

Delegation Report

S/1298/11

Land South-West of 50, Greengage Rise, Melbourn, SG8 6DS

Erection of 3 new dwellings, associated access, parking and landscaping

SITE AND SURROUNDINGS

Erection of Three Dwellings with associated Access, Car Parking and Landscaping.

The proposal is for 3 new houses on land to the south west of 50 Greengage Rise and to the East of 60 Greengage Rise, Melbourn.

The proposal is to provide vehicular access by demolishing the existing garage serving 50, Greengage Rise, which increases the width of an existing footpath into this area.

The proposed mix of accommodation is 1x two bedroom, 1x three bedroom and 1x four bedroom houses.

Car parking is provided by way of garages serving Plots 2 and 3, with plot 1 benefitting from two spaces along its northwest elevation.

A replacement garage for 50 Greengage Rise is also included.

Each of the proposed dwellings has a rear private garden.

SITE AND SURROUNDINGS

The site falls within the Melbourn Development Framework.

It is an area of open space, which is predominantly grassed, with some trees within the central area and rear boundary. These are mainly fruit trees.

It was an area originally set aside as a play area when Greengage Rise was developed in the 1970s. It was never formally secured as such and though it is used for informal recreation. The applicant has confirmed that the site is in private ownership, being partially under Wimpey's ownership and No 50 Greengage Rise.

SITE HISTORY

S/0572/74/O – Residential development – Refused, appeal allowed.

S/1782/75/D – Residential Development (Details) – Refused

S/0318/76/D – Residential Development (Details) – Approved

S/1396/09/F – Development of Five Dwellings – Withdrawn

S/0279/10/F – Development of Five Dwellings – Refused

Following a review of the files, the history of the use of the site is that when this development was built, it was originally intended to be a play area.

Condition 4 of the planning permission for this development (LPA Ref: S/0318/76) sought that this area should be conveyed to the Council. This was a reserved matters decision following the outline consent. The condition was questioned, as it was not included in the original outline consent. There is further correspondence from 1976 from SCDC, stating that Condition 4 regarding the maintenance of the open space should not have been imposed. There is no evidence to suggest that the land was formally secured as a play area with the Local Planning Authority or any other body.

The condition was later withdrawn from the consent and therefore other than the layout plan that shows this area as play space there is nothing that legally binds the owners of the land to keep it as such. It is unclear whether the land was ever offered to the Parish Council.

In 1982, there is a letter from the Council, which states that the land is not appropriate for the development of two semi detached houses and is not necessary as a play area, suggesting that it should be conveyed to the neighbouring dwellings.

In November 2010 there was correspondence between the Parish Council and the land owner where the Parish Council have enquired whether the owner would be able to pass over the responsibility of the area at Greengage Rise. A response letter received from Taylor Wimpey dated 28th November 2010 advised that Taylor Wimpey were undecided about the future of the land though they would refer to the PC if they were looking to dispose of it.

POLICIES

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/3 Affordable Housing
SF/9 Protection of Existing Recreation Areas
SF/10 Outdoor Playspace and New Developments
SF/11 Open Space Standards
NE/1 Energy Efficiency
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
Biodiversity SPD - Adopted July 2009
Landscape in New Developments SPD – Adopted January 2009
District Design Guide SPD – Adopted March 2010
Affordable Housing SPD – Adopted January 2009

CONSULTATIONS

Melbourn Parish Council – recommends refusal for the following reasons:

- Site has been used as a play area for many years. Other playspace is approx 0.5 miles away and across a major road
- Unsafe access

- Poor parking provision for existing and proposed units
- No visitor parking available
- Refuse collection problems
- Infilling considered unacceptable in current environment

Local Highway Authority – recommend refusal of the application in its current format on the grounds of highway safety. No inter vehicles visibility splays have been provided either side of the junction of the vehicular access with the public highway. Although the access has good inter vehicles visibility to its right as a vehicle exits, the visibility to the left is constrained by a 1.8m high wall. The lack of suitable inter vehicle visibility splays creates an unnecessarily high risk for users of the footway from egressing vehicles. It is not possible to provide a 2m x 2m pedestrian visibility splay to the right hand side of the access as a vehicle exits. As this will be the main access point for pedestrians of the proposed development this presents a hazard that should be designed out.

