

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

3 July 2013

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**S/0552/13/FL – IMPINGTON**  
**New dwelling and garage to rear of 24 Hereward Close**

**(for Mr D'Angelo)**

**Recommendation: Delegated Approval**

**Date for Determination: 1<sup>st</sup> July 2013**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council conflicts with the recommendation of officers.**

**Members will visit the site on 2 July 2013.**

**Site and Proposal**

1. The site comprises a grassed garden area, detached garage and shared vehicular access (serving Nos. 20, 22 and 24). The property falls within the village framework of Impington and adjoins the Conservation Area to its north-western boundary. The site is also located within a Flood Zone 3 area.
2. The proposal involves the subdivision of the rear garden and the erection of a 3-bed bungalow and detached garage. The site would be accessed via an existing track leading out on to Hereward Close. The submitted plans show two new parking spaces to the front of 24 Hereward Close to be carried out under permitted development.

**Planning History**

3. An application for a bungalow in the garden of 24 Hereward Close was refused in 2003 (S/0665/03/O). Whilst the plot was found sufficient in size to accommodate a bungalow its siting was considered to impinge on the outlook from properties in Impington Lane. The intensified use of the plot, together with its shared access, was found to result in loss of amenity to neighbours through increased usage.
4. An application for a bungalow was withdrawn in 2012 (S/2330/12/FL) due to the absence of a detailed Flood Risk Assessment.

**Planning Policy**

5. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the

development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.

**Local Development Core Strategy 2007:**

6. ST/4 Rural Centres

**South Cambridgeshire LDF Development Control Policies DPD, 2007:**

7. DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
CH/5 Conservation Areas  
DP/7 Development Frameworks  
HG/1 Housing Density  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Water - Alternative Drainage Systems  
NE/15 Noise Pollution  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards  
TR/2 Car and Cycle Parking Standards

**South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

8. District Design Guide SPD – adopted March 2010  
Open Space in New Developments SPD - adopted January 2009  
Landscapes in New Developments SPD - adopted March 2010  
Development Affecting Conservation Areas SPD – adopted January 2009

**Consultations**

9. **Histon & Impington Parish Council** – "Recommends refusal due to the following reasons
- Intensified use of the plot together with the shared access would result in a loss of amenity to neighbouring properties.
  - Impinge on the outlook from properties on Impington Lane
  - Out of keeping with street scene
  - Risk of flooding noting inaccuracies in Flood Risk Assessment
10. If SCDC are minded to make a recommendation of approval, the Parish Council would like the following conditions to be applied:
- 1) The site entrance should be brought in line with the proposed plan (and the terms of the right of way) which would require narrowing it from the existing 4m to 2.5 in width
  - 2) As mentioned in the FRA, installation of floodable void to reduce the risk of flooding to neighbouring properties.
  - 3) A professional assessment undertaken to determine whether asbestos is present on site, if so removed in accordance with relevant regulations.
  - 4) Restriction of access times during construction and power operated machinery on site

- 5) Scheme for parking of personnel and plant during construction period noting the cul-de-sac location and off street parking present
- 6) Positive surface water drainage to be provided via an oil interceptor for vehicle parking and garage areas to avoid groundwater contamination."
11. **Local Highway Authority** - Recommends the following conditions for the new parking spaces for the existing dwelling: 2m x 2m visibility splays in the curtilage of the existing dwelling; adequate surface water drainage to driveway; and no unbound material along driveway. For the existing driveway serving the new dwelling there is no objection, subject to a condition to ensure that the new manoeuvring area is maintained.
12. **Environment Agency** - No objections to the proposals as submitted on flood risk grounds, subject to a condition requiring floor levels of any part of the dwelling to be set no lower than 10.80m above Ordnance Datum Newlyn. Informatives are recommended regarding surface water and foul water drainage.
13. **Acting Environmental Health Manager** - Recommends a restriction on the hours power operated machinery is used during the construction works. Further general advice is given regarding the use of driven pile foundations and bonfires during construction and demolition.
14. **Tree Officer** - No objections. The existing trees are not afforded any statutory protection.

