

Application Number	14/1301/FUL	Agenda Item	
Date Received	11th August 2014	Officer	Mrs Angela Briggs
Target Date	6th October 2014		
Ward	East Chesterton		
Site	8 And 8A Oak Tree Avenue Cambridge CB4 1BA		
Proposal	Demolition of existing house and bedsit and replacement with two dwellings		
Applicant	Mr Desimone 436 Milton Road Cambridge CB4 1ST		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed replacement dwellings are acceptable, in principle; <input type="checkbox"/> The proposed design of the proposed dwellings is acceptable and would be in keeping with the character of the area; <input type="checkbox"/> The proposed dwellings would not harm neighbour amenity.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 Nos. 8 and 8A Oak Tree Avenue is situated at the end of a terrace of properties. The original house, no.8, was extended to the side to provide three additional bedrooms and a self-contained bedsit at the ground floor. This element subsequently became 8A Oak Tree Avenue. The property is currently a large HMO. To the north of the site is a right of way which serves the rear of the site and nos. 10 and 12 Oak Tree Avenue. There is a large pine tree in the back garden of the site. Beyond the rear of the site is a small allotment. To the front of the properties is an area for off-street car parking for 4no. cars.

- 1.2 The area is characterised by dwellings and the site backs onto the gardens of Milton Road. Oak Tree Avenue has a fairly uniform architecture, and there is a row of three terrace properties opposite (1, 3 and 5 Oak Tree Avenue), which were built separate to the prevailing terrace form.
- 1.3 The site is close to the junction with Milton Road, where the character is also mainly residential.

2.0 THE PROPOSAL

- 2.1 The full application seeks planning consent for the demolition of nos. 8 and 8A Oak Tree Avenue, and the erection of two semi-detached, 3-bedroom, dwellings, with associated bin and cycle storage to the rear. The proposed dwellings would be the same height as the adjacent terrace properties. To the rear of each dwelling, at second storey level, would be two box dormer windows, which would accommodate the third bedroom. A small extension at first floor level would be created for the end property, in order to accommodate bedroom 1. This would be in the form of a flat roof extension, projecting out 1.6m from the rear elevation.

3.0 SITE HISTORY

Reference	Description	Outcome
14/0541/FUL	Demolition of existing house and building of two dwellings	Application withdrawn.
C/84/0150	ERECTION OF TWO-STOREY EXTENSION TO EXISTING DWELLING HOUSE	Approved.
C/84/0867	ADDITION OF FRONT PORCH AND ERECTION OF FIRST FLOOR EXTENSION TO EXISTING DWELLING HOUSE	Approved.

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 3/7 3/8 3/11 3/12 5/1 5/14 8/2 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
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)

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/the following policies in the emerging Local Plan are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 Car parking spaces should be 2.5m x 5m with a 6m reversing space.
- 6.2 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:
 - 10 Oak Tree Avenue.
- 7.2 The representations can be summarised as follows:
 - Object to the dormers. They will cut out our sun light totally;
 - The tree in the back garden needs to go as it has grown too big, and the fence will need to be replaced;
 - Fed up of cutting the front hedge all the time;
 - Concern with the demolition process and the re-build without structural damage to our property.
- 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. 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) is relevant. *“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”*. This site is already in residential use, and the proposal seeks to replace it with residential. I therefore consider that this proposal meets the policy objective and is acceptable, in principle.

8.3 The current buildings are in occupation as an HMO (House in Multiple Occupation). The loss of this use would not be detrimental to the housing stock as two new dwellings would be replacing it. Therefore, I am not concerned about the loss of an HMO unit in this area.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

8.5 The existing buildings on the site complete the terrace form, which ends with a two storey, flat roof, extension to the side (known as 8A Oak Tree Avenue). The properties are currently rendered a beige colour. The other properties within the terrace are also rendered of different light shades of cream/brown.

8.6 The front elevation of the terrace is fairly uniform and has a certain rhythm of fenestration detailing and roof scape. The

frontage of the site is more open than the neighbouring properties where it is broken up by hedges or trees, although there is a large leylandii hedge along the common boundary with no.10 Oak Tree Avenue. The forecourt of the site is made up of hard landscaping and there is sufficient space for 4no. cars to be parked in this area, clear of the footpath.