The width of the proposed access at 4.5m is barely sufficient to enable two domestic cars to pass. This has the potential to lead to unnecessary manoeuvring on the adopted public highway.

The proposed bin stores are at a significant distance from the residential properties; this has the potential to encourage bins to be left on the adopted public highway, which represents a detriment to highway safety for many disabled groups

The swept path analysis provided by the applicant highlights the constrained nature of the site and the potential for internal vehicle to vehicle and vehicle to pedestrian conflicts.

The proposed car parking for plot one appears very constrained, with little or no space to open car doors, this has the potential to lead to irregular parking within the development, which in turn will only increase the constrained nature of the manoeuvring space.

Environmental Health (Contaminated Land) –No information to give rise to concerns relating to a potential contamination. No objections

Environmental Health (Noise) – No objections – general advice given with regard to burning of files, pile driven foundations and hours of operation during construction

Archaeology – Our records indicate that the site lies in an area of high archaeological potential. Investigations to the south of the site have revealed evidence of prehistoric activity (Historic Environment Record No's 15948, 16489) and Bronze Age burial mounds are known in the vicinity (HER No 03166). A Saxon cemetery is also known to the west of the site (HER No 15238), its extent in the direction of the current application area is unknown. It is suspected that remains from this period onwards will be found within the bounds of the new application area.

We therefore consider that the site should be subject to a programme of archaeological investigation and recommend that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a negative condition such as the model condition 'number 55' contained in DoE Planning Circular 11/95:

No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has

been submitted by the applicant and approved in writing by the local planning authority.

Environment Agency - no comments received.

Cambridgeshire County Council - (Education and LLL S106 requirements) – Do not normally seek on less than 4 dwellings for SCDC. No objections.

Trees – The trees on site contribute to the immediate area but not the wider street scene, it would be a shame to see this area of open space developed however the trees are not worthy of a TPO - trees to be retained to be protected - No objection

Landscape – Objects – Full comments are on file.

This little space exactly performs the function of a LAP, which are unequipped spaces where children can enjoy informal imaginative play and are effectively outside or very close to their own houses, giving the opportunity for the first stage of gaining independence. The nearest alternative play space is on the recreation ground which is too far away for young children to go unaccompanied, or on the streets which are very congested with parked cars. I gather that about two years ago there was an accident involving a car and a child and so the area is sensitive to the need for good visibility for car movements and the need for local play space.

The front outlook for plots 1 and 2 is unappealing but there is little space to improve it with any planting.

Ecology – I note that the ecology report identifies the site as having potential for reptiles. Lizards occur within Melbourn and it is quite possible that a fragmented population may still survive on this plot. Lizards are a protected species. In this particular case I am satisfied that this matter can be dealt with by condition for a lizard survey to be undertaken prior to commencement of development. This is because I know of a refuge habitat already created in Melbourn that could receive any lizards (subject to provision of minor maintenance costs being included) should they require translocation from the site for their own protection.

Housing Enabling Manager – No comments have been received however in line with policy requirements the provision for one of the units to be available as an affordable unit is required.

