

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee 5<sup>th</sup> October 2005  
**AUTHOR/S:** Director of Development Services

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**S/1013/05/O - Great Shelford**  
**Erection of House Including Part Demolition of Existing Dwelling at 2 Mingle Lane for S L Nightingale**

**Recommendation: Approval**  
**Date for Determination: 18<sup>th</sup> July 2005**

Members of Committee will visit the site on Monday 3<sup>rd</sup> October 2005

### Site and Proposal

1. The application site is a 0.09 hectare plot of land sited to the rear of Nos. 2 and 4 Mingle Lane. The site forms part of the garden area to No. 2 Mingle Lane, a two storey brick/render and tile dwelling, and comprises a number of mature trees. To the south of the site are the rear gardens of dwellings within Leeway Avenue whilst to the west are properties within Hinton Way. The site is approximately 1.8 metres lower than the garden land of No.3 Leeway Avenue which lies directly to the south.
2. The outline application, submitted on 23<sup>rd</sup> May 2005, seeks consent for the erection of a house on the site. The means of access to the site forms part of the application with details of siting, design and landscaping reserved for further consideration. The proposed access would be on the west side of the existing dwelling and would entail the demolition of an existing lean-to car port. The access would then continue for approximately 70 metres along the rear/east boundaries of dwellings in Hinton Way. The density of the development equates to 0.11 dwellings/hectare.

### Planning History

3. None

### Planning Policy

4. Great Shelford is identified within **Policy SE2** of the South Cambridgeshire Local Plan 2004 as a Rural Growth Settlement where estates, groups of dwelling and infilling are acceptable subject to development being sympathetic to the character and amenities of the locality.
5. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
  - a) Result in overbearing, overlooking or overshadowing of existing residential properties;
  - b) Result in noise and disturbance to existing residential properties through the use of its access;
  - c) Result in highway dangers through the use of its access;
  - d) Be out of character with the pattern of development in the vicinity.

6. **Policy EN5** of the Local Plan requires trees to be retained wherever possible in proposals for new development.
7. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.

### **Consultations**

8. **Great Shelford Parish Council** states:

“The size of the plot and the fall on the site means that a dwelling could be accommodated which with careful design would not overlook or be overbearing to adjacent properties. However we feel the proposed access immediately adjacent to the existing house and running to the rear of the properties on Hinton Way would affect the amenities of the occupiers of the properties. We hope the mature trees on the site will be retained.”

9. **The Trees and Landscape Officer** raises no objections stating that it would be possible to accommodate a dwelling on the site subject to the footprint size being constrained by the requirements of BS:5837:1991.
10. **The Chief Environmental Health Officer** raises no objections subject to a condition restricting the hours of use of power operated machinery being attached to any consent in order to minimise noise disturbance to neighbours during the period of construction.

### **Representations**

11. Objections have been raised from Nos. 2, 4, 4a, 6, 8, 10 and 12 Hinton Way, No.3 Leeway Avenue and No.4 Mingle Lane. The main points raised are:
  - a) It is possible that the new building would overlook adjoining dwellings;
  - b) It is difficult to make specific comments until further details have been submitted;
  - c) The driveway would result in noise and disturbance to occupiers of properties in Hinton Way;
  - d) Backland development would be out of keeping with the character of the area;
  - e) Mature trees would need to be felled in order to create both the driveway and the house. These trees are important in the outlook from adjoining properties;
  - f) The trees make a significant contribution to the character of the village as recognised in the Village Design Statement which seeks to protect the village treescape;
  - g) The garden forms an important wildlife habitat for many species of birds;
  - h) There was once a sandpit on the site and the site is on lower ground than adjoining properties so the application could result in problems in providing drainage;
  - i) If approved, the application would set a precedent for new building;

- j) Any disturbance to the roots of trees, which are currently helping to shore up No.3 Leeway Avenue's garden, could affect the stability of this garden;
- k) The position of the access road along the rear gardens of properties in Hinton Way would result in an increased security risk to the occupiers of these properties;
- l) Any consent should be subject to a boundary treatment condition;

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

12. The key issues to consider in the determination of this application are:

- a) Impact upon the character of the area;
- b) Affect upon the amenities of adjoining residents;
- c) Impact upon trees;
- d) Highway safety.

