

Application Number	14/1653/FUL	Agenda Item	
Date Received	21st October 2014	Officer	Mrs Angela Briggs
Target Date	16th December 2014		
Ward	Abbey		
Site	Land To Rear Of 551-553 Newmarket Road Cambridge CB5 8PA		
Proposal	Erection of 3no. dwellings		
Applicant	Mr Bennell Farm West Street The Gallery Comberton Cambridgeshire CB23 7DS United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The principle of residential development on the site is acceptable; <input type="checkbox"/> The proposed development would not have a significant impact on neighbour amenity; <input type="checkbox"/> The proposed development would represent a modern and modest scale design within an established residential area, which would not appear oppressive in its context.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located to the north side of Newmarket Road between the junctions of Ditton Walk and Ditton Fields, within a predominantly residential area in the east side of the City. This part of Newmarket Road is characterised mainly by semi-detached, two-storey, dwellings, some of which have off-road parking to the front and sizable rear gardens. The application site currently forms part of the rear gardens of nos.551 – 555

Newmarket Road. These properties have an unusually long plot depth of about 73m. The application site is not visible from the public realm although is over-looked from long distances by properties beyond the rear boundary of the site. There are many outbuildings to the rear of 551-555 Newmarket Road, which are all of domestic scale.

- 1.2 In the locality, there has been some backland development recently, including the building of Abbey Gardens, 50m to the north, and nos.30 & 30a Ditton Walk to the immediate west of the application site. The latter date from the 1980s and were originally arranged in an 'L' shaped plan before being extended. These dwellings are single storey, although due to their mono-pitch roof design, they would appear close to two-storey in scale.
- 1.3 The site is not situated within a Conservation Area and not within a Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The application seeks planning consent for the erection of three dwellings to the rear of nos.551 and 555 Newmarket Road. As part of the proposal, a new private access would be constructed between nos.553 and 555. The 4-5m access road would lead to an informal shared-surface private drive to serve the three new dwellings. The access road would be widened to 5m adjacent to the Newmarket Road junction, in accordance with County Highways specifications. The proposal also includes car parking, cycle and bin storage to serve the new dwellings, and hard and soft landscaping.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1300/FUL	Erection of 4no. dwellings	Application 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	3/1 3/4 3/6 3/7 3/10 3/11 3/12 4/4 4/13 4/16 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 Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

	<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 Development Management)

6.1 No objection.

Head of Refuse and Environment

6.2 No objection subject to conditions relating to contaminated land, construction hours, construction collection/delivery hours, piling, and dust.

Head of Streets and Open Spaces (Landscape Team)

6.3 Principle of the scheme is supported. The landscape proposals are suitable.

Environment Agency

- 6.4 No objection subject to a condition relating to contaminated land.
- 6.5 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:

- 1, 2 Webster Terrace;
- 30, 30A Ditton Walk;
- 547, 549 Newmarket Road;

- 7.2 The representations can be summarised as follows:

- Loss of privacy from over-looking;
- Design is inappropriate and out of character with the area;
- No street lighting, leading to a potential promotion of crime;
- Potential impact on cyclist and pedestrian safety;
- Impact on traffic flow;
- The proximity of plot 1 to the boundary would cause over-shadowing;
- Increase in noise and disturbance from three additional dwellings;
- Would set an unacceptable precedent for further backland development;
- The proposed development would threaten the existing wildlife;

- 7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) is relevant. The policy generally supports additional residential development within the City:

“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”.

8.3 The site is situated within an existing and established residential area, where a degree of backland development already exists (30 & 30a Ditton Walk). I therefore consider that residential development on this site could be supported.

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 This part of Newmarket Road is characterised mainly by semi-detached properties, set back from the road, all of a similar architecture and therefore quite formal. Among this character, within the wider area, are also single detached dwellings, and terrace forms. There are two local examples where development has occurred in a backland form. One is immediately to the west of the site (30 & 30A Ditton Walk) and more recently, the Abbey Gardens development situated off

Ditton Walk, which is a cul-de-sac development of 15 dwellings. Nos. 30 & 30A Ditton Walk are a pair of detached single storey dwellings with a mono pitch roof design element, which rises above the main part of the dwelling. Both of these dwellings are mirror images of each other and introduce a design which is quite different to the traditional architecture of Ditton Walk. Abbey Gardens appears to follow the traditional architectural cues of Ditton Walk and are two and a half storeys in height.

- 8.6 This part of Newmarket Road is relatively busy with general traffic especially as the site is closely situated to the Abbey football ground and the Newmarket Road Retail Park. This route is one of the main roads which connect to the City Centre. There is a bus stop in close proximity to the site entrance.
- 8.7 The rear gardens of nos. 551- 555 Newmarket Road are open and there are several domestic outbuildings. The boundaries of the site consist of close boarded fencing and trees and shrubs.
- 8.8 In terms of the design, the proposal seeks to reflect the angular edges of 30 and 30A Ditton Walk. They would be two-storeys in their form, but rising up to only 5.5m in height, which I consider to be a scale which is close to that of a single storey dwelling. The host dwellings of Newmarket Road are at least 1.5m higher than the proposed dwellings. The proposed dwellings would also be a complete contrast to the prevailing architecture of Newmarket Road. The dwellings are simply designed using strong horizontal lines, which in my view, help to keep the buildings low and unobtrusive in its context. I consider that the design is acceptable and blends in successfully within a backland context and does not compete with the host dwellings, nor with the neighbouring dwellings to the west.
- 8.9 In terms of the design of the external spaces, the proposal includes a shared-surface private drive from Newmarket Road which would run in between nos. 553 and 555. This would continue up the site and meet areas of soft landscaping which will help to define the new dwellings and soften the hard edges of the buildings. Bearing in mind that the site is currently garden land, I consider that it is important to retain/incorporate as much soft landscaping in the external spaces, in order to support any existing wildlife and create a buffer between built development and open spaces. A planning condition relating to

hard and soft landscaping is, therefore, proposed to achieve this (condition 12).