REPRESENTATIONS

A petition signed by 118 people has also been received objecting to the development of this land for housing. Additionally 12 Letters of representation have been received raising the following comments:

- The vehicular access is too close to residential property (50, 51 and 49 Greengage Rise in particular)
- People visiting No 50 are likely to have trespass onto land owned by the occupiers of No 49 or conflict with road traffic
- The new access creates difficulty for occupiers of No. 49 to reverse safely,
- No footpaths proposed – shared pedestrian and vehicular access considered unacceptable
- Parking provision in the Rise is already at maximum capacity
- Construction traffic will be a huge problem
- Current access to the play area is regularly used as an additional parking space during busy times

- traffic movement is very restricted so additional movement unacceptable
- loss of an established play area
- proposal is an irregular form of development out of character with the existing estate
- what will be done with the additional access land that is not incorporated into the development – this will encourage the dumping of rubbish and unsociable behaviour
- the proposed bin storage area is too close to the No. 51, it does not look big enough to house the correct bin number (9) and as a result of the development No. 50 loses bin storage space

PLANNING COMMENTS

The key issues to consider in this instance are principle of development and loss of existing open space, highway safety and parking provision, neighbour amenity and layout, planning obligations and other matters raised.

Principle of the Proposed Development and Loss of Existing Open Space

The site is located within the Development Framework of Melbourn.

In accordance with Policy DP/7, the principle of residential development is acceptable. This is on the understanding that the development will not impact on an essential part of the local character, local features, amenities of neighbours and have the necessary local infrastructure.

Policy SF/9 relates to the loss of existing recreational areas. It forms a presumption against the loss of land and buildings in recreational use, other than when suitable replacement arrangements are in place or there is an excess of provision locally.

It is evident from the planning history that this site was originally intended for recreational use, as the plans show this to be a play area. As indicated above, the local planning authority was unable to secure this area as a play area at the reserved matters stage and it is not formally designated as such.

Therefore, despite informal use for recreational purposes, it is considered that the provisions of this policy do not apply in this instance and there can be no objection to the principle of the development of this site.

Density

The site comprises 0.14ha and policy HG/1 sets 30 dph as a minimum density unless there are 'exceptional' circumstances requiring a different treatment. The changes to PPS3, means it is no longer reasonable to insist on 30 dph in all but 'exceptional' circumstances, lower density will be appropriate if other material considerations suggest otherwise. The density for this site equates to 21dph. Whilst this is lower than the required density under the adopted LDF policy 2007 a higher density development has already been considered and refused. It has been demonstrated that it is not possible to increase the density of units on this site without major harm to neighbour amenity and highway safety.

The new proposed density is considered to meet policy requirements, however, the layout is still considered to have a negative impact on other associated policy criteria, which lead to making this scheme unacceptable.

Housing Mix

The scheme proposes 1 x 3 bed and 1 x 4 bed as market units and 1 x 2 bed as an affordable unit. The market mix does not include affordable units and therefore the correct market mix should comprise 1 x 2 bed and 1 x 4+ bed. In light of the three units being proposed, this could be easily altered to better reflect the policy requirements. No justification has been put forward to suggest an alternative mix and therefore the scheme is contrary to the housing mix policy.

Affordable Housing Provision

The scheme provides 1 unit out of 3 for affordable housing – this complies with the relevant policy and considered to have been met appropriately. The affordable unit would have to comply with the relevant regulations in terms of floor area and size.

Highway safety and Parking Provision

Policy DP/3 seeks to ensure that new development provides appropriate access, which does not compromise safety. The proposed development seeks vehicular access from land adjacent to 50, Greengage Rise and part of this property. This leads to an increase of width of the existing pedestrian access and the loss of the existing garage serving this dwelling, which is replaced in the development.

There are clear issues of car parking locally and this issue along with the loss of the open space is the main concern of local residents. It is felt by residents that the area provides insufficient parking and this development will exacerbate existing issues. The Highways Authority are of the opinion that the development will lead to an unsatisfactory access, by reason of inadequate visibility splays that cannot be achieved within the application site, leading to stopping and manoeuvring of vehicles onto the highway, to the detriment of highway safety. This is felt to be particularly the case, when the locality is heavily parked and is a matter of serious concern.