#### ***Character of the area***

13. Concerns have been raised on the basis that the proposal would result in backland development which is considered to be out of keeping with the character of the area. The site, in being located close to the junction of Mingle Lane and Hinton Way and being adjoined by properties in Leeway Avenue to the south, is surrounded on three sides (to the east, south and west) by dwellings. In addition, there is a backland plot further to the east in Mingle Lane (No. 24a). In light of these factors, I do not consider the creation of a backland plot in this location to be out of keeping with the character of the area.

#### ***Residential amenity***

14. Residents in Hinton Way have raised objections on the basis that the means of access to the proposed plot would result in an unacceptable level of noise and disturbance as well as to an increased security risk. Whilst the access would run directly adjacent to the rear garden areas of properties in Hinton Way, it would not pass directly by any of these properties and would be sited in excess of 20 metres away from the rear elevations of each of the dwellings in Hinton Way. Although the access would result in the loss of some existing vegetation along the western boundary of the site, I consider its distance from properties in Hinton Way together with the fact that it would serve just one dwelling, to be sufficient to avoid undue noise and disturbance to the occupiers of properties in Hinton Way. The access would pass directly by No.2 Mingle Lane itself. However, there are no windows in the west elevation of this property and, providing a formal boundary is erected between the access and No. 2's garden area, I am satisfied that the access would not cause significant harm to the amenities of the existing dwelling.

15. In letters from neighbouring properties, it has been stressed that it is impossible to judge the impact of any dwelling on this site upon their amenities in the absence of a block plan and elevations. Whilst this is correct, I am satisfied that there is sufficient space between the site and adjoining dwellings to be able to site a property here without resulting in overlooking or overshadowing of neighbouring properties. It appears from the plan that it would only be possible to site a single storey dwelling on the plot.

However, given that the site is at a lower level than adjoining land, I consider there to be scope, in principle, to erect a dwelling with some first floor accommodation.

### ***Impact on trees***

16. There are a number of mature trees on the site. The Trees and Landscape Officer initially objected to the application as the site earmarked for the location of the house contained significant trees including a mature beech and Norway maple both of which would be compromised by any development on the site. Following this comment, Planning and Trees Officers met the applicant on site, where, on closer inspection, it was established that the maple had a defect and that an objection could not be sustained to its loss. The maple was subsequently removed, the Trees Officer then revisited the site and established that the removal of this tree had generated sufficient space to be able to accommodate a dwelling at the eastern end of the site. The beech tree is considered to be of sufficient quality to require its retention (and if Members are minded to approve the application, it is recommended that a Tree Preservation Order be served to protect this tree) and, due to its siting in the middle of the plot, it would not be possible to gain vehicular access to any dwelling and garaging/parking would need to be sited towards the western side of the plot. These issues can be addressed as part of any reserved matter application.

### ***Highway safety***

17. No.2 Mingle Lane presently has 2 points of vehicular access, one of which would be utilised to serve the proposed plot. As such, I am satisfied that the proposal would not result in highway safety problems.

### ***Other issues***

18. Concerns regarding drainage of the site could be covered by surface and foul water drainage conditions should Members be minded to approve the application.

### **Recommendation**

19. Approval:
  1. Standard Condition B (Reason B);
  2. Sc1a, b and d – Reserved Matters of the siting, design, external appearance and landscaping (Rc1);
  3. Sc5b – Surface water drainage details (Rc5b);
  4. Sc5c – Foul water drainage details (Rc5c);
  5. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26).

## **Informatives**

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

**Cambridgeshire and Peterborough Structure Plan 2003:** P1/3 (Sustainable design in built development);

**South Cambridgeshire Local Plan 2004:** SE2 (Development in Rural Growth Settlements), HG11 (Backland Development) and EN5 (The Landscaping of New Development)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

Residential amenity;  
Highway safety;  
Impact on trees;  
Impact on character of area.

### **General**

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. 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.
3. The footprint size of any replacement dwelling will need to be constrained by the requirements of BS:5837:1991.

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

Cambridgeshire and Peterborough Structure Plan 2003;  
South Cambridgeshire Local Plan 2004;  
Great Shelford Village Design Statement;  
Planning application reference: S/1013/05/O

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