

<b>Application Number</b>	16/0837/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd May 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	18th July 2016		
<b>Ward</b>	Newnham		
<b>Site</b>	95 Barton Road Cambridge CB3 9LL		
<b>Proposal</b>	Demolition of the existing dwelling and erection of a new single family dwelling together with garage and ancillary studio, bin and cycle storage, access and landscaping.		
<b>Applicant</b>	Mr & Mrs Morris		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would not harm the character or appearance of the area.</li> <li>- The proposal would not harmfully overlook, visually dominate or overshadow neighbouring properties.</li> <li>- The proposed works would not result in a significant increase to flood risk, subject to conditions.</li> <li>- The proposal would not harm protected species, subject to conditions.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site, no.95 Barton Road, is comprised of a large two-storey detached rendered property situated on the south side of Barton Road, opposite the junction with Gough Way. There are two vehicular accesses from Barton Road with on-site parking at the front of the property. The front of the site is lined with landscaping. There is a large garden to the rear which

is heavily landscaped by trees and hedges and has a small pond. The building appears to date back to the 1920's and is constructed with a pitched tiled roof. The surrounding area is predominantly residential in character and is formed of large detached and semi-detached properties set within spacious plots.

- 1.2 The site is partially covered by Flood Zone 2.  
A tree along the eastern boundary of the site is protected by a TPO.  
The Barton Road Pool to the south-east of the site is a Site of Local Nature Conservation Importance and a County Wildlife Site.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission for the demolition of the existing dwelling and the subsequent erection of a new dwelling together with garage and ancillary studio, bin and cycle storage, access and landscaping.
- 2.2 The proposed replacement dwelling would be two-and-a-half storeys in scale and would be constructed in brick with a tiled hipped roof measuring approximately 6.8m high to the eaves and 9.8m to the ridge line. The height to the chimneys would be approximately 11m. The proposed dwelling would be designed in a Neo-Georgian fashion with a consistent rhythm of windows and doors, further emphasised by a triangular pediment above the door and use of sash windows. Flat roof dormers would protrude out from the roof plane to provide usable internal space at roof level. The proposed building would occupy a floor area of roughly 225m<sup>2</sup>, approximately 90m<sup>2</sup> greater than the footprint of the existing building.
- 2.3 The proposed garage and ancillary studio building would be situated at the front of the site in the north-east corner of the plot. The building would be one-and-a-half storeys in scale, constructed in brick with a pitched tiled roof measuring approximately 3.3m up to the eaves and 5.75m to the ridge. The ground-floor would provide car parking spaces for two vehicles and space for cycle storage. There would be a staircase leading up to the ancillary studio room in the roof space.

- 2.4 Bins would be stored along the western elevation of the proposed dwelling and the car parking turning area at the front of the site would be increased in size by setting the building back deeper into the plot than the existing dwelling. A summerhouse would be constructed at the end of the garden.
- 2.5 The application has been called in by Councillor Gehring for determination by the Planning Committee due to concerns raised regarding drainage and impact on the character of the area.
- 2.6 The application has been amended since it was originally submitted. The footprint of the building has been moved approximately 1.3m to the east compared to its original position and additional information has been submitted in respect of overshadowing, flood risk and ecology matters.

### **3.0 SITE HISTORY**

- 3.1 There is 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 4/3 4/4 4/6 4/13 5/1 8/2 8/6 8/10 10/1

## 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> Cambridge City Nature Conservation Strategy (2006) Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)

	<p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Barton Road Suburbs and Approaches Study (March 2009)</p>

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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 No objection, subject to the following conditions and informatives:

- No unbound material
- No gates erected
- First use of vehicular access

- Highways drainage
- Manoeuvring area free of obstruction
- Access as shown
- Highways Informative
- Public Utility Informative

### **Environmental Health**

6.2 No objection, subject to the following conditions and informatives:

- Construction hours
- Collection during construction
- Piling
- Dust
- Noise Assessment / Insulation Scheme
- Artificial lighting
- Dust condition informative
- Housing Health & Safety Rating System Informative
- Asbestos Informative
- Noise insulation informative
- Amenity standards informative
- Contaminated land informative

### **Head of Streets and Open Spaces (Nature Conservation Officer)**

#### Original Comments (26/05/2016)

6.3 A Phase 1 habitat and protected species scoping survey is requested to be undertaken for the site given the proximity of the County Wildlife Site.

