

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 September 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/0303/15/FL

Parish(es): Harston

Proposal: Erection of a dwelling

Site address: 2 High Street, Harston Cambridge

Applicant(s): Hawthorn Leisure Ltd

Recommendation: Approve

Key material considerations: Principle of development
Density
Character and appearance of the Area
Neighbour amenity
Highway safety and parking provision
Trees and landscape

Committee Site Visit: 1 September 2015

Departure Application: No

Presenting Officer: Susan Heinrich

Application brought to Committee because: The view of the Parish Council is contrary to that of officers

Date by which decision due: 8 April 2015

Planning History

1. No relevant planning history

Planning Policies

2. **National Planning Policy**
National Planning Policy Framework - March 2012 (NPPG)
National Planning Practice Guidance - 2014 (NPPG)
3. **Local Development Framework (LDF) Core Strategy 2007**
ST/3: Re-Using previously developed Land & Buildings
ST/6 Group Villages

4. **Local Development Framework Development (LDF) Control Policies 2007**

DP/1: Sustainable Development
DP/2: Design of New Development
DP/3 Development Criteria
DP/7: Development Frameworks
HG/1: Housing Density
CH/6: Protected Village Amenity Area
TR/2 Car and Cycle Parking Standards

5. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**

District Design Guide - adopted March 2010
Landscape in New Developments - adopted 2 March 2010
Trees & Development Sites - adopted 15 January 2009

6. **Proposed Local Plan July 2013**

S/7 Development Frameworks
S/10 Group Villages
HQ/1 Design Principles
SC/3 Protection of Village Services and Facilities
NH/11 Protected Village Amenity Area
TI/3 Parking Provision

Consultations

7. **Parish Council** - Recommend refusal and have attached an email from the Headteacher of the Harston and Newton Community Primary School which is adjacent to the site. The email states that there are a number of concerns regarding the proposed building.
- There are plans to install a crossing just at the entrance to the proposed house. This may make it difficult for the children to safely use the crossing and for the owner to get in and out. I feel that there needs to be consideration of this
 - The school staff and parents unofficially use the Pemberton Arms car park. I am concerned that the congestion and parking outside the school will increase and this may create a greater danger to the children coming into school via Station Road. This is a large group of children who come from Button End and along the Royston Road
 - It is great shame that the proposal is to build a large home which will be to buy and will not be affordable to the local community. Staffing is a constant concern for schools in the area and this will not help alleviate this.
8. The Chair of the parish council has also requested that this application is put back to the October meeting of the Planning Committee. Harston Parish Council's next meeting, which is open to the public, is not until 3 September. A parish council has a requirement to discuss a planning application at a public meeting, with all of the relevant documentation at hand. That has not happened because it did not receive a Highways' report in time for a discussion any earlier.
9. **Local Highway Authority (LHA)** - Originally recommended refusal due to insufficient traffic information in relation to the satisfactory functioning of the highway and unacceptable car park survey. They offered to further consider this proposal if more appropriate data was provided in more representative months. Having subsequently received this information the Highway Authority removed their objection and requested a number of conditions concerning pedestrian visibility splays for highway

safety purposes; the drive ways falls and levels avoid water from the site draining across or onto the adopted public highway; that the existing access to the site is closed and the highway verge shall be reinstated in accordance with an agreed scheme; that sufficient parking space is provided; and that no demolition or construction works starts on site until a traffic management plan has been agreed.

10. **Trees Officer** - Has no objection subject to the trees being protected in line with the measures in the submitted report. Wishes to see conditions in relation to tree protection measures are carried out before delivery of plant, materials and start of scheme and that these are kept in place until most of the development has been completed.

Representations

11. No 2a High Street – Supports the proposal in principle, but has concerns regarding overlooking causing lack of privacy. They make reference to the District Design Guide SPD and highlight that *“All the windows are between 26.7m and 31.8m from our house, at the mid-point of the window. One is a bathroom window and we assume this will have obscured glass”* (which is correct). They also raise the issue of the angle of the windows with two facing the bottom of their garden (from the north east elevation) with an angle of about *“63 degrees from the perpendicular towards our house”* which *“will directly overlook our garden only 14.7m away”*. Also a third window facing west from towards their lounge window at *“25 degrees from the perpendicular”* which will have *“direct line of sight into our house”*. They would like this window removed or, moved to the east side of the house or glazed.

Planning comments

Site and surrounding area.

