

<b>Application Number</b>	15/0611/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	30th March 2015	<b>Officer</b>	Elizabeth Thomas
<b>Target Date</b>	25th May 2015		
<b>Ward</b>	West Chesterton		
<b>Site</b>	3 Ascham Road Cambridge Cambridgeshire CB4 2BD		
<b>Proposal Applicant</b>	Erection of single storey two bedroom house. Mr David Taylor 3 Ascham Road Cambridge Cambridgeshire CB4 2BD		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The principle of development has already been established under application 04/1181/FUL.</li> <li><input type="checkbox"/> The previous approved application has been implemented via foundation works in 2007.</li> <li><input type="checkbox"/> The design of the proposed development is likely to have less visual impact than the previously approved scheme (04/1181/FUL)</li> <li><input type="checkbox"/> The development will provide adequate amenity space for the proposed dwelling and the existing dwelling on site</li> <li><input type="checkbox"/> Impact on trees is not considered to adversely affect public or private amenity due to other mature trees within the neighbouring vicinity and the detail can be dealt with via condition</li> <li><input type="checkbox"/> The 2004 permission could continue</li> </ul>
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	to be built, which would have the same impact on surrounding mature trees as the current proposal.
RECOMMENDATION	APPROVE

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated within a suburban area of West Chesterton, where the prevailing character includes large dwellings in spacious plots that contain vegetation and mature trees.
- 1.2 These trees are of significance and maturity and make a very positive contribution to the site in question and the prevailing character area, which includes private spaces (such as rear gardens) and public spaces.
- 1.3 There is a mature tree to the front of the site and a number of mature trees to the rear of the site.
- 1.4 There are two TPO trees on site (front and north west), which are visible from the public highway, which make a positive contribution to public views.
- 1.5 The site is not within the conservation area and there are no other designated planning constraints affecting the site.

## 2.0 THE PROPOSAL

- 2.1 The proposal is for the erection of a single storey flat roof two bedroom house.
- 2.2 The proposed width is 12 metres by 14 metres in depth with space for parking, cycle and refuse storage.
- 2.3 It is noted within the site history section below there has been a previous application on this site which was permitted under reference 04/1181/FUL for the erection of one dwelling house (renewal of consent ref: C/99/0815/FP).
- 2.4 The supporting letter submitted with this application states the development commenced foundation work in 2007 and the S106 has previously been paid.
- 2.5 The application is accompanied by the following supporting information:
  1. Proposed drawings
  2. Additional tree details submitted (named species)

### 3.0 SITE HISTORY

Reference	Description	Outcome
04/1181/FUL	Erection of one dwellinghouse (renewal of consent ref: C/99/0815/FP).	Permitted
C/97/0676	Variation of conditions	A/C
C/97/1045	Erection of a dwelling and widening of the existing access.	Permitted
C/95/0423	Approval of reserved matters of permission C/0548/92 for the erection of one residential unit.	Permitted
C/92/0548	Erection of detached residential dwelling (outline application).	A/C
C/88/1091	Erection of detached bungalow (outline application)	Refused (appeal allowed)

### 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 3/3 3/4 3/7 3/10 3/12 4/3 4/4 5/1 8/2 8/6 8/10

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

<p>Central Government Guidance</p>	<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>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Roof Extensions Design Guide (2003)</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.

- 5.5 For the application considered in this report, policies 55, 56 and 71 in the emerging Local Plan are of relevance to this application.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Transport)

- 6.1 The proposed development should have no impact on the public highway subject to conditions.

#### Tree Officer

- 6.2 The revised tree officer comments in response to additional information being submitted by the applicant concluded that tree protection is acceptable in principle, but the submitted information is not sufficient to show how the trees will be protected. The tree officer is content for the required tree protection information to be conditioned.
- 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 The owner/occupier of the following addresses have made representations:

Flat 1, 67 Milton Road – (provisional support)

- 7.2 The representation can be summarised as follows:

- Support providing the development does not affect the root development area of trees.
- Sustainable site for development

- 7.3 The above representation is 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 and trees
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

### **Principle of Development**

8.2 The principle of development for a detached bungalow was granted on appeal in September 1989 under reference C/1091/88. Subsequently another outline application C/0548/92 was submitted in July 1992 and was approved on 19<sup>th</sup> August 1992. A further permission was granted under reference 04/1181/FUL. The commencement of foundation works in 2007 means that the 2004 permission has been commenced and remains extant.