#### Second Comments (28/06/2016)

6.4 The preliminary Ecology Report identifies two potential bat roost features within the building proposed for demolition. In accordance with best practice, further emergence surveys are required to establish if bats are present and any subsequent mitigation and licencing requirements, prior to determination. Bird nesting informative recommended.

### Third Comments (25/07/2016)

6.5 The additional report further confirms our understanding that the adjacent County Wildlife Site provides a valuable foraging resource for a variety of bat species. These species are using the lake and surrounding mature gardens. The proposal to extend 95 Barton Road does not directly affect the County Wildlife Site or the foraging opportunity for bats, provided external lighting of the CWS or its boundary is not proposed. The following conditions are recommended:

- Restriction of external lighting
- Bird and Bat box details

### Comments on third party ecology report (31/07/2016)

6.6 The Ecology report and critique prepared by Tim Reed (August 2016) does not identify bat roosting sites within the building proposed for demolition, it does provide interesting additional information on the significant use of the adjacent Barton Road Pool County Wildlife Site by foraging bat species. However, it does not follow that the proposed application (which is not a change of use and does not encroach onto the designated site) will have a detrimental effect on these species continuing to forage, if a precautionary sensitive lighting strategy is conditioned as per second comments dated 28/06/16.

### **Environment Agency**

6.7 This application falls within Flood Risk Standing Advice. In line with current government guidance on Standing Advice, it will be necessary, in this instance, for your Council to respond on behalf of the Environment Agency in respect of flood risk and/or surface water drainage issues.

### **Landscape Team**

### Original comments (31/05/2016)

6.8 We require the Tree Protection Plan to extend to retained trees within the primarily landscaped rear portion of the garden. If equipment or vehicles are used to enable clearance of the plot, adequate protection is required for retained trees. The retained trees are important to mitigate any impacts of the development

on the greenbelt, which the current scheme achieves and we would seek to ensure the retention of these trees is implemented.

- 6.9 The low wall and railings is out of keeping with the rest of Barton Road. This road is on the very edge of Cambridge and leads out into countryside and greenbelt. We feel the formality of a wall and railings would be out of character. We recommend that a hedge is retained as the primary boundary. A fence or low wall may be accommodated behind the hedge but the hedge must be generally as high or higher than any other boundary treatment so as to be seen as the primary boundary.

Second comments (01/07/2016)

- 6.10 The amendments and additional information are satisfactory. The application is supported, subject to a boundary treatment condition.

**Drainage Officer**

Original comments (02/06/2016)

- 6.11 No sequential test has been provided as is required by the NPPF. The proposal is for a new dwelling therefore this is required. The proposals increase flood risk as they are located further into flood zone 2 than the existing application. The flood risk assessment is incorrect in its understanding of the flooding mechanisms. The flooding in this area is a consequence of the flooding of the Bin Brook, which has flooded on numerous occasions. Flood resistant and resilience measures will be required if the sequential test is passed.

Second comments (11/07/2016)

- 6.12 No additional information has been submitted and therefore my original comments still remain valid.

Final comments (04/10/2016)

- 6.13 The development is acceptable subject to conditions.

## **Streets and Open Spaces (Trees)**

6.14 No comments received.

6.15 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 Councillor Gehring has made comments objecting to the application:

- Moving the building line further down the garden and impacting on an area that is prone to flooding.
- Destruction of an existing old building that shapes the character of the Barton Road entry to the city.

7.2 The owners/occupiers of the following addresses have made representations:

- 3 Croftgate, Fulbrooke Road
- 93 Barton Road
- 97 Barton Road
- 16 Grantchester Road
- 77 Loompits Way, Saffron Walden

7.3 The representations can be summarised as follows:

- Impact on ecology and the County Wildlife Site.
- Insufficient information within the application to assess impact on ecology.
- The proposed new house is larger in scale and extends deeper into the plot than other properties.
- Out of character with the area.
- Loss of light/ overshadowing.
- Removal of hedging/ trees along boundary not supported.
- Highway safety concerns regarding proximity of cycle store entrance to road.
- Increase in height of drive would result in greater surface water run-off and risk of pollutants running towards lake.
- No information regarding foundations.
- The proposed summerhouse is very large and could be converted to another use in the future.

