

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 June 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/0560/14/FL

Parish(es): Stapleford

Proposal: Replacement Dwelling

Site address: 22 Mingle Lane

Applicant(s): Mr & Mrs Phillips

Recommendation: Approval

Key material considerations: Design, Impact upon Character of area, Neighbour Amenity

Committee Site Visit: 03/06/2014

Departure Application: No

Presenting Officer: Katie Christodoulides

Application brought to Committee because: The officer recommendation conflicts with the recommendation of Stapleford Parish Council

Date by which decision due: 08/05/2014

1. **Planning History**

S/1131/13/FL- Erection of dwelling and garage following demolition of existing dwelling and garage-Refused.

Planning Policies

2. **National**

National Planning Policy Framework

South Cambridgeshire LDF Core Strategy DPD, 2007:
Policy ST/4 Rural Centres

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks

HG/1 Housing Density
NE/1 Energy Efficiency
NE/2 Renewable Energy
NE/6 Biodiversity
NE/11 Flood Risk
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments
Trees and Development Sites
Landscape in New Developments
Biodiversity
District Design Guide

Draft Local Plan:

S/8 Rural Centres
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
HQ/1 Design Principles
H/7 Housing Density
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/8 Open Space Standards
CC/1 Mitigation and Adaption to Climate Change
NH/4 Biodiversity
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/9 Education facilities

3. Consultations

Great Shelford Parish Council_Recommends refusal and raises concerns regarding the design, height and bulk of the dwelling which is out of character with the existing dwellings in the area and would have a detrimental on the street scene. Concerns raised regarding the overbearing impact to the neighbouring property at No.22B Mingle Lane and requests if consent is granted, permitted development rights shall be removed. Following amended plans received 24/04/2014 the Parish Council recommend refusal and raise concerns regarding scale, size and impact upon the character of the area and neighbour amenity.

Stapleford Parish Council_ Recommends refusal. Concerns raised regarding street scene impact, design, height, bulk, loss of privacy and overbearing impact. Requests permitted development rights are removed if consent is granted. Following amended plans received 24/04/2014 the Parish Council recommend refusal for the same reasons as stated above.

Environmental Health Officer_Raises no objections and requests conditions in regard to hours of work, burning of waste on site and driven pile foundations and informatives in regard to noise and dust and a demolition notice.

Local Highways Authority_Raises no objections and requests conditions in regard to pedestrian visibility splays, falls and levels of the driveway, use of a bound

material, manoeuvring area free from obstruction, gates being set back 5 metres and a traffic management plan and an informative in regard to works to a highway requiring consent from the highway authority.

Trees Officer- No comments received (out of time).

Landscape Design Officer- No comments received (out of time).

Any additional comments received following this report, will be reported verbally to the planning committee.

4. **Representations**

No.5 Mingle Lane- Supports the proposal. Following amended plans received 24/04/2014 this neighbour supports the proposed amendments.

No.22B Mingle Lane- Raises concerns regarding the boundary of the properties, overbearing impact and loss of privacy, design, height, scale of the proposed dwelling on the character of the area. Following amended plans received 24/04/2014 this neighbour objects to the proposal on the grounds of the height, overbearing impact and loss of privacy.

No.22 Mingle Lane-Raises concerns regarding the size and loss of privacy.

No.24A Mingle Lane-Objects to the proposal on the grounds of the large size, height, overbearing impact, street scene impact, loss of privacy and over development of the site. Following amended plans received 24/04/2014 this neighbour objects to the proposal and raises concerns regarding the large size, overbearing impact, height, loss of privacy and impact upon the street scene.

No.20 Mingle Lane-Supports the proposal.

No.32 Mingle Lane-Supports the proposal.

No.27 Hawthorne Road-Objects to the proposal on the grounds of size, appearance, design and loss of light and privacy on the adjacent neighbouring properties. Following amended plans received 24/04/2014 this neighbour objects to the proposal on the grounds of size and overdevelopment of the plot.

No.1 Gog Magog Way-Supports the application as the proposal addresses the previous concerns.

No.8A Gog Magog Way- Supports the proposal on the grounds of design and enhancement to the street scene.

No.31 Gog Magog Way-Supports the application.

No.41 Gog Magog Way-Raises concerns regarding neighbour amenity impact, over development and size of the dwelling for the site. Following amended plans received 24/04/2014 this neighbour objects to the proposal and raises concerns regarding the size and scale of the dwelling.

No.37 Bar Lane-Supports the proposal.