12. This site is located within the village framework of Harston, as defined on the proposals map (Inset No 49) and is classified as a Group Village under Policy ST/6. The site lies near the south edge of the village framework with residential properties lying to the north and south, a public house (Pemberton Arms) to the north west and on the east side, a school playing field. This has a 1m high wire fence and a small number of trees and shrubs lying along the boundary between them. It also situated to the west side of the local Protected Village Amenity Area (Policy CH/6) which covers the grounds of the school. This policy does not allow development if it has a negative impact on the village environment. Given the uses surrounding this site, this proposed development does not have such an impact.

Proposed Scheme

13. The proposal would involve demolishing the existing garage and greenhouse and erecting a four bedroomed two storey dwelling (7.6 metres high) on the south east side of the public house car park. The proposed design of the development involves a double gable roof with a rear extension on the north east side, which also has a double gable roof, and on the north west side a chimney. There are parking spaces for two cars on site which include space for turning.

Principle of development

14. The existing site is currently used as the part of the car park for the public house and any development on this site would be considered as re-using previously developed

land & buildings under policy ST/3, which encourages the use of previously used land and buildings.

15. 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. Additionally the Development Plan (Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007) identifies Harston as a Group Village where the construction of a single residential dwelling within the village framework will be supported. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. Where relevant policies are out of date, planning permission should be granted for development unless the *“adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole”*, or where *“specific policies in the NPPF indicate development should be restricted”*.
16. The proposed development would have been acceptable in principle having regard to adopted LDF and emerging Local Plan policies, had policies ST/6 and DP/7 not become out of date as a consequence of the Council not currently being able to demonstrate a five-year supply of deliverable housing sites.
17. The proposed site measures approximately 0.0578 hectares in area, which equals a density of just over 17.5 dwellings per hectare. Although this is below the required average level of at least 30 dwellings per hectare, Policy HG/1 Housing Density allows for *“exceptional local circumstances”*. As the site is within a rural setting that has larger dwellings located in larger plots in this area, the proposal is acceptable in terms of density. Despite the local concerns there is no objection in policy terms to a large dwelling which may be costly to buy as housing mix and affordable housing policies do not apply to single dwelling sites.

Impact on the Character and Appearance of the Area

18. The front of the proposed dwelling faces south west and has the front door located in the middle of the property with vertically aligned windows, which is similar to the front of the adjacent public house, which would be the nearest building. The proposed roof is a natural slate tile and the external finish on the walls a cream render, which is also similar to adjacent public house.
19. Policy DP/2 on the Design of all New Development requires proposals to be of a suitable size and type for the area as well as a high quality, meeting a number of design standards, as well as preserving or enhancing the character of the local area. In terms of its design, appearance and proportions, the proposed dwelling is in keeping with the character and appearance of dwellings in the area and as a result would not be excessively outstanding in the street scene views or cause substantial harm.

Neighbourhood Amenity

20. On the north east rear elevation, the proposed dwelling has three windows at both ground floor and first floor levels, which overlook the rear gardens of those dwellings on the High Street. On the north west side elevation there is one window on the ground floor and one on the first and on the side south west elevation there is just one window on the ground floor.

21. To the north east of the site lies 2a High Street and the neighbour has raised concerns regarding overlooking causing a lack of privacy both into their rear garden and house. However, as they confirm in their comments, the minimum distance identified under the District Design Guide SPD between the proposed windows is achieved.
22. In relation to the wider angle they make reference to, although the 45 degree angle would be obstructed, this is not considered to harm the amenities of the property due to the distance the new dwelling is from the property. Also with the narrower angle, again due to the distance the window is from the property, this is not considered to unacceptable harm their amenity.
23. On the north east side elevation, the first floor windows of the proposed dwelling will be over 25 metres away and on the side south west elevation there are no first floor windows. Neither of these would cause any overlooking issues.
24. Also with regards to the potential issue of noise from the public house, this is not considered to be an issue as there are a number of properties in the High Street that are closer to the public house. None of the neighbours have raised this as an issue.
25. There is also a potential issue with noise from the cars using the car park. However, as the car park is being reduced in size, this issue is likely to decline. In addition to this, the buffer between the car park and 2a High Street is being increased in depth (approx. 3.5 metres) on the eastern end. Although the north east side elevation of the proposed dwelling will only be less than a metre from the car park, it will have a 1.8 metre high boundary fence.
26. In light of the above, the proposed dwelling does not have an unacceptable adverse impact on the residential amenity, such as loss of privacy or light, on the neighbouring properties nor from undue environmental nuisance such as noise. It therefore complies with Policy DP/3.

