

Application Number	15/0400/FUL	Agenda Item	
Date Received	24th March 2015	Officer	Miss Catherine Linford
Target Date	19th May 2015		
Ward	West Chesterton		
Site	23 Garden Walk Cambridge Cambridgeshire CB4 3EW		
Proposal	Extension to 23 Garden Walk, incorporating 3 new dwellings of 1.5 storey high, cycle store and amenity area.		
Applicant	Mr Mike Wilson 24 Limes House Purfleet Street Kings Lynn Norfolk PE30 1ER 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 proposal would not have a detrimental impact on the character or appearance of the Conservation Area <input type="checkbox"/> On balance, the proposal would not have a significant detrimental impact on neighbours
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 23 Garden Walk is a two storey detached building situated on the western side of Garden Walk. The building has been converted into nine flats. The surrounding area is predominantly residential. The site is within a Conservation Area.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for a 1.5 storey rear extension to provide three additional one bedroom flats. The

extension would stand 1m from the common boundary with 25/27 Garden Walk to the north, and 6.8m from the common boundary with 19 Garden Walk to the south. The extension would be 11m deep, and would be 2.6m in height to the eaves and 6m in height to the ridge.

3.0 SITE HISTORY

Reference	Description	Outcome
C/69/0623	Erection of two toilets one above the other at back of house	A/C
C/71/0346	Extension to existing house and erection of 7 garages at rear of property	REF
C/72/0508	Erection of 2 story extension to existing flats to form 2 flats and erection of 7 garages.	A/C
C/97/0448	Erection of two storey residential block in place of existing house (provision of 8no flats).	
C/98/0207	Residential development (erection of detached single storey building and extension to existing building to allow creation of 4no 2 bedroomed flats, and retention of existing 4no bedsits).	A/C
C/99/0090	Two storey side extension to existing house in multiple occupation (resulting in property with 2 two bedroomed flats and 5 bedsits and 6 garages for car parking to the rear).	A/C

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/14 4/11 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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Castle and Victoria Road Conservation Area Appraisal (2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Original application

- 6.1 The proposal provides no car parking provision for the site, removing all existing car parking provision. The development is therefore likely to impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application. If the application is approved a condition is recommended relating to the submission of a traffic management plan.

Amended application

- 6.2 Comments are awaited.

Head of Refuse and Environment

Original application

- 6.3 No objection subject to conditions relating to construction hours and waste storage.

Amended application

- 6.4 No objection subject to a condition relating to construction hours. The waste storage shown on the amended plans is adequate. However, the applicant should be reminded of the City Councils requirements for waste storage capacity.

Urban Design and Conservation Team

Original application

- 6.5 Whilst architecturally uninspired the proposed extension would, in isolation, accord with Section 72 of the Listed Buildings Act, the NPPF and Local Plan policies 3/4, 3/14 and 4/11.

Amended application

- 6.6 These amended drawings are welcome. They reduce the visual impact of the building in glimpsed views from Garden Walk, by turning the structure through 90 degrees and therefore allowing views into the rear of the plot and beyond.
- 6.7 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

Original application

- 7.1 The owners/occupiers of the following addresses have made representations objecting to the application:
- 4 Garden Walk
 - 19 Garden Walk
 - 24 Garden Walk
 - 27 Garden Walk
 - 33 Garden Walk
 - 35 Garden Walk
 - 36 Garden Walk
 - 37 Garden Walk

- 39 Garden Walk
- 45 Garden Walk
- 46 Garden Walk
- 49 Garden Walk
- 53 Garden Walk
- 63 Garden Walk
- 69 Garden Walk
- 71 Garden Walk
- 4 Stretten Avenue
- Garden Walk Residents Association

7.2 The representations can be summarised as follows:

- Lack of parking – would exacerbate the existing safety problems on the street
- Bins would block the pavement if they were stored at the front and would block views down the road (for the occupiers of Nos 25 and 27 when reversing) as the land is raised
- There is not sufficient space for rotary driers
- Smoke and smell from the barbecue area
- Overdevelopment
- Overlooking

