

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd February 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

**S/1186/10 – Foxton
Dwelling (revised design)- Land Between 3-11 Mortimers Lane for Amber
Homes Ltd**

Recommendation: Delegated Approval

Date for Determination: 23rd September 2010

Notes:

Members of Committee will visit the site on Wednesday 2nd February 2010

This application has been reported to the Planning Committee for determination due to a conflict in views between officers and the Parish Council.

Site and Proposal

1. Mortimer's Lane is a rural lane/cul de sac located in the village framework of Foxton. The application site is located next to a listed building No. 3 Mortimer's Lane and a 2 storey thatched cottage at No.11 Mortimer's Lane. Between these two properties and the rear of the application site are two large houses, No. 7 and 9 erected under a recent planning permission. The site is bound by thick mature hedging to the rear of the site. On road parking provision is minimal in Mortimers Lane, turning is very restricted and difficult to achieve without using private land to turn. Land levels differ marginally from the front to the rear of the site. The dwelling type in the immediate vicinity is varied though predominately rural in character, comprising barn conversions, thatched roofs and modest bungalows.
2. The application seeks to change the design of an already approved dwelling (No. 5) granted consent under planning reference S/1806/07/F. It comprises a small one bedroom detached property with one off road parking space. The design has been amended several times since the original submission, however the location is similar to that already approved. The amended plan franked 6th December is the most up to date revision.
3. The application has been accompanied by Planning and Design & Access Statement and a draft Section 106 detailing an Open Space contribution.

Planning History

4. Outline consent **S/1674/04/O** was granted in 2004 for 3 units (5, 7 and 9 Mortimer's Lane), a S106 secured the provision of one affordable unit.

5. A full application later saw the consent for a revised scheme of 3 units comprising 2 market dwellings and one low-cost dwelling under planning reference **S/1806/07/F**.
6. Two separate applications under references **S/1941/09/F** and **S/1942/09/F** later comprised revisions to the approved units at plots 7 and 9. These were approved under delegated powers. Both applications were subject to Public Open Space contributions. Under policy DP/5 of the LDFDCP 2007 it states that where a site forms part of a larger site where there would be a requirement for infrastructure provision if developed as a whole, development would not be permitted if this requirement were not forthcoming. Ongoing discussions with the developer and the acting agent agreed that an off site housing contribution can be made in relation to this scheme and the neighbouring scheme, which would otherwise request the provision of one affordable unit. This was secured through a condition.
7. A further application under planning reference **S/0610/10/F** comprised an amended design to plot 7 to include a side and rear single storey extension, the omission of plot 5 (as approved under S/1806/07/F) and the erection of a car port with ancillary accommodation. This was refused by officers and later dismissed at appeal in January 2011.
8. A separate application for the revision of plot 7 was submitted under planning reference **S/1154/10/F**. This was refused on design grounds under delegated powers.
9. The Inspector who assessed the site for the abovementioned appeal (paragraph 10) did not raise specific concern with regard to the single storey extensions to unit 7 and openly disagreed with the officer view taken. It is likely there will be a future application for the same additions as those in applications S/0610/10/F and S/1154/10/F that were previously refused.

Planning Policy

10. South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007:
 - DP/2 - Design of Development
 - DP/3 – Development Criteria
 - DP/4 – Infrastructure and New Developments
 - DP/5 – Cumulative Development
 - DP/7 – Development Frameworks
 - CH/4 - Development within the curtilage or setting of a Listed Building
 - NE/1 - Energy Efficiency
 - TR/2 - Car and Cycle Parking Standards
11. Supplementary Planning Documents
 - Open Space in New Developments SPD - January 2009
 - Trees & Development Sites SPD - January 2009
 - Listed Buildings SPD - July 2009
 - Landscape in New Developments SPD - March 2010
 - District Design Guide SPD - March 2010
 - Affordable Housing SPD - March 2010

12. **Circular 11/95 (The Use of Conditions in Planning Permissions)** - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
13. **Circular 05/2005 (Planning Obligations)** - Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

14. **Foxton Parish Council** - Recommends approval subject to conditions. The comments are as follows:

The plan misrepresents the orientation of 3 of the elevations of the submitted plan. The elevation labelled north should read west; the elevation labelled west should read east and the elevation labelled east should read north. Only the elevation labelled South is correct.

