

<b>Application Number</b>	13/1095/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th July 2013	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	18th September 2013		
<b>Ward</b>	Abbey		
<b>Site</b>	34 Howard Road Cambridge Cambridgeshire CB5 8QP		
<b>Proposal</b>	New house with alterations to existing house.		
<b>Applicant</b>	Mr A Hardingham 34 Howard Road Cambridge Cambridgeshire CB5 8QP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1) The design of the building will not be harmful to the character and appearance of the street scene.</li> <li>2) No significant adverse impact on 36 Howard Road</li> <li>3) Adequate, car and bicycle parking and refuse storage is integrated into the scheme.</li> </ol>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site relates to an irregular shaped plot situated at the junction of Howard Road. To the north of the site is an L shaped grassed verge area in the ownership of the County Highways Authority.
- 1.2 The site does not fall within a Conservation Area. The site is outside of the controlled parking zone.

## 2.0 THE PROPOSAL

- 2.1 Permission is sought for the erection of a new terraced dwelling house.
- 2.2 The proposed new house will extend seamlessly from the main roof ridge of 34 Howard Close by 6.4m to the north. A separate projecting wing extends 3.2m and has a 'cat slide' roof and a dormer window.
- 2.3 The proposed new dwelling has an L shaped footprint and will contain three bedrooms.

2.4 Materials of construction will match 34 Howard Close, with render to the front elevation. Brickwork will be used for the side extension and rear elevation.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Amended plan (drawing number: 09 Revision A, received 03/10/13)

### 3.0 SITE HISTORY

Reference	Description	Outcome
13/1144/FUL	New cycle and bin store, new porch, alterations to hipped roof, new bathroom window and new crossover	Withdrawn

### 4.0 PUBLICITY

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

### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/4 3/10 3/11 3/12
	4/4 4/13
	5/1
	8/2 8/6
	10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government	National Planning Policy Framework March 2012
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Guidance	Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011) National Planning Practice Consultation
	<u>Citywide:</u> Open Space and Recreation Strategy

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 55 Responding to context  
Policy 57 Designing new buildings

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Transport)**

- 6.1 The current dwelling has provision to park two cars within its curtilage. This is reduced to a single car by the proposal, and only one car parking space is provided for the new dwelling.
- 6.2 The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.3 Otherwise the proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions and informative requested below into any permission that the Planning Authority is minded to grant in regard to this application.

### **Head of Refuse and Environment**

- 6.4 No objections subject to construction hours and contaminated land related conditions.
- 6.5 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/occupier of the following addresses has made representations:

36 Howard Road

- 7.2 The representation can be summarised as follows:

### Amenity Concerns

- The house will block already low levels of sun and sky.
- Number 36 Howard Road will only receive half of the sunlight compared with most other houses in winter.
- The new house will create a 'valley effect'.
- Proposed bedroom window will overlook neighbouring gardens.
- The new pedestrian access will abut the neighbours garage.

### Tree Issues

- There is an enormous tree within falling distance of the house and garden.
- Hedges will be removed.

## Ownership objections

- There is no gated access into the applicants garden.

7.3 The above representations is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representation 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. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

### **Principle of Development**

8.2 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained within the National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

8.3 The NPPF declassifies garden land from the definition of brownfield land and such sites are no longer included within the Local Authority's five year housing land supply. While I am aware that the NPPF gives greater protection for garden land, as compared with previous Government advice, the principle of plot subdivisions remains acceptable.

8.4 In principle, policy 3/10, allows for proposals involving the sub-division of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted however if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.

8.5 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant

development plan policies. In my opinion, the development of the plot in this manner will not have a significant harmful impact on the open character of the street scene. The principle of subdivision is therefore acceptable and in accordance with Cambridge Local Plan 2006 policies 3/10 and 5/1.

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

- 8.6 The key design issue is the design and appearance of the new building within its surrounding residential, suburban context.
- 8.7 The proposed plot can, in my view, comfortably carry the proposed dwelling. The footprint of the proposed new dwelling is not overly cramped or constrained in relation with the plot boundaries and has a logical orientation, continuing the existing prevailing building line. The plot subdivision will leave adequate external space for both the donor property and the new house, in a form which reflects the prevailing character of the area, in accordance with Cambridge Local Plan policy 3/10.
- 8.8 The size and scale of the new house is appropriate in this suburban context. The house is a seamless extension of 34 Howard Road and will maintain the symmetry of the roof pitch of the existing semi detached pair. There will be no harm to the character and appearance of the street scene or the openness of the garden scene on the corner of Howard Road.
- 8.9 In terms of detailed design and materials, the front elevation is to be finished in render to match 34 Howard Road. The rear elevation and projecting extension will be finished in brickwork. I consider this approach acceptable in accordance with local plan policy 3/12. Final materials can be agreed through the imposition of planning condition 2.

