

<b>Application Number</b>	15/2378/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th January 2016	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	4th March 2016		
<b>Ward</b>	Arbury		
<b>Site</b>	Langham House Histon Road Cambridge CB4 3HP		
<b>Proposal</b>	Erection of a one bed unit and store		
<b>Applicant</b>	Mr Gavin Morris 39 New Road Over CB24 5PJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposal will not negatively impact on the character of the area</li> <li><input type="checkbox"/> The proposal will not impact on the amenity of surrounding occupiers</li> <li><input type="checkbox"/> The proposal will provide good quality living accommodation to future occupiers</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is land to the rear of Langham House. The site is located on former garden land of 216 Gilbert Road. The site is located on the eastern side of Histon Road immediately north of the junction with Gilbert Road. The immediate area is predominantly in residential use.

1.2 Langham House is a two storey, art deco style building with flat roof which accommodates 6 no. flats. A further 4 flats have also been approved and are under construction on the site (15/0557/FUL). This is of a similar art deco style to Langham House but at a height of 3 storeys with the third floor set back from the front elevation.

1.3 The proposal will not be visible from the public realm.

1.4 The application site does not fall within the Conservation Area or the Controlled Parking Zone

1.5 There are two TPOs to the front of the site.

## **2.0 THE PROPOSAL**

2.1 The proposal is for the erection of a one bed unit and store.

2.2 The proposal is to be located on former garden land of 216 Gilbert Road and extends the communal garden area for the residents of Langham House and the adjacent new residential development.

2.3 The proposed one bed unit has a large footprint. It is located in the north eastern corner of the site. It has an L-shaped form; with a length of 13.5m and total depth of 8.4m. The proposal is to be flat roofed with a height of 3.1m.

2.4 The proposed store is located to the south of the proposed new unit. It runs against the rear boundary of No. 216. This is also to be flat roofed with a height of 3.1m. The proposed store is to have a length of 9.5m x depth of 4m.

2.5 The application is accompanied by the following supporting information:

- Drawings
- Design and Access Statement
- Tree Survey
- Amended drawings

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/1349/FUL	Demolition of 6 garages and erection of 5 apartments with associated parking, bin storage and landscaping.	Withdrawn
14/1350/FUL	Exterior insulation and render to existing external walls to all apartments and extension to form additional storey over apartments.	Withdrawn

15/0557/FUL	Demolition of 6no. garages and erection of 4no. apartments with associated parking, bin storage and landscaping.	Permission granted
15/0558/FUL	External insulation and render to existing external walls to all apartments. Additional window and doors to front and rear elevations	Permission granted
C/03/1109	Conversion of 2No. two bed flats to 4No. one bed flats on ground floor.	Permission granted
C/03/1275	Erection of second floor extension to provide an additional 4no one bed flats.	Refused

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 4/4 5/1 8/2 8/7 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>  Arboricultural Strategy (2004)  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 (Highways Development Management)**

- 6.1 The Highway Officer does not consider that the development will have any significant impact upon the public highway.

### **Environmental Health**

- 6.2 The Environmental Health Officer considers the proposal to be acceptable subject to two conditions relating to construction hours and piling (cond 3 and 4)

### **Urban Design and Conservation Team (UDC Team)**

- 6.3 The Urban Design Team do not support the proposal. They consider that the proposal will result in poor legibility and way finding. They consider that there will be overlooking issues and inter-relationship issues with users of the communal space and occupants within the ground floor units of Langham House. They consider that the store may overshadow the communal amenity space. They are concerned that the new dwelling and store will appear prominent from the garden of 212 Gilbert Road. They also express concern regarding the impact on an existing mature tree on the northern site boundary.

### **Head of Streets and Open Spaces (Tree Team)**

- 6.4 The Tree Officer requested that the applicant provide an Arboricultural Implications Assessment as she was concerned about the proximity of the proposed new dwelling to an existing mature tree on site. The applicant provided this information. The Tree Officers considers the proposal to be acceptable subject to the imposition of a condition (cond 6).

