

<b>Application Number</b>	14/0111/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st January 2014	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	28th March 2014		
<b>Ward</b>	Arbury		
<b>Site</b>	15 Somerset Close Cambridge Cambridgeshire CB4 2HW		
<b>Proposal Applicant</b>	Erection of new dwelling Mr D Macpherson C/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The design and scale of the proposed dwelling is comparable with the existing built form of the area and would not have a negative on the character and appearance of the area.</p> <p>The proposed development has been designed to mitigate any significant adverse impact on the residential amenity of the adjoining neighbours.</p> <p>The proposal would make efficient and effective use of land.</p>
RECOMMENDATION	APPROVAL subject to conditions.

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is land directly to the north of 15 Somerset Close, Cambridge, which is currently in use as garden amenity space, the side garden, of the existing house. 15 Somerset Close is an end-of-terrace, two-storey dwelling, in a terraced row of four houses at the head of a short cul-de-sac of about 20 houses just south of Arbury Road, in the north part of the City. Immediately in front north-west of the dwelling, 15 Somerset Close, is a turning head/access to a garage court; immediately

in front/north-west of the site, is a row of 8 garages and the parking turning/manoeuvring space in front of them.

1.2 The north-eastern boundary of the site abuts the rear gardens of houses in Arbury Road; to the east the plot abuts the rear garden of a house in Mere Way.

1.3 The site is not in a Conservation Area or Controlled Parking Zone.

## **2.0 THE PROPOSAL**

2.1 The proposal is for a two storey, pitched roof, two bed, detached residential dwelling with attached single storey garage on ancillary garden land north of no.15 Somerset Close.

2.2 The proposed dwelling application follows a withdrawal of an earlier application (13/1599/FUL) because of concerns raised with its design and scale.

2.3 The application is accompanied by the following supporting information:

1. Design, Access, Heritage and Supporting Planning Statement
2. Plans

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
09/1180/FUL	Erection of 1 one-bed house.	REFUSED
13/1599/FUL	Erection of new dwelling.	WITHDRAWN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 Plan 2006	Local	3/4 3/6 3/7 3/8 3/10 3/11 3/12 5/1 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)

## 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, there are no policies in the emerging Local Plan are of relevance.

## **6.0 CONSULTATIONS**

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

- 6.1 The proposal should have no significant impact on the public highway subject to condition on no unbounded surface material.

### **Environmental Services**

- 6.2 No objections in principle subject to conditions and informatives.
- 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:

245 Arbury Road

- 7.2 The representations can be summarised as follows:
- The proposed dwelling due to its proximity to the rear boundary would impact our privacy, sunlight and cause overshadowing of the garden area
  - The proposed dwelling would allow occupants to look directly into windows and garden of our home
  - Additional vehicles movements would increase exhaust fumes
- 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. Refuse arrangements
4. Highway safety
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

### **Principle of Development**

8.2 The proposed residential development of the site is considered to be acceptable in this location and context as it would be compatible with the residential built form of the area. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.

8.3 In my opinion, the principle of residential development is acceptable and is in accordance with policy 5/1.

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

8.4 The built form of the area is characterised by mainly post-war terraced and semi-detached low density two storey dwellings. The application site benefits from a generous rear and side garden.

8.5 The application site is ancillary garden land for 15 Somerset Close. The proposal to subdivide the existing residential curtilage to accommodate an additional dwelling would need to comply specifically with policy 3/10 (Sub-division of Existing Plots). The policy is criterion based (a to f). Criteria d (impact on listed buildings etc), e (impact on trees, wildlife etc) and f (prejudice to comprehensive development) are not relevant to the proposal. Criteria a, b and c are therefore relevant, as follows:

- 8.6 Policy 3/10 states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a. Have a significantly adverse impact on the amenities of neighbouring properties through the loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
  - b. Provide inadequate amenity space for the proposed and existing properties;
  - c. Detract from the prevailing character and appearance of the area.

