

Application Number	13/1799/FUL	Agenda Item	
Date Received	16th December 2013	Officer	Mr Amit Patel
Target Date	10th February 2014		
Ward	Castle		
Site	7 Holyrood Close Cambridge CB4 3NE		
Proposal	Additional 3 bedroom bungalow to create separate dwelling in garden of existing dwelling.		
Applicant	Mrs Emily Ward 21 Woodlands Park Girton Cambridge Cambs CB3 0QB UK		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Acceptable in principle</p> <p>Responds to the context and character of the area</p> <p>Will not have a detrimental impact on the adjoining neighbours</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located to the north of the City. The application site is land adjacent to the current site of 7 Holyrood Close, currently part of the garden. The area is predominately in residential use and characterised by bungalows within the plots. There are two storey buildings on roads surrounding the site, Carisbrooke Road and Tavistock Road.
- 1.2 The site will be close to the common boundary with properties on Carisbrooke Road. The existing boundary treatment is of close boarded fencing with mature planting.

1.3 The site is not in a Conservation Area and there are no listed buildings close by. The trees are not subject to Tree Protection Orders and the site is outside the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 The proposal is to sub-divide the existing garden to the south east to accommodate a three bed room bungalow. The proposal will mirror the scale and form of other bungalows.

2.2 The proposed bungalow measures 11.2m wide and 7.8m deep with a pitched roof 2.5m to the eaves and 5m to the ridge.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans

3.0 SITE HISTORY

There is no planning history for this site.

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	3/10	3/12
		5/1				
		8/1	8/2	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:

Policies 1, 35, 36, 50, 52, 55, 56, 57, 59, 65, 68, 80, 82

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal has the potential to impact upon the amenity of the neighbours but is unlikely to have a significant risk on highway safety. The car parking spaces should measure 2.5m by 5m.

Head of Refuse and Environment

The proposal is acceptable subject to condition relating to construction hours and informative on waste.

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:

- 16 Carisbrooke Road (4 times)

- 7.2 The representations can be summarised as follows:

- The window in the south west wall will lead to loss of privacy and overlooking to neighbours;
- The roof height of existing bungalows are not high enough to convert into additional space and therefore this should be resisted;
- The location of the building to be fixed.

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 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

- 8.5 The site is the private amenity area of the existing dwelling 7 Holyrood Close. Number 9 has developed its site to accommodate an additional dwelling. The proposed dwelling is comparable in size and scale to the existing bungalows in the area. The proposal will be visible from outside the site and therefore the use of materials will be key (Condition 3). The application form states that the proposed dwelling will be finished in buff brick. This is uncharacteristic of the area as the bungalows are finished in red brick and therefore I condition this. All other details are to match the existing bungalow and this is acceptable.
- 8.6 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 Comments have been received regarding overlooking. All the windows are at ground floor level. Currently there is a 1.8m close boarded fence and mature tree and hedge planting along the common boundary with properties to Carisbrooke Road. A new boundary between the existing property and proposed dwelling is to be erected. I do not consider that there will be any significant overlooking or loss of privacy to the neighbours due to the existing intervening fence and at a distance of over 20m to the properties to Carisbrooke Road.

- 8.8 Comments have been submitted regarding the potential to convert the roof space. Due to the potential overlooking which could lead to loss of privacy to the neighbouring occupiers I recommend a condition to remove the permitted development rights regarding roof dormers (Condition 6 and 7).
- 8.9 With regards to over shadowing, due to the relatively low scale of the proposed dwelling the main impact will be on the existing bungalow. This will be sited west of the proposed bungalow and due to the design of the roof, low height and distance between the properties I do not consider that the proposal will have any significant impact upon number 7.
- 8.10 With regards to number 6, there is a single storey garage along the common boundary with the proposed dwelling. There are no windows in the garage and the proposed dwelling is set off the boundary by 2.5m therefore I do not consider that the proposal will have a significant impact on number 6 in terms of overshadowing, loss of light, loss of privacy and overlooking.
- 8.11 The Environmental Health Team have commented that construction activity has the potential to impact upon the amenity of neighbours through noise and disturbance. They have recommended a condition regarding the control of hours of operations (Condition 5). I agree with their advice.
- 8.12 The Highway Authority has raised concern about car parking causing amenity problems to the neighbours. The only neighbor that is likely to be affected is number 6 as there will be car parking close to the common boundary. Having been on site this area is already used for car parking and therefore I do not consider that this will create a significant impact.
- 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 Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.14 The proposal provides an additional residential dwelling and also provides adequate amenity space for the size of the dwelling and space around it. The proposal in my opinion provides a high quality living environment for future occupiers

and is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.15 There is room on site to accommodate three bins. Although this has not been shown on the plans the Environmental Health Team have recommended an informative which I agree and recommend.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Highway Safety

- 8.17 The local highway authority have not raised a concern regarding this and I agree with their advice.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car Parking

- 8.19 The proposed dwelling proposes two car parking spaces. The spaces measure 2.5m by 5m. This is in accordance with the car parking standards and is acceptable.

Cycle Parking

No details are submitted regarding the storage of cycles. There is ample room on site to accommodate this and therefore I recommend a condition (Condition 4) to request details.

- 8.20 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.21 The third party objection has been addressed in the report above. The issue regarding the position of the bungalow, this will have to be done if the application is approved.

Planning Obligations

- 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.

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

- 8.23 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.

8.24 The application proposes the erection of one three-bedroom bungalow 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:

Outdoor sports facilities					
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	1	714
4-bed	4	238	952		
Total					714

Indoor sports facilities					
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	1	807
4-bed	4	269	1076		
Total					807

Informal open space					
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	1	726
4-bed	4	242	968		
Total					726

Provision for children and teenagers					
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		
Total					948

8.25 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 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

8.26 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:

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

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 Cambridge

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

Waste

- 8.28 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:

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

- 8.29 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 Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

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

Planning Obligations Conclusion

- 8.31 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 three bedroom bungalow on the site adjacent to number 7 Holyrood Close. The proposal is the same in height as the existing bungalow and subject to materials will respond to the character and context of the area. The proposal, due to the existing boundary and distances involved and relatively low height, will not have a detrimental impact on the adjoining neighbours.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 10th March 2014 and 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 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)

4. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

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. 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)

7. 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 windows or dormer windows other than those expressly authorised by this permission shall be constructed.

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

INFORMATIVE: The Council has produced a guidance to provide information to developers on waste and recycling provision which can be accessed from the City Council website via the following link:-

<https://www.cambridge.gov.uk/waste-and-recycling-provision-information-developers>

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 10th March 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14 and 10/1 as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010.

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development