
Case No: 15/01495/S73 (RENEWAL OF CONSENT/VARY CONDITIONS)

Proposal: VARIATION OF APPLICATION 1101924FUL TO ALTER LAYOUT INCLUDING HOUSE POSITIONS AND FLOOR LEVELS, DELETE LANDSCAPING TO SIDE OF ENTRANCE ROAD, REDUCE VERGE WIDTH AND ADD HARD PAVING AND RETAINING WALLS. DELETE HARD PAVING TO NO DIG FOOTWAY. REVISE POSITIONS OF GAS TANKS AND ERECT ENCLOSURES OVER 2M HIGH EITHER SIDE OF ENTRANCE ROAD.

Location: LAND SOUTH WEST OF THE STABLES MAIN STREET UPTON PE28 5YB

Applicant: SJF MANAGEMENT

Grid Ref: 517387 278393

Date of Registration: 27.08.2015

Parish: UPTON AND COPPINGFORD

RECOMMENDATION - APPROVE

This application has been referred to Panel as the Parish Council recommendation of refusal is contrary to the officer recommendation to approve.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The 0.1ha site is approximately rectangular and fronts onto the unclassified Upton Hill/Main Street, on the western side of Upton next to the Upton Park mobile home park.
- 1.2 The site is elevated above the road/verge and is set behind a steep and narrow earth-bank and frontage hedge. The site levels vary but generally slope up from the road frontage to the rear/south-eastern boundary.
- 1.3 The two houses approved under 1101924FUL have been constructed and are occupied. However, the development has not been constructed in full accordance with the approved plans. This application seeks approval for the variations to the approved plans including:
- * Alter layout including house positions
 - * Alter house finished floor levels
 - * Delete part of the soft landscaping along the sides of entrance road
 - * Reduce verge width and add hard paving with retaining walls
 - * Delete bin collection area from north-east side of road
 - * Replace hard paving to front no dig footway with gravel
 - * Revise position of underground gas tanks
 - * Revise boundary treatment to over 2m high either side of entrance road/by Upton House Cottage and plot 1.

- 1.4 The applicant has revised the plans and description during the processing of the application to provide a more accurate scheme and to respond to third party representations.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012)
Paragraph 7 - Achieving sustainable development
Paragraph 17 - Core planning principles
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- En18: Protection of countryside features
 - En25: General Design Criteria
 - H31: Residential privacy and amenity standards
 - H32: Sub-division of large curtilages
 - En20: Landscaping Scheme
 - T18: Access requirements for new development
- 3.2 Huntingdonshire Local Plan Alterations (2002)
- HL5 – Quality and Density of Development
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- CS1: Sustainable development in Huntingdonshire
 - CS3: The Settlement Hierarchy
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- Policy LP 1 - Strategy and principles for development
 - Policy LP 5 - Renewable and Low Carbon Energy
 - Policy LP 6 - Flood Risk and Water Management
 - Policy LP 13 - Quality of Design
 - Policy LP 15 - Ensuring a High Standard of Amenity
 - Policy LP 28 - Biodiversity and Protected Habitats and Species
 - Policy LP 29 - Trees, Woodland and Related Features
- 3.5 Supplementary Planning Documents (SPDs):
- Huntingdonshire Design Guide SPD (2007)
 - Huntingdonshire Landscape and Townscape Assessment SPD (2007)

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

4. PLANNING HISTORY

- 4.1 **1101924FUL** – Erection of two dwellings – Approved in 2012 (Approved Site Layout Plan Attached).
- 4.2 **1301149NMA** - Amendment to Planning Permission 1101924FUL to delete dummy centre chimney to both units and add new chimney to external gable end wall to serve woodburners – Refused.

- 4.3 **1302010NMA** - Amendment to Planning Permission 1101924FUL to add the approved drawings to the conditions of the Planning Permission – Approved.
- 4.4 **1400116S73** - Variation of condition of Planning Permission 1101924FUL (as amended by 1302010NMA) to substitute drawing 09/679L/21 by 13.026/1E and drawing 09/679L/22 by 13.027/1F. Delete dummy centre chimney to both units and add new chimney to external gable end wall to serve wood burners, new window to gable end (bedroom 4 in unit 2) – Approved.
- 4.5 **15/01454/NMA** - Amendment to 1101924FUL: Re-align the main entrance driveway. Reduce the verge to 700mm wide. Delete soft landscaping from this area. Hard pave the verge with concrete block paving. Change the surface finish of the no-dig footway from concrete slabs to pea gravel. Replace access ramp with concrete steps. Re-position LPG tanks – Withdrawn.

5. CONSULTATIONS

- 5.1 **Upton and Coppingford Parish Council:** Original proposal: Recommend refusal (COPY ATTACHED) for the following reasons:
- * Parish Council approved the original plans 3 years ago
 - * Difficulty understanding the plans
 - * Not clear why there is a variation
 - * Driveway appears to have changed, impacting on ability for a safe exit

Amended plan: Any response will be reported to Panel.

- 5.2 **Huntingdonshire District Council Transportation:** Recommend approval.
- 5.3 **Cambridgeshire County Council West Highways Division:** Recommend approval of works in the highway.

6. REPRESENTATIONS

- 6.1 Original proposal: Objections from two properties, Spire View Cottage (plot 2) and Upton House Cottage (previously known as The Stables) for the following reasons:
- * Removal/reduction of soft landscaping
 - * Detrimental to character of Upton Hill/Out of keeping with the village street scene
 - * Wall to plot 1 higher than the fence and overbearing to Upton House Cottage
 - * Significant loss of amenity to Upton House Cottage - garden and ground floor rear windows are overlooked by anyone accessing plots 1 and 2 by foot or vehicle
 - * suggest the 1.8m closeboard fence is replaced by a 2.2m high closeboard fence along the boundary with Upton House Cottage for privacy and to block view of overbearing wall
 - * No tree protection fence has been in place throughout the build - tree listed as T2 has died, and should be replaced in accordance with condition 10
 - * Descriptions in the application form are incorrect

- * Plot 1 has been constructed in the wrong place
- * Developer is in breach of condition
- * Access is clear on original plans and forms part of legally binding contract with the developer but access width has been reduced by 1.2m
- * Splays cannot be achieved within the proposed changes
- * Reduction in the width of the boundary (landscaping) would impact on access, as larger vehicles would use this area to reverse
- * Within the boundary is the main sewer, and main inspection chamber is within this verge - heavy vehicles will drive over them
- * both plots are now occupied - any changes to the access/rights over/sewers etc. can only be changed with the agreement and consent of the land owners – need to change Title Deeds (officer response: this is a civil issue for the owners of the properties to pursue with the builder)
- * Any legal costs incurred by new owners from this point on could be recoverable from HDC (officer response: this is a civil issue for the owners of the properties to pursue with the builder; HDC cannot be held responsible for the developer failing to build-out in accordance with the approved drawings)
- * Drawings do not show adequate parking and turning space.
- * The position of the gas tank for plot 2 is incorrect and not where the gas tank is currently positioned.
- * Gas tank on plot 2 has been installed 2m inside plot 1's boundary causing a health and safety issue. The owners of plot 1 have requested to the developer that it be moved. The 150mm concrete kerb edgings have been replaced by 900mm concrete slabs by the developer contrary to the plans and renders gas tank liable to accidental damage.
- * Boundary between plots 1 & 2 is not shown on the drawings.