#### Impact on amenity

- 8.7 The side (north-eastern) elevation of the proposed dwelling would be located over 27 metres from the rear of 245 Arbury Road. Furthermore, there are no windows at first floor level in the side elevation that would overlook the rear garden of 245 Arbury Road. In view of this and the level of separation, it would be difficult to argue the proposed dwelling would have any significant overbearing impact or create an unacceptable sense of enclosure issue for the residents in Arbury Road such that it would warrant refusing the application.
- 8.8 The front elevation of the property would overlook the existing garages and rear elevation would face towards the rear garden area. The proposed development, in my view, would not create any direct or adverse overlooking issue such that it would have a detrimental impact on the residential amenity of neighbours.
- 8.9 Whilst the application site is located south-west of the properties in Arbury Road, the proposed dwelling may cast a shadow during winter months over the rearmost aspects of the gardens. However, the shadow is unlikely to reach the private amenity area or rear elevation of the dwellings in Arbury Road. Therefore, in my view, due to the level of separation, the level of overshadowing would not be significant enough to warrant refusing this application.
- 8.10 The proposed dwelling would not create a level of additional traffic movement such that it would have an adverse impact on the residential amenity of the surrounding residents. The car parking space for the proposed dwelling has been located on

the northern side away from the existing residents in Somerset Close and a sufficient distance away from the residents in Arbury Road not to have a significant impact in terms of noise.

#### Amenity space

- 8.11 The proposed dwelling would have an adequate amount of rear amenity space to support future occupiers. The amenity space would be comparable with other existing dwellings in Somerset Close.

#### Character and appearance of the area

- 8.12 The proposed two storey dwelling has been designed to maintain the existing character and appearance of the area. The proposed dwelling would be set back from the front of no.15 Somerset Close by 2 metres and project approximately 400mm beyond the rear elevation. The scale of the proposed dwelling would also be comparable with the existing terraced row. I am therefore of the view that the proposed dwelling would be in keeping with the prevailing character and appearance of the area.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12.

#### **Refuse Arrangements**

- 8.14 The proposal makes suitable refuse storage arrangements, which is also conveniently accessible for storage and collection. The proposed refuse arrangements would comply with the Council's Waste Management Design Guide.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety**

- 8.16 The Highway Authority have not raised any highway safety concerns with the proposed development.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.18 The proposal includes two off street car parking spaces (including garage). The proposal also includes two enclosed and secured cycle spaces.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.20 I have addressed most of the points raised by the objector in the above section. However, I set out below my response to the issue that I have missed.

Exhaust fumes and movement of vehicles:

- 8.21 Due to the level of separation between the side elevation of the application and rear elevations of the properties in Arbury Close, it would be very difficult to argue the exhaust fumes would have any adverse impact on the residential amenity of existing residents, particularly as the property is located off and nearer to Arbury Road. The proposal includes two off street parking spaces that would not affect the existing parking arrangements of the neighbouring properties. The County Highways Officer does not consider the proposal would have any significantly adverse impact on highway safety. Therefore, the proposal is acceptable in this regard.

## **Planning Obligation Strategy**

### **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 two-bedroom house. 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	1	357
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>357</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	1	403.5
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>403.5</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>

8.25 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:

<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>

- 8.27 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:

<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>

8.29 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. It was agreed at Development Plans Scrutiny Sub-Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. For this application a monitoring fee of £160.38 is required.

#### 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**

9.1 The proposed development of a two storey dwelling on ancillary garden is considered to be acceptable as it would not have any adverse impact on the residential amenity of the adjoining neighbours. The design and scale of the proposed dwelling is in keeping with the prevailing built form of area and therefore would not detract from the character and appearance of the area.

### **10.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 2 June 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. 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. 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)

5. 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

6. 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.

7. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The development shall then be carried in accordance with the approved scheme.

Reason: To prevent surface water discharging to the highway.

8. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety.

**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 2 June 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, 3/10, 3/12, 5/1 and Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

**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**