

Application Number	15/0818/FUL	Agenda Item	
Date Received	12th May 2015	Officer	Lorraine Casey
Target Date	7th July 2015		
Ward	East Chesterton		
Site	Land Rear Of 1 Fen Road Cambridge Cambridgeshire		
Proposal	Erection of a dwelling and associated works on land to the rear of 1 Fen Road, fronting Fallowfields, Cambridge		
Applicant	Mr Drew Moore Criterion House Camboro Business Park Girton CB3 0QH United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The principle of residential development on the site is acceptable 2. The proposal would not materially harm the character and appearance of the area 3. The proposed development would not have a significant impact on neighbour amenity
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site lies on the west side of Fallowfield and comprises rough ground to the rear of 1 Fen Road (but not within its ownership) and four concrete garages that are accessed via Fallowfield. The access from Fallowfield serves a further eleven garages and an open parking space to the rear of 179-183 Water Street.

1.2 The properties to the south, 1 Fen Road and 179-183 Water Street, are semi-detached Victorian dwellings. The site is separated from 1 Fen Road by a tall conifer screen, and this screen extends across the garden of 183 Water Street. To the north is Hodge House, a modern two-storey development of seven flats, beyond which is an estate of predominantly semi-detached and terraced two-storey houses. Opposite the site are the gardens of 3 and 5 Fen Road, another pair of semi-detached Victorian properties.

2.0 THE PROPOSAL

2.1 The application proposes to erect a detached one and a half storey 5.7m high 2-bed dwelling on the site. The dwelling would be contemporary in design, incorporating brown brick walls under a grey zinc curved roof. The building would be located towards the southern end of the site, with a 4.5m deep garden (including patio) on the south side and a further garden area, incorporating bin and cycle storage on the north side. Vehicular access to the site would be obtained via the existing entrance to the garages and two off-street parking spaces provided on the north side of the access. The right of way to the remaining garages would be retained. The site would be enclosed by a combination of 1.8m high close-boarded fencing and a 2m high brick wall.

2.2 The application is accompanied by the following supporting information:

1. Planning and Heritage Statement

3.0 SITE HISTORY

Reference	Description	Outcome
10/0532/FUL	Erection of 2 three bed dwellings	Refused. Appeal dismissed
09/1132/FUL	Erection of 5 new 1 bedroom apartments	Refused
09/0847/FUL	Erection of 5 new 1 bedroom	Withdrawn

apartments

C/72/0385

Erection of two garages

Approved

4.0 **PUBLICITY**

4.1 Advertisement: No
Adjoining Owners: Yes
Site Notice Displayed: No

5.0 **POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/12 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)
Material Considerations	<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)

- 6.1 The application removes existing garage provision and no car parking provision is made for the existing dwelling. The development may therefore impose additional parking demands upon on-street parking on the surrounding streets and, whilst this is unlikely to adversely affect highway safety, the LPA may wish to consider the impact on residential amenity. Otherwise the development should have no significant impact on the public

highway. Any consent should be subject to conditions requiring: no unbound material within 6m of highway boundary; removal of permitted development rights for gates; new access to be provided prior to occupation and retained free of obstruction; construction of access with adequate drainage; provision and retention of manoeuvring area; provision of traffic management plan

Head of Refuse and Environment

- 6.2 No objections providing the following conditions are added to any planning permission: restriction regarding construction hours; details of any piled foundations; contaminated land investigation.

Sustainable Drainage Engineer

- 6.3 A small portion of the site falls within flood zone 2. The developer has undertaken a sequential approach to site layout and has adequately demonstrated that any proposed building would be outside flood zone 2. In this instance, therefore, the sequential test is not required. The ground floor level of the proposed dwelling has been set at a level of 410mm above the 1 in 100 year climate change level. The development is acceptable with regard to flood risk. A condition controlling the ground floor level of the development should be added to any consent. A surface water drainage scheme should also be required by condition.
- 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 A letter has been received from the joint owners of Nos. 179 and 181 Water Street. Their concerns can be summarised as follows:
- The proposed house, by virtue of its orientation, fails to reflect the character of the street which is generally one of a building fronting the street.