6.2 Amended plans: Any response will be reported to Panel.

7. ASSESSMENT

7.1 The principle of residential development has been established with the granting of planning permission for two dwellings reference 1101924FUL. The main issues for consideration therefore relate to the impact of the differences between the approved and proposed plans on:

- the character and appearance of the area
- residential amenity and
- highway safety.

Character and appearance of the area

7.2 The houses are of the same design and form as approved. The houses are in the approved materials, the curtilages are similar in size to before, the proposed car parking spaces between the houses have been retained and the front hedge has been retained.

7.3 Therefore the main issues to consider are the effect of the alterations to the layout and floor level on character and appearance of the area.

- 7.4 The changes include:
- * moving the access further north-east
 - * reducing the space for soft landscaping at the sides of the access
 - * including retaining walls in the highway
 - * increasing the height of the boundary enclosures to over 2m high either side of entrance road/by Upton House Cottage and plot 1
 - * moving the house on the north-eastern plot 1 by setting it approximately 0.4-0.8m further back and the distance between plot 1 and the north-eastern boundary was to be 12m but is now approximately 11.6-11.8m and
 - * plot 2 is now closer to the back boundary (approximately 1.4m instead of 2.5m) and approximately 0.8m closer to the south-western boundary and
 - * the finished floor levels are now 9.92 for plot 1 and 9.58 for plot 2, compared to the approved levels which were 9.85 and 9.55, respectively
- 7.5 The front hedge has been retained but the revised scheme has resulted in less space for landscaping next to the access and:
- * the north-eastern side wall for plot 1 is higher than originally proposed (2.7-2.85m compared to approximately 1.8m)
 - * the proposal is to increase the height of the north-eastern boundary fence by Upton House Cottage from a 1.2m-high ranch type fence at the northern end near the road and a 1.8m closeboarded fence nearer the southern end to a 2.2m high fence comprising a 1.8m fence with a 0.4m trellis fence on top
 - * a retaining wall is to be introduced at the front of the site.
- 7.6 The amendments urbanise the appearance of the access, which is in contrast with the rural character of the lane which is flanked by hedges as it extends south-west out of the village. However, on balance, it is considered that the proposals for the access and adjoining enclosures are acceptable and the limited harm does not merit the refusal of the application. The brick of the new wall adjoining plot 1 and the proposed retaining walls is acceptable as it matches the new houses. The potential intrusion is reduced as the new wall is seen against the backdrop of the 2-storey gable of plot 1, the proposed north-eastern retaining wall and fence would be seen against the backdrop of the 2-storey wing of Upton House Cottage, the applicant has agreed to stain the fence green to soften its impact and the use of asphalt and dark grey blockwork for the part of the access nearest the highway is acceptable.
- 7.7 A replacement for tree T2 would now be on land outside the applicant's control and therefore cannot be secured by condition. However, the applicant has been asked to assess if he can come to an agreement to replace it as it would help to soften the impact of the development. If no agreement can be reached about the replacement it is not essential that the tree be replaced.
- 7.8 It is considered that the adjustments to the house positions and levels are acceptable in terms of effect on the character and appearance of the area.
- 7.9 It is concluded that the proposal is acceptable in terms of impact on the character and appearance of the area and complies with the NPPF and policies En25 and H32 of the Huntingdonshire Local Plan

1995, HL5 of the Huntingdonshire Local Plan Alterations (2002), CS1 of the Adopted Huntingdonshire Core Strategy 2009, LP13 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) and the Huntingdonshire Design Guide Supplementary Planning Document 2007.

Impact on residential amenity

- 7.10 The development is far enough from the flats in Rectory House to the rear and from Granary Cottage on the other side of the road, to avoid significant detrimental impact upon their privacy or amenities.
- 7.11 The main issue is the effect on the flanking properties, the mobile home at 40 Upton Park to the south-west and Upton House Cottage to the north-east (which incorporates The Stables) the ownership of which was severed from the application site since the new houses were permitted in 2012.
- 7.12 The access is closer to Upton House Cottage and its private amenity space than was approved and so no space is available for soft landscaping between the boundary and fence on land in the applicant's control. However, it is considered that the amended location does not result in undue harm to the occupiers of Upton House Cottage from activity and disturbance along the access.
- 7.13 Views and overlooking of Upton House Cottage from plot 1 are adequately screened by the north-eastern garden wall of plot 1. However, the new fence by the access does not adequately screen Upton House Cottage and its private amenity space from views from the access or path in front of plot 1. The applicant therefore proposes the increase in height of fence.
- 7.14 The occupier of Upton House Cottage seeks a 2.2m high closeboarded fence between the access and Upton House Cottage proposed fencing but it is considered that the proposed 1.8m fence with 0.4m trellis would suffice as a privacy screen to views of Upton House Cottage from the access and the elevated front steps and path of plot 1.
- 7.15 The objections of the occupier of Upton House Cottage to the plot 1's wall between plot 1 and the access have been considered but are not considered to materially harm the outlook of the neighbour due to the adequate distance between them.
- 7.16 40 Upton Park is orientated to have a principal elevation fronting Plot 2/ Spire View Cottage. The proposed 1.8m fence is permitted development and will help to provide a suitable screen. The reduced space between plot 2 and the common boundary with no. 40 is acceptable.
- 7.17 The revised positions and floor levels of the dwellings are acceptable and avoid undue overbearing, overlooking and overshadowing effects on 40 Upton Park and Upton House Cottage.
- 7.18 It is considered that the proposal provides satisfactory amenities for the occupiers of the new dwellings and conditions can secure the erection of the revised boundary fence within a reasonable timescale

between Upton House Cottage and the new access to provide privacy to the occupiers of Upton House Cottage.

- 7.19 It is considered that the proposal complies with policies H31 of the Huntingdonshire Local Plan (1995) and the guidance of the Huntingdonshire Design Guide Supplementary Planning Document 2007 as appropriate standards of privacy and amenity can be maintained for the occupiers of the adjoining dwellings.

Highway safety

- 7.20 The site is in a 30 miles per hour maximum speed zone, the frontage road is narrow and there is no public footpath either side of the road outside the site.
- 7.21 The Transportation Officer is satisfied that the access is safe and visibility splays can be secured on land in the applicants control and on highway land. Conditions can be secured to secure the visibility splays.
- 7.22 There is adequate car parking and turning space within the site and there is space for cycle parking on site. It is not uncommon within smaller settlement such as this for delivery vehicles to access the sites from the main road in a safe manner and such an arrangement would be acceptable in this instance.
- 7.23 The proposal is considered to be satisfactory in highway safety terms and accords with policy T18 of the Huntingdonshire Local Plan 1995.