### **Representations**

15. Neighbours at 20 and 22 Hereward Close, 12 and 18 Impington Lane have raised the following issues:
- (a) Increase use of driveway and loss of residential amenity
  - (b) Loss of privacy/overlooking
  - (c) Noise and disturbance
  - (d) Out of character
  - (e) Restrictive covenants
  - (f) Flood Risk (and also surface water and foul water drainage)
  - (g) Increased traffic, congestion and on-street parking along Hereward Close
  - (h) Parking and highway Safety
  - (i) Inconsistent tree survey
  - (j) Services and utilities difficulties
  - (k) Asbestos in existing garage
  - (l) Damage to property during construction
  - (m) Boundary treatment
  - (n) Loss of property value
  - (o) Tree maintenance
  - (p) Poor access for construction vehicles and emergency services
16. The neighbour at 15a Water Lane supports the application for the following reasons:
- (i) it is in keeping with the scale and type of buildings around it and recognises that this site is in a location which potentially impacts on a number neighbouring houses

(ii) the proposal preserves the trees on site and these should be formally protected in any grant of planning permission and permitted development rights restricted.

### **Planning Comments – Key Issues**

17. The main issues to consider in this instance are: the principle of the development; the character of the area; parking, highway safety, access; residential amenity; environmental and flooding issues; landscape and boundary treatment; community open space and infrastructure; and other issues.

### **Principle of Development**

18. The proposed new dwelling is located within the village framework and within a sustainable location close to existing infrastructure, facilities and services to accord with the aims of Policy ST/4 of the LDF Core Strategy 2007. In terms of housing density, the scheme would equate to 16 dwellings per hectare, which falls under the expected 30 dwellings per hectare average of Policy HG/1. However, any further dwellings in this scheme would not be feasible due to the constraints of the site.

### **Character of the Area**

19. The development would be located to the western end of Hereward Close, which comprises a residential cul-de-sac of two storey dwellings. The location and position of the application site is considered to be an anomaly in that it is sandwiched between two distinctly different residential streets: Hereward Close and Impington Lane. The design and scale of any new dwelling in this location would clearly struggle to affiliate itself with both streets but in terms of public views would most readily be seen to the background of the terraced row of Nos. 22-28 Hereward Close.
20. To the western end of Hereward Close visual breaks can be seen between housing groups and plots which contribute to a sense of spaciousness within the street scene. The proposal is not considered to necessarily harm this character or quality of the area because it would be positioned within the background of the immediate street scene with a modest scale and a low, subservient roof height and profile. Furthermore, the background of these visual gaps either side of the terrace of Nos 22-28 Hereward Close is already punctuated by views of neighbouring dwellings along Impington lane and Water Lane; the size and siting of the proposed bungalow is therefore not considered to cause adverse harm to the character or setting of Hereward Close.
21. No objection is raised in relation to the design and appearance of the proposed bungalow which would be simple in form with a hipped roof to reflect the design of the surrounding neighbouring dwellings at Hereward Close. Final materials would need to be agreed by condition but, overall, the appearance of the proposal is considered to be compatible with the location in accordance with Policies DP/2 and DP/3.

### **Parking, Highway Safety and Access**

22. The Local Highway Authority has raised no objection to the new bungalow and a condition is agreed to ensure the vehicle manoeuvring area shown on the submitted plans is maintained free from obstruction.
23. Traffic congestion and on-street parking have been raised in the representations above as concerns. The proposal represents small scale residential development and is not considered to give rise to significant traffic increases in the location. Sufficient parking is also provided on the application site to meet the parking standards set out in Policy TR/2 and further parking could be accommodated on the site in future should the need arise.
24. Access to the site for larger-scale construction vehicles is limited due to the width of the access road. It is the responsibility of the developer or contractor to ensure safe and effective delivery of materials and machinery to the site by alternate means where necessary and this message can be relayed to the applicant for information. A site traffic management plan is recommended to be agreed by condition to agree suitable locations on the site for storage of construction material and contractor parking.
25. Fire and rescue service vehicles require a 3.1m wide access and a maximum distance of 45m from pump appliance to all points within the dwelling under building regulations. The first half of the existing access adjoining the public highway present a width of 3.1m and is therefore accessible to such vehicles. Further on, the vehicle access is more restrictive but the required 45m distance would be met in this instance.

### **Residential Amenity**

26. The application site adjoins neighbouring gardens and therefore the proposal would naturally impinge upon the existing outlook of these neighbours to some extent. Policy DP/3 does not permit development that would have an unacceptable adverse impact upon residential amenity and in this instance the following factors need to be taken into account:
  - i. the bungalow is over 13m away from the rear elevations of the surrounding neighbouring dwellings and therefore the outlook to the rear of the neighbouring dwellings would remain relatively open and unimpeded.
  - ii. the design incorporates a low, hipped roof with a maximum height of 4.8m and an eaves height of 2.3m (marginally above the height of a typical 1.8m boundary fence) avoiding any significant loss of light or privacy to the immediate neighbours.
  - iii. existing tall, evergreen trees already impinge upon the outlook of neighbouring gardens to a significant extent given their height, density and year-round foliage.
  - iv. existing vehicle access is already provided to the rear garden of No.24 alongside neighbouring dwellings which, although not utilised at present, can be used by the occupiers or future occupiers of No.24. The relocation of the existing parking to No.24 would therefore offset

the impact of the new dwelling in terms of access usage and would serve a small scale residential development.

