

<b>Application Number</b>	14/1936/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd December 2014	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	28th January 2015		
<b>Ward</b>	Trumpington		
<b>Site</b>	Land Between 2 And 3 Shaftesbury Road Cambridge Cambridgeshire CB2 8BW		
<b>Proposal Applicant</b>	Construction of a new dwelling Mr Geoffrey Race 6 Aberdeen Avenue Cambridge CB2 8DP		

<b>SUMMARY</b>	The development accords with the Development Plan for the following reasons:  1. It enhances the character and appearance of the Conservation Area.  2. It does not have significant detrimental impact on the residential amenity of neighbouring occupiers
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is situated between Nos. 2 and 3 Shaftesbury Road, on the east side of the street, within City of Cambridge Conservation Area 10 (Brooklands). The site was formerly a car park, when No 2 was occupied by the Red Cross as offices.
- 1.2 The ‘square’ of roads formed by Shaftesbury Road, Brooklands Avenue (north), Clarendon Road (east), and Fitzwilliam Road (south) contains a mix of housing types and styles. Buildings are predominantly in residential use, though there are school and CUP premises south of Fitzwilliam Road, offices east of Clarendon Road and at 5 Shaftesbury Road a house has been converted to office use. Nos. 2 and 3 Shaftesbury Road are substantial, double-fronted, Victorian villas, in residential use.

The Accordia development, a scheme of approximately 380 houses and flats, is opposite the site on the west side of the road, set back behind trees and an area of green space. The Accordia development is now within the Conservation Area.

## 2.0 THE PROPOSAL

2.1 Full planning permission is sought for the erection of a three storey, detached dwelling with basement. The house would be rectilinear in footprint, covering almost the full width of the plot, and would consist of a basement, ground floor, first floor and second floor. The house will be set off the north and south boundaries by 1 metre which it is understood is to comply with a restrictive covenant. The previously approved house on the plot occupied the full width. The restrictive covenant is not a material planning consideration.

2.2 The accommodation would be laid out as follows:

Basement/Lower ground floor: Studio/living room, utility room, cycle room and store.

Ground floor: Entrance hall, kitchen/dining room, cloakroom and coat room.

First floor: Salon and one bedrooms with ensuite and dressing room

Second floor: Two bedrooms, bedroom/study, and two bathrooms.

2.3 This application follows on from a previous application approved by South Area Committee on 23<sup>rd</sup> June 2014 (14/0356/FUL). The proposed building is the same as that previous approved, with the following amendments:

- Alterations to the windows on the side elevations, due to changes to the internal layout of the house;
- Additional of rooflights;
- Addition of an external bin store; and
- Use of stone

2.4 The application is accompanied by the following supporting information:

- Design and Access Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/04/1040/FUL	Erection of one detached 3 bed dwelling house (following demolition of out buildings.	A/C
10/1143/FUL	Erection of eco-friendly house.	REF
12/0438/FUL	Construction of a new dwelling.	REF
12/0505/FUL	New dwelling on land adjacent to 2 and 3 Shaftesbury Road.	Withdrawn
13/0310/FUL	New dwelling on land adjacent to 2 and 3 Shaftesbury Road.(The Round House)	A/C
14/0356/FUL	Construction of a new dwelling	A/C

The Decision Notice relating to 14/0356/FUL is attached as Appendix 1.

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

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Brooklands Avenue Conservation Area Appraisal (2013)</p>

### 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 of relevance.

## **6.0 CONSULTATIONS**

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

- 6.1 The Highway Authority has no additional comment to make regarding the amended plan. The previous comments apply, which read as follows:

The application states that a new dropped kerb or kerbs will be provided on the frontage of the site but provides no further details. The site is fronted by a residents parking bay, which is not shown on the plans. The proposed access would require the removal of the bay, which would require an amendment of the existing Traffic Regulation Order. The residents of the proposed dwelling would not be eligible for Residents Parking Permits. Further information is needed in relation to car parking spaces.

Conditions are recommended relating to the materials used for the driveway, gates, structures on the highway, drainage, manoeuvring space, access and the need for a TRO to address on street parking. Informatives are also recommended.

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

- 6.2 No objection, subject to conditions relating to construction hours, and piling.

### **Urban Design and Conservation Team**

- 6.3 The application relates to a building within the Central Conservation Area. It follows the approval of a very similar proposal approved under reference 14/0356/14 earlier this year. Our view on that previous application may be quoted from the following extract of the published officer report on the application as approved by South Area Committee on 23<sup>rd</sup> of June, 2014: "A modern building which enhances the

conservation area could sit well in this site providing it respects the character of the immediate locality, particularly Shaftesbury Road. The current house design represents a “successful contrast” in the Brooklands Avenue Conservation Area”.

