

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 July 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/0734/14/FL

Parish(es): Linton

Proposal: Dwelling House

Site address: 7 Bakers Lane, Linton, Cambridgeshire

Applicant(s): Mr and Mrs C O'Malley

Recommendation: Delegated Approval

Key material considerations: Neighbouring amenity

Committee Site Visit: Yes

Departure Application: No

Presenting Officer: Rebecca Ward

Application brought to Committee because: The recommendation of the Parish Council conflicts with that of Planning Officers

Date by which decision due: 06 June 2014

Planning History

1. S/1255/09/F New Dwelling – Approved
S/0513/09/F Two Storey Dwelling – Refused on the impact to character and appearance of the area and impact of overlooking to No.22 Crossways
S/0682/86/F Caravan (renewal) – Approved on the condition that the caravan was to be occupied by a certain person and their family members only. No time limit was applied.
S/1432/83/O Erection of dwelling - Approved
S/0184/81/F Siting of caravan – Approved
S/1861/75/F Siting of caravan – Approved

Planning Policies

2. *National Planning Policy Framework*
3. *Local Development Framework*
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria

DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards
TP/2 Car and Cycle Parking Standards

4. District Design Guide SPD – adopted March 2010

5. *Draft Local Plan*

HQ/1 Design Principles
SF/7 Development Frameworks
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultations

6. Parish Council – The Parish Council Objects to the application on the following grounds:

- The application would appear to contravene policy DP/3 of the South Cambridgeshire Local Development Framework which seeks to ensure that new development does not have an unacceptable adverse impact on residential amenity.
- Despite having a reduced height the proposed property would still dominate Bakers Lane.
- Despite changes regarding the position of the hedge it is felt that, if this becomes overgrown, the footpath would soon become impassable or unpleasant to use. The height and proximity of the fence to the path would be oppressive and overbearing to this very regularly used footway. This route is used as a safe route by children attending Linton Heights Junior School.
- There are concerns over the legality of the access to the site; one access crosses a public footpath. The proposed drive is accessed by crossing land owned by another resident of the lane. Boundaries of neighbouring gardens have not been taken into account in these plans; the available access is actually narrower than indicated.
- The design and access statement is not accurate. It is not a replacement dwelling as described. Previously the site was occupied by a caravan and shed. The housing adjacent to the site is single storied; two storied housing is some distance from this site. Recent housing has been made single storey and is cut into the slope of the ground to reduce their impact.
- The planting scheme is considered to be detrimental to neighbouring properties, the proposed trees being too large and inappropriate areas.
- There are concerns over the lack of sustainability features (solar panels etc)
- There are concerns regarding traffic impacts
- Can you clarify the highways department have been consulted

7. Local Highways Authority – No objections raised, but require a condition to be added to the decision notice for a method statement to be submitted in relation to the process of demolition and construction and effects it might have to the adopted public highway.

8. Environmental Service - Concerned that problems could arise from noise and suggests conditions to minimise the effects of the development upon nearby neighbours.

9. County Footpaths Team – Awaiting consultation response. An update will be issued in due course.

Representations

10. Representations were received from the occupiers of:
Bakers Lane – The Barhams, No 4, No.5 and No.8
Bartlow Road - No.37 and No.39
11. The following material planning considerations were raised; Overlooking, Overbearing on the street scene, Highway Safety/vehicle access, Ownership, inappropriate landscaping, impact to public footpath.

Planning Comments

Site and the proposal

12. The site is located to the east of Linton, just off Bartlow Road within an existing residential area, within the village framework. The access to the site is off Bakers Lane where land levels steadily rise.
13. The proposed development is on a redundant plot of land on Bakers Lane. The land once contained a caravan and shed, whereby an elderly gentleman lived for a number of years. The caravan and shed have since been removed. In 2009 a planning application was approved for a similar dwelling on this plot. This application seeks to reinstate that decision as the timescale to build has now lapsed.
14. In accordance with the amended drawings dated 19 May 2014 the detached dwelling will have an integral double garage and five bedrooms. The dwelling will be 5.5m in height at its lowest point and 6.6m at its highest.

