

F/YR11/0907/EXTIME

24 November 2011

Applicant : C Hudson, K Fletcher & Mr Agent :
& Mrs B Garner

Land South of 7 - 13 Badgeney Road, March, Cambridgeshire

Erection of 2 chalet bungalows (Renewal of planning permission F/YR08/0109/O
and related appeal D0515/A/08/2072834)

This proposal is before the Planning Committee due to a member of staff being an applicant.

This application is a minor application.

1. **SITE DESCRIPTION**

The site lies within the Development Area Boundary (DAB) for March and comprises part of the rear gardens serving Nos. 7, 9 and 13 Badgeney Road, March. These garden areas are marked by lawns, shrubberies, and ornamental trees; and, structures such as sheds and greenhouses. They are separated by wooden panel fencing/chain link fencing and hedging, and are marked by a close-boarded wooden fence along the rear (southern) boundary with adjoining allotment land. A mature Eucalyptus tree stands in the rear garden of No. 13.

The host dwellings date from the inter-war period, and comprise a pair of 2-storey, semi-detached houses (Nos. 7 & 9); and, a detached 2-storey house with single storey rear extensions – No. 13. All houses and those in the surrounding area front onto Badgeney Road.

2. **HISTORY**

Of relevance to this proposal is:

- | | | |
|--|---|---|
| F/YR10/0580/O
(Part of site only –
different red line) | - | Erection of 2 detached bungalows with living accommodation in roof – Refused on 28 September 2010 and subsequently Dismissed on Appeal on 4 April 2011. |
| F/YR09/0149/F | - | Erection of part 2-storey part single-storey side and rear extensions to existing dwelling – Granted 21 April 2009. |
| F/YR08/0109/O | - | Erection of 2 chalet bungalows – Refused on 14 March 2008 and subsequently Allowed on Appeal on 11 December 2008 |
| F/YR06/0300/O | - | Erection of a house – Granted on 16 May 2006. |
| F/YR05/1391/F | - | Erection of 2 chalet bungalows – Refused on 31 January 2006 and subsequently Dismissed on Appeal on 2 October 2006. |

3. CONSULTATIONS

<i>Town Council:</i>	Recommend approval.
<i>Local Highway Authority (CCC):</i>	Not received at time of writing.
<i>Anglian Water:</i>	Not received at time of writing.
<i>Middle Level:</i>	Will be commenting on the application, however, no further details received.
<i>Local residents/interested parties:</i>	None received.

4. POLICY FRAMEWORK

FDWLP Policy

H3	- To resist housing development outside DABs. To permit housing development inside DABs provided it does not conflict with other policies of the Plan.
E8	- Proposals for new development should: -allow for protection of site features; - be of a design compatible with their surroundings; - have regard to amenities of adjoining properties; - provide adequate access.
TR3	- To ensure that all proposed developments provide adequate car parking in accordance with the approved parking standards.
E20	- To resist any development which by its nature gives rise to unacceptable levels of noise, nuisance and other environmental pollution. To take account of the amount, type and location of hazardous substances where proposals are submitted involving these substances.
East of England Plan	
ENV7	- Quality of the Built Environment
Planning Policy Statements	
PPS1	- Delivering Sustainable Development

PPS3 - Housing
PPG24 - Planning and Noise

5. ASSESSMENT

Nature of Application

This application seeks to extend the time limits of an earlier outline planning permission for 2 chalet bungalows, which was allowed on Appeal on 11 December 2008, under reference, F/YR08/0109/F.

All the details of the earlier scheme are rolled forward to this current extension of time submission, i.e. an outline proposal with all matters of detail reserved. The indicative layout plan submitted previously showed a dwelling to the rear of Nos. 7 and 9, and the other to the rear of No.13, and a vehicle access to Badgeney Road within the present curtilage of No.13.

This submission is made as an 'Extension of Time'; in accordance with the arrangements introduced in October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009.

In essence the new arrangements provide for an extension of time for the implementation of a planning permission by the grant of a new permission for the development authorised by the original permission. It should be noted that only one 'extension of application of time' can be allowed under the new arrangements.