- 6.4 As we now understand it, there have been changes to the internal layout of the dwelling which has necessitated some minor changes in the fenestration to the north and south elevations principally due to the focus of such fenestration now being focused on the central stairway in the dwelling, and the creation of a new roof light also aligned with the stairway. In our view these changes do little to change the overall appearance of the dwelling when seen from the street or adjacent properties; the fewer areas of window openings or recessed side panels changes little of the overall street elevation as the side elevations where they are situated immediately face secondary side elevations of neighbouring dwellings. The applicant makes clear in Design and Access Statement submitted with the application that these revised elevations are to employ obscure glazing. This is considered essential in order to protect the privacy of adjacent residents and we note that condition no.9 in the report pertaining to application 14/0356/14 did in fact enforce the need of such obscuring by condition.
- 6.5 Other than the changes to the internal layout of the building which create these minor external changes, we understand that there are no further changes to the design from that approved under 14/0356/FUL. We are therefore able to support the application in design and conservation terms, subject to the re-imposition of the condition regarding materials include below.

*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. This should include a brick sample panel constructed on site. 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)*

- 6.6 The applicant has proposed the use of smooth stone for external elevations. While the use of brick is predominant in

Shaftsbury Road and in the general area, the design of the dwelling is such that it is not traditional but rather is of a complimentary, contemporary approach when compared to neighbouring dwellings. Providing the stone is of a complimentary colour and tone to the prevailing Cambridge buff brick in the local area, and to achieve this we have suggested a condition to agree same, there is no reason why a contemporary building should have to employ the same buff brick material. Indeed it may be better to use stone in such a situation so as to avoid a “contrived” or “forced” appearance to the elevations simply to match the buff brick of existing dwellings in the area. There are many good examples of the use of smooth faced stone in areas of buff or other coloured brick in the wider area, including at the English Heritage office on Brooklands Avenue and Foundress Court at Pembroke College on Tennis Court Road. The Urban Design and Conservation Team therefore consider that subject to the selection of an appropriate stone, stone is an acceptable external facing material in this case

### **Head of Streets and Open Spaces (Landscape Team)**

- 6.7 A condition is recommended requiring a hard and soft landscaping scheme.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations:

- 5 Clarendon Road
- 17 Clarendon Road
- 1 Shaftesbury Road
- 2 Shaftesbury Road
- 3 Shaftesbury Road
- 4 Shaftesbury Road
- 22 Brooklands Avenue

- 7.2 The representations can be summarised as follows:

### Character and appearance

- The building is far too large for the site and is out of character
- Stone is out of character

- The front balconies and large amount of glazing are out of character and would result in a loss of privacy for neighbours
- The foundations could have impact on the lime tree

#### Residential amenity

- The front balconies and large amount of glazing are out of character and would result in a loss of privacy for neighbours
- The removal of internal walls would lead to an increase in overlooking as they acted as partial screens
- The glazing on the rear at first floor level is clear, and this would cause overlooking
- The conservatory will become part of the living room, extending the living area further into the garden and increasing noise and light pollution
- The lime tree has been pruned, and the conditions attached to the consent for these works were not complied with. The tree has been pruned more heavily than consented, which has increased overlooking

#### Car, cycle parking, and bin storage

- Inadequate parking, cycle storage and bin storage
- Loss of on-street parking bay

#### Other

- Surface water flooding

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. Background
2. Context of site, design and impact on the Conservation Area
3. Residential amenity
4. Car and cycle parking
5. Third party representations

## 6. Planning Obligation Strategy

### **Background**

- 8.2 There have been a number of applications for single dwellings submitted for this plot. In 2004, planning permission was granted for a 'coach house' (04/1040/FUL) but this was not built. In 2010, another planning application was submitted for a large house (10/1143/FUL) which was refused.
- 8.3 In 2012 two applications were submitted. The first (12/0505/FUL) was a resubmission of the 2004 application. This was withdrawn before it could be determined. The other application, (12/0438/FUL) was for a contemporary building. This application was refused under delegated powers due to the dominance of the proposed building which abutted the common boundaries with numbers 2 and 3 Shaftesbury Road, and loss of privacy to the neighbours due to the levels of glazing and terracing to the rear.
- 8.4 In 2013 planning permission was granted for a 'Round House' (application reference 13/0310/FUL) which had a circular footprint. This design pulled the building away from the boundaries to the north and south and the amount of glazing was controlled to address the objections in relation to the 2012 schemes.
- 8.5 In 2014 planning permission was granted for a house with a rectangular footprint (14/0356/FUL). It has been necessary to revise the design in order to comply with a restrictive covenant on the land. This application seeks permission for material changes to this approval, and this report concentrates on these changes. My Committee report relating to the previous application is attached to this report as Appendix 2.