No.11 Headley Gardens_ Raises concerns regarding the proposed height and loss of privacy.

Address not provided-Supports the proposal.

5. **Planning Comments**

The key issues to consider in this instance are the principle of development, impact upon the character and appearance of the area, neighbour amenity, trees and landscaping and highway safety and parking.

6. **Principle of Development**

Use_ The site is located within the village framework of a 'Rural Centre' where development and redevelopment without any limit on individual scheme size will be permitted within village frameworks. The proposed replacement dwelling is therefore considered acceptable in principle.

Density_ The site measures 0.12 hectares in area. The erection of a replacement dwelling on the site would equate to a density of 8 dwellings per hectare. This would be significantly below the required level of achieving 40 dwellings per hectare in more sustainable locations under Policy HG/1, however given the character of the area with large dwellings set in large plots, the proposal is considered acceptable in terms of density.

7. **Impact upon the character and appearance of the area**

The dwellings along the southern part of Mingle Lane are set within varied sized plots and comprise of different sizes and designs. The dwellings are all set back from Mingle Lane at a similar distance and form a linear development pattern. The proposed design of the replacement dwelling is considered to be simple and would not be excessively prominent in street scene views, given the lack of a set design form and character of the dwellings along Mingle Lane. Following amended plans dated 24/04/2014 in which the height of the proposed dwelling has been reduced down from 9 metres to 8.3 metres, the dwelling would be set slightly higher than the adjacent property at No.22B, but at the same height as the neighbouring dwelling at 22A Mingle Lane which lies to the east and significantly lower than the adjacent neighbouring property at Mingle Pen which lies to the west. The proposed dwelling is therefore considered to be in keeping in terms of height to the adjacent dwellings in the area. Following amended plans dated 24/04/2014 the proposed width of the dwelling has been reduced from 18 metres including the single storey lean-to part to 17.2 metres. As a result, the proposed dwelling has been significantly reduced in terms of its size and scale, with a large open area remaining to both the sides of the property. As a result the proposed dwelling appears less cramped within the site and would follow the development pattern of the adjacent properties.

The proposed design, height, scale and size of the dwelling would appear to be appropriate to the neighbouring dwellings in the area and would not result in harm to the visual appearance and amenity of the area.

The application seeks consent for a pitched roof double garage to the front of the dwelling. Given a flat roof garage exists to the front of the dwelling and within the neighbouring dwelling at No. 22B Mingle Lane a single garage extends to the front of the dwelling, with approval granted for an addition to the garage to the front, the proposed garage following amended plans in which the height has been reduced

from 5.8 metres to 5.1 metres the proposed garage is considered acceptable in terms of visual amenity impact.

8. Neighbour Amenity

To the east of the site lies the neighbouring dwelling at No.22B Mingle Lane. The dwelling lies further forward than the dwelling at No.22 Mingle Lane. A wooden fence serves the common boundary. To the front of the neighbouring dwelling lies a single garage with a two windows in the side elevation at ground floor level serving a study and utility room, with a door serving the kitchen. A further window and door serving the dining room is set back away from the common boundary within the site. Within the rear elevation of dwelling lies a kitchen window with two windows serving the dining room and living room lying within the set away part of the dwelling. A patio area serving an outside sitting amenity space lies to the rear of the kitchen window and further patio area to the rear of the dining room and living room windows. The neighbouring dwelling at No.22B Mingle Lane has approval granted for a single storey orangery to the rear of the kitchen and front extension to the garage, however given this has not been implemented, the proposal is assessed in regard to the existing situation.

The proposals have been assessed in terms of loss of privacy and given the proposed first floor side (east) elevation windows in the proposed dwelling which serve a bedroom would be obscure glazed to 1.7 metres above finished floor level and that the roof lights serving the home office and corridor at second floor level would be set 1.7 metres from finished floor level in the side (east) elevation of the proposed dwelling, the proposal is not considered to result in any loss of privacy to the neighbour at No.22B. Given the proposed side (east) elevation windows at first floor level would serve two ensuites, which are not habitable rooms and would face towards the side elevation of the neighbouring dwelling and the rear patio area a condition would be added to any consent granted to obscure glazed these two windows. The proposed replacement dwelling is considered to improve the privacy of the neighbour at No.22B Mingle Lane given the existing situation of the dwelling in which two bedroom windows face towards the neighbouring dwelling and outside private amenity area.