The Parish Council recommends approval of the new plan, omitting one window from the North gable wall, subject to the boundary of No.5 being extended to allow for 2 parking spaces to be provided specifically for the residents and visitors to plot 5 in accordance with Policy TR/2 Appendix 1 (14 and 15).

15. **The Conservation Manager** - recommended refusal based on the originally submitted scheme. This resulted in a number of discussions that later altered the character and design of the proposed unit to a property that fitted better in its surrounding context. The Conservation Manager raises no objection to the revised scheme as shown on drawing 09/1038/PL.06 Rev F franked 6th December 2010.
16. **The Local Highways Authority** - raises no objection subject to conditions being put in place to address the future erection of gates, vehicles are able to enter and exit the site in forward gear, park clear of the highway, the work is carried to Local Highway Authority specification, adequate drainage measures for water run off are met, visibility splays are shown, prevention of planting in the highway and no use of unbound material within 6m of the highway (tar spray and chip is not seen as acceptable).

Representations

17. None received.

Planning Comments – Key Issues

Principle

18. As detailed in the History section of this report, previous applications have seen the approval of a dwelling in a similar location and of a similar design. This dwelling is smaller than that approved under S/1806/07/F and comprises a 1-bed unit with off road parking. The previous scheme, on closer investigation did not meet building regulations as a two bed property and nor did the proposed floor area meet the minimum requirements as an 'affordable 2 bed dwelling'. It was therefore reduced to a one bed unit to overcome this and an off site contribution towards affordable housing was agreed to substantiate the loss of what was initially to be the 'affordable dwelling' on site. The principle of the development has been established through the planning history.

Impact on the setting of the Neighbouring Listed Building

19. The siting of the proposed property is located close to the listed building at No. 3 Mortimers Lane and designed so as not to overpower this property. It hides the single storey lean-to element whilst still allowing views of its frontage in the street scene. The larger properties have been set back into the site with the smaller unit and garage block set forward and gable on to the road. These elements of the development are proportionate to the smaller cottages on either side and are considered to provide an appropriate street frontage to the development whilst setting the two large units back into the site prevents them from dominating the adjacent listed building. Whilst the revised design overall is different to that approved at outline stage, the arrangements of the elements are such that it is considered not to harm the setting of the adjacent listed building.

Highway Safety and Parking

20. The Local Highways Authority (LHA) has not raised any objections, however they have suggested a number of conditions prior to approval being granted. The proposed tar and chip surface is already approved for the access to units 7 and 9 and therefore whilst the material is considered acceptable the laying of the tar and chip should be set back from the road to ensure no spillage occurs in the public highway.
21. The LHA raises no concern with regard to the off road parking provision. The parking standards are controlled by the Local Authority and are set out in Appendix 1 of the Local Development Framework Development Control Policies 2007. The requirement for off road provision for a unit of 1 bedroom seeks a maximum of 1.5 spaces. The application proposes 1 parking space. The Parish Council would like to see the unit provide an additional space for visitors, allowing for 2 spaces for the proposed 1-bed unit.
22. Mortimers Lane is constrained in terms of accessibility and turning on Mortimers Lane is nearly impossible without encroaching onto private land. Parking of cars in the Lane exacerbates this. The request for 2 spaces is difficult to support when standards ask that an average of 1.5 spaces per dwelling across the district (up to a maximum of 2 per 3 or more bedrooms in poorly accessible areas) be achieved. Whilst it is appreciated that access along the Lane can be difficult if cars do park on the road, Foxton is not considered to be poorly accessible, particularly given it has its own train station.

23. I have recently been informed by the Parish Council that the agent has sent a letter implying that the provision of two spaces can be met if this will help progress the application positively. A revised plan showing two off road parking spaces has been sent to the Parish Council for its consideration. Its comments to this are as follows:
24. *The members of the Foxton Parish Council planning committee met on site this morning to consider the Barford letter of 6th January 2011. The Clerk will be writing to advise you that the Parish Council support revision E of drawing 09/1038/plot7 proposal submitted for 2 car parking spaces on plot 5. The Parish Council feels this proposal should have been submitted by the developer to SCDC, and that the Parish Council view should be communicated to SCDC and thence to the developer.*
25. Additionally recent Government changes (3rd January 2010) to paragraphs 49 - 56 of PPG 13 Transport has been amended to remove the requirement for development plans to set parking standards as maximum levels. Whilst PPG13 still requires parking standards to be set through local development plans, the emphasis remains on efficient use of land and promoting sustainable transport choices. The change allows Councils to set appropriate standards for their area rather than being specifically required to set a maximum standard.
26. In light of the above officers are of the opinion that this scheme be recommended for approval with the provision of one parking space being acceptable in meeting the policy requirements of the Local Development Framework and efficient use of land. Should the applicants wish to commence development based on the revised scheme submitted to the Parish Council (Revision E showing two spaces) this could also be achieved through an amendment to the scheme.
27. With regard to the Parish Council comments a request for the correct annotations on the elevational drawings has been made for clarification. The listing of the approved plans in condition 2 and 9 will then be changed accordingly.