In terms of car parking, Policy DP/3 encourages reduced levels of parking. The proposed development provides 2 spaces per unit and 2 spaces for the occupiers of No. 50. This accords with the Council's requirement for 1.5 spaces per dwelling, in the Standards included at Appendix 1 to the Development Control Policies DPD 2007.

These standards also require the provision of short term servicing and visitor parking in addition to the 1.5 space requirement. The visitor parking proposed is within the required provision at 0.25 per unit, however, in light of the clear parking problems within Greengage Rise and the concerns of local residents, it is considered that the proposed layout is poor in terms of parking and manoeuvrability, as there is no capacity in the surrounding area to take up additional parking generated by this development, which cannot be accommodated within the development site.

The comments from the Local Highway Authority are noted and it is considered that the proposed scheme has not addressed highway safety issues adequately to overcome a recommendation of refusal based on highway safety.

Neighbouring amenity and Layout

The proposed layout provides a shared surface in the central part of the site, from which the dwellings are accessed. Ideally this area would benefit from landscaping however much of this area is needed for parking and manoeuvrability. In principle this approach to layout is acceptable, however in order to provide a good quality design as sought by Policy DP/2, the inter-relationship with the neighbouring

properties should be assessed. Policy DP/3 requires consideration of residential amenity and the District Design Guide provides some advice in respect to privacy and overlooking between existing and proposed properties.

In the case of rear elevations looking on to existing flank windows (not containing habitable rooms) the minimum separation in the Design Guide is 12m. In this instance, Plot 2 only just meets this requirement. However, Plot 1 has an odd shaped rear garden meaning the property is approximately 6 metres from the boundary at its closest point. The relationship is improved from the earlier scheme and the internal layout has been arranged to reduce the potential to overlook however the proximity of Plot 1 with the existing Greengage properties is considered to create a cramped form of development that is not in accordance with the guidance of the DDG 2010.

Additionally, since the increase in the size of the access road from the earlier scheme, the access boundary comes very close to the front door of No. 50 Greengage Rise. The distance between them is less than 1 metre. This is considered to be totally unacceptable to neighbour amenity notwithstanding the current land ownership.

The proposed layout includes the closing up of the existing pedestrian access, which runs adjacent to No 60 Greengage Rise. In closing this access, it will lead to a surplus area of land, which may be vulnerable to crime or anti social activity.

Planning Obligations

The applicant has agreed to the proposed Section 106 contributions, which are as follows:

- £9608.17 Public Open Space;
- £1587.88 Community Facilities;
- £250 monitoring; and
- £69.50 per dwelling for waste receptacles.
- Affordable Housing for 1 dwelling

Other Matters Raised

Character

Objections have raised concern that the application is out of character with the surrounding area. The application proposal is surrounded by residential development on nearly all boundaries. The layout of the development is not similar to that of the existing estate, as the plot does not lend itself to continue the existing built context. However officers consider that as a residential development of two storey properties in a predominately residential area the character is not considered detrimental to its immediate surroundings.

Construction Traffic

If the application is minded for approval a site management condition would be required to ensure all construction traffic parked clear of the highway during the construction process. Plans and details would be required, as part of this condition and development would have to be carried out in accordance with the approved details.

Trespassing

The occupiers of No 49 Greengage Rise have raised this as the access road comes very close to the shared boundary. The land is located outside of the application site edged red and any unauthorized trespassing would be a civil matter and not one for the planning authority. The situation is not ideal but unfortunately the LPA do not have any control over land ownership issues.

Lack of footpaths

The lack of footpaths in the application area has been considered by the Local Highway Authority and has not raised concern. The site will not be adopted by the LHA and therefore it cannot insist on a development of this size that footpaths be included. Additionally it is not uncommon to see development with shared access areas. This is not considered a reason for refusal.

Waste Collection

It has been demonstrated that there is concern with the proposed waste storage areas on collection day. Evidence has been provided from residents showing that the existing access is currently used as a bin storage area on collection day. With the changes proposed it is considered by residents that this will be lost and the cumulative impact of yet more bins in this area will have an impact on highway safety as well as neighbour amenity. It is advised that service vehicles are unlikely to reverse into private roads and the bins will need to be brought onto the public footpath in order to be collected.

