

<b>Application Number</b>	14/1754/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st November 2014	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	16th January 2015		
<b>Ward</b>	West Chesterton		
<b>Site</b>	3 Victoria Road Cambridge CB4 3BW		
<b>Proposal</b>	Construction of a replacement dwelling as approved under 12/1041/FUL including an extension to the basement of 5.25 m.		
<b>Applicant</b>	Mr Peter Shenton 3 Craven Close Trumpington Cambridge CB2 9NW		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed development would not have a harmful impact on the appearance and character of the conservation area;</li> <li><input type="checkbox"/> The proposed development can be conditioned to prevent the escape hatch from being open at any other time aside from an emergency to ensure that any noise from activities in the basement are not transferred outside where it may disturb neighbouring residents.</li> </ul>
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

**0.0 INTRODUCTION**

0.1 Full planning permission was granted in November 2012 by North Area Committee for the demolition and rebuild of the existing mid terrace property at 3 Victoria Road. Demolition of the property has occurred and construction of the foundations commenced, including the approved section of the basement.

- 0.2 Building Inspectors have identified that the fire escape proposals from the approved basement would not meet with Building Regulations and this has necessitated alterations to the approved development that form this planning application. An escape hatch from a basement has to be positioned so that it gives direct access into the garden and away from the building where it will not be obstructed.
- 0.3 As the property is significantly demolished and the new property has not been completed and inhabited, this application seeks permission for the erection of a new dwelling as approved under the previous approval (12/1041/FUL) including an extension to the approved basement. There are no other alterations to the dwelling as approved and for this reason; the content of this report will consider the change to the approved plans, which constitutes a 5.25 m long extension to the approved basement.
- 0.4 The original officer report for 12/1041/FUL can be found at Appendix 1.

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 Formerly, the site comprised of a two storey Victorian terrace property, which had a later single storey extension added which accommodates a garden room. At the southern end of the site is a garage, which is accessed from Croft Holme Lane. Both the neighbouring properties were taller than No.3, with no.5 rising to 3 storeys. Opposite the site is 'Victoria Homes' which is a sheltered housing scheme with a warden for the frail and the elderly. The properties are terraced bungalows, which date back to the early 1900's.
- 1.2 This property has now been significantly demolished and the site is secured with construction hoardings to the rear.
- 1.3 The site is located close to the junction of Victoria Road and Croft Holme Lane, which forms the western boundary of Mitcham's Corner. The area is largely residential in character containing a mixture of terraced and semi-detached properties although there are some ground floor retail units further west and north west of the subject property.
- 1.4 The site lies within the Victoria Road and Castle Conservation Area (2012).

## 2.0 THE PROPOSAL

- 2.1 The application seeks planning approval for the construction of a replacement dwelling as approved by a former planning permission, 12/1041/FUL. The only alteration to the approved plans is an extension to the basement of 5.25 m, so that it extends beneath the existing garden for its full length. In the south east corner, it is proposed for an external staircase to be installed from the basement to ground level for fire escape purposes. A door will be installed at the bottom of the staircase.
- 2.2 The application is accompanied by the following supporting information:

1. Plans

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/1041/FUL	Erection of a dwelling (following demolition of existing dwelling).	Approved
12/1280/CAC	Demolition of existing 2 storey single dwelling.	Approved
10/1163/FUL	Erection of a dwelling (following demolition of existing dwelling).	Refused and appeal dismissed
09/0913/FUL	Replacement of existing dwelling house with a new three storey house (following demolition of existing residential building).	Withdrawn
04/1179/FUL	Single storey rear extension and a loft extension to existing dwellinghouse	Permitted
C/93/0838	Conversion of loft with dormer window to rear, erection of garage and rebuilding of conservatory.	Permitted

#### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

#### 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 3/12 3/14 4/11 4/13 4/14 5/1 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  Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning	Sustainable Design and Construction (May 2007)

Guidance	
	<u>Area Guidelines</u> Castle and Victoria Road Conservation Area Appraisal (2012)

#### 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.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Engineering)**

- 6.1 Prior to development, the applicant must provide details of the proposed basement structure to the Highway Authority, and demonstrate compliance with the Highway Authority's requirements for structures supporting the public highway. An informative to this effect should be added to any Planning permission that the Planning Authority is minded to grant in regard to this application.

