

<b>Application Number</b>	16/0924/OUT	<b>Agenda Item</b>	
<b>Date Received</b>	25th May 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	20th July 2016		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	39A Almoners Avenue Cambridge CB1 8NZ		
<b>Proposal</b>	The erection of 2.no dwellings with associated access, parking and gardens.		
<b>Applicant</b>	Mr N Parry-Jones C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The principle of residential development in this location is considered to be acceptable as it would be compatible with the surrounding environment.</li> <li>- The proposed access is considered to be acceptable by the Highway Authority and would not detrimentally impact on highway safety.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site, no.39A Almoners Avenue, is comprised of a two-storey detached dwelling with a large garden plot situated at the end of the cul-de-sac of Almoners Avenue. The site currently forms part of the private garden for no.39a and constitutes a large open grass area with soft landscaping along the boundaries to the north, west and south. To the south-east of the site there are buildings associated with Netherhall Farm. The surrounding area is residential in character and is formed predominantly of two-storey semi-detached properties in a suburban context.

1.2 The land of Netherhall Farm to the south-east of the site is covered by a TPO area and is within the Green Belt. The buildings of Netherhall Farm are designated as Buildings of Local Interest.

## **2.0 THE PROPOSAL**

2.1 The application seeks outline planning permission for the erection of two dwellings on land to the rear of no.39A Almoners Avenue. Matters of appearance, landscaping, layout and scale are reserved for future consideration through the submission of reserved matters applications. Access is not reserved and forms part of the submission and consideration of this outline planning application.

2.2 The access to the dwellings is proposed to extend out from the existing drive leading to no.39A Almoners Avenue which would then fork out to provide separate drives leading up to the garages for each of the proposed dwellings. The garages would accommodate two parking spaces for each of the dwellings.

2.3 An illustrative layout of the proposed dwellings and basic landscaping has been submitted but these matters have been reserved for a future detailed application. The dwellings are anticipated to be two-storeys in height but again this would be dealt with as part of a future detailed application.

2.4 The application is accompanied by the following supporting information:

1. Planning, Design and Access Statement
2. Drawings

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/80/0829	Erection of detached dwelling house and garage (submission of reserved matters)	Permitted.
C/80/0316	Erection of detached dwelling house and garage - (Submission of reserved matters)	Permitted.
C/79/0671	Erection of one detached dwelling house and double	Permitted.

C/79/0231	garage Construction of vehicular access (part submission of reserved matters)	Permitted.
C/78/0802	The erection of a detached bungalow and double garage	Permitted.

#### 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 3/2 3/4 3/7 3/10 3/11 3/12 4/1 4/4 4/9 4/12 4/13 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 – The Use of Conditions in Planning Permissions (Annex A)
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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 objection, subject to the following conditions:

- No unbound material
- No gates erected
- First use of vehicular access
- Highways drainage
- Visibility Splays

- Manoeuvring area
- Access as shown

### **Head of Refuse and Environment**

6.2 No objection, subject to the following conditions:

- Construction Hours
- Collection during construction
- Piling

### **Drainage**

6.3 No objection, subject to the following conditions:

- Surface Water Drainage

### **Historic Environment Team (Cambridgeshire County Council)**

6.4 No objection subject to a programme of archaeological investigation to be secured through the inclusion of a planning condition.

6.5 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 address has made a representation:

- 53 Almoners Avenue

7.2 The representation can be summarised as follows:

- The land at no.39A is higher than no.53 which affects surface water run-off and perceived heights of hedges/borders.
- The section of the hedge at no.39a backing onto no.53 is subject to a High Hedges Remedial Notice which restricts the height to 5.4m.

- Details of trees and planting along the boundary are required.
- The landscaping scheme following the grant of planning permission to build no.39a was not maintained contrary to the condition.
- The height of any potential new dwelling should not cause any overshadowing/ loss of light to no.53.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

## **8.0 ASSESSMENT**

### **Principle of Development**

- 8.1 Policy 5/1 of the Cambridge Local Plan states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site is surrounded by residential uses and it is therefore my opinion that the proposed residential development is acceptable in principle, and is in accordance with policy 5/1 of the Cambridge Local Plan (2006).
- 8.2 The land to the south and east of the application site falls within the Green Belt. None of the land on the application site falls within the Green Belt. The Design and Access Statement indicates that the dwellings are likely to be two storey in height and the indicative layout shows how they could be accommodated within the site. In my opinion, they would sit within an existing group of buildings and, subject to consideration of the detailed reserved matters, could sit comfortably within this context. I am content that they would not negatively impact on the visual quality of the adjacent Green Belt. Given the distance of the proposed access route from the Green Belt, I am also content that this aspect of the proposal would not negatively impact on this Green Belt land. The proposal is not considered to contradict national planning policy and is considered to be compliant with policy 4/1 of the Cambridge Local Plan (2006).
- 8.3 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.

8.4 Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) detract from the prevailing character and appearance of the area;
- d) adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) prejudice the comprehensive development of the wider area of which the site forms part.

8.5 In my view, criterion f is not applicable to this site. I consider criteria a, b and c to be relevant in this instance and have assessed the proposal against these below.

a) Impact on residential amenity of surrounding neighbours

8.6 Outline planning permission is sought for two dwellings in a backland location. The layout, scale, appearance and landscaping of these dwellings are reserved matters. The layout shown on the proposed site plan is indicative and the scale has not been established. However, the layout plan does demonstrate how two dwellings could be laid out within the site. As these are all reserved matters, I do not consider an assessment can be made as to the likely impacts of overshadowing, visual dominance or overlooking as these matters would be assessed as part of a future detailed application. I am content, however, that the such matters are

capable of being satisfactorily addressed at the reserved matters stage.

