

Application Number	15/1518/FUL	Agenda Item	
Date Received	10th August 2015	Officer	Mr Sav Patel
Target Date	5th October 2015		
Ward	Abbey		
Site	R/O 16 Ferndale Rise Cambridge Cambridgeshire CB5 8QG		
Proposal Applicant	To erect a new single storey dwelling Mr Alan Fitch Land R/o 16 Ferndale Rise Cambridge CB5 8QG United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The principle of residential development in this location is considered to be acceptable as it would be compatible with the surrounding environment. - The scale of the proposed dwelling is considered to be acceptable in this context and would sympathetically assimilate into the site without appearing dominant or out of keeping. - The proposed development would not have any adverse impact on the residential amenity of existing residents and would provide a high quality living environment for a future occupier.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located to the rear (south-east) of no.94-96 Ditton Walk which are two storey semi-detached dwellings

and to the rear (north-west) of no.16 Ferndale Rise, which is a two storey detached property. The application site appears to be part of the rear garden space for these plots. The site is located within a residential area characterised by mainly two storey development. There are some examples of new development nearby and also some small infill developments. There are also some commercial uses nearby particularly on Ditton Walk.

- 1.2 To the south-east of the site is Ferndale Rise, which is a cul-de-sac consisting of linked semi-detached dwelling and a block of flats at the southern end. To the south-west are the rear gardens of the properties in Ditton Walk.
- 1.3 The site is not located within an area of constraint such as a Conservation Area and is not located adjacent to or within the setting of a Listed Building.

2.0 THE PROPOSAL

- 2.1 The proposal is to subdivide gardens to create a residential plot for a single storey flat roof dwellinghouse with off street car parking and bin and cycle storage.
- 2.2 The plot is 11.1 metres wide, 9.2 metres in depth. The proposed dwelling would be located adjacent to the rear boundaries of no.94-96 Ditton Walk and 5.1 metres off the rear boundary of no.16 Ferndale Rise, and just over 2.6 metres from the side garden boundary of no.92 Ditton Walk. The proposed dwelling would be 8 metres from the rear elevation of 95-96 Ditton Walk.
- 2.3 The proposed dwelling would be 3 metres in height and consist of a stepped roof the lower section would be 0.5 metres lower than the 3 metre section. The 2.5 metre section would be located adjacent to the rear boundary of the properties in Ditton Walk. The dwelling would be 9 metres depth and 6 metres wide, and contain a chamfered edge to allow for visibility splays for the car parking space which would be located adjacent to the rear boundary of no.16 Ferndale Rise. The site layout includes a 2 metre strip between the car parking space and rear boundary of no.16 to allow for tree planting.

3.0 SITE HISTORY

Reference	Description	Outcome
	No relevant planning history	

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 3/11 3/12 5/1 8/1 8/2 8/6

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)
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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No objections. Recommend conditions to ensure visibility splays are maintained; adequate drainage and no works to highway without highway authority consent.

Head of Refuse and Environment

- 6.2 The proposed development is acceptable subject to conditions on construction hours and piling.
- 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 owners/occupiers of the following addresses have made representations:

- 2 Ferndale Rise
- 3 Ferndale Rise
- 4 Ferndale Rise
- 5 Ferndale Rise

7.2 The representations can be summarised as follows:

- The proposal would add to car parking pressure;
- Loss of existing on street car parking provision;
- Narrow road so additional car parking could cause obstruction;
- Potential to add an extra storey;
- Noise disturbance;

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

Principle of Development

8.1 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.

8.2 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.

8.3 As the proposal is for the subdivision of an existing residential plot, Local Plan policy 3/10 is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the

subdivision of existing plots, subject to compliance with specified criteria. However, in this instance, Section d, e and f of the policy are not relevant as the proposal would not adversely affect the setting of a listed building (d), would not adversely affect trees, wildlife features or architectural features of local importance (e), and would not prejudice the comprehensive development of the wider area (f).

8.4 Residential development within the garden area or curtilage of existing properties will not be permitted if it will: a) have a significantly 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 or noise nuisance; b) provide inadequate amenity space, or access arrangements and parking spaces for the proposed and existing properties; c) detract from the prevailing character and appearance of the area.