Highway Safety and parking provision

27. The Local Highway Authority has removed their original objection. They also recommend a number of conditions which have should be imposed in the interests of highway safety in the event that the application is approved.
28. The existing vehicular access into the whole site will be reduced and limited to two distinct exits; one from the car park and one from the proposed dwelling. The amount of parking on site will be reduced from 31 to 17, with two of these being for the proposed dwelling. This meets the requirement of Policy TR/2 on Car and Cycle Parking Standards, where an average of 1.5 spaces per dwelling with a maximum of 2 spaces per 3 or more bedrooms in poorly accessible areas such as village locations, so is also acceptable.
29. In terms of the public house, the current 31 car parking spaces provided is the maximum required for a public house of this size under Policy TR/2, but the proposed scheme will reduce this to 15 spaces. From the additional Technical Note produced by the agent in responding to the original objections made by the Highways Authority, this confirms that the car park is used more often during the school pick up time rather than for the use of the public house for which it was originally intended. Therefore the reduction of the size of the car park should not have an impact on the operation of the public house.

30. Parents unofficially use the Pemberton Arms car park and without this facility, the parish council and local Headteacher consider it will cause increased congestion and parking outside the school. This in turn may cause a greater danger to the children coming into school. Critically, however, the car park is only used on an unofficial basis and the arrangement could be terminated at any time. As such, it is difficult to see how the loss of this facility could be sufficient to warrant refusal, even if it could be shown that the loss of this parking would adversely affect highway safety. Likewise the concern about the impact the proposed development will have on the (yet to be constructed new) school crossing cannot be given weight at the present time. Significantly, the LHA has raised no objection in this regard.

Trees and Landscape

31. The arboricultural assessment recorded no trees of high or moderate quality and only ones of low quality, and of these, only two are proposed to be removed. As recommended by the Trees Officer, conditions regarding protection measures for the remaining trees can be imposed.
32. Policy DP/1 on: Sustainable Development aims for development proposals to preserve, if not improve local landscape character and as no important trees will be lost, this proposal is considered acceptable in terms of landscaping. A condition will also be recommended to ensure details of hard and soft landscaping are submitted and implemented.

Other Matters

33. The parish council has referred to a highway's report (paragraph 8 above) which it feels it did not receive earlier enough as part of the consultation process. This is not a technical report as such, but instead comprises the LHA's formal consultation response to further information. The response essentially confirms its lack of objection and lists the conditions it would wish to see imposed if permission is granted. In the circumstances, officers do not feel that the parish council is prejudiced in any way, particularly as its objections have been made clear and it has the opportunity to be represented at the Committee meeting.

Conclusion

34. Any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits when assessed against the material considerations set out in this report, and the proposed development remains acceptable. As such it is recommended that permission be granted.

Recommendation

35. Approve subject to:

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: 14.2039.100, 14.2039.101, 14.2039.102, and 14.2039.103**
(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 dwelling, 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 LDF 2007.)
- (d) **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the rear elevation of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted LDF 2007.)
- (e) **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 measured from and along respectively the highway boundary.**
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted LDF2007)
- (f) **The new vehicular accesses and parking areas to the existing dwelling (known as No.2 High Street, Harston) shall be constructed of a bound surface materials and provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.**
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted LDF 2007.)
- (g) **The existing access to 72 South End shall be permanently and effectively closed and the highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority within 28 days of the bringing into use of the new access.**
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted LDF 2007.).
- (h) **The proposed access and turning area shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such in accordance with the approved plans**
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted LDF 2007.)
- (i) **No demolition or construction works shall commence on site until a**

traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas to be addressed are:

- i. **Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)**
- ii. **Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.**
- iii. **Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)**
- iv. **Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.**

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted LDF 2007.)

- (j) **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also 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 LDF 2007.)

- (k) **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 LDF 2007.)

- (l) **No demolition, site clearance or building operations shall commence until tree protection 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 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 LDF 2007.)

- (m) **During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.**
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted LDF 2007.)

Informatives

- a) The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works. Please note that the use of permeable paving within the adopted public highway is not acceptable to the Highway Authority.

Background Papers:

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.

- National Planning Policy Framework (March 2011)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
<https://www.scambs.gov.uk/content/core-strategy-dpd>
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
<https://www.scambs.gov.uk/content/development-control-policies-dpd>
- Planning File Ref: S/1399/15

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