8.3 The submitted plans for application ref. C/99/0815/FP were identical to those approved previously under references C/97/0676/VC and C/97/1045/RM. However, application reference C/99/0815/FP did not constitute a renewal of those consents because they had lapsed at the time of its submission. Application 04/1181/FUL concluded the site circumstances have not changed and any conflict had been overcome via a unilateral undertaking.

8.4 A considerable amount of time has passed since 2004, which is the most recent permission since the foundation construction started (2007). It is now 11 years since the renewal of application C/99/0815/FP under granted application 04/1181/FUL and therefore the key considerations in relation to this determination are whether there have been any changes in circumstances either on site or in terms of proposed development and site context since previous determination and if so how significant those changes are and whether any changes affect the site and surroundings. The key is that there

is an extant permission which can be fully implemented at any given time. The consideration is therefore, the difference between the extant and the proposed applications.

#### Planning Policy background

- 8.5 I have provided a brief policy summary for information and context into the substantial planning background of the site.
- 8.6 The granted 2004 application under reference 04/1181/FUL was determined under the Cambridgeshire and Peterborough Structure Plan (2003) and the Cambridge Local Plan (1996). The current proposal must be assessed under the provisions of the Cambridge Local Plan (2006) and NPPF (2012).
- 8.7 In my opinion, the principle of the development is established and cannot be further assessed. This decision is based on the fallback position of extant planning permission.

#### Current Site Circumstances

- 8.8 The site has changed since the determination of the previous application as there are mature trees on the site that could be affected by the proposed development. It is unclear through lack of arboricultural information in accordance with BS5837:2012 whether there would be impacts on significant trees now established north, west and south of the site.
- 8.9 It is considered the proposed development may potentially impact on public and private views due to the potential impact the proposed development may cause on the mature trees in and around the site. However, any impact would be the same as the previously approved 2004 application. Policy 4/3 Safeguarding features of amenity or nature conservation value requires for development to seek to enhance features of the landscape which are of importance for amenity. Furthermore, policy 4/4 (Trees) does not support proposed development that would involve significant harm to trees of amenity value. Based on the information provided it is considered the proposed development may harm the trees of amenity value which could lead to possible harm. However, so could the previous permission that has already commenced.

- 8.10 In my opinion the trees in and around the site are significant in size and provide significant public benefit and amenity value. However, I consider this application compliant with policy 4/3 and 4/4 of the Cambridge Local Plan (2006) as there are other surrounding mature trees that are also of amenity value to compensate any harm or loss that may be caused to the two protected trees on site (cherry (front) and Silver Birch (side)). Furthermore, the principle of development has already been established on site via the commenced 2004 permission. Therefore, development under 04/1181/FUL could still go ahead without this application being permitted. This would have the similar impact on trees. In light of this it must be concluded that the proposal is acceptable.
- 8.11 The tree officer has recommended tree conditions to secure the relevant details in relation to the trees. I will add the recommended condition to this permission by the tree officer as surrounding site context has changed and the surrounding trees are of public benefit.

### **Context of site, design and external spaces**

- 8.12 The general pattern and form of development is large dwellings in spacious plots with mature tree that give the site and area a spacious sub urban appearance.
- 8.13 The form of the proposed development is a single storey dwelling with a flat roof and chimney. The proposed development will accommodate a study, living room, dining room, two bedrooms kitchen/utility areas. This differs to the previously approved scheme under reference 04/1181/FUL which approved a dwelling with a pitch roof and chimney.
- 8.14 The proposed development is visually subservient to surrounding dwellings as the proposed mass and scale is modest. The scale/bulk of the scheme has been reduced from that previously approved and therefore will have less of an impact.
- 8.15 Therefore, I consider the design of the proposed development acceptable and consider it complies with the Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.16 The proposed new dwelling is some considerable distance (approx. 23 metres from the host dwelling) from other existing surrounding dwellings and the site and surrounding sites are surrounded by mature trees. The proposed dwelling should not cause overlooking issues due to the single storey flat roof proposal.
- 8.17 In my opinion the proposed development should respect the residential amenity of its neighbours. I consider the proposed development compliant with the Cambridge Local Plan (2006) policies 3/4 and 3/7.