8.7 The proposed access would not in my view result in any noise disturbance to neighbouring properties in terms of comings and goings. Vehicles of no.39A already use this access and I do not consider the proposed extension of this access route would harm the amenity of nearby residential properties. Landscaping could be incorporated as part of a future reserved matters application to help shield the movement of vehicles from the gardens of nos. 39a and 41 Almoners Avenue.

b) provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;

8.8 In terms of amenity space, this would be assessed under a future reserved matters application relating to the layout of the site. The indicative layout demonstrates that there would be room to accommodate some form of garden for each of the proposed dwellings which is acceptable in principle.

8.9 Each proposed dwelling is shown on the indicative plans to have two internal garage parking spaces. The access to the proposed dwellings would extend out from the existing access between nos.39a and 41 Almoners Avenue. The access would only be used by the future occupiers and is unlikely to be adopted by County Highway. There appears to be adequate space within the site to enable vehicles to enter and leave in forward gear.

c) detract from the prevailing character and appearance of the area;

8.10 The prevailing character of the area is defined by two distinct parts. To the north and west of the site the surrounding area is suburban in context with a uniform post-war style housing typology and urban grain. In contrast, the land to the east and south of the site is semi-rural in context as the area is comprised by large expanses of green field and arable land with lots of tree planting and with minimal built form set within generous plots. Planning permission was allowed at appeal (14/0208/FUL) for a similar style of residential backland

development at no.38 Almoners Avenue to the west of the application site.

8.11 The applicant is seeking outline planning permission for two detached dwellings. I consider that the proposed dwellings can be sympathetically accommodated on the site without causing harm to the character of the area. The dwellings would be sited comfortably within the plot and would not appear cramped or result in the site appearing overdeveloped. The dwellings would be discreet from public views by virtue of the position of the plot and level of landscaping which borders the site. The proposal takes characteristics from the more rural aspects of the site and surroundings in terms of the level and type of development and this is supported.

d) adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;

8.12 I do not consider the principle of residential development would adversely impact on the special interest of the Buildings of Local Interest (BLIs) of Netherhall Farm to the south-east of the site. The impact on the BLIs would be subject to further scrutiny as part of a future detailed application relating to the reserved matters.

e) adversely affect trees, wildlife features or architectural features of local importance located within or close to the site;

8.13 There is a TPO area to the south and east of the application site but there are no protected trees on the site itself. The position of the access route is set a considerable distance from any protected trees and is therefore not considered to adversely affect trees. The full consideration of impacts on trees would be dealt with as part of a future reserved matters application relating to landscaping and/or the layout of the proposal.

8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/10.

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

8.15 As stated above, the site lies within an existing group of residential dwellings and adjacent to the Green Belt. Only the principle of the erection of two dwellings and the details of the

access are for consideration as part of this application. Matters of landscaping, layout, appearance and scale are reserved. Having assessed the proposal in relation to policy 3/10 above, I am satisfied that two dwellings could sit comfortably within the site having regard to its context and subject to the future consideration of the detailed design, layout and landscaping of the site. A condition has been recommended by the Historic Environment Team to secure a programme of archaeological investigation. I consider this appropriate and have attached to the recommendation accordingly.

- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12, 4/4, 4/9 and 4/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.17 The detailed impact will be the subject of future consideration, however, in my opinion the proposal could adequately respect 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

- 8.18 The detailed designs and layout will be the subject of future consideration, however, in my opinion the proposal could provide 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**

- 8.19 This is a reserved matter which would be dealt with as part of a future application. The applicant has stated that a central collection point would be provided on the access road and within 25m of the adopted highway for access by the refuse collection team. I consider that the arrangement of the access road would allow for a central collection point to accommodate the necessary refuse store and this is supported in principle.

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

### **Highway Safety**

8.21 The County Highway Officer has not raised any highway safety concerns with the proposal.

8.22 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

#### Car parking

8.23 The proposed site plan shows two car parking spaces for each plot but the final number of spaces would be determined as part of a future reserved matters application. The level of parking proposed would not result in an increase in on-street parking along Almoners Avenue and is considered to be acceptable.

#### Cycle parking

8.24 No cycle parking details have been provided and this would be dealt with under a future reserved matters application.

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

### **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. The service managers have not identified any relevant projects to demonstrate compliance with the CIL Regulations tests in relation to informal open space/play space/indoor sports facilities/outdoor sports facilities and community facilities.

#### Planning Obligations Conclusion

- 8.29 It is my view that planning obligations are not required in this case as there is no evidence to demonstrate where planning obligations will contribute towards and so the pooling of contributions would not pass the tests set by the Community Infrastructure Levy Regulations 2010.

### **9.0 CONCLUSION**

- 9.1 The principle of residential development on this site is considered to be acceptable and the access arrangements are adequate for the level of development proposed. The vehicular access would not give rise to any significant levels of comings and goings and the amenity of nearby residential properties would not be disturbed by way of noise. The matters of landscaping, appearance, layout and scale have been reserved by the applicant and would be assessed as part of any future reserved matters applications.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority 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 begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3. 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.

4. The access shall be constructed with drainage measures to prevent surface water run-off onto the adjacent public highway.

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

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. 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)

7. 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)

8. No building hereby permitted shall 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:

- 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
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent environmental and amenity problems arising from flooding (Local Plan 2006 policy 4/13)

9. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate (Local Plan 2006 policy 4/9).