- v. further boundary treatment - such as fencing - could be secured to protect neighbouring privacy.
27. The concerns of the immediate neighbours regarding residential amenity have been considered against the above factors and, on balance, the development is not found to result in an unacceptable adverse impact upon residential amenity that would warrant a strong reason for refusal in this instance.
28. The advice of the environmental health officer is noted and a condition is agreed to control the hours of use of power operated machinery during the course of the works in order to safeguard residential amenity. Informatives are recommended regarding pile foundations and bonfires, which are governed by separate environmental legislation.

### **Environmental and Flooding Issues**

29. Asbestos removal has been raised as a concern and this will be relayed to the applicant as this issue is dealt with under separate environmental legislation.
30. In terms of flood risk, the Environment Agency support the findings of the submitted Flood Risk Assessment and their recommended condition requiring set floor levels for the new dwelling is agreed. With regards to the accuracy of the site levels, the Environment Agency has responded as follows: "The topographical survey for the site was undertaken by SJ Geomatics, from Halesworth who are considered reputable surveyors. We have no reason to doubt the ground levels indicated on their survey. I'm afraid the eye is sometimes a poor instrument for comparing relative ground levels and a formal survey is unfortunately the only way to determination levels for any location." In summary, no property is completely free from all forms of flood risk anywhere. The aim at planning stage is to minimise that risk to acceptable levels and it is argued that the submitted FRA for the site has demonstrated that the development will not cause nor exacerbate flooding in the area.
31. The final details of the surface water drainage scheme would need to be agreed with the Council's Building Control section and a condition is recommended to secure this. Foul water drainage is proposed to be connected to the public sewer which is acceptable in principle. Legal rights to install the drainage infrastructure over third party land has been raised in the representations above but is not a planning matter; the applicant solely needs to demonstrate that it is physically possible to connect to a mains sewer and the final details of this can be secured by planning condition.

### **Landscaping and Boundary Treatment**

32. The submitted plans show the proposed removal of the evergreen trees to the west boundary of the site and no objection is raised in this regard given that these trees are not afforded any statutory protection. Other trees on the site are to remain. The accuracy of the submitted tree plan has been questioned

but the more crucial issue in this instance is considered to be the final boundary treatment and this can be secured by planning condition.

### **Community Open Space and Infrastructure**

33. The new development would put extra demand on community infrastructure and community open space in Impington and the applicant has confirmed that a contribution towards these elements, and refuse bins, in accordance with Policies DP/4 and SF/10, can be secured via a Section 106 agreement. The applicant has already submitted a draft heads of terms towards this legal agreement.

### **Other Issues**

34. The following issues have been raised but do not represent material planning considerations that can be taken into account in this application:
- Loss of property value
  - Legal covenants
  - Maintenance and damage to property

### **Conclusion**

35. The development is considered to be compatible with the location and is not considered to have an unacceptable adverse impact with regard to the character of the area, parking, highway safety, noise or residential amenity.

### **Recommendation**

36. Delegated Approval, subject to the completion of a S106 Agreement 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 development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: JPT/NDA/0712/003 Rev C.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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 there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for the new dwelling shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

5. The permanent space to be reserved on the site for parking and manoeuvring shall be provided in accordance with the layout shown within drawing number JPT/NDA/0712/003 Rev C before the occupation of the dwelling, hereby permitted, and thereafter maintained.

(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

6. Before development commences, a plan specifying the area and siting of the 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 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. Prior to the commencement of any development, a scheme for the provision and implementation of foul 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

8. 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.)

9. The finished floor level of the dwelling, hereby approved, shall be no lower than 10.80metres above Ordnance Datum Newlyn.

(Reason – In mitigate the impact of flood risk upon the development in accordance with Policy NE/11 of the adopted Local Development Framework 2007.)

10. During the period of 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, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

11. 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 extension within Class A of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason - To ensure that future additions that would otherwise be permitted under this Order can be considered in relation to the amenities of adjoining neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives regarding asbestos, and driven pile foundations and bonfires during demolition and construction.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire LDF Development Control Policies DPD, adopted July 2007
- South Cambridgeshire LDF Supplementary Planning Documents (SPD): District Design Guide SPD.

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