

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee
AUTHOR/S: Planning and New Communities Director

4 July 2012

**S/0836/12/FL - FOXTON
Dwelling - Land Adjacent to 7 Station Road
for Mr Paul Ridgeon, Goreway Holdings**

Recommendation: Delegated Approval

Date for Determination: 20 June 2012

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of the case officer.

To be presented to the Committee by Paul Derry

Site and Proposal

1. The site is an area of land laid to grass within the designated Foxton village framework. It also includes a parking area that serves approximately 4 vehicles relating to the Burlington Press to the south. The southern boundary of the site is open. There are residential properties to the east and north. The horse chestnut tree to the east of the site is protected by an individual Tree Preservation Order.
2. The full application, received on 25th April 2012, seeks the erection of a single dwelling on the plot. The dwelling would be a detached two-storey unit containing four bedrooms and an integral single garage. It would have a forward projecting gable with hipped roofs within the design. The application is accompanied by a Design and Access Statement and Tree Protection details. An amended plan showing a revised block plan was submitted dated 7th June 2012.

Site History

3. Planning application **S/1284/11** was refused and dismissed at appeal for a dwelling at the site. The application was refused for three reasons, those being impact upon the street scene, impact upon the amenity of the occupiers of 7 Station Road, and impact upon the future occupiers of the property given overlooking from 7 Station Road. The Inspector only dismissed the appeal on the last of these three concerns.
4. The application site also has a long planning history given its link to the Burlington Press. However, none of these applications are considered relevant to the determination of this application.

Planning Policy

5. **Local Development Framework Core Strategy (LDF CS) 2007 – ST/6 Group Villages**
6. **Local Development Framework Development Control Policies (LDF DCP) 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, SF/10 Outdoor Playspace, Informal Open Space, and New Developments, SF/11 Open Space Standards, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/15 Noise Pollution & TR/2 Car and Cycle Parking Standards.**
7. **Open Space in New Developments SPD** – Adopted January 2009, **Trees and Development Sites SPD** – Adopted January 2009 & **District Design Guide SPD** – Adopted March 2010.
8. **National Planning Policy Framework:** Advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It adds planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Foxton Parish Council** recommends refusal on grounds of the serious detrimental impact on the adjoining property at 7 Station Road.
10. The **Council's Trees Officer** notes the submitted plan provides tree protection required by the British Standard. There are no objections provided the foundations are constructed in accordance with Building Regulations to ensure the tree is not compromised in the future, and that all tree protection measures are installed prior to development.
11. The **Council's Environmental Health Officer** notes concerns could arise from noise and suggests conditions regarding a scheme for protecting the dwelling from noise from the industrial premises, a restriction on the time of use of power operated machinery during construction, and controls of driven pile foundations. An informative regarding bonfires and burning of waste is also suggested.
12. The **Local Highways Authority** recommends refusal in its current form given the close proximity of the access to Station Road. If approved, conditions regarding the retention of parking and manoeuvring space, materials for the access and access drainage are proposed. An informative regarding works to the public highway is also suggested.

Representations by Members of the Public

13. A letter received on behalf of the occupiers of **7 Station Road** object to the proposal on grounds of impact upon the side facing windows and loss of light to no. 7. Concerns regarding the exact location of no. 7 on the submitted block plan are raised, as are concerns about the size of the boundary hedge

and its future maintenance. In addition, concerns regarding impact upon the proposed dwelling from the roadway and the overbearing nature of development are also raised.

14. The amended plan dated 8th June 2012 seeks to address the concerns regarding the block plan, and shows a reduced gap between dwellings. Members will be consulted on any further comments received from the occupiers of 7 Station Road, the closing date which will be 21st June 2012.

Planning Comments

15. The key considerations in the determination of this application are impact upon the street scene, impact upon the amenity of the occupiers of the neighbouring property, impact upon the amenity of future occupiers of the dwelling, and highway safety. The principle for a single dwelling was established through the original application and appeal process.

Impact upon the Street Scene

16. The proposed dwelling is set in the same location as that previously dismissed at appeal. The only external change is the addition of a single storey element to the rear. One of the reasons for refusal of application S/1284/11 was the impact upon the street scene given the green gap between residential dwellings and the industrial buildings at Burlington Press. In dismissing the appeal, the Inspector stated "*the set back of the proposed dwelling, whilst not as great as that of the adjacent terrace, would be sufficient to maintain the overall spaciousness of the area and the tree would be retained. The development would also help to screen the more utilitarian development of the industrial area from Station Road. Against the background it is my view that the development would not result in material harm to the character and appearance of the area and in this respect I see no conflict with the development plan*".

17. The single storey addition to the rear would be visible from the public domain between the properties and along the road to the south. However, it is not considered that this addition would alter the Inspectors view above. The proposal is therefore not considered to cause any serious harm to the street scene.

