary and details to this effect shall be required by condition.
27. The vehicle access would be altered to provide separate accesses for No 6 and the new property. This would involve the removal of two conifers which are on the street frontage and within the Conservation Area. Suitable replacements will be required to preserve and enhance the character and appearance of the Conservation Area. The Tree Officer has recommended that a tree with a narrow canopy habit be planted to replace it e.g. Dawn Redwood (*Metasequoia*) or a Fastigate Oak. Details of the species and positions can be required by condition.

28. The proposed design would be in keeping with the predominantly single storey style of housing in the road. The house would have two parallel ridged roofs separated by a lower flat-roofed entrance lobby. The building would be 17.5m long and 13.5 at its deepest part. It would be oriented to extend parallel to the south-eastern boundary and be located 5m from it. (The amended scheme has a reduced depth and is 2m further from the boundary than the original submission). The ridge height would be about the same as the house at No 6 on the adjacent site to the south.
29. The single storey double garage would be positioned on the south-eastern side of the proposed house. It would be positioned behind the existing house and set in 1m from the rear boundary of No 6 New Road. It would be set back 45m from the site frontage and would not be visible from the street.
30. Materials for the external walls of the house would be a combination of render, brick and timber cladding. It is not clear which materials would be used where on the building. However, the existing house is brick, no 14 is brick and timber and no 29 is render. The materials are, in principle, appropriate in this location. Samples and details of colours can be required by condition. The roof would be covered in clay pantiles. The colour and texture of the tiles should also be agreed before construction. The window and door frames would be hardwood timber.
31. A 2m high timber fence would mark the boundary between the gardens of the existing house at No 6 and the proposed house. Along the north west, north east and southeast boundaries the existing planting and fencing would be retained. The drive would be finished with brick weave paving.

Impact on Neighbouring Residential Amenity

32. Given the positioning of the proposed house 27m to the north east of the existing house on the site the proposal would not cause loss of day or sunlight or appear overbearing to that property.
33. The proposed dwelling would have two windows at ground floor in the flank wall facing the boundary with no 29 Heydon Road. These would be bathroom windows. However they would be only 5m from the boundary with No 29 and face onto the boundary planting. The boundary planting provides screening at present but trees and shrubs can become diseased and die back so a condition should be applied requiring obscure glazing in these windows.
34. The part of the dwelling nearest to no. 29 has an eaves height of 2.6m and a relatively low ridge height of just 4.7m. No 29 has an expansive garden and despite the proximity of the new house to the common boundary with no. 29, the scale of the building is acceptable.
35. The elevation facing the boundary with no 14 would contain four windows and a door. These openings would be 50m from the house at No 14 and 20m from the boundary with no 14's garden. To prevent possible overlooking between these windows and the garden at no 14 the planting on the boundary with no 14 (which is currently a mixture of deciduous and coniferous trees and shrubs between 2m and 4m in height) should be retained and enhanced. For the avoidance of doubt this should be required by condition. This should also

prevent overlooking from any private seating area that may be located outside the lounge windows in the future.

36. It is considered that any windows in the roof would be required, by the current General Permitted Development Order to be the subject of a planning application unless they are obscure glazed and fixed to a height of 1.7m above the internal floor level at first floor. These regulations adequately ensure the maintenance of privacy to the neighbouring gardens on both sides of the proposed dwelling.

Access

37. There would be two on-site spaces within the double garage. The proposed site layout would allow further space for visitor parking when needed. The site layout would also accommodate a turning area. Plans No PL.06 and PL.07 show visibility splays for the site access from both No 6 and the new property of 2.4m x 132m.
38. The other conditions requested by the local highway authority are necessary in the interests of highway safety

