

<b>Application Number</b>	15/0148/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th January 2015	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	25th March 2015		
<b>Ward</b>	Abbey		
<b>Site</b>	463 Newmarket Road Cambridge Cambridgeshire CB5 8JJ		
<b>Proposal Applicant</b>	Creation of No.3 One Bedroom Studio Units Mr W Whitehead 9 Cromwell Road Cambridge CB1 3EB United Kingdom		

SUMMARY	The development is contrary to the Development Plan for the following reasons:  1) As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants.
RECOMMENDATION	REFUSAL

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

- 1.1 The application site, no.463 Newmarket Road, is comprised of former garden land at the rear of no.463 which is an extended two storey semi-detached dwelling located on the corner of Newmarket Road and Garlic Row.
- 1.2 The side boundary of the site which faces onto Garlic Row is defined by a timber fence which has a double access gate.
- 1.3 To the north of the site is a terrace row of two storey Victorian dwelling along Newmarket Road. To the rear of the site; on Garlic Row is residential development in the form of two storey semi-detached dwellings. To the south is Cambridge Retail Park.

1.4 There site is not within a Conservation Area.

## **2.0 THE PROPOSAL**

2.1 The proposal is to subdivide the rearmost section of the garden to accommodate a three-storey building consisting of three one-bedroom flats. The proposed building would have a hipped roof and single storey projecting section at the front.

2.2 The proposed building would have a similar footprint to the existing property at no.463 Newmarket Road. The building would be 5.1m to the eaves and 7.65m in overall ridge height. The building would face onto Garlic Row and its main front elevation would be situated along the same building line as no.1 Garlic Row directly to the north-west. The building would be set back 1.2m from the boundary of no.461 Newmarket Road, 1.2m from no.1 Garlic Row and would be hard up against the garden boundary of no.463 Newmarket Road.

2.3 The proposed building would have accommodation on all three floors and each flat would have independent access into the building.

2.4 The application has been brought to planning committee as a ward councillor has called the application in for determination.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/1200/FUL	Creation of No.3 One Bedroom Studio Units	Refused

## **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 3/7 3/10 3/11 3/12
		5/1
		8/6 8/10

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

Central Government Guidance	<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	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</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 are of relevance.

## 6.0 CONSULTATIONS

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

- 6.1 The proposal may increase demand for on street car parking in an area where such demand is already intense which may result in some loss of existing residential amenity. A traffic management plan condition is recommended to any permission that the Planning Authority is minded to issue.

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

- 6.2 No objections, subject to comments and conditions related to contaminated land, construction hours, construction collection/delivery hours, piling and plant noise insulation.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

- 7.1 No representations have been received.

## **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 and impact on residential amenity
3. Refuse arrangements
4. Car and cycle parking
5. Planning Obligations

### **Principle of Development**

- 8.2 The proposed residential redevelopment of the site is considered to be acceptable in this location and context. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

### **Context of site, design and external spaces and impact on residential amenity**

- 8.4 The site is located on the residential side of Newmarket Road with commercial use on the other-side. The area is characterised by mainly two-storey housing. In order to assess the acceptability of this proposal, it needs to be assessed against Local Plan Policy 3/10 (Subdivision of existing plots), which states that residential development within the garden area of existing properties will not be permitted if it will:
- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic noise or nuisance;
  - b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
  - c) Detract from the prevailing character and appearance of the area;

- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) Adversely affect trees, wildlife features or architectural features or local importance located within or close to the site; and
- f) Prejudice the comprehensive development of the wider area or which the site forms part.

8.5 Of the above criteria, d), e) f) are not relevant to the proposal as there are no listed buildings etc within close proximity to the site; the site would not affect any trees or any established wildlife sites; and the proposal would not, in my view, prejudice comprehensive development of the wider area due to the site context. Therefore, section a) to c) are relevant and will be used to assess the proposed development.

#### **a) Impact on residential amenity**

8.6 The proposed building would be located within the rear garden of no.463 and be set 7.2 metres from the extended section of that dwelling and 10.1 metres from the main rear elevation. The building is reflective of the adjacent buildings in terms of roof form. However, the rear elevation of the proposed building would form most of the common boundary with no.463. This wall is a blank gable with hipped roof. There are no windows in the gable elevation that would overlook the amenity space for the host dwelling. Whilst the proposed building is unlikely to have an adverse overshadowing impact on the host dwelling, due to it being north of the host dwelling and set at a similar height, the proposed dwelling would significantly reduce the garden space of the host dwelling. I have concerns with the outlook from the host dwelling and the additional comings and goings from the site. However, I do not consider the impact from these on the residential amenity of the occupier of the host dwelling would be significant enough to warrant the proposed building for refusal.