## **Head of Streets and Open Spaces (Landscape Team)**

- 6.5 The Landscape Team do not support the proposal. They consider that the proposal has a poor relationship with its surroundings as it is not visible from Histon Rd and will be overlooked by the flats at Langham House. The Landscape Officer states that the private amenity space is awkward with little privacy. She notes that the hedge is too close to the kitchen which will block light and hinder clipping. She states that the access from the south is poor and dependent on a car parking bay being free. She states that the relationship to the northern access is poor as it is long and winding. She is concerned that the dwelling is not secure as the hedge does not protect the whole boundary of the dwelling. She is also concerned about overshadowing of the communal space by the proposed store.
- 6.6 A number of amendments have been made to address the Landscape Officer's comments.

## **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.7 The Sustainable Drainage Officer considers the proposal to be acceptable subject to a condition relating to surface water drainage (cond5).
- 6.8 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 objecting to the application:

212 Gilbert Road

- 7.2 The owners/occupiers of the following addresses have made representations which support the application:

Residents of Langham House  
 216 Gilbert Road

7.3 The objection can be summarised as follows:

- The proposed new buildings will loom over the garden and result in a loss of light to 212 Gilbert Road.
- Concerned about drainage
- The extension at 216 is underrepresented in terms of size and will further reduce soak away.
- Concerned about nearby tree in Gilbert Close and need for a tree survey
- Overdevelopment of the site

7.4 The supporting comments can be summarised as follows:

- Does not have a negative impact on Langham House
- The extra amenity space will be a big improvement to the living standards of the residents of Langham House.
- The movement of the cycle store will be a big improvement especially to those on the ground floor.
- The proposal is in keeping with the existing building of Langham House
- The proposal will not overlook the neighbouring gardens.

7.5 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 trees)
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

## **Principle of Development**

- 8.2 The proposal is located in a predominantly residential area. Policy 5/1 states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. As a result the proposal meets with the criteria of this policy.
- 8.3 The proposal relates to the sub-division of the plot, therefore condition 3/10 is relevant. This policy requires consideration to be given to the impact on amenities of neighbours (part a), amenity space/car parking (b), impact on the character of the area (c), effect on listed buildings/BLI (d), impact on trees (e) and whether the proposal would compromise comprehensive redevelopment (f). In this case parts (d) and (f) are not relevant. I have addressed the other parts of policy 3/10 below.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1 of the Cambridge Local Plan (2006).

## **Context of site, design and external spaces (and impact on trees)**

- 8.5 Both the proposed store and new dwelling will be shielded from view by Langham House. The Urban Design Team considers that the new dwelling has a poor relationship with Histon Road as the unit and its entrance are not visible from the street. There are a number of examples of backland development on former garden land in the wider area. As a result in my view the proposal would not be out of character with the wider surrounding area.
- 8.6 There is an existing mature tree which is close to the location of the proposed new dwelling. The Tree Officer is satisfied that the proposal will not negatively impact on the tree subject to condition (cond 6)
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/4.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.8 The proposed dwelling is single storey with a height of 3.1m. It is to be located in the north eastern corner of the site close to the boundary with the neighbouring development at Gilbert Close. The nearest neighbours to the proposed new dwelling are No's 42 and 45 Gilbert Close who are separated from the proposal by 5m. Given that the proposal is single storey I do not consider that it will overshadow or appear unduly prominent from either of these neighbouring properties.
- 8.9 The proposed store is to run close to the new boundary with No. 216 Gilbert Road. The store is to be single storey with a height of 3.1m. Given its relatively small size and as the store is to be north of the garden of No. 216 I do not consider that this will overshadow or visually enclose the retained garden space.
- 8.10 The neighbours at 212 Gilbert Road have objected to the proposal as they consider that both the new dwelling and store will result in a loss of light to their garden. Both proposals are single storey at 3.1m in height. The store is set away 0.5m from the common boundary and the new dwelling is set away by 1.1m. The garden of No.212 is very long at approx. 60m and there is a significant distance between the proposed store and the dwelling at No.212. As a result the proposal will not result in any loss of light to the dwelling at No.212. The garden of No.212 is located to the east of the proposal so the development may result in some loss of light to the rear garden but I do not consider that this will be significant given that both elements are single storey.
- 8.11 The proposed new dwelling is set back from the host dwelling at Langham House by 9m. As a result the new dwelling will not overshadow the occupiers of Langham House.
- 8.12 The Urban Design Team and Landscape Team are concerned that the proposed store will overshadow the communal garden area. The residents of Langham House currently do not have any outdoor garden space. The current proposal extends the outdoor space associated with Langham House by utilizing former garden land from 216 Gilbert Road. While the store is quite large and may result in some overshadowing of the