### External spaces and trees

- 8.10 The Council's arboriculture officer is satisfied that provided construction activity is confined to the site the mature tree within the highway verge will not be adversely affected. I recommend protection details are provided through the imposition of condition 9.
- 8.11 The proposed front drive will be constructed with permeable materials and is attractively designed. In my opinion the proposed plot subdivision will not significantly erode the open character of the street scene and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.12 The scale and mass of the building will be visible from the rear of 36 Howard Road and its garden to the east. The proposed new dwelling may create some overshadowing during the afternoon hours to the west side of the garden of 36 Howard Road. However, given that there is a distance of

15m from the centre of the garden of 36 Howard Road and the proposed building, the new dwelling will not create significant harmful overshadowing to justify refusal of the scheme. The agent has submitted shadow diagrams to illustrate the impact of over-shadowing on no.36. Having studied these diagrams, I consider that any over-shadowing would only be slight and not significant to warrant refusal of the application on this basis.

- 8.13 The proposed new house is sited at right angles to 36 Howard Road, so it would not have a significant visual impact. It would not adversely affect the principal south facing rear outlook of 36 Howard Road. The existing mature tree in the adjacent open space already obscures the evening sunshine from the west, so the proposed new house will not create a significant further loss of light. The general view from 36 Howard Road west is across land which is not in its ownership, so this vista cannot reasonably be retained. The imposition of planning conditions 4 and 5 can ensure that permitted development rights are removed to controlled future extensions and additions.
- 8.14 Amended plans have been received to swap the proposed bathroom, which currently faces the front of the property, with bedroom 3 which is situated to the rear, facing towards no.36. In doing so, it would mean that any overlooking would be negligible and in opinion is considered to be acceptable.
- 8.15 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 Cambridge Local Plan (2006) policies 3/4 and 3/12.

#### Amenity for future occupiers of the site

- 8.16 The proposed new house provides desirable family accommodation with a generous rear garden. Adequate garden is retained for 34 Howard Road.
- 8.17 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

#### **Refuse Arrangements**

- 8.18 Refuse storage is provided in a covered, secure store to the front of the new house and the donor property at 34 Howard Road. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Car and Cycle Parking**

- 8.19 The Highways officer raises some concerns that potential demand for on street car parking will impact on the amenities of existing residents. From my site inspection, demand for on street car parking is not intense. The one off street car parking space provided for the proposed new house and 34 Howard Road accords with the Council's maximum car parking

standards. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

- 8.20 A secure, covered bicycle store is provided for the proposed new house and 34 Howard Road which accords with Local Plan policy 3/12.

### **Third Party Representations**

- 8.21 The issues raised have been addressed in the above report and are summarised below:

<b>Issue</b>	<b>Report Section</b>
The new house will create a 'valley effect'.	Paragraph 8.13.
The house will block already low levels of sun and sky.	Paragraph 8.12 and 8.13.
The new pedestrian access will abut the neighbours garage and is on highways owned land	This is a land ownership issue. While there is no planning objection to the position of the rear access gate, consent will need to be sought from the County Council as owner of the grassed verge area.

### **Planning Obligation Strategy**

- 8.22 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

The proposed development triggers the requirement for the following community infrastructure:

#### Open Space

Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £



studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714	714	714
4-bed	4	238	952		
<b>Total</b>					<b>714</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538		
3-bed	3	269	807	807	807
4-bed	4	269	1076		
<b>Total</b>					<b>807</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726	726	726
4-bed	4	242	968		
<b>Total</b>					<b>726</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>948</b>

8.23 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

### Community Development

- 8.24 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	1	1882
4-bed	1882		
<b>Total</b>			<b>1882</b>

- 8.25 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

- 8.26 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75
Flat	150		
<b>Total</b>			<b>75</b>

- 8.27 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150

per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

- 8.29 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 CONCLUSION**

- 9.1 The proposed plot subdivision is acceptable in principle and will not detract from the character and appearance of the street scene. There will not be a significant adverse impact upon 36 Howard Road. APPROVAL is recommended.

## **10.0 RECOMMENDATION**

**APPROVE** subject to completion of the s106 Agreement and 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority 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)

4. 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)

5. 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 extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

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

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

7. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

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

8. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety Cambridge Local Plan 2006 policy 8/2.

9. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)