- A previous scheme was refused in 2010 due to the design and siting in front of the building line. The proposed dwelling sits on the edge of the footpath and in front of the building line for Fallowfields.
- The design would be out of keeping with the character of the area and would not enhance the street scene.
- Occupiers of the house would be disturbed by people using the remaining garage court.
- The existing garage roofs are constructed from asbestos.
- The plans do not show the metal gate barrier at the entrance of the garages. This was installed to prevent fly tipping.
- The development would be contrary to Policy 52 of the emerging Local Plan as the form, height and layout are not appropriate to the surrounding pattern of development and character of the area.
- The development would have a detrimental effect on the potential comprehensive development of the garages as a whole.
- There are inconsistencies between the drawings and statement, which claims that no window openings have been included on the first floor of the southern and western elevations of the dwelling.
- Construction vehicles could damage the soakaways.

7.2 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. Flood Risk
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses.
- 8.3 Policy 3/10 of the 2006 Local Plan states that residential development within the garden area or curtilage 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 the generation of unreasonable levels of traffic or noise 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 of local importance located within or close to the site; and
 - f) Prejudice the comprehensive development of the wider area.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The site is not near a listed building or BLI, would not affect protected trees/wildlife features and would not prejudice the comprehensive development of the area. Issues relating to residential amenity impacts and the character of the area, as set out in Policy 3/10, are assessed in further detail below.

Context of site, design and external spaces

- 8.5 Policy 3/10, part c, of the 2006 Local Plan states that residential development within the garden area of existing properties will not be permitted if it will detract from the prevailing character and appearance of the area.
- 8.6 In 2009, an application to erect 5 new 1 bedroom apartments on a site similar in length to the existing but also incorporating the rear garden of No.183 Water Street was refused on six grounds (Reference 09/1132/FUL). The proposed flats were 8 metres high, positioned towards the northern end of the site on the footprint of the existing garages, and sited forward of Hodge House and facing the road. The first two reasons for refusal referred to the harmful impact on the character of the area arising from the narrow depth of the plot and the forward position/prominence of the development.
- 8.7 In 2010, an application for the erection of 2 no. 3-bed dwellings on the same site was also refused. Rather than fronting Fallowfield, these dwellings were turned through 90 degrees to the road and moved further away from Hodge House. The first reason for refusal referred to the character of the area being generally one of buildings fronting the street, and stated that the development would be harmful to this character by siting the dwellings gable end to the road and due to the prominent position forward of the building line of Hodge House. This application was then dismissed at appeal. The Inspector considered that the development would not relate to either the traditional Victorian properties in Water Lane and Fen Road, which are oriented towards the road and set back behind front gardens, or to the more informal pattern of development in Fallowfield. The Inspector also raised concerns regarding the incongruous design and the positioning of the building so close to the footway, resulting in the new building appearing unduly dominant within the street scene and inconsistent with the pattern of surrounding development.
- 8.8 It is important to stress that neither of the previous refused decisions nor the dismissed appeal conclude that the principle of residential development on the site would be unacceptable. Rather, it was the cumulative impacts of the siting, scale, design and forward position that was considered to cause harm to the character of the area.

- 8.9 In my opinion, the current proposed scheme successfully addresses and resolves these previous issues. The site is narrower (confined to the land to the rear of No.1 itself rather than including the land to the rear of 183 Water Street) and, as a result, the dwelling would be sited directly adjacent to the footpath and forward of the building lines of Hodge House and No.1 Fen Road. The dwelling has been designed with its longest most prominent elevation facing Fallowfield, thereby ensuring it would have a strong presence to the street frontage, reflecting the pattern of development in the vicinity. In contrast to previous schemes, the proposed dwelling has been significantly reduced in scale, from approximately 8m to 5.7m, and adopts a curved roof form, with the roof sloping away from Fallowfield and helping to minimise the massing and visual impact of the development. The current scheme also includes a greater degree of spacing to the north and south of the dwelling and this helps to ensure that, in spite of its forward position in the street, it would not appear overly cramped in the context of the adjacent buildings at 1 Fen Road and Hodge House.
- 8.10 The third party representation expresses concern that the development would be out of keeping with the character of dwellings in the area. I cannot dispute the fact that there is no comparable design in the area. However, the fact the building is different does not make it harmful. The NPPF stresses that factors such as scale, massing and materials etc are important in guiding new development, but that planning authorities should not seek to stifle innovation or originality by imposing certain development forms and styles. In this instance, I consider the scheme has successfully achieved a contemporary but complementary contrast to the area, whilst ensuring the form/pattern of development and palette of materials responds to local distinctiveness. I consider the scheme would be of a sufficiently high quality of design to ensure the development would accord with the NPPF and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Residential Amenity

- 8.11 With regards to the impact on the amenity of neighbouring occupiers, the proposed dwelling would be located approximately 15.5m from the rear elevation of No.1 Fen Road, and in excess of 20m from Hodge House. Given this separation

and the relatively low height of the building, I do not consider the development would result in an unacceptable loss of light or outlook to the adjacent properties.