Principle of Development

15. The proposal falls within the village framework of Linton, where Policy ST/7 of the LDF Core Strategy 2007 allows for residential developments of not more than 8 dwellings. The principle of a new dwelling is therefore considered acceptable in relation to this policy.
16. Housing density policy HG/1 is applicable in this instance and seeks a minimum density of between 30-40 dwellings per hectare, unless there are local circumstances that require different treatment. It would appear that a single dwelling in this instance is appropriate given the surrounding housing density.
17. Affordable housing contribution would not apply in this instance as the emerging Local Plan now applies the threshold to development schemes of three or more dwellings.

Impact upon the Street Scene

18. The site in its present state is not considered to form an essential part of village character. The existing land levels together with the scale and height of the proposed dwelling at a maximum height of 6.6m and a lower height at 5.5m is not considering to be dissimilar to the character and appearance of the area whereby there is a range

of different styles and forms. As the dwelling is set back in the plot, officers do not consider that it would adversely dominate or detract from street-scene.

19. Although the dormer windows would give the dwelling a more complex appearance, they are not considered to cause significant harm, given the variety of different styles of dwellings. However, the drawing has been amended (dated 19 May 2014) to remove the eastern facing dormer window, which should help reduce some of its bulk and perceived overlooking impact to No.8 Bakers Lane.
20. The use of buff bricks, stained weatherboarding and plain tiles is considered appropriate, as the area does not have a specific palette of local materials.

Neighbouring Amenity

21. Impact to No.8 Bakers Lane - The first floor master bedroom windows in the east elevation of the dwelling would not result in significant overlooking to the ground floor bedroom windows in the west elevation of No. 8 Bakers Lane or its garden area, as the bedroom windows are situated 19 metres away from the bedroom windows of that property and behind a 1.8m brick wall.
22. Impact to No.5 Bakers Lane - Whilst it is acknowledged that the dwelling would be on higher land than the bungalow at No. 5 Bakers Lane, it is not considered to result in an unduly overbearing mass or lead to a significant loss of light to the garden of that property, as it would be orientated to the north and behind the garage of No.5.
23. Impact to No.22 Crossways – There will be a gap of roughly 3m between the boundary of No.22 and the position of the new bungalow. The proposed dwelling will be situated adjacent to the end of No.22's garden amenity space. Due to the size and siting the proposal is not considered to not cause significant harm to neighbouring amenity in regards to overbearing or overshadowing.
24. The proposed development is not considered to have significant harmful impact the amenities of other neighbouring properties in the area, and therefore it is considered to comply with policy DP/3 (2 j) 'Development Criteria' of the Local Development Framework.
25. Concerns were raised to the impacts that construction traffic will have on Bakers Lane. This has been addressed in the 'Highway Safety' paragraph below.

Landscape

26. The proposed landscaping and boundary treatment are not considered acceptable, as the trees would grow to be too large for the site. A condition will be placed on the decision notice for a revised scheme in the event that the application is approved.

Highway Safety

27. The access to the site is via Bakers Lane that is a narrow (approximately 3 metre wide) unmade track with poor visibility in both directions at its junction with Bartlow Road.
28. The substandard width of the access would result in vehicles waiting on Bartlow Road to enter the site whilst other vehicles are exiting, which would cause an obstruction to the free flow of traffic along Bartlow Road. The poor visibility and additional vehicles

would also cause a hazard, as vehicles would need to pull out into the road to be able to see whether any traffic is approaching.

However, the addition of a single dwelling, which is likely to bring an additional two cars to the street, is not considered to cause significant impact to the existing arrangements on Bakers Lane as to warrant a refusal. The Local Highways Authority has made no objections to this scheme.

29. The right of way across the small part of private access (tarmac) to the north of Nos. 5 and 6 Bakers Lane is a legal matter that cannot be considered during the determination of this application. In any case, intensification in the use of this would also not cause any harm. An informative will be placed on any decision notice to cover this matter.
30. A condition can be attached to any consent to agree details of where contractors' vehicles would park during demolition and construction to allow Bakers Lane to remain unobstructed in accordance with Policy DP/6. Damage to the access surface is not a material planning consideration that can be taken into account.