- The removal of trees/ hedging to allow a view of the lake is not supported.
- Noise and disturbance from demolition/ construction.
- Contractor parking along Barton Road/ Gough Way
- Vibrations from construction could damage structural stability of neighbouring properties.
- Increased flood risk.
- No site notice/ public notification of the application was made.
- Inaccuracies in existing plans.
- Proposed garage is intrusive and may impede vision of vehicles leaving western exit of 93 Barton Road.
- Ancillary studio may be adapted as an independent residential unit.
- Existing trees in rear garden used for bird nesting.
- Presence of Japanese Knotweed should be kept under rigorous surveillance.
- The hedge at the front should be retained as the primary boundary.
- Visual enclosure/ dominance due to proximity of building to western boundary.
- The west facing wall should be painted white to improve light levels.

7.4 A petition has been signed by the following addresses:

4 Grantchester Road	12 Grantchester Road
16 Grantchester Road	14 Barton Road
79 Barton Road	81 Barton Road
87 Barton Road	91 Barton Road
93 Barton Road	97 Barton Road
99 Barton Road	100 Barton Road
104 Barton Road	107 Barton Road
109 Barton Road	2 Croftgate, Fulbrooke
5 Croftgate, Fulbrooke	5 Spens Avenue
10 Fulbrooke Road	25 Tenison Avenue
14 Boardwalk Place, London	20 Brookhouse Avenue, Leicester

7.5 The petition raises the following issues:

- Replacement by a larger and taller house that extends beyond the rear building line of other houses.
- Damage to neighbouring properties though vibrations

- Health implications on elderly neighbours either side.
- Increase in flood risk and pollution to lake.
- Contractor vehicles and associated traffic congestion.
- Potential fracture of water pipes from heavy plant.
- Additional height due to proposed building being built on a ground level that matches Barton Road.
- Lack of consideration regarding deep foundations.

7.6 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
3. Trees
4. Residential amenity
5. Ecology
6. Drainage
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligations

### **Principle of Development**

8.2 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.

8.3 The proposal seeks to replace the existing dwelling with a new dwelling and there is no net loss or increase in the number of residential units proposed on the site.

8.4 In my opinion, the principle of the development is acceptable and in accordance with Cambridge Local Plan (2006) policy 5/1.

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

- 8.5 The application site falls within the Barton Road Suburbs and Approaches Study (2009). The character assessment map of this document identifies the existing building at no.95 as being of a neutral level of significance. The site is identified within the character 2 grouping which describes the south side of this character area as:

*“Proceeding east from the City boundary, nos 111-79 form part of the interwar ribbon development along Barton Road. No. 111 is a slightly more neo-Georgian version of 112, and 83 is a later replacement, set well back from the road in a wide plot. The other properties are unremarkable and many have been altered with modern replacement UPVC windows, dormers etc.”*

- 8.6 The existing building is of a relatively plain form and design and I do not consider the demolition of this building would adversely impact on the character or appearance of the area. The site is not within the Conservation Area and is not a Building of Local Interest or a Listed Building. I therefore have no objection to the loss of the existing building.
- 8.7 The proposed replacement building would be two-and-a-half storeys in scale with small flat roof dormers projecting from the hipped roof. Properties along Barton Road are predominantly two to two-and-a-half storeys in scale and the proposal would be in keeping with this scale of development. The eaves and ridge line would be similar to its neighbours and I do not consider the building would appear out of proportion with the area. There are also many examples of tall chimneys in the area and the proposed chimneys would not appear as incongruous features.
- 8.8 The building has been designed in a Neo-Georgian style which is reinforced by the use of evenly spaced windows in a uniform rhythm, as well as the ornamental emphasis on symmetrical design and the triangular pediment above the main door. There is an eclectic mix of housing typologies in the area and I do not consider the proposed development would appear alien in the context of the area. The building would be constructed in brick externally with a tiled roof. The dormers would be zinc clad and

the single-storey rear extension element would have a green roof. A condition has been recommended for materials samples of external facing materials to be submitted prior to development.