8.5 I set out below my assessment of the proposal in relation to the above.

a) Residential amenity

8.6 The proposed single storey dwelling has been carefully designed to mitigate the impact on the residential amenity of the surrounding neighbours. The proposed dwelling would not cause any adverse levels of overlooking due to its single storey form. Furthermore, no windows are proposed in the flank elevations. The main openings are in the front and rear elevations. I am therefore satisfied that the proposal would not cause loss of privacy to the adjacent residents.

8.7 The proposed dwelling would be 8 metres from the rear of no.94 and 96 Ditton Walk and would project above the existing 1.8 metres boundary fence by 0.7 metres for a depth of 9.1 metres. The 3 metre element would be a further 10.1 metres from the rear elevations. I am satisfied that the proposed dwelling would not appear overbearing such that it would create an adverse sense of enclosure issue or cause any significant levels of overshadowing such that it would have a significantly adverse impact on the residential amenity of the occupiers of no.94 and no.96 Ditton. The proposed shed which would be located in part of the access between no.92 and 94 is proposed to be 2 metres in height. However, no elevational details have

been provided. I have therefore recommended details of the shed to be provided so that the impact can be assessed. I am comfortable with this arrangement as the shed is unlikely to be of a size that would have a significantly detrimental impact on the residential amenity of the adjoining neighbours.

- 8.8 I am satisfied that the potential impact on the residential amenity of the occupiers of no.92, 94 and 96 Ditton Walk would not be adversely affected by the proposed dwelling.
- 8.9 In terms of the impact on the occupiers of no.16 Ferndale Rise which is on the opposite side, the proposed dwelling would be just less than 10 metres from the rear elevation. The occupiers of no.16 would be left with a garden space which is just 4.76 metres in depth and 9.4 metres wide. This is considered to be an adequate amount of outdoor space. No.16 also has an area adjacent to the front elevation which appears to be used for car parking for at least two vehicles and bin storage. No windows are proposed that would face the rear elevation of no.16. I am therefore satisfied that due to the size of the proposed dwelling and level of separation, it would not appear overbearing such that it would create an adverse sense of enclosure issue or cause any significant levels of overshadowing such that it would have a significantly adverse impact on the residential amenity of the occupiers of no.16. In order to reduce the overlooking impact on the future occupier, the applicant has proposed to plant deciduous trees adjacent to the boundary with no.16. I have recommended a tree planting condition (X) to mitigate any overlooking from surrounding dwellings. The tree planting would also improve the privacy of the occupiers of no.16 Ferndale Rise, 94-96 Ditton Walk and future occupier by reducing the amount of inter-looking.
- 8.10 In terms of traffic generation, the proposed includes one off street parking space to serve the dwelling. I do not consider the proposed dwelling would result in significant levels of traffic generation such that it would have a materially adverse impact on the residential amenity of the local area in terms of noise nuisance/disturbance. Ferndale Rise is mostly unrestricted and therefore whilst the proposal includes an off street space, any future resident would be able to park on street if they desired. This is the same for any of the existing residents. The County Highways Authority has not raised any concerns with the

proposed car parking or impact on existing car parking provision.

b) Amenity space, access and parking

8.11 The proposed plot appears to be the result of the subdivision of three existing plots; 94 and 96 Ditton Walk and 16 Ferndale Rise. I have recommended a condition (X) to ensure the curtilage of the proposed dwelling is retained as shown on the Proposed Site Location Plan (drawing no.1107/06). The subdivision of these plots to create this site would not unduly compromise the garden space of existing occupiers. The occupiers of no.94-96 would have 8 metre deep gardens. Whilst this would be significantly shorter than the garden depths of the other dwellings in Ditton Road, 8 metres is considered to be an adequate amount of garden space. The occupiers of no.16 Ferndale Rise would have a garden depth of 4.76 metres but would be 9.4 metres wide and include the area of land at the front of no.16. This is considered to be a sufficient amount of usable garden space.