A 45 degree 'rule of thumb' line concerning daylight was undertaken from the rear elevation kitchen window of the neighbouring property at No.22B Mingle Lane and the proposed dwelling would not protrude beyond this line. The main part of the replacement dwelling would be set 4.2 metres from the common boundary, with the rear projection of the dwelling being set 9.4 metres from the common boundary, in comparison to the existing dwelling in which the flat roof garage is sited 0.7 metres from the common boundary with the main dwelling being 3.9 metres from the common boundary. The proposal is considered acceptable in regard to loss of light and overbearing impact, given the significant distance of the replacement dwelling from the common boundary with this neighbour, and the minimal height increase.

To the west of the site lies the neighbouring property at Mingle Pen. Immediately adjacent to the common boundary within Mingle Pen lies an outbuilding. Given the significant distance of the proposed replacement dwelling from this neighbouring dwelling, the proposal is not considered to result in any harm to neighbour amenity in regard to loss of light, loss of privacy and overbearing impact.

The neighbour at No.11 Headley Gardens raised concern regarding the proposed height of the dwelling and loss of privacy from the proposed windows in the rear elevation. Given the proposed dwelling would be set over 30 metres from the rear

boundary and further from this neighbouring dwelling, the proposal is not considered to result in any loss of privacy or be visually overbearing to this neighbour.

9. Trees and Landscaping

A Tree Survey and landscaping proposal was submitted with the application. The proposal is not considered to result in the loss of any important trees and landscaping, subject to the implementation of the submitted tree protection. A condition shall be added to any consent granted to request details of landscaping are submitted prior to any development on site. Within the adjacent neighbouring properties lie various protected trees. The proposal is not considered to result in any harm to the adjacent protected trees.

10. Highway Safety and Parking Provision

The proposal would result in the existing vehicular access arrangements remaining. The Local Highways Authority have comments that the proposal would not result in any significant adverse impact upon the public highway subject the addition of standard highway conditions. Given the large driveway to the front of the site which would remain and the proposed double garage, the proposal would comply with the District Council's set parking standards which require 1.5 spaces per dwelling.

11. Other Matters

The neighbour at No. 22B Mingle Lane in their comments raised concern regarding the accuracy of the common boundary. This is not a material planning consideration and cannot be considered when making a decision. The applicant is advised to ensure all necessary checks have been carried out prior to commencement.

Both Stapleford and Great Shelford Parish Council in their comments request that permitted development rights are removed should consent be granted for the replacement dwelling. This is not considered necessary and therefore a condition would not be required.

12. Conclusions

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.

13. Recommendation

APPROVE as amended by plans stamped 24/04/2014 subject to the following conditions:

14. 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: Location Plan, 13048-02 Rev B Amended 24/04/2014 & 13048-01Rev B Amended 24/04/2014.
(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 details 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. Apart from any top hung vent, the proposed first floor windows in the side (east) elevation of the dwelling, hereby permitted, shall be fixed shut and permanently glazed with obscure glass. (Reason - To prevent overlooking of the adjoining properties in accordance with 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 development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
7. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on the street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway).
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway. Reason: in the interests of highway safety

8. No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site between the hours of 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.)
9. There shall be no burning of any waste or other materials on the site.
(Reason: To minimise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
10. Prior to the commencement of any development, should driven pile foundations be proposed, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer to allow control of noise and vibration.
(Reason- To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
11. The proposed driveway shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.
(Reason: In the interest of highway safety in accordance with policy DP/3 of the adopted Local Development Framework 2007.)
12. Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back a minimum of 5 metres from the near edge of the highway boundary. Any access gate or gates shall be hung to open inwards.
(Reason: In the interest of highway safety in accordance with policy DP/3 of the adopted Local Development Framework 2007.)
13. The manoeuvring area as shown on the drainings shall be maintained so that it is free of any obstruction that would prevent a domestic vehicle from being able to manoeuvre with ease so it may enter and leave the property in a forward gear.
(Reason: In the interest of highway safety in accordance with policy DP/3 of the adopted Local Development Framework 2007.)
14. Pedestrian visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the:
 - (a) highway boundary
 (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppressions for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact Environmental Health Service.
2. Before the existing property is demolished, a Demolition Notice will be required from the Building Control Section of the council's planning department to establishing the

way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation. This should be brought to the attention of the applicant to ensure the protection of the residential environment of the area.

3. The granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

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 DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- National Planning Policy Framework 2012
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scambs.gov.uk/localplan>
- Planning File References: S/1131/13/FL

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