Impact upon the Amenity of the Occupiers of the Neighbouring Property

18. The proposal is located to the southeast of the neighbouring property of 7 Station Road, a two-storey end of terrace property. This property has a number of ground and first floor windows in its facing side elevation. The separation between 7 Station Road and the proposed dwelling scales on the plan as 6.3m (although this distance is queried by the occupier of 7 Station Road). The proposal would clearly be visible from the side facing windows and the rear and front garden of 7 Station Road.
19. Application S/1284/11 was refused on grounds of the serious harm caused to the outlook of these windows from the proposed dwelling being overbearing. The Inspector noted the location of windows and concluded "*even if taken cumulatively, I do not consider that the harm to the living conditions of the residents of no. 7 through the loss of outlook and sunlight would be so severe as to warrant dismissal of the appeal on these grounds alone*".

20. The additional single storey element continues along the side elevation of the main two storey bulk of the dwelling, and would be located 2m from the shared boundary with no. 7. It measures 5.4m in length, with a height of 2.5m and 3.7m to the eaves and ridge respectively. This single storey element would therefore again be visible from the side windows at no. 7. However, its relatively low height and the distance between the properties should ensure it does not cause any serious loss of light, and would not be viewed as overbearing. As a result, no serious harm should result to the occupiers of 7 Station Road.
21. Comments from the occupiers of 7 Station Road are noted. There is some concern that the footprint of 7 Station Road is not shown correctly. The application has compared the originally submitted plan to the topographical survey and the amended plan shows the gap between dwellings reduced by 0.4m to 6.3m. The Inspector was also made aware of the potential inaccuracies. The amended plan therefore would not seriously affect the Inspectors original decision. The matter of the future maintenance of the hedge would be, as is now, a civil matter between relevant parties.
22. Conditions can also be added to the consent to ensure no windows are added at first floor level to the northwest elevation facing 7 Station Road, and the en-suite window to be obscure glazed.

Impact upon the Amenity of Future Occupiers of the Dwelling

23. Application S/1284/11 was also refused on the impact of overlooking from the first floor bedroom windows in the side elevation of 7 Station Road, given the location of the dwelling forward in the building line. The outlook from the windows was considered to overlook the private amenity patio space of the proposed dwelling. The Inspector dismissed the appeal on this issue, stating "*the degree of overlooking likely to be engendered by the proposed arrangements would, notwithstanding the appellants view, be sufficient to cause a material harm to the living conditions of any future occupiers of the proposed development*".
24. The revised application includes the single storey element. Its ridge height of 3.7m will restrict views into the patio areas. The Inspector noted that "*the patio area would normally be regarded as the most private and sensitive area of the garden*". Whilst some more acute views of the proposed rear garden would remain, screening the private sensitive area would ensure future occupiers of the property will have private outdoor space.

Highway Safety

25. The comments from the Local Highways Authority are noted with regard to the access. The layout has not changed since application S/1284/11 was determined, for which the Local Highways Authority had no objections. The Inspector also did not note any concerns regarding the proximity of the access to the junction. As a result, the application is not considered to cause any serious highway safety concerns.

Other Matters

26. The tree to the front of the site is protected by an individual Tree Protection Order. The comments from the Trees Officer are noted with regard to its

future protection, and a relevant condition can be added for protection during construction in line with the details provided.

27. The comments from the Environmental Health Officer are noted. The issue regarding noise protection from the industrial site was not raised during application S/1284/11, and therefore not commented on by the Inspector. Such a condition can be added to ensure detailing would prevent noise disturbance. The condition regarding pile driven foundations can be added as an informative.
28. The applicant has submitted a draft heads of terms with the application recognising the requirements for contributions towards open space, community infrastructure, provision of waste receptacles and Section 106 monitoring, and this has been forwarded to the Council's Legal Team. The recommendation is for delegated approval until this agreement is completed.

Recommendation

29. Delegated approval (as amended by plan 278-P01 Rev C) subject to the completion of the Section 106 Agreement, and any further comments in response to the amended plan. If approved, conditions are recommended regarding: time implementation, approved plan numbers, materials, landscaping and implementation, boundary details, removal of permitted development rights for windows in the northwest elevation, obscure glazing to the en-suite window in the northwest elevation, implementation of tree protection measures, parking and turning areas to be retained, timings for power operated machinery, and a scheme for noise protection. Informatives can be added regarding works to the public highway, bonfires and burning of waste, and pile driven foundations.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- Open Space in New Developments SPD, Trees and Development Sites SPD & District Design Guide SPD.
- National Planning Policy Framework
- Planning File refs: S/0836/12/FL and S/1284/11.

Contact Officer: Paul Derry – Senior Planning Officer
Telephone: (01954) 713159