7.3 The owner/occupier of the following address has made a representation neither objecting to or supporting the application:

- 29 Garden Walk

7.4 The representations can be summarised as follows:

- Pleased that the property is being renovated by the parking at the rear should be retained

Amended application

7.5 The owners/occupiers of the following addresses have made representations objecting to the application:

- 22 Garden Walk
- 33 Garden Walk
- 37 Garden Walk
- 46 Garden Walk
- 49 Garden Walk
- 53 Garden Walk
- 57 Garden Walk
- Garden Walk Residents Association

7.6 The representations can be summarised as follows:

- Inadequate parking

7.7 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 (and impact on heritage assets)
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligations (s106 Agreement)

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 land uses. As the site is currently in residential use and the surrounding area is predominantly residential it is my view that the proposals comply with policy 5/1 of the Cambridge Local Plan (2006) and are acceptable in principle.

Context of site, design and external spaces (and impact on heritage assets)

Response to context

8.3 The proposed rear extension would not be visible from the street and would have no detrimental impact on the streetscene. The properties on Garden Walk stand on relatively deep plots and substantial extensions have been carried out at 15 and 29 Garden Walk, which has led me to the view that a deep extension would not be out of character with the surrounding area. The Conservation Officer has raised no objection to the

original proposal or the amended proposal and has explained that the amendments 'reduce the visual impact of the building in glimpsed views from Garden Walk, by turning the structure through 90 degrees and therefore allowing views into the rear of the plot and beyond'. It is therefore my view that the proposal would not have a detrimental impact on the character or appearance of the Conservation Area. I recommend a condition requiring the materials used to match the existing building (6).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.4 The neighbouring properties that may be directly impacted on by the proposals are 19 Garden Walk to the south, 25 and 27 Garden Walk to the north, and 4 Stretten Avenue to the west.

Overshadowing, dominance and enclosure

- 8.5 The proposed extension would stand to the north of 19 Garden Walk. The extension would stand 6.8 from the common boundary with this neighbouring property and due to this separation distance it is my view that it would not enclose or dominate this neighbouring property to an unacceptable degree. The submitted shadow diagrams demonstrate that the proposed extension would not overshadow this neighbouring property.
- 8.6 The proposed extension would stand to the south of 25 and 27 Garden Walk. The extension would stand 1m from the common boundary, and would be 2.6m in height to the eaves with the roof sloping away from the boundary. Due to the height of the extension and its design it is my view that it would not dominate or enclose these neighbouring properties to an unacceptable degree. The submitted shadow diagrams show that the neighbouring flats would be overshadowed by the extension but the accompanying data demonstrates that the level of overshadowing is minimal and meets the BRE guidelines.

Overlooking

- 8.7 No windows are proposed on the northern elevation of the extension and there is therefore no potential for direct overlooking of 25 and 27 Garden Walk.

- 8.8 Windows are proposed in the southern elevation, which would serve the living areas of the flats. Considering that these windows would stand 6.8m from the common boundary with 19 Garden Walk and the common boundary is heavily planted it is my view that this relationship is acceptable.

Noise and disturbance

- 8.9 The proposal would result in an intensification of the use of the site. When I visited the site the area of land to the rear of the building had been newly graveled with the rear section fenced off with Heras fencing.
- 8.10 I understand that this area was used for car parking. It is proposed that five car parking spaces are provided at the rear of the site, along with a cycle store and bin store. Amenity space is also proposed. Concern has been raised regarding noise and disturbance from this amenity area, specifically smoke and smell from the barbecue area, which was originally proposed. Considering the size of the amenity area it is my view that it would not be heavily used and that the use of it would not result in unacceptable disturbance. Barbecues cannot be controlled through the planning process. The number of car parking spaces are fewer than existed and therefore comings and goings from vehicles would be less. It is my view that the additional comings and goings from the proposed flats (which are likely to be on foot or cycle) would not disturb neighbouring properties to an unacceptable degree. To ensure that disturbance is kept to a minimum I recommend that a Management Plan is required by condition (7).