- 8.10 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

- 8.11 Several neighbours have objected to the proposal, which are summarised in paragraph 7.2 of my report.
- 8.12 In terms of the impact on neighbours, the proposal seeks to minimize this through the design elements. The dwellings are all 'L' shaped which reflect the dwellings to the west. The main area of the first floor element of Plot 1 would be approximately 8m from the boundary with no.549 Newmarket Road. Plot 1 would also be situated 9m further away from the rear of no.549, and therefore its presence would more noticeable towards the end of the rear garden of no.549 rather than directly adjacent or behind it. There are windows serving bedroom 1 along the west elevation which are to be obscure glazed. There are also windows on the south elevation, serving bedroom 2, which would more than 20m away from the rear of nos. 549 and 551. I consider this arrangement to be acceptable and would not result in a significant loss of privacy. The gable end of Plot 1 (north elevation) would be very close to the boundary with nos.553 and 555. There is a bathroom window on this elevation which would also be obscure, and therefore not result in any loss of privacy, in my view. I consider that Plot 1 is situated sufficiently away from 549, 551 and 553 Newmarket Road and would not dominate their outlook or make them feel unnecessarily enclosed.
- 8.13 Plot 2 is situated immediately adjacent to Plot 1 and set slightly forward of Plot 1 on the site. The first floor element of Plot 2 would be situated 9m from the boundary with no.30a Ditton Walk. As on Plot 1, there are bedroom windows along the west elevation, which would be obscurely glazed and not cause over-looking. There are also windows serving bedroom 2, which would look back into the Plot and unlikely to cause significant over-looking towards 30a Ditton Walk.

- 8.14 Plots 1 and 2 are both over 30m away from the rear elevations of nos.1 and 2 Webster Terrace, to the east. I consider that the proposed development will have a minimal impact on the amenity of these neighbours because of the long distances between them.
- 8.15 Plot 3 is situated at the end of the site and is the largest plot and has a slightly larger footprint than Plots 1 and 2 as it incorporates a garage. Plot 3 would be nearly 7m away from the boundary with no.30a Ditton Walk, although this is from the single storey element. The first floor element would be nearly 15m away from the boundary. The first floor element of Plot 3 would also be over 30m away from the rear elevation of no.1 Ditton Fields. As on Plots 1 and 2 there are windows at first floor level, serving a bedroom, along the west elevation. These would be obscurely glazed. There are also windows along the east elevation, at first floor level, facing towards 1 Ditton Fields. These are considered to be acceptable given the long distance between Plot 3 and the rear of 1 Ditton Fields.
- 8.16 Considering the proposal as a whole, I consider that by virtue of their modest scale, orientation, relationship with existing boundaries and neighbouring properties, I do not consider that the proposed dwellings would significantly over-shadow the neighbouring properties. The application is supported by shadow diagrams, which demonstrates that the proposed development would have a minimal impact on over-shadowing on all of the equinox periods.
- 8.17 In terms of noise and disturbance, I consider that the impact of people and vehicle movements arising from three additional dwellings, would not significantly disturb the existing tranquil setting of this area. I consider that with additional soft landscaping along the site and plot boundaries, any noise and disturbance can be successfully minimised.
- 8.18 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

- 8.19 In my view, I consider that the proposed development would blend in well within the established residential area. The site is located within a highly sustainable area of the City, close to public transport routes and local amenities. The design of the buildings and the site layout represents a high quality development, in my view, and I therefore consider that future occupiers would feel comfortable and safe in this environment.
- 8.20 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

- 8.21 The proposal demonstrates adequate bin storage to serve each dwelling, and they are located in a suitable area of the site to enable the bins to be easily collected.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.23 The local highway authority considers that the access road and shared-surface is acceptable to serve the three new dwellings. They have suggested a condition which would require visibility splays to be incorporated, which I consider to be appropriate and necessary in the interest of pedestrian and cyclist safety, as well as other car drivers. I therefore recommend a condition to this effect (condition 5).
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 The proposed scheme includes car parking for the new dwellings, including a space for no.553 Newmarket Road. There are a total of 6 car parking spaces on the site. I consider

that the level and provision of car parking to serve this proposal is acceptable.

8.26 In terms of cycle parking, the proposed scheme demonstrates that adequate cycle storage could be accommodated within the garages of each plot, and would be secured.

8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.28 I have covered most of the concerns raised by neighbours in my report. One concern raised relates to impact on the existing wildlife. I am not aware of any protected species on site that may be harmed. I accept that back gardens attract wildlife and are a benefit to our environment. However, I consider that the proposed scheme would provide a natural habitat for wildlife that would be similar to the existing environment by virtue of the proposed soft landscaping scheme and the creation of three new gardens for each of the plots. I do not consider that wildlife would be threatened in such a way that would cause concern that they may not return.

Planning Obligation Strategy

Planning Obligations

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

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. 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 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 Policy 8/2)

4. 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)

5. Prior to the commencement of development, two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawing number P-01 Rev A. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

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

6. 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.

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

7. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority.

The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

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

8. 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)

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. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the Local Planning 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.

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

11. Prior to commencement 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 nearby properties
(Cambridge Local Plan 2006 policy 4/13)

12. 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)

13. 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)

14. 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 treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced 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)

15. 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)

16. 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)

17. The windows identified as having obscured glass on drawing numbers P-02 Rev A, P-03 Rev B, P-04 Rev B shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of any dwelling hereby permitted and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).