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

- 6.2 There are no objections to this application, providing that the recommendations and conditions attached to permission 12/1041/FUL are relevant and require compliance when works are undertaken to extend the basement.

### **Urban Design and Conservation team**

- 6.3 It is considered that there are no material conservation issues with this proposal.

6.4 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:

- 3 Croft Holme Lane
- 1 and 5 Victoria Road

7.2 The representations can be summarised as follows:

- The works have already started;
- The proposed extension of the plans changes the whole character of the plans and impacts on the site and surrounding area in an unacceptable way;
- The proposed development will allow the door to be left open and the potential for noise to happen within the garden area which will increase noise and disturbance to all neighbours;
- The addition of a 5.5 m extension to the basement is surely overdevelopment, particularly as the approved plans were considered by many as over-development originally;
- This application will extend the length of time the building project goes on for;

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

### Principle of Development

8.1 The proposed development to replace the existing property with a single residential property was compliant with policy 5/1 of the Cambridge Local Plan as demonstrated in paragraphs 8.2 & 8.3 of Appendix 1.

### Context of site, design and external spaces

- 8.2 The proposed development does not seek any external changes to the approved scheme (12/1041/FUL). The design of the replacement dwelling was considered to be appropriate in the former application as demonstrated in paragraphs 8.8 to 8.14 of Appendix 1.
- 8.3 The proposed amendment to the scheme is to extend the approved basement by 5.25m, so that it extends the length of the existing garden. The development will be beneath the garden, which will be replaced following completion of the development. The only feature that will be visible will be the external staircase from basement to ground level that will allow emergency access from the basement in the event of a fire.
- 8.4 The building regulations requirement is for a means of escape for occupants to exit into the garden away from the main building to prevent future obstruction. It is proposed for the staircase to be located in the south east corner of the site. While a solution that would have located the means of access closer to the main property could have been found, the applicant has chosen this location as it has minimal impact on the use of the garden. However, by virtue of positioning it in the furthest corner of the garden, it means that the basement needs to be extended to that point.
- 8.5 As the basement will not be visible and the introduction of the staircase in this position will not be visible from the public realm, it is considered to be acceptable.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 & 4/11.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.7 The scale and massing of the proposed property does not differ from the approved plans for the ground, first and second floors. This was considered at paragraphs 8.15 to 8.30 of the report at Appendix 1.
- 8.8 A number of the third party representations make reference to the disturbance caused by the approved development. Officers

appreciate that the demolition and construction of a new property does impact on the amenity of adjacent residents and where possible this is limited through the use of conditions. These were imposed on the former application in relation to construction and delivery hours as well as a traffic management plan. Such conditions were considered reasonable and are replicated on this application.

- 8.9 Within the approved basement area are uses such as a home cinema, gym and changing area for domestic use. The plans submitted with the application do not identify what the additional space within the basement will be used for, but provided it is used for domestic purposes it is of no material planning relevance. I consider that conditions are imposed that require information to be submitted that insulate and ventilate the basement in a way that prevents noise transference between properties in accordance with the Environmental Health officers recommendation.
- 8.10 The proposed stairs lead down into the newly formed space. There is a concern that the future use of this space, may have the opportunity to transfer into the rear garden environment should the door at the base of the stairs be left open. This could lead to noise and disturbance to the adjoining neighbours. The application states that the staircase is required for emergency purposes only and I do not believe that the door would be left open at other times. However, in order to provide protection to the neighbouring properties, a condition has been recommended that requires the door to be used in emergencies only and will remain closed at all other times.
- 8.11 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 & 3/14.