Conclusion:

- 7.24 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted for the reasons set out above subject to the consideration of any representations that may be submitted on the amended plans.

- 8. RECOMMENDATION - APPROVAL** subject to conditions to include the following

- Plans listed in table
- Access
- Visibility splays
- Car parking and turning
- Retain front hedge
- Hard landscaping implementation, including fence adjoining Upton House Cottage
- Remove permitted development for extensions/alterations.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Sheila Lindsay Development Management Officer 01480 388247**

Huntingdonshire DC Public Access

From: Caroline Bradley <uptoncoppingfordpc@aol.co.uk>
Sent: 29 September 2015 22:00
To: DevelopmentControl
Subject: 15/01495/S73 Variation to 1101924FUL

Ref: Land South West of The Stables, Main Street, Upton

Upton & Coppingford Parish Council met last night and unanimously, agreed to recommend REFUSAL for the following reasons:

- The Parish Council approved the plans 3 years ago and support this decision
- There is difficulty understanding the plans because they do not support each other, therefore, making it difficult to tell what the difference will be and the implications of this
- It is not clear why there has been a variation to the original planning application as the Parish Council would have expected inspections to have taken place during construction
- The Parish Council believe that the part of the plan relating to the driveway has changed, significantly, affecting the ability for a safe exit. However, the Parish Council are not able to verify this because the plans are so unclear