- 8.12 No first floor windows are proposed in the south side elevation, whilst first-floor openings in the rear/west elevation would be high level openings serving en-suite bathrooms. In the north elevation, an oriel window is proposed to the first-floor bedroom, thereby ensuring views would be directed towards the road rather than towards Hodge House.
- 8.13 The dwelling would be sited directly adjacent to the boundary with part of the rear garden of No.183 Water Street. This neighbouring property has a tall conifer screen subdividing the garden into a private area near to the house and a separate bottom garden area. The dwelling would be sited adjacent to the bottom garden. Due to its distance from the house and main garden, I do not consider it would result in an unacceptable degree of enclosure to this neighbouring property.
- 8.14 The 2010 scheme was refused, in part, on the basis that it would not provide an appropriate standard of residential amenity for future occupiers of the houses, as they would be disturbed by the comings and goings of users of the garage court. The Inspector, however, considered that the level/nature of activity likely to be associated with the retained garages would not be sufficient to materially detract from the living conditions of future occupiers of the development. In the current scheme, the proposed dwelling would be even further away from the retained garages and associated vehicle movements.
- 8.15 The proposed dwelling would have access to outside areas to both the north and the south of the property. The amenity area to the south of the property would be accessed directly from the lounge and would measure approximately 4m by 5.3m. There is also an outdoor area to the north of the proposed dwelling and this can be accessed via an external gate to the front of the property and also a gate from the car parking area. This area is shown as paved/landscaped and also provides bike and bin storage. I consider that the two areas together will provide sufficient space for a small patio/garden area and enough outside storage provision for a unit of this size.

- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and would secure an appropriate level of amenity for future residents, and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Refuse Arrangements

- 8.17 Adequate bin storage has been shown within the drawings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.18 The Highways Authority has raised no specific highway safety objections and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.19 Adequate car and cycle parking is shown for both the existing and proposed dwellings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Flood Risk

- 8.20 The site lies partly within Flood Zone 2. A Flood Risk Assessment has been provided and this demonstrates how the development can be achieved without putting residents at risk of flooding. The Sustainable Drainage Engineer is satisfied that the flood risk impact can be protected by way of planning condition.

Third Party Representations

- 8.21 The majority of third party representations have been addressed in the main body of this report.
- 8.22 The safe removal of asbestos is covered under separate legislation and is not a material planning consideration.
- 8.23 Issues relating to preventing unauthorised access to private land (the garages) and obtaining access for maintenance

purposes are civil matters and not material planning considerations.

- 8.24 The Cambridge Local Plan 2014 is not adopted and so the proposals have been assessed under the Cambridge Local Plan 2006, which remains the Development Plan in force for the area.

Planning Obligations

- 8.25 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 and it is not therefore 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 would comply with the provisions of the relevant Development Plan Policies. As such, 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. 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. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development, the following shall be submitted to and approved in writing by the local planning authority:

(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Prior to the commencement of development, details of the facing materials shall be submitted for the written approval of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area. (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12]

5. 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 prior to occupation of the dwelling, hereby permitted. 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, 3/10 and 3/12)

6. 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)

7. 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)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows other than those expressly authorised by this permission shall be constructed at and above first floor level in the side and rear elevations of the dwelling, hereby permitted, unless fitted with fixed, obscure glass up to a minimum height of 1.7 metres above the internal finished floor level

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

9. 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.

10. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (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.

11. Prior to the first occupation of the dwelling, the vehicular access shall be provided in accordance with the approved drawings and shall be maintained in accordance with these details thereafter.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

12. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

Reason: To prevent surface water discharging to the highway.

13. 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: In the interests of highway safety.

14. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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)

15. 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 from 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 adjoining properties.
(Cambridge Local Plan 2006 policy 3/4)

16. The dwelling, hereby permitted, shall be constructed with a ground floor level of 5.82m AOD.

Reason: To minimise flood risk (Cambridge Local Plan 2006, Policy 4/16)

17. The dwelling, hereby permitted, shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - ii. provide a management and maintenance plan for the lifetime of the development.

Reason: To minimise flood risk (Cambridge Local Plan 2006, Policy 4/16)