It is considered that the siting of the bins could be located differently in order to overcome this and officers are aware that blocking the access could be hazardous for its users. It has been raised as a potential concern by the local highway authority and therefore raised as a reason for refusal in the determining of this application.

Additionally, the actual location on site for the storage of bins has been slightly altered to that of the originally submitted scheme taking the location closer to the occupiers of No. 51 Greengage Rise. This has not been raised as a concern by environmental health officers and therefore not warranted as a new reason for refusal. It is suggested, however, that the applicants move the bin storage area away from the shared boundary to improve the relationship between neighbours.

Conclusion

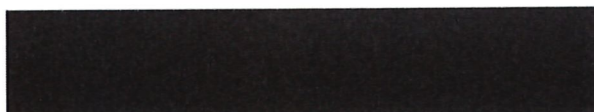
The applicants have tried to address the earlier reasons for refusal. The access still poses as a major problem, the parking standards are still not considered appropriate given the nature of the site and its neighbouring community, the dwelling number has been reduced to help overcome cramping on the plot, however it is considered that the proximity of the dwellings in context with the neighbouring units is still at odds with the District Design Guide 2010 requirements. The house designs are improved and the garden sizes more appropriate however, 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 refused in this instance for the following reasons:

DECISION

Refuse

- 1) It is considered that the proposed scheme fails to provide vehicular access of an adequate width to serve the proposed development and would be likely to lead to unacceptable vehicle movements arising from stopping and manoeuvring onto the highway. It cannot provide the correct inter-vehicle visibility splays on one side of the junction of the vehicular access with the public highway as the 1.8 metre high wall restricts visibility. It is considered that this lack of a suitable inter vehicle visibility splay creates an unnecessarily high risk for users of the footway from egressing vehicles. Additionally the necessary 2m x 2m pedestrian visibility splays cannot be achieved, the swept path analysis highlights the constrained nature of the site and the potential for internal conflict between both vehicles and pedestrians and site parking arrangements strongly suggest irregular parking on site that will have an adverse knock on effect on to adjoining highways. As such the proposal would be detrimental to highway safety and therefore contrary to the requirements of Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies adopted 2007 which seeks to prevent development that does not provide appropriate access from the highway network, compromises safety and that does not enhance public and community transport and cycling and pedestrian infrastructure.
- 2) Whilst the development is considered to sufficiently meet the needs of the individual dwellings, providing 2 spaces per unit and the development meets the minimum visitor parking provision it still creates a constrained area for manoeuvrability for service vehicles and visitors and as such would exacerbate existing parking problems in Greengage Rise and give rise to conflict between road users which is contrary to Policy TR/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies 2007.
- 3) Plot 1 of the proposed development fails to provide sufficient separation to 59 Greengage Rise, leading to a cramped form of development, which would have an overbearing impact on the occupiers of this property, contrary to Policy DP/3 of the adopted Development Control Policies 2007 and the South Cambridgeshire District Design Guide Adopted March 2010
- 4) The proposed scheme does not meet the housing mix requirements and nor does it provide any justifiable reason as to any variation. It is therefore contrary to the requirements of Policy HG/2 of the South Cambridgeshire Local Development Framework Development Control Policies 2007 that aims to ensure all new homes meet the local needs in providing homes of an appropriate type, size and affordability.

