

<b>Application Number</b>	13/1372/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th September 2013	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	11th November 2013		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	104 Wulfstan Way Cambridge Cambridgeshire CB1 8QJ		
<b>Proposal</b>	Single storey front extension and new dwellinghouse.		
<b>Applicant</b>	Mr P Geoghan 4A Fanshawe Road Cambridge		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Provide additional housing on a windfall site.</p> <p>No significant impact in terms of residential amenity to the neighbouring occupiers.</p> <p>Provides adequate storage facilities for bins, bikes and off street car parking</p>
RECOMMENDATION	APPROVAL

- 1.1 The application site is located on the western side of Wulfstan Way. The area is residential in character, with two storey houses finished in brick and tile roof. The properties are semi-detached in character with side access to the rear gardens.
- 1.2 The site is not allocated within the Cambridge Local Plan (2006). The site is not within a conservation area. The house is not listed. There are no protected trees on the application site. The site falls outside the controlled parking zone.

## 2.0 THE PROPOSAL

- 2.1 The application seeks approval for an extension to the front of the house and erection of a new dwelling to the side, which is attached.

2.2 The proposed house will be on the southern side of the existing house and will be similar in design and height as the existing.

2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans

2.4 This is a re-submission of a previously refused application on the grounds that the Unilateral Undertaking was not completed in time. All other matters are the same.

### 3.0 SITE HISTORY

Reference	Description	Outcome
13/1053/FUL	Single storey front extension and new dwellinghouse.	Refused.

### 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 Plan 2006	Local	3/1	3/4	3/7	3/8	3/11	3/12	3/14
		5/1	5/5					
		8/6	8/10					
		10/1						

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

Central Government Guidance	National Planning Policy Framework March 2012  Circular 11/95  Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction  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  Cycle Parking Guide for New Residential Developments

### 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 1, Policy 50, Policy 52, Policy 55, Policy 56, Policy 57, Policy 58, Policy 65.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The local highway authority have commented that there could be an issue regarding residential amenity as there is no information about car parking. The proposal does not show any details of parking either existing or proposed. The proposal should have no significant impact on highway safety subject to conditions relating to materials, visibility splay, no gates, construction, drainage, free of obstruction and encroachment.

Officer Response:

There is a plan that shows the proposed car parking which are 2.5m by 5m, on the plans submitted.

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

- 6.2 No objection subject to the following conditions relating to construction hours and collection and deliveries during construction and informatives relating to dust mitigation and asbestos.

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 owner/occupier of the following address has made a representation:

- 106 Wulfstan Way

7.2 The representation can be summarised as follows:

- Obstruct views from 106;
- Construction hours should be within justifiable times;
- Loss of light to the parking area at the front;
- Restrict future planning for 106.

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 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. Highway safety
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

### **Principle of Development**

8.2 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 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d)

where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part. The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f), nor are there any listed buildings in close proximity to the site in accordance with 3/10 (d) or (e). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.

- 8.4 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 principle of the development is acceptable and in accordance with policy 5/1 and 3/10 Cambridge Local Plan 2006 and Cambridge City Council Guidance on Development which Affects Private Gardens (June 2011).

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

#### **Porch**

- 8.5 The porch will be visible in the street. There are other porches in the area and therefore will not be out of context or character subject to the use of matching materials.

#### **New Dwelling**

- 8.6 The new dwelling would be to the south side of the house. This will fill the gap between the existing house and common boundary with number 106. There are other properties along Wulfstan Way that have filled this gap and due to the different designs of properties along Wulfstan Way the proposal does not detract from the prevailing character of the area. The proposed new house will have a sizable garden comparable to the existing properties in the immediate area and there is room for an off street car parking and access to the bins and bikes within the rear garden area and I consider that, subject to the use of materials the proposal is acceptable.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 (b) and (c), 3/11, 3/12 and 3/14.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.8 I do not consider that the porch would have a detrimental impact upon neighbours as it is single storey and set in from the boundaries.
- 8.9 With regard to the new dwelling, this is coming closer to the boundary with number 106. There have been comments received regarding the loss of light and outlook from this property. There is a window in the side elevation facing the proposed new dwelling. The occupant would see the proposal from this window but the existing house is already in this view. It is set off the boundary with number 106 by 900mm. Located to the south of the proposed new dwelling, I do not consider that there will be overshadowing to this neighbor.
- 8.10 In respect to privacy and overlooking, there are no windows in the side elevation that will give opportunity to overlook number 106. There will be new first floor windows but there are already first floor windows in the existing house and the views into 106 will not be direct or significantly worse than the existing situation.
- 8.11 In terms of visual impact the proposal sits to the side gable of 106. There is a side door and a window at first floor in the side of 106. This window serves a landing. The dwelling is also set off the common boundary and there is a further 3 to 4m distance to the side elevation of 106. Additionally, the area to the side is used for car parking and entrance to the garage of 106 and therefore will not impact on 106. The proposal will not visually dominate the residential amenity of 106.
- 8.12 As this is a residential area, construction activity has the potential to disrupt neighbouring occupiers through dust and noise. I consider conditions are appropriate and recommend conditions 5 and 6 and informatives 7 and 8.
- 8.13 Subject to conditions, 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, 3/7 and 3/10(a) and (b).

### **Refuse**

- 8.14 There is a bin store area to the rear of the garden. The plan shows space for three bins and meets the requirements set out by the Waste Management Strategy and is therefore acceptable.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12

### **Car and Cycle Parking**

- 8.16 The local highway engineer has commented that the proposal will not have a significant impact upon the highway subject to conditions relating to materials, no gates, construction, drainage, obstruction and encroachment. I accept this advice and recommend the conditions.
- 8.17 There is a path to the side of the house which will allow access to bins and bike storage to the garden. The proposal shows that the storage area will accommodate the cycle parking within this and conforms to the Cycle Parking Standard and is therefore acceptable.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.19 The third party comment received relating to outlook, loss of light and obstruction of views have been addressed in the section residential amenity above.
- 8.20 With regard to safeguarding future development, I do not consider that this is a reasonable reason for refusal. Every site should be judged on its own merits. The issue about causing damage is a civil matter and would not be a reasonable reason for refusal.



## **Planning Obligation Strategy**

### **Planning Obligations**

8.21 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.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

#### Open Space

8.22 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.23 The application proposes the erection of 1 two-bedroom house, so the net total of additional residential units is 1. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people.

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	1	476
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>476</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	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>538</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	1	484
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>484</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	1	632
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>632</b>

8.24 A completed Undertaking has been agreed with the legal department on 25<sup>th</sup> October 2013 which secures 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 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

8.25 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	1	1256
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>1256</b>

8.26 A completed Undertaking has been submitted and agreed with the Council's Legal Department on 25<sup>th</sup> October 2013 to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local

Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

- 8.27 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>

- 8.28 A completed Undertaking has been submitted and agreed with the Council's Legal Department on 25<sup>th</sup> October 2013 to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.29 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

- 8.30 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**

The proposal is for a new dwelling to the side of an existing dwelling. The proposal has been assessed to be acceptable and I recommend APPROVAL.

## **10.0 RECOMMENDATION**

### **FOR RECOMMENDATIONS OF APPROVAL**

**APPROVE subject to the following conditions and reasons for approval:**

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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. 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).

4. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge Local Plan (2006) Policy 8/2).

5. 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)

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

**INFORMATIVE:** The demolition phase may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from:

Councils Supplementary Planning Document Sustainable Design and Construction 2007:

[https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD\\_WEB.pdf](https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.pdf)

Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

**INFORMATIVE:** Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

**INFORMATIVE:** No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

**INFORMATIVE:** Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.