Recommendation

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 would not have been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 09/1038/PL.06 Rev F franked 6th December 2010 and 09/1038/PL.07 Rev D franked 22nd November 2010.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **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 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 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.)

- 4. No further windows, doors or openings of any kind shall be inserted in any elevation of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason – To safeguard the privacy of occupiers of the adjoining properties and the street scene in accordance with the requirements of Policy DP/3 of the Local Development Framework Policies adopted 2007).

- 5. 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 unless they are carried out in accordance with approved drawing 225-01B franked 24th February 2010 as approved under planning reference S/1941/09/F. 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 Local Development Framework 2007.)

- 6. 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.)

- 7. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf: -**

i) PART 1, (Development within the curtilage of a dwellinghouse, all classes).

ii) PART 2, (Minor operations), Class A (erection of gates, walls or fences).

(Reason – To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require specific planning permission do not overdevelop the site with consequent harm to the setting of the nearby Listed Building).

- 8. During the period of construction no power operated machinery shall be operated on the site before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.**

(Reason – To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction)

- 9. The development shall not be occupied until the area shown hatched on amended drawing No. 09/1038/PL.07 Rev D franked 22nd November 2010 has been drained and surfaced (or other steps as may be specified), and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.**

(Reason – To ensure adequate space is provided and thereafter maintained on site for the parking and turning of vehicles in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).

- 10. Before development commences, a plan specifying the area and siting of land to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority; such space shall be maintained for that purpose during the period of construction.**

(Reason – In the interests of Highway Safety and in accordance with the requirements of policy DP/3 of the Local Development Framework policies adopted 2007).

- 11. Notwithstanding the development, hereby permitted, no development shall commence until details of the materials for the construction of the external surfaces, including details of the barge boards, eaves boards, fascias, arch formers and soffit boards 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 – The dwelling will be located very close to an existing listed building and the use of uPVC is not considered appropriate in light of the proximity of the new unit where the context of development is closer than that of the larger properties to the rear. Also, the information submitted as part of the application and the details submitted on the amended plan with regard to materials to be used are inconsistent. The finished detail of this unit is of high importance and the details are required to ensure the appearance of the development is satisfactory in accordance with Policy DP/2, DP/3 and CH/4 of the adopted Local Development Framework 2007.)

- 12. 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 Local Development Framework 2007.)

- 13. Notwithstanding the development, hereby permitted, no development shall commence until details of the materials for the construction of the external surfaces 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 – The information submitted as part of the application and the details submitted on the amended plan with regard to materials to be used are inconsistent and in light of the proximity of the new unit where the context of development is closer than that of the larger properties to the rear the finished detail is of high importance. The details are required to ensure the appearance of the development is satisfactory in accordance with Policy DP/2, DP/3 and CH/4 of the adopted Local Development Framework 2007.)

- 14. No development shall begin until details of a scheme for the provision of outdoor playing space and informal open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development contributes towards outdoor playing space and informal open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

INFORMATIVES

Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

The shed shown on 09/1038/PL.07 franked 22nd November 2010 is not part of this approval.

Awarded Drains

No additional surface water run off to the Local Authorities Award Drain will be permitted without the prior consent of the councils Land Drainage Manager

No obstructions, fencing or buildings shall be erected within 5 metres of the Award Drain

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

South Cambridgeshire Core Strategy 2007:
ST/6 Group Villages

South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)

- DP/2 - Design of Development
- DP/3 – Development Criteria
- DP/4 – Infrastructure and New Developments
- DP/5 – Cumulative Development
- DP/7 – Development Frameworks
- CH/4 - Development within the curtilage or setting of a Listed Building
- NE/1 - Energy Efficiency

2. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: District Design Guide.
- Circular 11/95 and 05/2005
- Planning File References: S/1674/04/O, S/1806/07/F, S/1941/09/F and S/1942/09/F, S/0610/10/F, S/1154/10/F

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