The guidance issued in respect of the new arrangements notes that "LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission."

It should also be noted that the same conditions do not necessarily need to be applied to any new consent as the primary legislation giving LPAs the power to impose such conditions as they see fit (s.70 of the TCPA 1990) is unchanged.

Therefore, if appropriate, different conditions could be imposed or some conditions could be removed – for example in order to make the scheme acceptable in the light of new policies, or if some pre-commencement conditions have already been discharged.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications.

Site History

Following the appeal decision on 11 December 2008 the site benefits from outline planning permission for 2 chalet bungalows. This appeal decision followed an earlier appeal in which the Inspector found the development of two chalet bungalows would not be harmful to the character and appearance of the area.

It should be noted that more recently in April this year an Inspector dismissed an appeal for two dwellings to the rear of 9 Badgeney Road (see reference: F/YR10/0580/O) which would have added one dwelling to the site and enabled a development of three dwellings in total. However, the Inspector noted that the introduction of a third dwelling would have a more profound effect on the character of the area.

As this proposal is for two chalet bungalow and given this is effectively a renewal of an existing planning permission, the proposal is considered acceptable.

Principle and Policy Implications

It should be noted that the policy framework in place at the time of the granting of the last consent remains largely unchanged, albeit the changes to Planning Policy Statement 3: Housing and the classification in terms of garden land which in essence removed it from 'brownfield (previously developed) land. This change does not preclude such development from being considered and the general encouragement in government guidance to make efficient use of land remains.

As such there is no material change in policy which would merit the Local Planning Authority revisiting the scheme in policy terms.

Conclusion

This extension of time submission has been considered in accordance with the relevant guidance and is found to be fully compliant with the same. It is therefore recommended that given that the scheme meets the policy framework in place at this time the scheme be allowed such an extension of time through the issue of a new planning permission for a further 3 years.

It is also proposed to bring forward the earlier conditions imposed on the appeal decision.

6. RECOMMENDATION

GRANT

1. Approval of the details of:

- i. the layout of the site**
- ii. the scale of the building(s);**
- iii. the external appearance of the building(s);**
- iv. the means of access thereto;**
- v. the landscaping**

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of

development).

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

- 2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.**

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any dwelling or the completion of the development, or in agreed phases whichever is the sooner; and any trees or plants, including those to be retained in the course of the development, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

- 5. The erection of fencing for the protection of the hedge and eucalyptus tree shown to be retained on the submitted illustrative site plan on application reference F/YR08/0109/O shall be undertaken in accordance with plans and particulars complying with the recommendation of British Standard 1172 and first submitted to and approved in writing by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development. The approved protective measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority. No outdoor fires shall be lit within 20 m of the retained hedge or tree.**

Reason – To ensure that the tree and hedge are adequately protected.

- 6. No development shall take place until cross-sections of the site and proposed development, related to spot levels on adjoining land and including details of existing levels around proposed buildings and any proposed changes in levels and proposed floor levels within buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason – To ensure that the precise height of the development can be considered in relation to adjoining dwellings.

