

<b>Application Number</b>	08/0916/FUL	<b>Agenda Item</b>	11.3
<b>Date Received</b>	10th July 2008	<b>Officer</b>	Mr Neville Doe
<b>Target Date</b>	4th September 2008		
<b>Ward</b>	Newnham		
<b>Site</b>	14 Bulstrode Gardens Cambridge Cambridgeshire CB3 0EN		
<b>Proposal</b>	Erection of 4 Bedroom dwelling with integral garage.		
<b>Applicant</b>	Mr David Donnelly The Lodge Warren Mill Budle Bay Northumberland NE70 7EF		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is the large side garden of an existing dwelling (no. 14) which is located on the west side of Bulstrode Gardens, a quiet suburban cul-de-sac. The site effectively forms an infill plot between no. 14 and its neighbour to the south, no. 12 Bulstrode Gardens. The local context is residential in character with large, detached dwellings dating from the mid C20 on either side of the street, which have generous gardens and well-established planting.
- 1.2 There are a number of trees, hedges and shrubs on the site which will be removed to allow the proposed development to take place. These are not statutorily protected and the Council's Arboricultural Officer raises no objection to their removal.
- 1.3 The site does not fall within a conservation area
- 1.4 The site falls outside of the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 This proposal seeks full planning permission for the erection of a single two-storey detached dwelling with integral garage and front and rear gardens. The accommodation comprises dining room, lounge and kitchen at ground floor level, four bedrooms and

bathroom at first floor level and a study/home office is also accommodated within the loft space.

2.2 The application is accompanied by the following supporting information:

1. Design Statement

### **3.0 SITE HISTORY**

3.1 No relevant planning history

### **4.0 PUBLICITY**

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

### **5.0 POLICY**

#### **5.1 Central Government Advice**

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3 (PPS 3) Housing :** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including

the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.6 **PPS25 Development and Flood Risk (2006):** States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.
- 5.7 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.8 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other

respect.

## 5.9 East of England Plan 2008

SS1 Achieving sustainable development  
ENV7 Quality in the built environment

## 5.10 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision  
P9/8 Infrastructure Provision

## 5.11 Cambridge Local Plan 2006

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/10 Sub-division of existing plots  
3/11 The design of external spaces  
3/12 The design of new buildings  
3/14 Extending buildings  
5/1 Housing provision  
8/2 Transport impact  
8/4 Walking and Cycling accessibility  
8/6 Cycle parking  
8/10 Off-street car parking  
10/1 Infrastructure improvements

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development  
10/1 Infrastructure improvements (transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects)

## 5.12 Supplementary Planning Documents

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design

considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

### 5.13 Material Considerations

**Cambridge City Council (2004) – Planning Obligation Strategy:** Sets out the Council’s requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

**Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 No significant impact upon the Public Highway should result from this proposal should it gain benefit of Planning Permission.

### Head of Environmental Services

- 6.2 No objection.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations:

1, 12, 2, 4, 7, 10, Bulstrode Gardens  
Trinity College

7.2 The representations can be summarised as follows:

The proposal represents overdevelopment  
The proposal is out of character with its context  
The proposal would result in overlooking/loss of privacy  
The proposal would result in overshadowing  
The roofline of the proposed dwelling is higher than its neighbours  
Impact upon the Trinity Conduit  
Increase in vehicular traffic into the cul-de-sac  
Concern over the capacity of the private sewerage system to cope with an additional dwelling  
Upkeep of the private road.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

8.2 Policies SS2, SS3 and H1 of the East of England Regional Spatial Strategy and Policy 5/1 of the Cambridge Local Plan 2006

supports the provision of additional housing within the City. Local Plan Policy 5/1 permits proposals for housing development on windfall sites subject to the existing land use and compatibility with adjoining uses, and such proposals satisfying all other relevant material planning considerations.

- 8.3 Central Government is committed to promoting more efficient use of land through higher density development and the use of suitably located, previously developed land and buildings, in order to bring vacant and underused land back into beneficial use and to achieve the targets that it has set in terms of producing new homes.
- 8.4 Policy 3/10 of the Cambridge Local Plan 2006, supports proposal for the sub- division of existing plots to allow residential development in the garden area or curtilage of existing dwellings. Such proposal however will not be permitted if they would:
- a. have a significant adverse impact upon the amenities of neighbouring properties, through loss of light , loss of privacy an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
  - b. provide inadequate amenity space, or vehicular access arrangements and parking spaces of the proposed and existing properties;
  - c. detract from the prevailing character and appearance of the area;
  - d. adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
  - e. adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
  - f. prejudice the comprehensive redevelopment of the wider area of which the site forms part.
- 8.5 The site is within an area of existing residential development and therefore is a compatible and appropriate context for further residential development. In my opinion therefore, the principle of development is acceptable and in accordance with policies SS2, SS3 and H1 of the East of England Regional Spatial Strategy and policies 3/10 and 5/1 of the Cambridge Local Plan 2006.