Signature of Delegation Officer



Date

16.9.11

Saffron Garner
Senior Planning Officer

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
PLANNING/BUILDING REGULATIONS
DETAILS OF APPLICATION**

Applicant George Wimpey & Co. Ltd., 250 Toddington Road, Luton, Beds	REF: 3/0318/76
Description Layout and erection of 71 dwellings and garages	C/D/L
Location Land off Water Lane	Date Rec'd 5/3/76
PREVIOUS APPLICATIONS affecting this land S/75/1782 S/74/0572 SC/63/301	Parish MELBOURN
Other related files SC/67/345 SC/63/301 S/76/0208 SC/66/618 SC/62/261 SC/62/448 SC/61/41 SC/73/41 SC/65/288 SC/62/608 SC/72/568 SC/60/352 SC/65/87 SC/64/166	Grid Ref: E 3 8 4 N 4 4 0
AMENDMENTS & Date received	Map Ref: 451(371/25) Category C/D/L
PLANNING COMMITTEE & Date:	1c
DISTRICT/COUNTY P/S 31/3	Date of Notice 29.4.76
Decision: Part/Approved/with conditions /Refused/Deferred/Withdrawn	29.10.76
D.O.E. Action: Appeal Lodged/Application Referred	Date
Decision: Part/Allowed/with conditions/Dismissed	Date
Directions:	Date
BUILDING REGULATIONS: Approved/Rejected	Date
Relaxation Application: Allowed/Dismissed	Date
NOTES:	

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
CAMBRIDGESHIRE

REF. S/0318/76/D

TOWN AND COUNTRY PLANNING ACT, 1971

THIS NOTICE SUPERSEDES
THAT DATED 29.4.76

PLANNING PERMISSION
SUBJECT TO CONDITIONS [REDACTED]

TO George Wimpey and Co. Limited.,
250 Toddington Road,
Luton, Beds.

The Council hereby grant permission for layout and erection of 71 dwellings
and garages.

at Land off Water Lane, Melbourn

in accordance with your application dated 5th March, 1976
and the plans, drawings and documents which form part of the application, subject to
standard conditions A & C
set out overleaf and to the additional conditions set out below.

ADDITIONAL CONDITIONS

1. Upon the substantial completion of the development the site shall be treated in accordance with a landscape scheme to be submitted to and approved by the Local Planning Authority and shall thereafter be satisfactorily maintained, such landscape scheme to include the treatment of forecourts, paving and boundary fences.
2. Before the commencement of the development a landscape scheme to include the planting of trees and shrubs, and for areas to be seeded, turfed and paved shall be submitted to and approved by the Local Planning Authority. The schemes shall show the types and numbers of trees and shrubs and their distribution on the site.
3. All planting and seeding or turfing shall, when approved, be carried out in the first planting season (and seeding season) following occupation or completion of the development, whichever is the sooner and shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years such maintenance to include the replacement of any plants that die.

This permission is granted subject to due compliance with the bye-laws and general statutory provisions in force in the district and does NOT constitute approval under Building Regulations and bye-laws relating to new streets and buildings.

Dated: 29th October, 1976
Council Offices, Hills Road, Cambridge. CB2 1PB.


Secretary.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
CAMBRIDGESHIRE

REF. S/0318/76/D

TOWN AND COUNTRY PLANNING ACT, 1971

PLANNING PERMISSION
SUBJECT TO CONDITIONS (CONTINUED)

4. On the boundaries of the site which abut existing residential development a 2 metre high close-boarded fence shall be erected before the dwellings hereby approved are occupied.
5. A turning head shall be provided in the cul-de-sac serving plots 63-71.
6. The driveways to plots 53-54 and 62-63 must be separated from the accesses to the play area.

Reasons for Conditions

- 1.)
- 2.) To help to assimilate the development into its surroundings.
- 3.)
- 4.) To ensure that the details of the development are satisfactory.
- 5.) To provide for the safety and convenience of users of the highways and
- 6.) for the free flow of traffic.

This permission is granted subject to due compliance with the bye-laws and general statutory provisions in force in the district and does NOT constitute approval under Building Regulations and bye-laws relating to new streets and buildings.

Dated: 29th October, 1976
Council Offices, Hills Road, Cambridge. CB2 1PB.


Secretary.