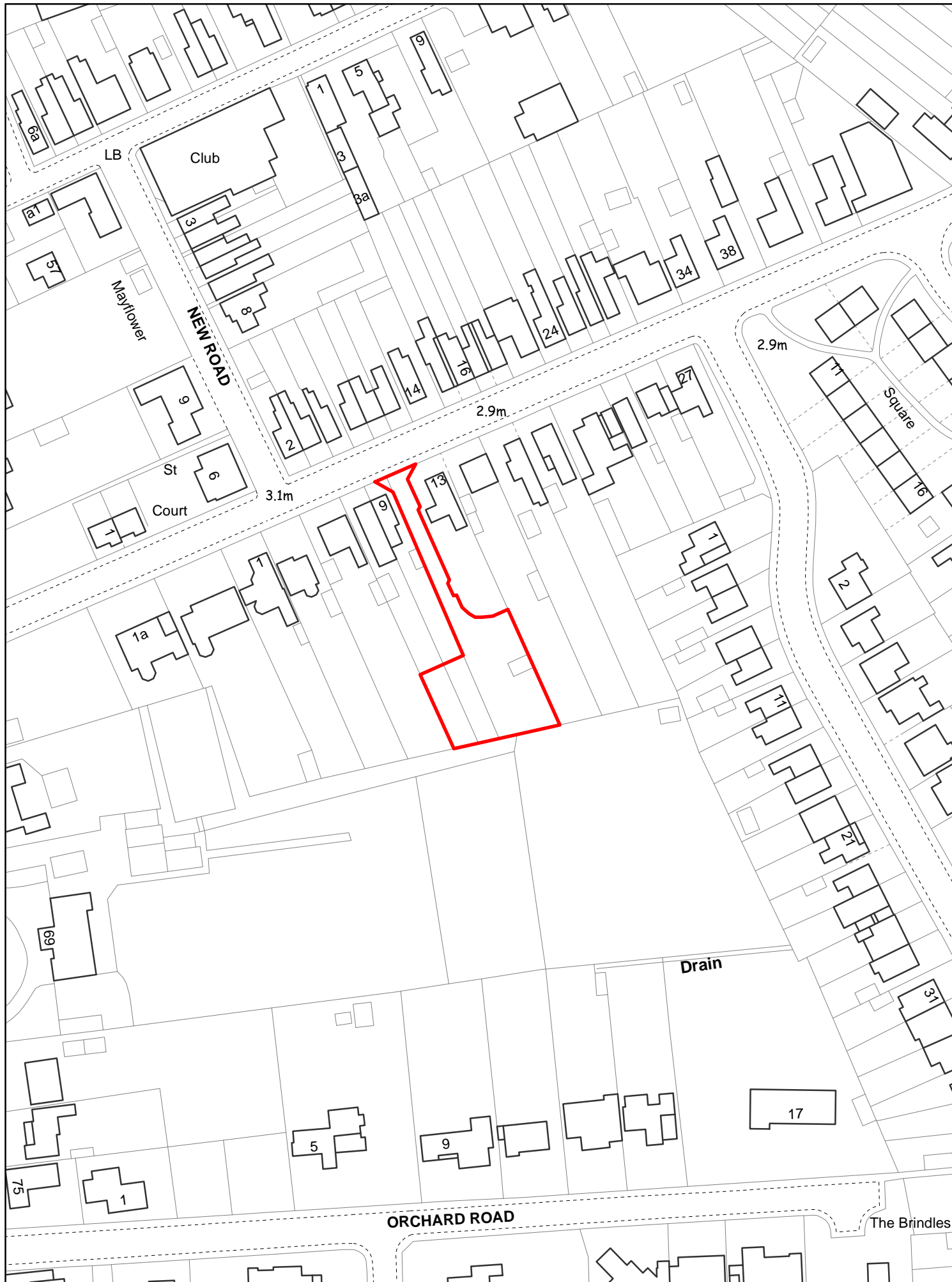
- 7. No development shall take place until details showing the proposed siting, height, installation method, noise attenuation properties and external appearance of acoustic screen fencing, and details showing the construction method and surfacing of the access drive, vehicle parking and manoeuvring areas, have been submitted to and approved in writing by the LPA. Prior to the first occupation of any dwelling, the acoustic fencing shall be erected, and the access drive, vehicle parking and manoeuvring areas shall be constructed and surfaced, in accordance with the approved details.**

Reason – In the interest of residential amenity.

- 8. When submitted in accordance with condition 1), details of access arrangements shall include provision for the creation and maintenance of highway vision splays of no less than 43m in each direction measured from a point 2.4m from the carriageway edge at the centre of the proposed access to the highway.**

Reason – In the interest of highway safety.

- 9. Plan Schedule.**



Created on: 05/12/2011

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FYR08/0109/



Site Plan 1:500
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30 JAN 2008