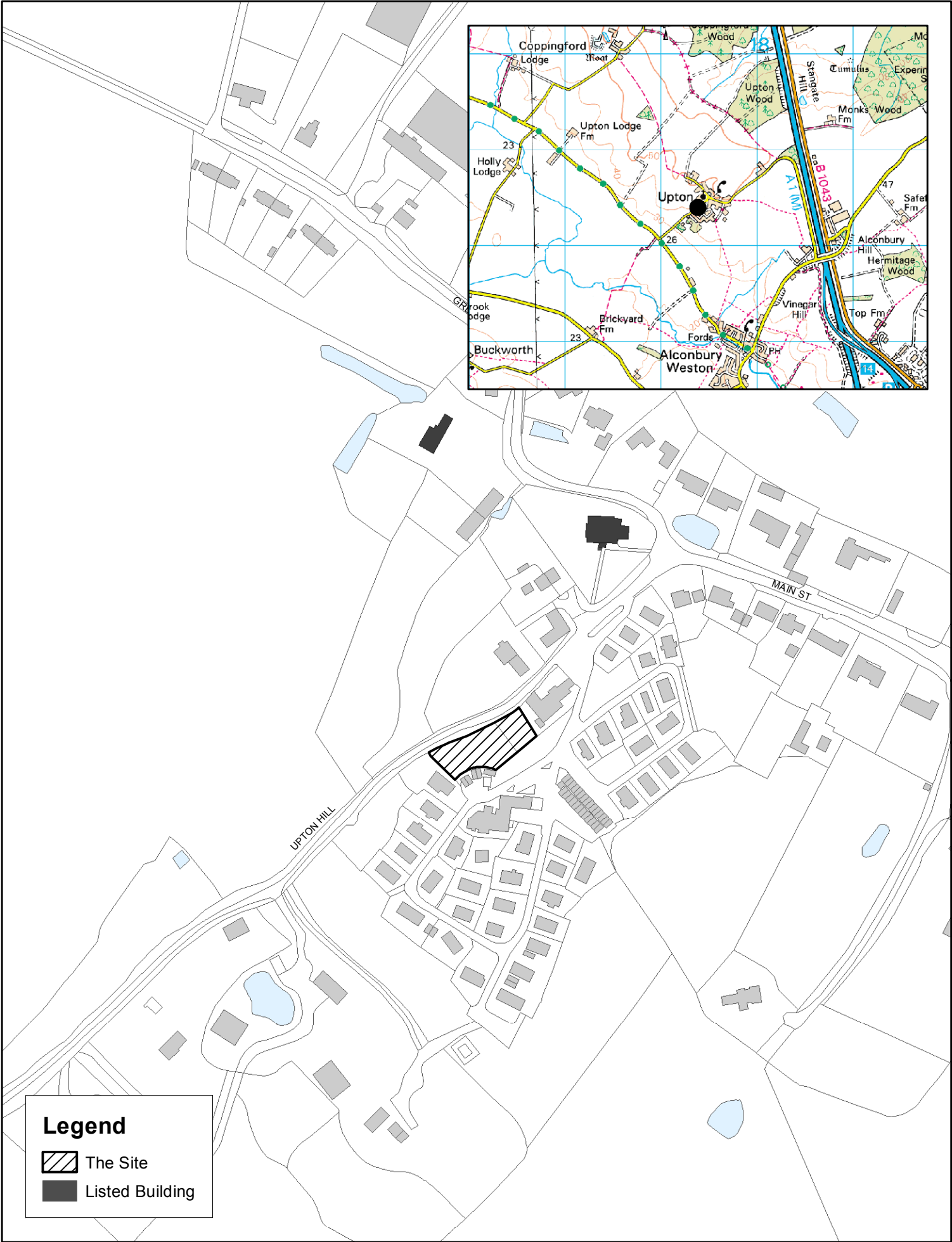
Yours faithfully

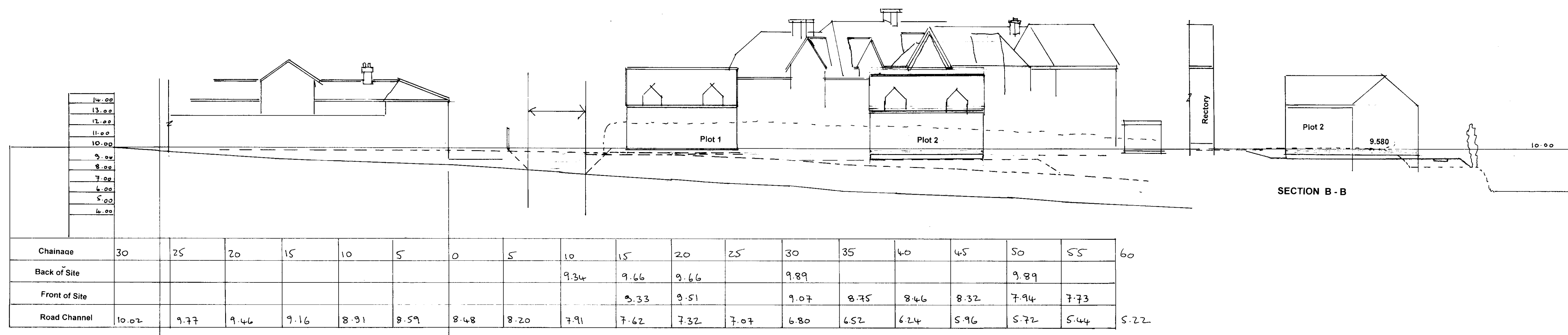
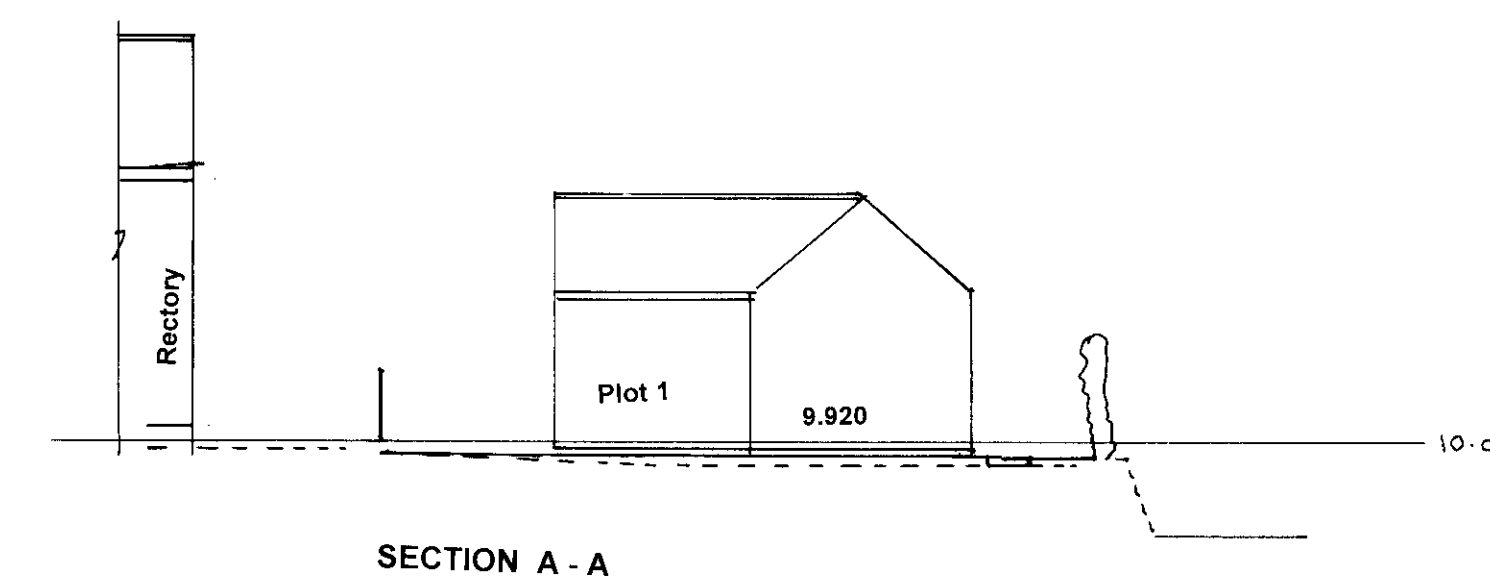
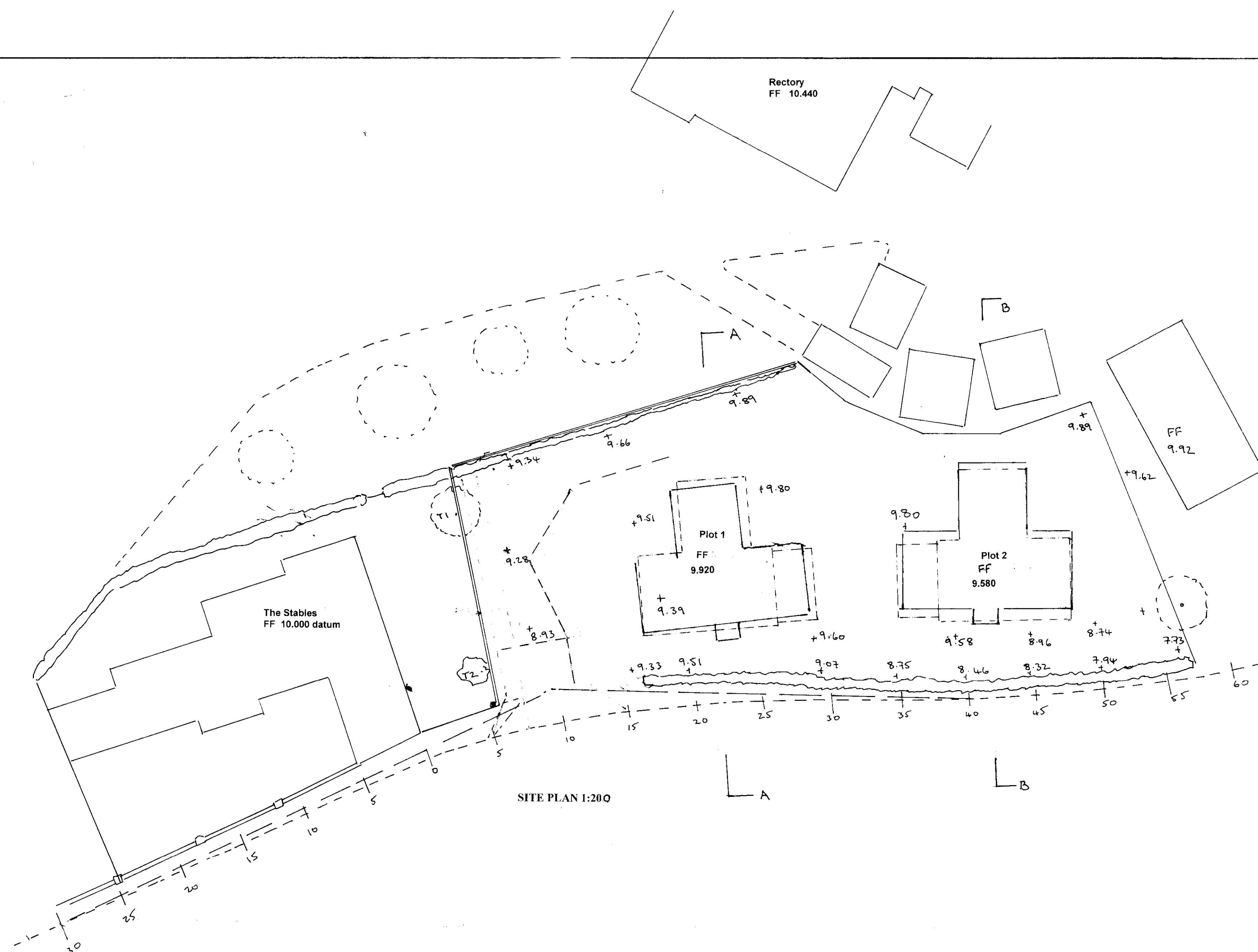
Caroline Bradley
Clerk to the Parish of Upton & Coppingford