### **Context of site, design and impact on the Conservation Area**

- 8.6 Amendments are proposed to the internal layout of the dwelling which has led to minor changes to the windows on the north and south elevations principally. These windows would light the stairwell, which has been relocated to the centre of the house, and rooflights are also proposed aligning with the stairwell. It is my view that these changes do little to change the overall

appearance of the dwelling when seen from the street or adjacent properties, and I therefore consider them to be acceptable. This view is shared by the Urban Design and Conservation Team.

- 8.7 It is proposed that smooth stone is used for the external elevations of the building. Whilst the use of brick is predominant on Shaftesbury Road and the surrounding area, as the proposed building is of a contemporary design, which compliments the neighbouring buildings, in my view, it follows that as long as the proposed stone is of a complimentary colour and tone to the prevailing Cambridge buff brick there is no reason in my mind why stone would not be acceptable here. This view is shared by the Urban Design and Conservation Team. As recommended on the previous application, samples of the materials used are required by condition (5).
- 8.8 In the original application, the bin store was sited within the house. Due to alterations made to the internal layout of the house, an external bin store is now proposed. No details have been submitted. I am confident that there is ample space on site for a bin store, and to ensure that it is of an acceptable size and appearance I recommend that details are required by condition (11).
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

### **Residential Amenity**

- 8.10 My assessment of the impact on neighbouring properties concentrates on the impact of the amendments made to the elevations of the building.
- 8.11 The windows proposed on the side elevations would be obscure glazed, and would therefore have no impact on 2 and 3 Shaftesbury Road in terms of overlooking. I recommend that this is secured by a condition (9). The amount of glazing in the rear elevation has not altered, and I recommend that the obscure glazing of these windows, as detailed in the previous in the previous application, is secured by condition (9). In my opinion, the removal of internal walls would not lead to an increase in overlooking.

- 8.12 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.

### **Car and Cycle Parking**

- 8.13 As explained in the report for the previous application, due to the existence of an on-street parking bay and the positioning of a lamppost, access will be problematic but will be possible. It is my view that this is acceptable. It will be for the applicants to pursue any necessary Traffic Regulation Orders to relocate the parking bay and I have added an informative to this effect (18).

#### Cycle Parking

- 8.14 A cycle store is still proposed within the house. This meets the standards detailed in Appendix D (Cycle Parking Standards) of Cambridge Local Plan (2006) and is acceptable.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

#### Loss of on street parking bay

- 8.16 As explained in the report for the previous application, I do not consider that the loss of the on street parking bay will have a significantly detrimental impact on existing residents. Most residents have off street car parking on their properties. This is a matter that needs to be resolved outside the planning process.

#### Surface water flooding

- 8.17 This is not a material planning consideration.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.18 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning

(Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

## **9.0 CONCLUSION**

9.1 This site has a complex planning history and concerns have been raised about the impact which any development will have on the character of the Conservation Area and the amenities enjoyed by neighbours both in relation to this scheme and previous schemes.

9.2 In my view the amended scheme will have a positive impact on the Conservation Area and potential adverse impacts on residential amenity have been successfully mitigated. I recommend that the application be approved.

## **10.0 RECOMMENDATION**

**APPROVE** subject 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. 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 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. This should include a brick sample panel constructed on site. 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)

6. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

7. 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)

8. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with 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)

9. All glazing identified as being obscured glazing on the submitted plans shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and fixed shut prior to occupation and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12).

10. Prior to the commencement of development full details of a method for of dust suppression shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

11. Prior to occupation of the use hereby permitted, 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. The approved arrangements shall be retained thereafter.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

12. 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)

13. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

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

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

15. The access shall be constructed with adequate drainage measures to prevent surface water runoff 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.

Reason: To prevent surface water discharging to the highway. (Cambridge Local Plan 2006, policy 8/2)

16. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

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

17. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. 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 neighbouring properties.  
(Cambridge Local Plan 2006, policy 4/13)

**INFORMATIVE:** The applicant is advised that a Traffic Regulation Order will be required in order to relocate the on-street parking bay.

**INFORMATIVE:** The applicant is advised that the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets

**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).