Public Footpath

31. Public footpath No. 24, Linton is located through the site. In the previous planning application the County Councils Definitive Maps Officer stated that the proposed dwelling would obstruct the legal line of Public Footpath No.24. The County Council advised the applicant to contact the County Council to resolve the discrepancy between the current walked route and the legal line of the public footpath.
32. As proposed, the new footpath will be positioned along the southern and western boundaries. A 1.2m close boarded fence will be erected until a low hedge (copper beech) has established.
33. The following conditions can be applied to the decision notice to ensure the proposed new route is acceptable to the County Council Highway Authority and the public :
 - Detailed scheme to ensure the width surface and boundary treatment of the proposed new route have been agreed.
 - No development shall commence until public footpath has been satisfactory diverted.
34. Informatives can also be attached to ensure that the developer does not obstruct the diverted public footpath during the construction phase and to ensure it remains open and unobstructed at all times.

Other Considerations

35. Any consent could be subject to a condition that limits the times of operation of power-operated machinery in order to limit noise disturbance to nearby residents.
36. Informatives in relation to foundations, demolition works and bonfires would also be included. Similarly, due to the constrained width of the access, a condition could be added requiring a scheme for the parking of construction vehicles and the storage of building materials to be agreed.

S106 requirements

37. The applicants have submitted a heads of terms document agreeing to cover open

space, community facilities and waste disposal costs. This will need to be signed and completed prior to a decision notice being sent out.

Conclusions

38. 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 granted in this instance.

Recommendation

39. Approval , subject to the prior completion of a S106 agreement towards infrastructure contributions and the following conditions :

Conditions

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 works will not be prejudiced by listed building consents which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DD431.01 G, DD431.01 G (date stamped 19 May 2014)
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act)
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building 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.)
4. No development shall take place until a site survey plan showing the ground levels of the application site and the surrounding land, and a site section plan showing the finished floor levels of the proposed dwelling in relation to the existing and proposed ground levels of the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. (Reasons – Insufficient information was submitted with the application to assure the Local Planning Authority that the dwelling would not be greater than 5.5m high from the natural ground level in the interest of residential and visual amenity, as required by policy DP/3 of the adopted Local Development Framework 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. 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 the development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size. (Reasons – To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with policy DP/2 and NE/6 of the adopted Local Development Framework 2007)

6. No development shall commence until public footpath No.24, Linton, has been satisfactorily diverted under section.257 of the Town and Country Planning Act 1990. (Reasons – To ensure that the proposed new route of the footpath is acceptable to the Highway Authority and to the Public)
7. No development shall commence until a scheme detailing the position, width and surfacing of the proposed new route of Public Footpath No.24 Linton has been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. (Reasons – To ensure that the proposed new route of the footpath is acceptable to the Highway Authority and to the public)
8. No development shall commence until a method statement relating to the process of the erection and demolition and any effects this may have on the adopted public highway have been submitted to and approved in writing by the Local Planning Authority. In particular reference should be made to control debris, mud and dust, pedestrian and vehicle movements and the control of contractors parking. The development shall be carried out in accordance with the approved method statement (Reason – In the interests of highway safety in accordance with policy DP/3 of the adopted Local Development Framework)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 West Elevation of the dwelling house 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 Local Development Framework 2007.)
10. 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, no at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reasons – To minimise noise disturbance for adjoining residents in accordance with policy NE/15 of the adopted Local Development Framework 2007).

Informative

1. The granting of planning permission does not constitute permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.
2. The granting of planning permission does not constitute permission or licence to a developer to override the property rights of the occupier of the part of the land in which this permission relates to.
3. The development must not encroach onto the footpath. Any encroachment would constitute an obstruction, which is an offence under s. 137 of the Highways Act 1980. If the developer requires advice on where the boundaries of the right of way are the applicant should contact the Definitive Map Officer for assistance.

4. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it.
5. No alteration to the surface of the footpath is permitted without the County Council's consent. It is an offence to damage the surface of a public right of way under S1 of the Criminal Damage Act 1971.
6. The developer's attention is drawn to the fact that the grant of planning permission does not entitle the developer to obstruct the public right of way. Development, in so far as it affects the right of a way, must not be started, and the right of way kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, for the diversion or extinguishment of the right of way, has come into effect. It should not be assumed that because planning permission has been granted an order will invariably be made or confirmed.
7. Prior to the commencement of the first use, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. This is in the interests of highway safety and to ensure satisfactory access into the site.
8. 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.

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 Core Strategy (adopted January 2007)

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