Development Management Panel

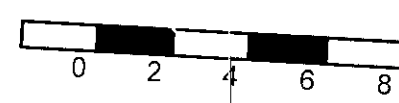
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Application Ref: 15/01495/S73
Location: Upton and Coppingford

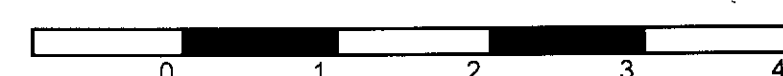




SCALE 1:200



SCALE 1:50



PROPOSED DETACHED DWELLINGS
AT
THE STABLES
MAIN STREET
UPTON

SITE WORKS 1

N. P. BRANSTON mscs., mscib
400 EASTFIELD ROAD,
PETERBOROUGH, GIL.
PE1 4RF
phone: 01733-348119
email: phil@branstons.co.uk

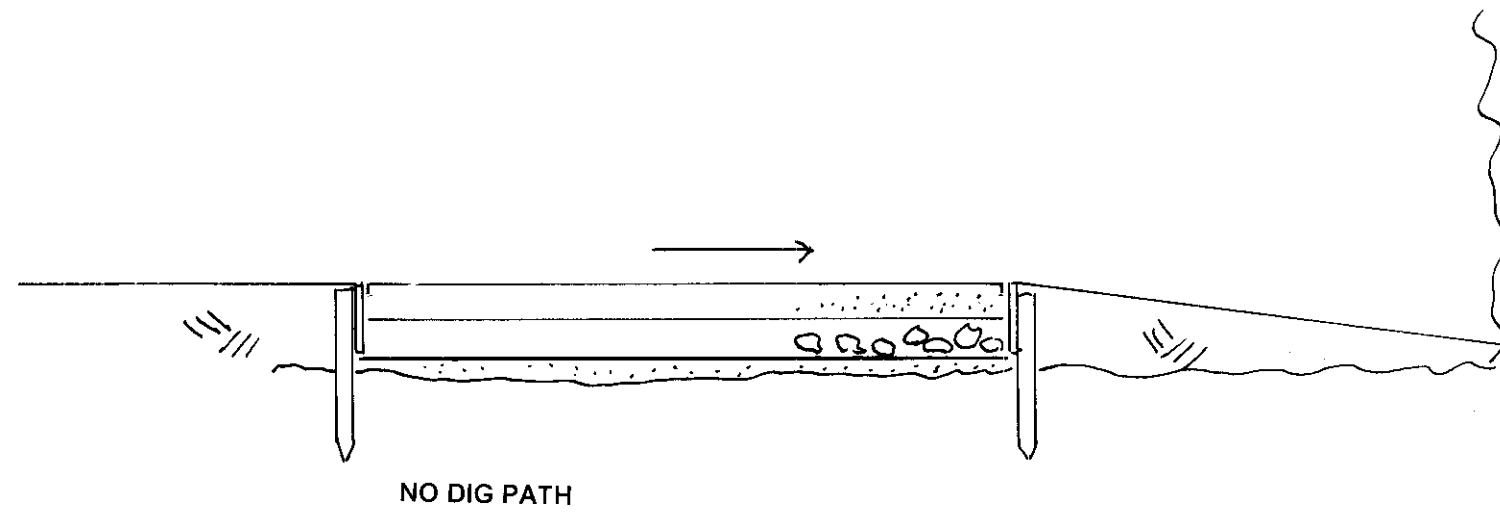
Scales:
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Date:
JUNE 2013

Drawing Number:

13.028/1

DRAWING 1 OF 2



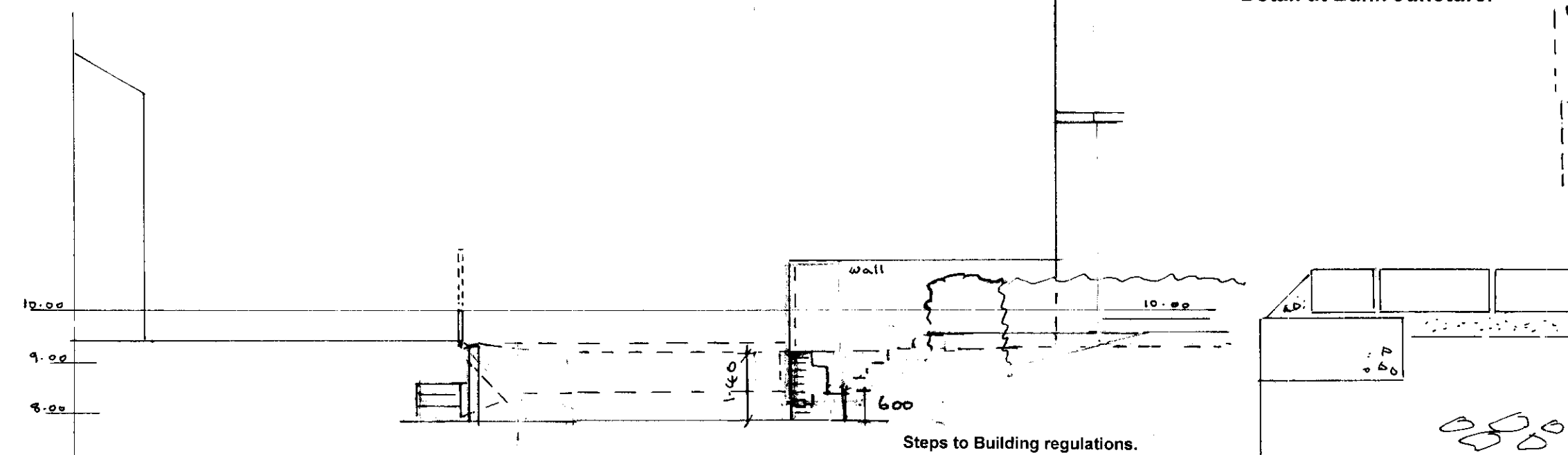
No Dig Path

50mm Pea gravel
100mm of 50mm clean limestone hardcore top blinded on layer of geomesh.
Formation made up and levelled with local sand.
Haunches made up with topsoil and grass seeded.
25 x 150mm treated softwood edging.