Construction activities

- 8.11 Building works are disruptive, and in order to minimize this I recommend conditions restricting contractor working hours (3) and delivery hours (4). I also recommend a condition requiring details of contractor working arrangements (5).
- 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 and 3/7.

Amenity for future occupiers of the site

- 8.13 The amenity space provided is small but considering the sites proximity to public open spaces (Jesus Green and Alexandra Gardens) it is my view that this provision is adequate and acceptable. Concern has been raised that there is insufficient space for clothes drying. Outdoor rotary driers are not a necessity and cannot be insisted on, and there is adequate space to dry clothes within the individual flats.
- 8.14 In my opinion the proposal provides 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 (or 3/14).

Refuse Arrangements

- 8.15 The Environmental Health Officer is satisfied that adequate waste storage is provided.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.17 Five parking spaces are proposed on site for the 12 flats. This is below the maximum parking standards and a number of the representations have raised concern that this will have an impact on the demand for on-street parking spaces. Demand for on-street parking spaces on Garden Walk is high as the street is outside the Controlled Parking Zone and used by residents and commuters. Through the NPPF, government guidance is that car parking should be kept to a minimum. Considering the sites proximity to the City Centre, public transport routes and car club cars, and because the Highways Engineer has not raised concerns about highway safety it is my view, on balance, that it would be unreasonable to refuse planning permission due to the limited number of car parking spaces. I recommend an informative regarding the car club (8).
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

Issue	Response
Lack of parking – would exacerbate the existing safety problems on the street	Addressed in paragraph 8.17
Bins would block the pavement if they were stored at the front and would block views down the road (for the occupiers of Nos 25 and 27 when reversing) as the land is raised	The amended plans now show a bin store at the rear and not the front.
There is not sufficient space for rotary driers	Addressed in paragraph 8.13
Smoke and smell from the barbecue area	Addressed in paragraph 8.10
Overdevelopment	Addressed in paragraph 8.3
Overlooking	Addressed in paragraph 8.7 and 8.8

Planning Obligations (s106 Agreement)

8.19 This application was received prior to the High Court ruling on 31 July 2015, which quashed the ministerial statement from the Department of Communities and Local Government in late November 2014 that S106 contributions should not be sought from developments of fewer than 11 homes. Whilst this means that new S106 contributions can once again be considered for housing developments of 10 homes or less, the implications of the S106 pooling constraints, which came into effect from 6 April 2015, also need to be taken into account.

8.20 Given the council's previous approach to S106 contributions (based on broad infrastructure types within the city of Cambridge), the pooling constraints mean that:

- S106 contributions have to be for projects at specific places/facilities.
- The amount of S106 contributions secured has to relate to the costs of the project for mitigating the development in the context of the capacity of existing facilities serving the development.

- Councils can no longer sign up to any more than five new S106 contributions (since 6 April 2015) for particular projects to mitigate the impact of development.

8.21 The Council is, therefore, now seeking S106 contributions for specific projects wherever practicable, but this does not mean that it will be possible to seek the same number or amount of contributions as before. In this case, for example, there has not been enough time, since the High Court ruling, to identify suitable specific on-site projects. Council services are currently reviewing and updating their evidence bases to enable more S106 contributions for specific projects to be recommended in future. More details on the council's approach to developer contributions can be found at www.cambridge.gov.uk/s106.

9.0 CONCLUSION

9.1 The proposed extension would be in character with the surrounding area and would not have a detrimental impact on the character or appearance of the Conservation Area; and it is my view, on balance, that the proposal would not have significant detrimental impact on neighbour amenity. I therefore recommend that the application is approved subject to conditions.

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. 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)

4. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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)

5. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

i) contractors access arrangements for vehicles, plant and personnel,

ii) contractors site storage area/compound,

iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

6. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

7. The extension hereby permitted shall not be occupied until a Management Plan for the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenity of neighbouring residents. (Cambridge Local Plan 2006, policy 4/13)

8. 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. (Cambridge Local Plan 2006, policy 8/2)

INFORMATIVE: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.