### **Refuse Arrangements**

- 8.12 Arrangements for waste were considered to be acceptable as part of the former application and as this proposal remains for a

single residential property there are no changes to those approved.

- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and guidance contained with the RECAP document.

### **Highway Safety**

- 8.14 The proposed development does not endanger highway safety.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.16 Arrangements for car and cycle parking were considered to be acceptable as part of the former application and as this proposal remains for a single residential property there are no changes to those approved.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.18 The concerns of the third party representations have mainly been addressed in the above report. In terms of the proposed works extending the length of time the building project goes on for is not a reason for refusal. Officers appreciate that the construction process is disruptive, but best means are employed to ensure that the construction site operates as quietly and effectively as possible. It is not the role of the local planning authority to prevent all forms of development that may result in some measure of pollution (vibration or noise), but rather to control the development in order to minimise this effect.

### **Planning Obligation Strategy**

- 8.19 There is no requirement for a planning obligation strategy as the proposed dwelling is a replacement dwelling and contains the same number of bedrooms as the existing.

## 9.0 RECOMMENDATION

**APPROVE** subject to 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. 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)

3. 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)

4. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway);

ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street;

iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway);

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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

5. No part of the structure shall overhang or encroach under the public highway and no gate, door or ground floor window shall open outwards over the public highway.

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

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

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

7. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/14 and 4/11)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

9. All new joinery [window frames and doorways] shall be recessed at least 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

10. Prior to the commencement of the development a scheme to protect future residents of this development from exposure to high levels of air pollution and exhaust odours associated with the Victoria Road façade, shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To safeguard amenity and health of future occupants of the residential unit (Cambridge Local Plan 2006 policies 3/12, 4/13 and 4/14)

11. a. Prior to the occupation of the development a noise report that considers the impact of noise on the Victoria Road façade upon the proposed development shall be submitted in writing for consideration by the local planning authority.

b. Following the submission of the noise report and prior to the occupation of development, a noise insulation scheme for protecting the affected residential units from noise as a result of the proximity of the bedrooms and living rooms to high ambient noise levels on the Victoria Road façade (dominated by traffic and vehicle noise), shall be submitted to and approved in writing by the local planning authority.

The scheme shall detail the acoustic noise insulation performance specification of the external building envelope of the affected residential units (having regard to the building fabric, glazing and ventilation) and achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To protect the amenity of future occupants of this property from the noise from the public highway (Cambridge Local Plan 2006 policy 4/13)

12. Before the development hereby permitted is occupied, a scheme for the insulation of the plant that is installed in order to ventilate the basement shall be submitted to and approved in writing by the local planning authority which specifies how the level of noise emanating from the said plant shall be minimised to ensure that neighbouring properties are not disturbed. The scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

13. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

14. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition/construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

15. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/12 and 4/11)

16. 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)

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

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

18. In no circumstances shall the green roofs be used by the occupiers for recreational or amenity purposes and nor shall any furniture such as tables and chairs be situated on these roofs.

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

19. The approved means of escape shall only be used in the case of an emergency such as fire and the door at the base of the external staircase shall not be left open for any other purpose.

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

20. 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.

**INFORMATIVE:** The air quality condition above is likely to be achieved by mechanical ventilation, complying with the requirements of approved document F (Ventilation) for both background and purge ventilation / summer cooling, sourcing air from the rear of the development away from the road. Such ventilation may also be required to achieve the internal noise levels required by PPG 24.

**INFORMATIVE:** The applicant is advised that implementation of the application hereby approved will result in neither the existing residents of the site, nor future residents able to qualify for Residents' Parking Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

**INFORMATIVE:** To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the good internal noise levels of British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria.

**INFORMATIVE:** The level of noise insulation between the proposed new dwelling and those existing must comply with Building Regulations approved document E to provide resistance to the transmission of sound. This will be particularly important in respect of the proposed basement home cinema. It is assumed that Building Control will deal with this matter.

**INFORMATIVE:** The applicant is advised to contact housing standards at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS, in the event that the property is to be let in the future as a HMO.