- 8.7 The proposed design takes its cues from the existing architecture of Oak Tree Avenue. The front elevation is simple in form and reflects the fenestration styles and proportions of the neighbouring properties, and are symmetrical. The building line would not come forward of the prevailing building line of the terrace and the forecourt is retained. As such, I consider that the street scene has been improved by this design approach and is acceptable.
- 8.8 Turning to the rear, the design is more articulated with a single storey extension element running along both properties at ground floor level, a first floor extension to the end property, and the introduction of two box dormer windows on both properties. The dormers do not exceed the highest part of the roof and would not be highly visible from the street. The dormers, however, would be introducing a new form of development within the Oak Tree Avenue area. The site is not constrained by Conservation designation and would therefore benefit from permitted development rights for roof extensions. Part 1, Class B, of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) permits dwellings, outside of Conservation Areas, to erect a dormer window of up to 40 cubic metres (for terrace properties), provided no verandas, balcony or raised platforms are included. This would apply to the properties on Oak Tree Avenue and dormer windows could be erected without planning permission in accordance with these criteria. In my view, therefore, it would be difficult to argue that the dormers would be inappropriate.
- 8.9 In terms of the external open spaces, the dwellings would both have their own private amenity space to the rear, in which the bins and cycles would be incorporated. The rear gardens are of a sufficient size, commensurate to the size of the proposed dwellings. No details of the bins and cycle store have been provided, apart from indicating where they would be situated, on the site plan. It is proposed that the cycles and bins be accessible from the rear of the properties via the private right of

way, which is acceptable in my view. Given the plot sizes, I am confident that adequate provision can be achieved on site to serve both dwellings. I have recommended a condition requiring further details of the bin and cycle storage (Conditions 3 and 10).

- 8.10 The front forecourt is to be retained and would be for the use of off-street car parking for four cars. This would concur with the character of the car parking along Oak Tree Avenue, although on-street car parking also exists along here. The site is situated in a sustainable location, close to public transport routes, so there is also an alternative option for more sustainable modes of transport available to the occupiers.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 The neighbour adjacent, at N^o10 Oak Tree Avenue has objected. The main concerns are the impact from the dormer windows and the structural stability of the property during the demolition and construction processes.
- 8.13 I have requested a shadow diagram from the agent. This shows the level of the sun at both the March and June equinoxes and at 9am and 12pm. The proposed dwellings would be due north-east of no.10. Given the orientation of the proposed buildings and as the diagram indicates, it is unlikely that any over-shadowing would be significant enough to warrant refusal of the application. In terms of over-looking, whilst the dormers would be introducing an additional level of outlook, there is already a high degree of overlooking between neighbours at first floor level which I do not consider would be exacerbated by the proposed dormers.
- 8.14 In terms of the issue of the structural stability during demolition and construction, this would fall under Building Control, and their regulations about demolition and construction close to other properties. However, I have recommended an informative to advise the applicant to consider the 'Considerate Contractor Scheme'.

- 8.15 The comments from the neighbour regarding the tree and the hedge are both civil issues which fall outside the planning remit.
- 8.16 In my view, I do not consider that the proposed dwellings would cause an unacceptable level of enclosure to the neighbouring property because the property is of similar proportions to the terrace form. The single storey elements would be less than 3m in height and therefore unlikely to result in any significant loss of neighbour amenity.
- 8.17 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 3/7.

Amenity for future occupiers of the site

- 8.18 The future occupants of the proposed dwellings would benefit from a high quality new build, which would be located within a sustainable part of the City, and benefit from private amenity areas, adequate cycle and bin storage and off-street car parking. I consider that this is acceptable. The dwellings would be part of an existing residential neighbourhood, which share a similar environment.
- 8.19 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

- 8.20 Refuse is indicated on the site plan. This is located to the rear of the properties. I am confident that adequate provision can be achieved for both dwellings. A condition (10) is recommended to secure refuse provision in order to meet the requirements.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.22 The proposal shows that two off-street car parking spaces can be accommodated on the forecourt. The forecourt is 9.3m deep and an average of 12m wide (taken at the mid-point). The local highway authority has asked for confirmation that the cars have adequate space to park and reverse. From my site visit and from the proposed ground floor plan, I consider that there is adequate space for cars to park clear of the footpath and reverse safely onto Oak Tree Avenue, in line with the Local Highways requirements. Therefore, I do not consider that a condition is necessary in this case to secure this.
- 8.23 In terms of cycle parking, this is indicated on the site plan. They are located to the rear of the site, close to the bin store. I am confident that adequate cycle parking provision can be achieved for both dwellings. A condition (3) is recommended to secure the provision of cycle parking for both dwellings.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.25 I have addressed the neighbour's concern in paragraphs 8.12-8.15.

Planning Obligation Strategy

Planning Obligations

- 8.26 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. Applications for new residential development normally requires the applicant to enter into a unilateral undertaking to mitigate against the effects of the new development on the City's infrastructure. The application proposes to replace two units with two units. I have therefore come to the conclusion that as the application does not propose to increase the number of units, planning obligations would not be reasonable, in this case.

9.0 CONCLUSION

9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to completion to the following conditions:

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. 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)

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

5. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

7. 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)

8. 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)

9. 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)

10. Prior to the commencement of development, details showing the location and management of the bins for each dwelling, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed only in accordance with the approved details.

Reason: In the interest of residential amenity (Cambridge Local Plan, 2006, policy 4/13)

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

INFORMATIVE: The applicant is advised that where a proposal involves works on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building, the provisions of the Party Wall Act 1996 shall apply. The granting of planning permission does not override any obligation arising from this or other legislation.