8.12 As for any future occupier, the proposed paved terrace area to the rear of the dwelling would be 2.6 metres in depth and 6 metres wide. This is small but it would serve a 1bed dwelling and is therefore sufficient in my view for any future occupier. The proposal would also make efficient use of land to accommodate additional housing.

8.13 The front door would address Ferndale Rise which would also be used to access the car parking space. This is in keeping with the dwellings in Ferndale Rise with the exception of no.16 which is laid out side onto Ferndale Rise.

c) Detract from the prevailing character of the area

8.14 The built form of the area is characterised by a mix of house styles with examples of new housing developments and small infills. The proposed development would have the appearance of an ancillary outbuilding. It would contrast with the architectural style of the surrounding development. However, whilst it would appear out of keeping with the general built form of the adjacent development, my view is that its subservient scale and efficient and creative use of ancillary garden land would outweigh the nominal harm that it would have on the

area. There are other examples of small infill developments which have been approved nearby and so it would not appear completely out of keeping.

- 8.15 In my opinion, the proposed development is acceptable and in accordance with policies 3/4, 3/7, 3/10, 3/12 and 5/1

Refuse Arrangements

- 8.16 The proposal includes space for three waste receptacles adjacent to the rear boundary and in a location that would be transportable to its collection point. I am satisfied with the proposed arrangement.

- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.18 No concerns have been raised by the Highway Authority subject to conditions.

- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.20 The proposal includes one off street parking space to serve the proposed 2bed dwelling. The Car Parking Standards set a maximum provision of one car parking space per dwelling with up to two bedrooms outside of the controlled parking zone. The proposal is therefore compliant with the Council's car parking standards. It is Local Plan policy to promote lower levels of car parking in order to encourage a modal shift towards sustainable forms of transport. The City's Car Parking Standards are therefore expressed as maximum levels, and in a location such as this; relatively well placed for local services, and cycle routes into the city, the level of car parking is acceptable.

Cycle parking

- 8.21 The applicant has indicated cycles are to be provided in the proposed shed, which is located in the dog-leg part of the site. No elevational or internal layout details of the shed have been provided. However, I have recommended a condition for these details to be provided which shall include the cycle parking layout. The proposal would need to provide one cycle parking space (per 3 bedrooms) to serve the proposed dwelling which is in accordance with the City Council's minimum Cycle Parking Standards as set out in Appendix D of the Cambridge Local Plan (2006). There is enough space within the plot to accommodate this provision.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.23 I set out below my response to the concerns raised in the third party representations:

Representation	Response
The proposal would add to car parking pressure;	The proposal includes an off street car parking space and so would not affect the existing on street parking provision. Ferndale Rise is an unrestricted highway for car parking. The Highway Authority has not raised any objections.
Loss of existing on street car parking provision;	The area in front of the application site is not designated for any car parking.
Narrow road so additional car parking could cause obstruction;	The proposal includes an off street parking space and is not of a scale that would have a material impact on car parking in the area and as such would not cause a significant obstruction issue to the existing road network.

Potential to add an extra storey;	The proposal is for a single storey dwelling. Any proposal for an additional storey would require planning permission which will be assessed on its own merits.
Noise disturbance;	I have recommended a construction hours condition to mitigate the impact on surrounding neighbours.

Planning Obligation Strategy

Planning Obligations

8.24 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements.

8.25 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.

8.26 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.

8.27 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 residential development of ancillary rear gardens is considered acceptable in principle. The design and scale of the proposed dwelling would sympathetically assimilate into the site and street scene without appearing as an intrusive or incongruous form. The scheme is considered to provide a high quality living environment and an acceptable standard of residential amenity for future occupiers and its neighbours. The proposal would also make efficient use of garden land for additional housing. As such, I recommend the application be approved.

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. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.
Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

4. 2.0 x 2.0 metres visibility splays shall be provided as shown on drawing no.1107.6. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of each 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.

5. 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)

6. 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.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

7. 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 treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied 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)

8. Prior to occupation of the dwelling hereby approved, a scheme of tree planting around the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a layout plan noting size, species, number and planting schedule. The approved details shall be implemented in accordance with development.

Reason: To protect the residential amenity of the adjoining properties and the future occupier. (Cambridge Local Plan 2006 policy 4/13)