### Amenity for future occupiers of the site

- 8.18 It is considered future occupiers would not be overlooked by neighbouring properties as there is a range of tree and flora species that seclude the site area in question. There is also an amenity area provided to the rear of the new property and I consider this to be sufficient.
- 8.19 In my opinion the proposal provides a similar living environment to that commenced under the 2004 permission. Therefore, in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Trees**

- 8.20 The proposed development may impact on some existing mature trees and that visual amenity may be different once the dwelling is built to the views that are existing. However, I do not consider the situation to be significantly different to what can be achieved under the existing 2004 extant permission. Therefore, I do not consider the loss of any trees to be significant. The Tree Officer has also not raised any objections to the proposals and has recommended conditions to secure details in respect of this. I agree with this advice and have recommended conditions relating to trees.
- 8.21 In my opinion the proposal would be compliant with Cambridge Local Plan (2006) policy 4/4.

## **Refuse Arrangements**

- 8.22 This application is being considered under the waste standards applied to the 2004 application as the permission has commenced and is extant. The newer requirements of RECAP 2012 cannot apply to this application as the principle has already been established and is considered acceptable.
- 8.23 In my opinion the proposal is contrary to Cambridge Local Plan (2006) policy 3/12, but compliant with previous assessed standards already approved.

## **Highway Safety**

- 8.24 The highways officer has not objected to the proposal. I am of the opinion that there is unlikely to be any significant impact on the public highway subject to conditions in the interest of highways and public safety.
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.26 It is considered the site could accommodate for cycle storage, but it is unclear exactly where cycle storage would be positioned. Therefore, I consider that this can be controlled via a suitably worded condition.
- 8.27 In my opinion the proposal would be compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

### **Flat 1 67 Milton Road – (provisional support)**

- 8.28 The representation made with provisional support, subject to no harm to the trees in and around the site.
- 8.29 Due to the lack of arboricultural information I am not in a position to clarify whether the proposed development would impact on trees in and around the site or not. Based on the information submitted with this application I consider the

proposed development may impact on existing mature trees and that visual amenity may be different once the dwelling is built to the views that are existing. However, I do not consider the situation to be significantly different to what can be achieved under the existing 2004 extant permission. Therefore, it would be difficult to control the loss of any trees on this site as previously mentioned in paragraph 8.20 development can still go ahead on this site due to commended 2004 permission, which is similar to what is being proposed.

## **9.0 RECOMMENDATION**

**Approve** subject to 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. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

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

5. 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).

6. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site (Cambridge Local Plan (2006) policy 8/2).

7. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority (Cambridge Local Plan (2006) policy 8/2).

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

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

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

9. The access shall be provided as shown on the approved drawings and retained free of obstruction.

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

10. 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).

11. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

12. No development shall commence until details of tree protection is submitted in the form of an Arboricultural Method Statement and Tree Protection Plan and should detail the working methodology in a format that is clear and actionable by the builder.

The following information must be addressed:

What temporary ground protection will be used and how will it be installed. What is the specification for the new driveway, how will the crossover be installed and what is the extent of excavation required to match levels. How will the wall and footings be removed. How will the new boundary treatment be erected adjacent to the Birch. There is a structure within the RPA of T1 and T2, this must be built without causing damage to tree roots. Tree protection fencing is required to stop access into the RPA.

90% of tree roots are found in the top 60cm of soil. Any excavation, including excavations for posts, excavation for sub bases, footings and foundation, can therefore cause material damage to tree roots and it is not just the damaged area that is effected, severing a root at 1m from the trunk will remove everything beyond.

Reason: In the interest of amenity (Cambridge Local Plan Policies 3/4, 3/7 and 4/4)

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.