Brick retaining wall in matching bricks to edge of driveway,

Materials:
Bricks

Roof tiles
Windows White upvc
Doors rear White upvc
Front Timber green cuprinol.
Fascias White upvc
RW pipes etc Black upvc

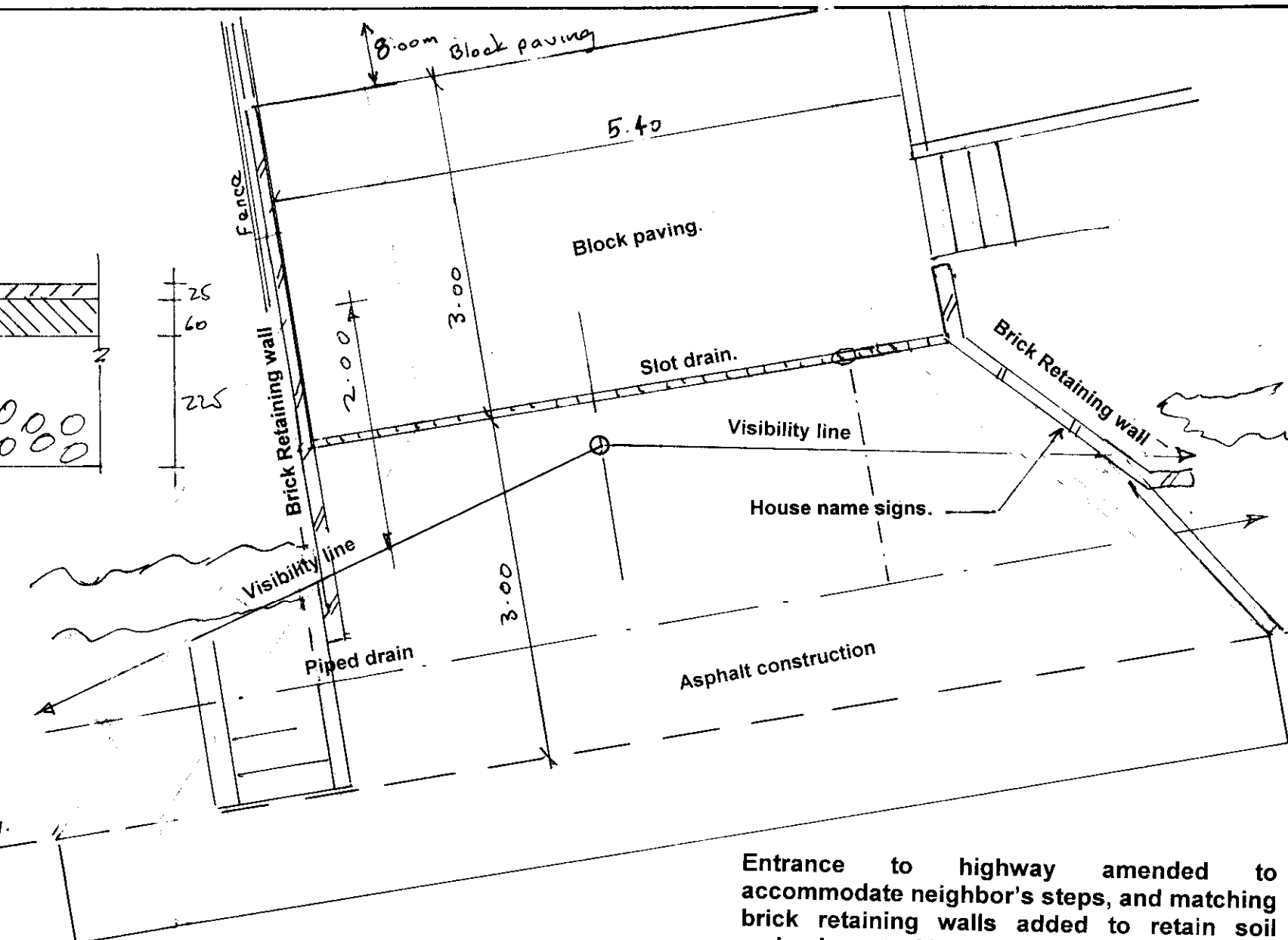


VIEW ON ACCESS ENTRANCE 1:100

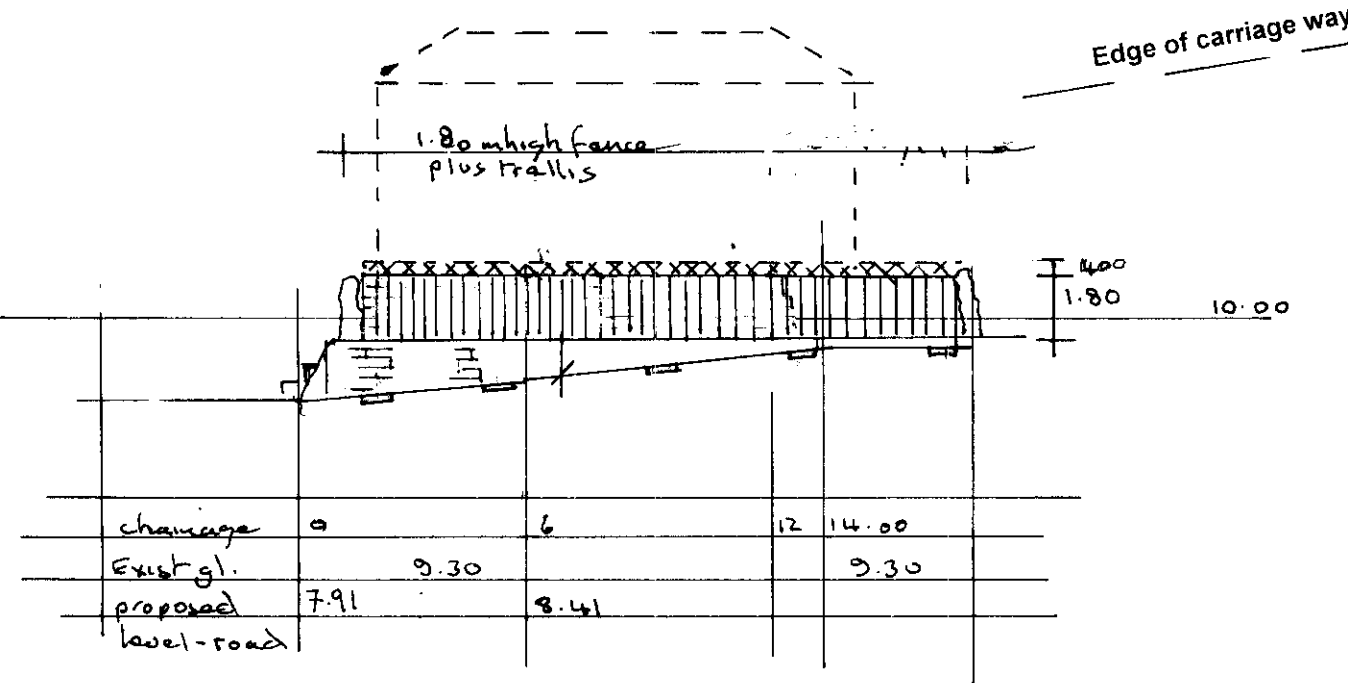
Amendments.
Driveway entrance realigned.
Landscaping to side of entrance road deleted.
Verge width reduced and hard paved.
Non dig front path surface amended to pea gravel. Disabled access via rear driveway.