garden space I consider the benefit of the extended garden space to outweigh the overshadowing impacts. I am of the view that the space can be designed and laid out with planting appropriate to a shady environment.

- 8.13 The Urban Design Team and Landscape Team also raised concerns about overlooking between the proposed new unit and the host dwelling at Langham House. There is 9m between Langham House and the proposed new dwelling. The ground floor of Langham House accommodates 2 flats which have a number of large windows and two glass doors. The new dwelling will be somewhat screened by yew hedge. While some overlooking between the two is likely I consider this to be acceptable given the shared arrangement with the new unit having access to the communal garden and sharing bike and bin storage with the residents of Langham House.
- 8.14 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, 3/7 and 3/10.

#### Amenity for future occupiers of the site

- 8.15 A number of amendments have been made to the original drawings which will improve amenity for future occupiers. The car parking bays have been reconfigured at the south entrance to the site to provide unobstructed access. The car parking space for the unit has also been moved to this bay which improves access for future occupants. A pathway has been provided through the amenity space to provide a line of sight access to the unit. The hedge around the unit has been extended around the unit to provide security and space has been provided between the hedge and the kitchen window to prevent loss of light. A further window has been provided on the south elevation of the bedroom; this will allow some further light into this room.
- 8.16 The amended plans provide good quality, secure living accommodation. The private garden space is relatively small but I consider this to be acceptable given that the unit will have access to the communal garden and given that it is a one bedroom unit.

8.17 In my opinion the proposal provides a high-quality living environment and 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, 3/10 and 3/12.

### **Refuse Arrangements**

8.18 The refuse arrangements are to be shared with the residents of Langham House. The bin store area is to the west of the site and approx. 11m from the front door of the proposed new dwelling. I consider this to be acceptable.

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

### **Highway Safety**

8.20 The Highway Engineer considers that the proposal will not have a significantly adverse impact upon the public highway. I share this view.

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

### **Car and Cycle Parking**

8.22 One car parking space is provided for the unit. I consider this to be acceptable.

8.23 Cycle parking is to be provided with the residents of Langham House. A total of 24 spaces are provided on the site. I consider this to be acceptable.

8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

8.25 I have addressed the issues raised in my assessment with the exception of drainage. With regard to the potential impact on soak away from 212 Gilbert Road, the Drainage Officer has not referred to this as a potential problem.

## **Planning Obligations (s106 Agreement)**

8.26 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.

8.27 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.

8.28 I have consulted the service managers who are responsible for the delivery of projects to offset the impact of development and confirm that in this case no contributions are being sought. Contributions were not sought in relation to the previous application 15/0557/FUL.

## **9.0 CONCLUSION**

9.1 The proposal will not be highly visible from the street scene and as a result will not negatively impact on the character of the area.

9.2 The new dwelling and store are both relatively small in size and will not impact on the amenity of the surrounding occupiers through overshadowing or visual dominance.

- 9.3 While there will be some overlooking between the proposed new unit and the existing flats in the development I consider this to be acceptable given that the new unit will share bike and bin facilities with Langham House and will have access to the communal gardens. The amended drawings provide good quality living accommodation for future occupiers with some private outdoor space and access to a larger communal garden space.

## **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. 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)

5. The development hereby approved 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 system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. 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.
  - iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

6. The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: to protect a visually important tree located within Gilbert Close (Cambridge Local Plan (2006) policy 4/4)