### **Context of site, design and external spaces**

- 8.6 The site context is characterised by large detached houses of two-storeys, set in large, well-established gardens, with off-street car parking, arranged in a perimeter block layout. Most of the existing dwellings in Bulstrode Gardens either fill the entire width of their plot or leave a margin to the sides of at the most, 4 metres and certainly not enough space to accommodate a dwelling. With the exception of no.2 on the east side of the street, no. 14 is unique in that the property is in essence a double width plot and therefore could be considered a potential development site. Given the irregular plan forms of the existing dwellings and the various additions and projections that feature, there is no discernible strict building line, but rather, a loose notional building line, which is generally the case where there are streets of individual detached dwellings that have been built as stand alone units as opposed a street of houses built as part of a wider master-planned development.
- 8.7 The plots along Bulstrode Gardens have an average area of approximately 650 square metres, but do not conform to any regular shape or pattern. The application site will have an area of approximately 640 square metres, which in my view conforms to the general pattern of development in this street. The proposed dwelling touches the common boundary with no. 14 to the north and leaves a gap of 1.3 metres tapering to 600mm at the rear, along the southern boundary which it shares with no.12.
- 8.8 In terms of its siting within the plot, the proposed dwelling is set back from the street and on the notional building line that is set by the neighbouring dwellings. The rear elevation of the proposed house projects approximately 1.8 metres beyond the neighbouring garage of no.12, and is set back approximately 500mm behind the line of the conservatory of no.14. On the frontage, the projecting gable feature of the proposed building is set back from the garage of no.12 to the south by approximately 400mm, while the main front wall of the proposed dwelling kicks back on the same line as that of no.14 to the north, with the garage stepping back by a further 300mm. Given the irregularity of the existing building line that is formed by the existing dwellings, in my view the siting and plan-form of the proposed dwelling is an appropriate and acceptable solution for the site and its context.
- 8.9 The proposed dwelling has a ridge height of approximately 8.2



metres which is approximately 400mm higher than the no.14 to the north and 200mm higher than no.12 to the south. In my view this height difference is negligible and is unlikely to have any significantly harmful impact upon the appearance of the street scene. The design draws on the most distinctive features and details of the existing houses in the street such as the projecting gable to the street, the casement windows with small square lights and the tall chimney stacks, which all give a sub neo-arts and crafts/garden suburb flavour to the proposal, and in my opinion this is a design approach that responds appropriately to the character of the site and its setting and that I view as acceptable

- 8.10 In my opinion the design and appearance of the proposed building is appropriate within its context and is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

### **Residential Amenity**

- 8.11 The proposed dwelling does not project significantly beyond the neighbouring dwellings on either side of the site and therefore there is unlikely to be any significantly overshadowing or loss of light to these properties, or any sense of enclosure or overbearing impact.
- 8.12 The principal windows to the proposed dwelling are on the east and west elevations and therefore do not directly face neighbouring properties. There is a first floor window to an ensuite shower room in the southern flank elevation, which will be obscure glazed and in any case looks onto the blank side elevation of the neighbouring property. There are also two round windows, one to the first floor bedroom on the north flank elevation, and one to the attic office/studio on the south flank elevation. Both of these windows are high level Set at approximately 2 metres above floor level and will not therefore unreasonably compromise the privacy of adjoining occupiers in my opinion. The adjoining property that is directly to the west is approximately 26 metres from the proposed dwelling, which in my view is sufficient to ensure that no unreasonable overlooking or loss of privacy will result.
- 8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, East of England Plan (2008) policy ENV7,

Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Refuse Arrangements**

- 8.14 The planning application drawing shows an area to the rear of the garage that will be used to contain the refuse bins and recycling boxes. In my view this seems to be a convenient location for the storage of bins that ensures that they will not become a visual intrusion within the street scene.
- 8.15 In my opinion the proposal is compliant with East of England Plan (2008) policy WM8 and Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.16 While the introduction of a new dwelling of this size is likely to result in some increase in vehicular traffic to the street, this is unlikely to be to any level that would seriously compromise highway safety or cause inconvenience to other road users or local residents. The Local Highway Authority has commented on this planning application and raises no objection to it on the grounds of highway safety.
- 8.17 In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.18 The proposal provides a car parking space within the garage and space for additional parking on the driveway to the front of the dwelling. The Council's adopted Car Parking Standards as set out in appendix C of the Cambridge Local Plan 2006 set a maximum level of two car parking spaces for a dwelling that has three or more bedrooms. Adequate space is provided in the garage for the secure storage of at least four bicycles.
- 8.19 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.20 Those issues and objection that have been raised by third parties have been addressed in the assessment part of the report above,

but in addition I would make the following comments.

- 8.21 The issues of the impact of the development upon the Trinity conduit, the capacity of the private sewer that serves the houses on Bulstrode Gardens and the upkeep of Bulstrode Gardens, which is a private road that is maintained by the residents, are not material planning considerations which carry significant weight in the assessment of this proposal, but matters which are the responsibility of the developer, which will need to be addressed if the development is implemented.