Other Matters

39. The parish council has referred to two appeal decisions. In 1978 an appeal for one dwelling was dismissed on the grounds of backland development beyond the built-up part of the village, precedent and impact of the proposed access on 6 New Road. In 1988, an appeal for two dwellings was dismissed on the grounds of harmful backland development and access difficulties. Given that Policy DP/7 is out of date, the lack of an up-to-date five year housing land supply, the lack of any substantial identified harm and the parish council's lack of objection in principle, these decisions are now considered to carry only limited weight.
40. Development Plan policies state that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of Infrastructure necessary to make the scheme acceptable in planning terms. Contributions towards open space, sport and recreation facilities, indoor community facilities and waste receptacles have been identified. Such provision cannot be made on site and can therefore only be provided by way of financial contributions.
41. National Planning Practice Guidance seeks to remove the disproportionate burden of developer contributions on small scale developers. It advises that tariff style contributions should not be sought for sites of 10 units or less, and which have a maximum combined gross floor space of 1000 square metres. The development falls within this threshold. No request for such provision is therefore sought.

Conclusion

42. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits and it is recommended that planning permission should be granted in this instance.

Recommendation

43 Approval, subject to the following:

Conditions

- (a) **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.)
- (b) **The development hereby permitted shall be carried out in accordance with the following approved plans: Tree Constraints Plan 01; PL.01 Rev B (Proposed Site Plan); PL.02 Rev B (Proposed Floor Plan); PL.03 Rev B (Proposed Elevations); PL.04 (Proposed Garage Plan and Elevations); PL.05 Rev A (Proposed Location Plan); PL.06 (Visibility Splay for Proposed Dwelling); PL.07 (Visibility Splay - Option 1) and Arboricultural Survey (January 2015).**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) **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 to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (d) **No development shall take place until full details of a planting scheme to enhance the planting on the north west boundary of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (e) **No demolition, site clearance or building operations shall commence until tree protection in accordance with the details in Section 4 of the submitted and approved Arboricultural Survey comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees as shown on Tree Constraints Plan 01 and around the trees on the south eastern boundary to be retained on site at a distance agreed with the Local Planning Authority following BS 5837. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course**

of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with 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.)

- (f) **No development shall take place until full details of the position and species of a replacement tree (either Dawn Redwood, Fastigiate Oak or similar) for the conifer on the site frontage on New Road have been submitted to and approved in writing by the Local Planning Authority. The details shall also include specification of species, density and size of stock.**

(Reason - To ensure the development is satisfactorily assimilated into the area, enhances the appearance of the Conservation Area and enhances biodiversity in accordance with Policies DP/2, CH/5 and NE/6 of the adopted Local Development Framework 2007.)

- (g) **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

- (h) **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. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**

(Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to the water environment in accordance with Policies DP/1 and NE/10 of the adopted Local Development Framework 2007.)

- (i) **The proposed driveway shall be constructed using a bound material to prevent debris spreading onto the adopted public highway and with falls and levels such that no private water from the site drains across or onto the adopted public highway**

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework)

- (j) **Apart from any top hung vent, the proposed bathroom windows in the south east side elevation of the building, hereby permitted, shall be fixed shut 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.)
- (k) **No demolition or construction works shall commence until a traffic management plan has been agreed with the Local Planning Authority covering the following aspects:**
 - (i) movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - (ii) for both phases contractor parking shall be within the curtilage of the site and not on street
 - (iii) movements and control of all deliveries should be undertaken off the adopted public highway
 - (iv) control of dust, mud and debris (please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway).

(Reason - In the interests of highway safety further to Policy DP/3 of the Local Development Framework Development Control Policy Document (adopted July 2007).
- (l) **No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturdays and not at any time on Sundays or Bank or Public Holidays.**
(Reason - To prevent undue noise and disturbance for the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

- (i) All conditions must be formally discharged in writing prior to works being undertaken. Any items not formally discharged could be the subject of further action and may constitute unauthorised works. The Local Planning Authority will not accept discharging conditions after the works have been completed.
- (ii) The granting of planning permission does not constitute a permission or licence to a developer to carry out works within or disturbance of or interference with the public highway and separate permission must be sought from the Highway Authority for any such works.
- (iii) Should driven pile foundations be proposed then before works commence a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

- (iv) Precautions should be taken to minimise the potential for disturbance to the neighbouring residents in terms of noise and dust during the construction phases of development. The granting of planning permission does not indemnify against statutory nuisance action being taken should be substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.

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 and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File Reference: S/0565/15/OL

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