Driveway Verge.
60mm thick concrete blocks colour Red, on 50mm sand bed on 100mm crushed stone hardcore.

topsoil
bricks to match the house.
gravel.
Detail at Bank Juncture.



Entrance to highway amended to accommodate neighbor's steps, and matching brick retaining walls added to retain soil embankment. Visibility lines retained and maintained.

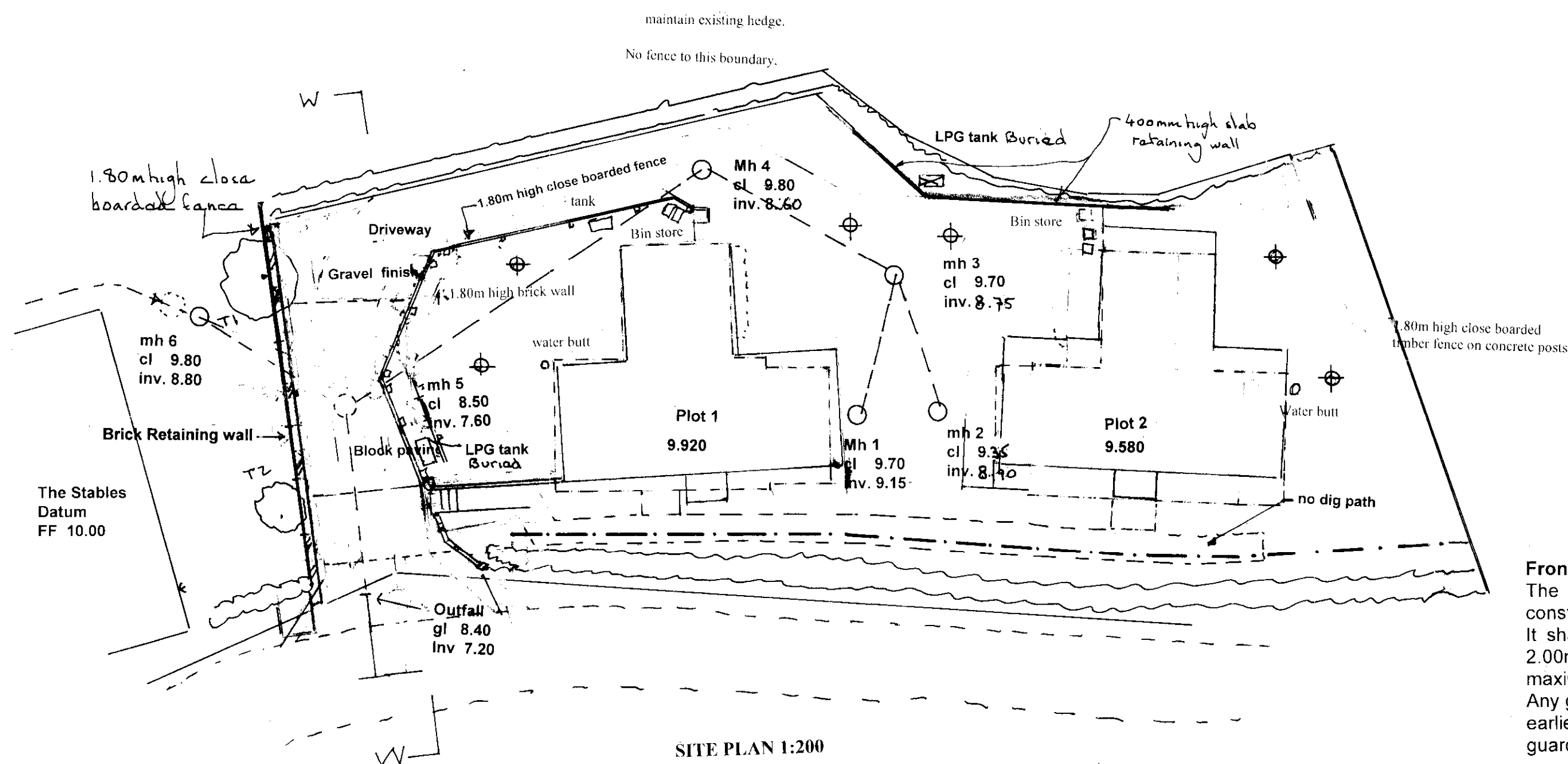


Elevation to the Stable

Section W-W 1:200

Chainage	0	6.00	14.00
Level	7.91	8.41	
gradient	1 in 12	1 in 10	

Section through Access Road W-W 1:200



SITE PLAN 1:200

Front Elm Hedge.
The hedge shall be protected for the entire construction period.
It shall be lopped to a height of min 1.50 and 2.00m. It shall be allowed to thicken to a maximum of 2.00m.
Any gaps shall be infilled with new saplings in the earliest planting season and protected (rabbit guards and posts) and maintained.

To be maintained at a maximum height of 2.00m and a minimum height of 1.50m

Block paving - Marshalls Tegula 80mm colour Pennant Grey.

Banks to be battered back to existing levels.

Water Butts
Green plastic on black base
210 litre - fed from rwdp.

Driveway Connection To Highway.

25mm Hot rolled asphalt
60mm Dense bit base course.
225mm Consolidated hardcore MOT Type 1.
All in accordance with Cambridgeshire County Council Estate Roads Specification - Appendix: 5, 11 and 12.
Separation by HD grated Slot drain (Acco or similar approved) connected via. Gully to existing storm drain in verge.
150 x 125mm pcc bull nosed kerbs to edge on concrete bed and haunch.

Block Paving.

80mm thick concrete blocks, on 50mm sand bed on min 300mm crushed consolidated limestone hardcore. Edges on concrete bed and haunch.

Visibility lines

All vegetation above 700mm in height on verges and banks to be removed and maintained as such.

House positions amended to as built.

Potted outlines show original approved positions.

FENCE AMENDED.

1.80m High close boarded fence for complete length topped with 400mm high trellis. Fence painted green Cuprinol "Seagrass".

As Built and Proposed Final Changes.

Minor changes to house positions, and minor changes to floor levels, Plot 1 finished floor level increase from 9.850 to 9.920m an increase of 70mm, and Plot 2 increase from 9.550 to 9.580m an increase of 30mm.
Delete landscaping to side of entrance road, reduce verge width and add hard paving.
Delete hard paving to no dig footway.
Revise positions of gas tanks.
Erect enclosures to entrance road over 2.00m in height.
Small retaining wall to end of hedge at roadway/drive entrance.

21st December 2015

Boundary Wall to Plot 1
Matching Brick to houses with red brick engineering brick coping, 1.80m high above plot 1 ground level, 1.80 to 2.85m high on driveway side. 2 Courses red engineering brick dpc. Matching brick retaining wall to main entrance by roadway to hedge end.

Tree Protection Fence
To British Standard 5837:2012 Figure 3. With fixed notice PROTECTED AREA - DO NOT ENTER.