8.7 The proposed building would be located approximately 1.2m from the side of no.1 Garlic Row. The proposed building would result in more comings and goings along the boundary with No.1 and therefore could have an adverse impact on the existing occupier's residential amenity. However, due to the limited amount of external space, it is unlikely to cause any significant level of nuisance. The location of the proposed bin

storage, is of concern but as there are no windows in the side elevation of the adjoining dwelling, I do not consider the impact from this would be significant enough to warrant refusal.

- 8.8 The proposed building would be located close to the common boundary with 461 Newmarket Road. There are two rectangular first floor windows which would serve a bathroom and stairwell that face towards the rear elevation of no.461. These windows, which are relatively small, would overlook the rear most section of the garden which is approximately 19.7 metres deep (from the main rear elevation of the dwelling). However as they are too high up to offer any outlook over the garden, I do not consider the window would have any adverse impact on the residential amenity of the occupier of no.461.

#### **b) Inadequate amenity space**

- 8.9 I am satisfied that through the subdivision of the residential curtilage that the host dwelling would maintain a good level of private amenity space. However, the proposed building would fail to provide future residents with sufficient or usable external amenity space.
- 8.10 The previous application was refused due to the lack of usable amenity space available to future occupiers.
- 8.11 The proposed building has not addressed this reason for refusal as there is a lack of any suitable level of external space for future residents to enjoy or use practically. The area shown as 'Garden' in front of the main building would face directly onto Garlic Row and be located directly adjacent to the main entrances of units 1 and 2. There is only a 1.2m wide narrow strip of garden land around the side and rear elevation which offers no usable outdoor amenity space for future occupiers. The proposed building is overdevelopment of the plot. In my view, the lack of practical amenity space available to future occupiers means that this is not a high quality living environment, and the application should therefore be refused for this reason.
- 8.12 No car parking has been provided for future resident and no alternative provision has been provided for the host dwelling. There is no set minimum requirement in the Local Plan (2006),

and I do not consider the lack of car parking would be significant enough to warrant refusal solely on this basis.

### **c) Detract from the prevailing character**

- 8.13 The previous application design was refused on the grounds that the proposed dwelling would have a detrimental impact on the character of the area due to its poor design and detailing.
- 8.14 The proposed design for this building is far more reflective of the character of the area and context of the site than was the previous proposal. The fenestration and roof form of the front elevation has been revised from the previously refused scheme to include first floor windows, front doors and a roof form that mirrors no.1 Garlic Row. The overall scale and articulation of the design is similar to other properties to the north-west and east along Garlic Row. It is considered that these changes result in a scheme that reads as a residential semi-detached property from the street scene of Garlic Row and it is considered that this design is acceptable in the context of the site.
- 8.15 In my opinion the proposal does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policy 3/10.

### **Refuse Arrangements**

- 8.16 Bin storage has been provided at the rear of the site and the Environmental Health team are satisfied that the proposed bin storage is adequate.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car and Cycle Parking**

- 8.18 Although no parking provision is provided for the proposed dwellings, I consider the application site to be in a sustainable location close to existing services and facilities, and adequate alternative modes of transport available to future occupiers. I do not consider that the proposed dwellings would increase on-



street parking demand to such an extent as to warrant refusal of the application on this basis.

- 8.19 Appendix D (Cycle Parking) of the Cambridge Local Plan (2006) states that at least three secure covered cycle parking spaces must be provided for a dwelling of this size. A cycle store is shown on the submitted plans, which is satisfactory.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Planning Obligation Strategy**

### **Planning Obligations**

- 8.21 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 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 my opinion, the proposed dwelling does not provide an adequate amount of usable outdoor amenity space and would not offer a high quality living environment for future occupiers. For this reason, I recommend that the application is refused.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. As there is no usable external amenity space for future occupiers the proposal fails to provide accommodation that offer an adequate level of residential amenity for its future occupiers. For these reasons the proposal is contrary to policies 3/7 and 3/10 of the Cambridge Local Plan 2006.