### **Planning Obligation Strategy**

- 8.22 The Planning Obligation Strategy (2004) provides a framework of expenditure of financial contributions collected through planning obligations. The proposed development will result in a net increase of 1 dwelling on the site and will therefore trigger the requirement for the following financial contributions:

£1440 towards the provision and improvement of formal open space

£1224 towards the provision and improvement of informal open space

£1596 Towards children and teenager facilities playspace

£1625 towards the provision and improvement of community facilities

The applicant has completed and signed the necessary S106 legal agreement.

## **9.0 RECOMMENDATION**

### **APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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 that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. 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 shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

4. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

5. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

**INFORMATIVE:** The applicant is advised that any 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 a separate permission must be sought from the Highway Authority for such works.

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

**INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

### **Reasons for Approval**

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: Policies SS1, ENV7

Cambridgeshire and Peterborough Structure Plan 2003: Policies P6/1, P9/8

Cambridge Local Plan (2006): Policies 3/1, 3/4, 3/7, 3/8, 3/10, 3/11, 3/12, 3/14, 5/1, 5/14, 8/2, 8/4, 8/6, 8/10, 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

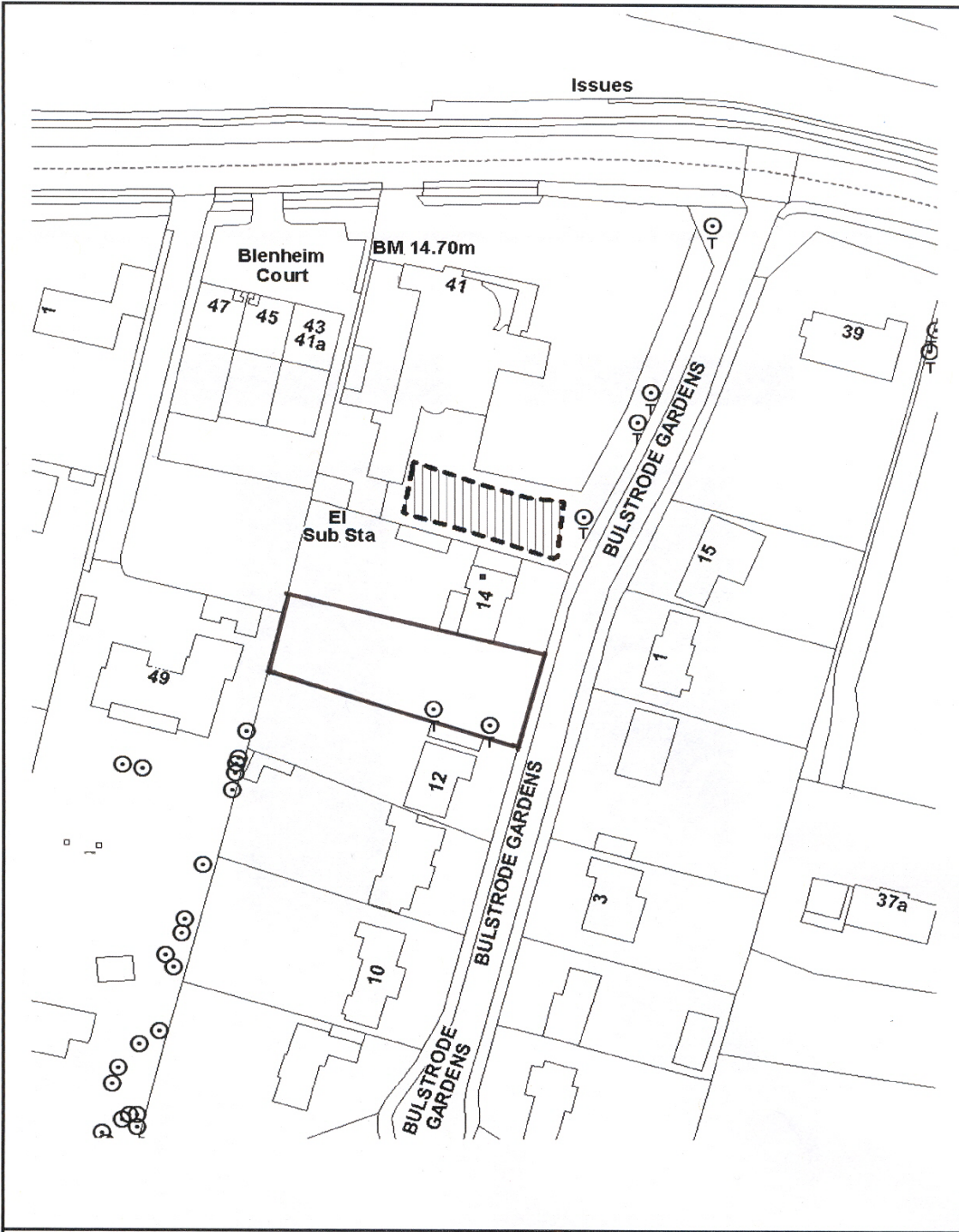
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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