Driveway
Min 250mm crushed limestone foundation with 50mm of 20mm gravel.
50 x 150mm concrete edging kerbs on concrete bed and haunch.

Soakaway positions

Grass reinforcement mesh to be incorporate to steep sloping grass banks.

SCALE 1:200



PROPOSED DETACHED DWELLINGS
AT
THE STABLES
MAIN STREET
UPTON

SITE WORKS 2

N. F. BRANSTON mscs, mciob
400 EASTFIELD ROAD,
PETERBOROUGH
PE1 4RE
phone: 01733-348119
email: nfb@branstons.co.uk

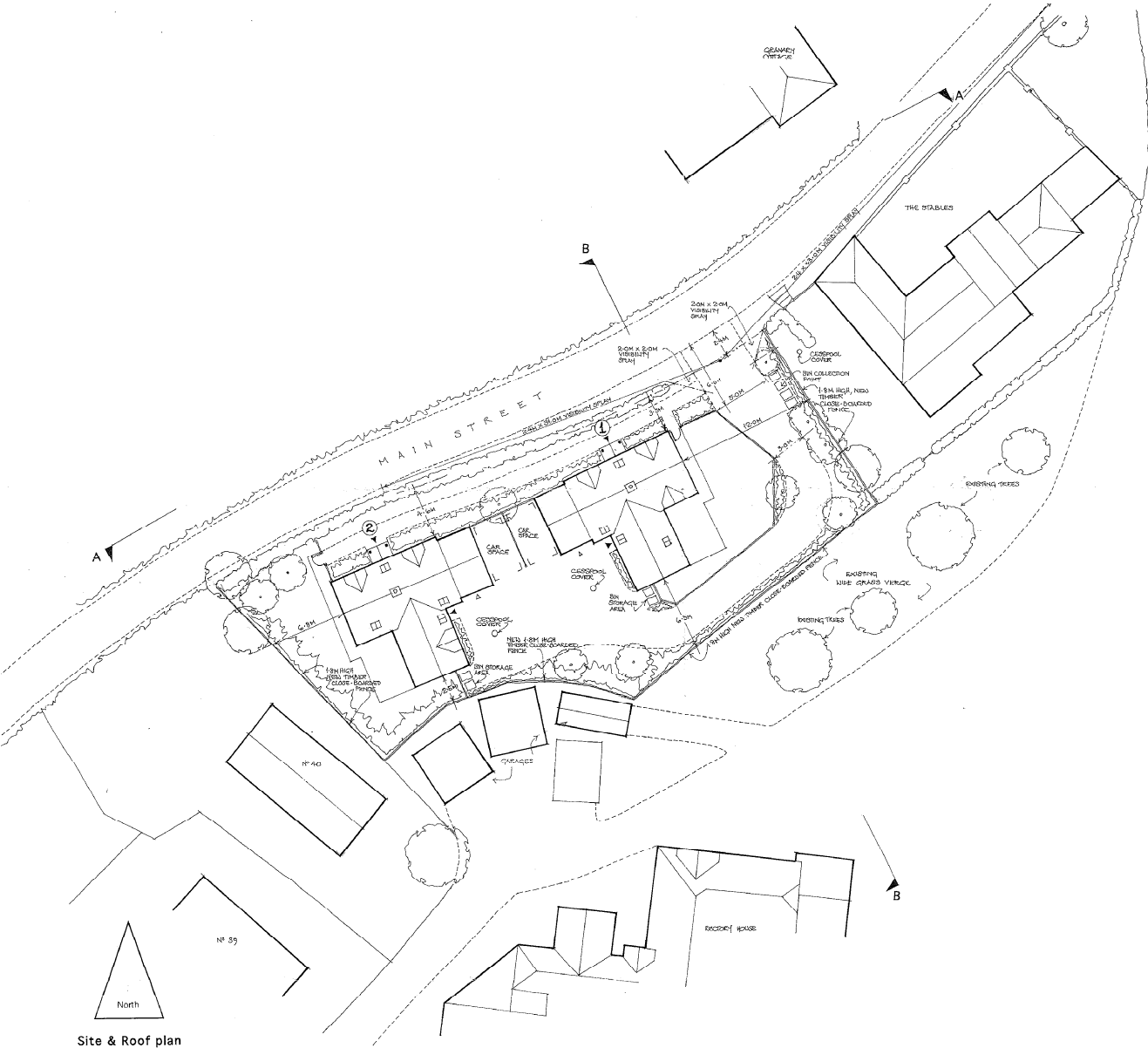
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Date:
JUNE 2013

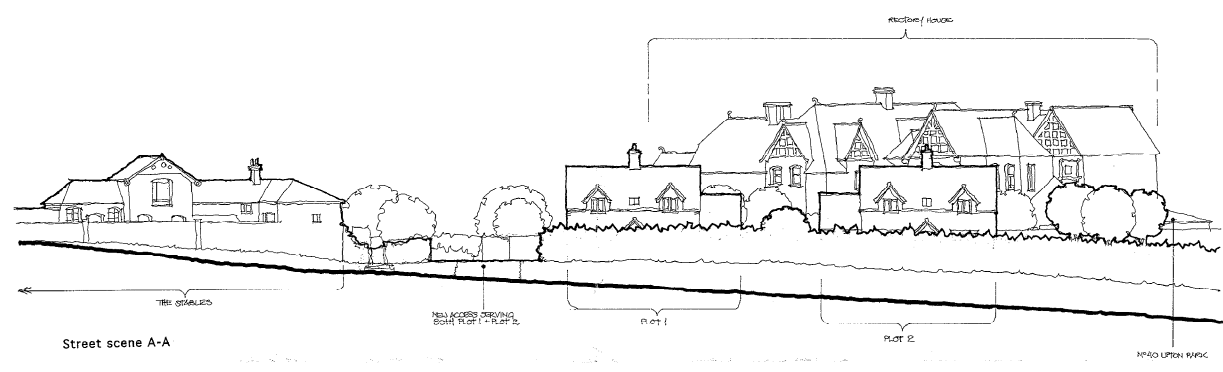
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DRAWING 2 OF 2

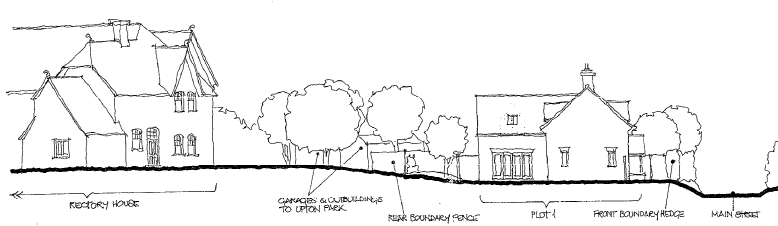
GREEN PAPERS FOLLOW



Site & Roof plan



Street scene A-A



Site Section B-B

NOO DOC. CENTRE
11 NOV 2011
RECEIVED