

Application Number	16/0391/FUL	Agenda Item	
Date Received	2nd March 2016	Officer	Rob Brereton
Target Date	27th April 2016		
Ward	Coleridge		
Site	1 Brothers Place Cambridge Cambridgeshire CB1 8BN		
Proposal Applicant	Construction of dwelling Mr Pascuzzi 1 Brothers Place Cambridge Cambridgeshire CB1 8BN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The garden plot is suitable for subdivision. 2. No harm to the character and appearance of the existing terrace. 3. No adverse impact on the amenities of neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated on the northern side of Brothers Place and is formed from the side and rear garden of number 1 Brothers Place. To the east of the site is a communal access passage serving the terraced residential properties along Derwent Close.

1.2 The site is not within a Conservation Area.

2.0 THE PROPOSAL

2.1 Permission is sought for the erection of a dwelling. The original proposed dwelling house was two storeys tall with rooms in the

roof. The amended proposal has a reduced height and no rooms in the roof. The ridge height is one metre lower than the ridge of the terrace and the width is 4.1m.

2.2 The proposed new terrace dwelling will be served with a rectangular rear garden area with a cycle and refuse store. It will also have one car parking space.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Email regarding amended design
3. Drawings

3.0 SITE HISTORY

Ref. No.	Description	Outcome
12/1565/FUL	Erection of a dwellinghouse.	Approved

This subject proposal is very similar to that approved under 12/1565/FUL. The reason for this amended design is because of strict requirements from Anglian Water as a surface water sewer runs through the site.

4.0 PUBLICITY

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

5.0 POLICY

5.1 Relevant Development Plan policies:

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/4 3/7 3/10 3/11 3/12 3/13 3/14 4/13 5/1 8/2 8/6 10/1

5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
	<u>Citywide:</u> Open Space and Recreation Strategy

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

6.1 No objection

The Highway Authority does not consider that this application will have any significant adverse impact upon the operation of the highway network.

Head of Environmental Services

6.2 No objection

Following a review of historic maps conditions related to contaminated land are recommended.

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 to this application over two periods of consultation.

- 26 Derwent Close
- 55 Derwent Close
- 17 Brothers Place

No. 26 and 55 objected to this proposal and No. 17 recommended conditions to limit the disruption of construction. No. 55 had the following concerns with the proposal:

- They previously objected to the permitted two storey dwelling and this three storey dwelling will further overlook their gardens and houses compromising their privacy.
- They objected to the original Brothers Place scheme so already being overlooked is not a valid argument to permit.
- As this was previously an industrial site a condition must be added that soil is tested and assessed prior to the commencement of development.
- They also re-iterated that no access can be granted from the path from Derwent Close to the Eastern side of Brothers Place as this is a private access belonging to 55 - 65 Derwent close only as this is not a public right of way.
- Cars from Derwent Close are parking on double yellow lines and traveling around a blind corner out of the development.
- The design of the house will not fit in the design of the terrace.
- Construction traffic will damage pathways and cause disruption.

7.2 No further letters of representation have been received on the amended reduced height proposal. However, it is noted many points of the third party objector remain. The expiry date for this re-consultation is the 20th June.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations

Principle of Development

8.2 Permission was granted in 2012 for a terrace dwelling very similar to this amended proposal. The proposed property is slightly smaller in scale than that in 2012 because of the strict requirements from Anglian Water as a surface water sewer runs

through the site. These requirements do not allow for any building within a 6 metre radius around this sewer. The agent and applicant were not aware of this requirement previous to submitting 12/1565/FUL.

- 8.3 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained within the National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.4 The NPPF declassifies garden land from the definition of brownfield land and such sites are no longer included within the Authority's five year housing land supply. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remain acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value gardens contribute to the City.
- 8.5 In principle, policy 3/10, allows for proposals involving the subdivision of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted however if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.
- 8.6 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the subdivision of the plot will not detract from the open character of the area. The principle of the development is acceptable and in accordance with Cambridge Local Plan 2006 policies 3/10 and 5/1.

Context of site, design and external spaces

- 8.7 The key design issue is the design and appearance of the dwelling in relation to the existing terrace and the surrounding context.
- 8.8 The garden plot to be subdivided is double the size of the adjoining terraces and can comfortably accommodate a new dwelling. The new curtilage which will be created will replicate the existing pattern of plots, which demonstrates that the development responds positively to the constraints of the site.
- 8.9 The subservient design of the terrace extension is acceptable; as it takes many of the features of the terrace it adjoins but yet does not dominate the high quality character and appearance of the streetscene. Suitable matching brickwork will ensure the extension complements the main terrace.
- 8.10 The plot lends itself to subdivision and will not be erosive to the open character of the area, and in my opinion is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

Overlooking

- 8.11 The front façade proposed dwelling will be located over 20 metres away from the rear façade of No. 55 Derwent Close. This substantial distance coupled with the fact the proposed is not located directly behind this neighbouring dwelling out dispel any potential detrimental overlooking or overbearing impacts. Similarly, while No. 26 would directly face the proposal it is located an even more substantial distance away at over 50 metres away from the proposal.

All other neighbouring properties are located a sufficient distance away to dispel any potential detrimental impacts.

Enclosure

- 8.12 The proposal would adjoin end 6 metres of the rear garden of No. 55. A 0.7 metre gap would be left between the boundary

and the proposed dwellinghouse and no windows will face this boundary. It is considered therefore there will not be a detrimental level of enclosure to the rear garden of No. 55, especially as this garden is over 26 metres long.

- 8.13 The car parking space serving the proposed new dwelling will not cause undue disturbance to the donor property, No. 1 Brothers Place.
- 8.14 I therefore do not consider the impacts of this proposal so harmful as to justify refusal. 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 3/12.

Amenity for future occupiers of the site

- 8.14 The proposed house has a garden of comparable size to the adjoining terraces in Brothers Place (2.8m x 2.8m). 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 and 3/12.

Refuse Arrangements

- 8.15 The scheme integrates a refuse store in the rear garden. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.16 The proposed development provides one car parking space which accords with the Council's maximum standards.
- 8.17 Cycle parking is provided in a rear outbuilding. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

8.18 Third Party Representations

Area of concern	Response
Overlooking	Para 2.1 and 8.10
Soil contamination	Para 6.2 and conditions
Access	The garden of the proposed house can be linked to the existing access way. The right of future occupiers to use the access is a legal matter. Should access be denied through a private covenant, adequate refuse and cycle parking could be provided to the front of the proposed dwelling.

9.0 RECOMMENDATION

APPROVE, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:

-Detailed history of the site uses and surrounding area (including any use of radioactive materials)

- General environmental setting.
- Site investigation strategy based on the information identified in the desk study.
- (b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:

- (a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
- (b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

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

5. Implementation of remediation.

Prior to the first occupation of the development or (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.

(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:

a) Include details of the volumes and types of material proposed to be imported or reused on site

b) Include details of the proposed source(s) of the imported or reused material

c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.

d) Include the results of the chemical testing which must show the material is suitable for use on the development

e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

9. 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)

10. 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)

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

12. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties.
(Cambridge Local Plan 2006 policies 3/4 and 3/14)