- 8.9 The proposed building would occupy a wider footprint than the existing building which highlights the grand nature of the building. Nevertheless, when read from the street scene of Barton Road there would still be a comfortable separation distance between the site and its immediate neighbours. As a result, I do not consider the increase in the width of the building line would appear cramped or overdeveloped.
- 8.10 It is acknowledged that concerns have been raised from neighbours regarding the proposed setting back of the front building line and how this would appear out of character of the area. The building line between nos.95 – 87 Barton Road to the east is typically set back between 6.5 – 7.5m and is relatively consistent. The building line between nos.97 – 111 Barton Road to the west is far more varied, ranging from between roughly 8 – 14m back from the road. The opposite side of Barton Road is also relatively staggered. In my opinion, I do not consider there to be a strong enough uniformity to argue that the setting back of the building line deeper into the plot would appear out of character with the area. If the building line were being brought forward, whereby the building would be more prominent in the street, then I consider this could harm the aesthetic of the street scene. However, as the building line is recessed into the site modestly, thus reducing its visual prominence, I do not share the concern raised by neighbours.
- 8.11 The proposed garage and ancillary studio building at the front of the site would in my view be read as a subservient structure when compared to the main building of the site and the two adjacent two-storey properties. It would be designed in a material palette to match the existing property and would be largely screened from public viewpoints by the row of hedging at the front of the site.
- 8.12 The proposal has been amended to include soft boundary treatment along the front boundary of the site as this is a consistent feature along this stretch of Barton Road. The Silver Birch TPO tree along the eastern boundary of the site would be retained. The Landscape Team is supportive of the works,

subject to a boundary treatment condition which would ensure that sufficient levels of boundary treatment are implemented and retained on site, for visual purposes and incidentally for ecology protection. Car parking would be situated at the front of the site and in the internal area which is consistent with the surrounding area. A condition has been recommended for elevational and material details of the summerhouse at the end of the garden to be submitted prior to commencement of development.

- 8.13 The applicant has confirmed that the protected tree along the eastern boundary in the rear garden is proposed to be retained. There was originally a discrepancy in the documents as the Tree Survey demonstrated the removal of this tree and the Landscape Strategy Plan showed the tree as remaining but this has now been clarified.
- 8.14 The cluster of trees along the north-east corner of the site would be removed and replaced with two new trees and a hedge which the Landscape Team is supportive of. The western side of the driveway would be built with a no dig construction to protect the adjacent tree at no.97 Barton Road. I have recommended a compliance condition for the measures of the tree survey to be implemented, with the exception of the removal of the protected silver birch tree in the rear garden.
- 8.15 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12 and 4/4.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.16 The main consideration is the impact of the proposed works on nos.93 and 97 Barton Road.

#### Impact on no.93 Barton Road

- 8.17 No.93 Barton Road is a two-storey detached property situated to the east of the application site. Concerns have been raised regarding overshadowing and visual enclosure from this neighbour. The other objections raised have been addressed in the third party representations section of this report. The

proposed building would be set approximately 4.2m from the boundary of this neighbour and 9m from the side of this neighbour's property.

8.18 I am of the opinion that the privacy of this neighbour would not be compromised by the proposed development. The proposed side (east) dormer window would allow for views towards the side elevation of this neighbour. However, this would be similar to the existing first-floor east facing windows on the property which already allow for this. The views out from the rear first-floor and dormer windows would allow for views across the latter part of this neighbour's garden. Again though, this relationship already exists and I am of the impression that this would not result in a harmful loss of privacy being experienced at this neighbouring property.

8.19 I consider the proposal would not harmfully overshadow this neighbouring property. The applicant has produced a shadow study to compare the existing and proposed levels of shadowing predicted. In the Vernal/ Autumn equinoxes it is demonstrated that there would be an increase in overshadowing over the side (west) garden and front drive area of this neighbour. As the main outdoor amenity space of this neighbour is to the south, I do not consider this overshadowing to be harmful. The BRE Site Layout Planning for Daylight and Sunlight (2011) guidance document recommends that 50% of the garden should receive at least 2 hours of sunlight during this equinox period. This neighbour's garden would receive significantly more than 2 hours' worth of sunlight throughout the day. In the summer equinox there would likely be a marginal increase at around 17:00hrs over part of this neighbour's southern garden aspect. I do not believe this would have a significant impact on this neighbour's amenity. During the winter equinox the levels of light reaching this neighbour would be similar to that of present and this is considered acceptable. The shadow study was originally based on the building being set 1.6m further away from this neighbour, as per the original drawings. Nevertheless, I do not consider the movement of the building 1.6m closer to the boundary of this neighbour would drastically alter this result and I remain of the view that overshadowing would not be significant. Overall, the main garden and habitable windows of this neighbour would receive adequate levels of light in the morning, midday and early

afternoon and the proposed works would not harmfully overshadow this neighbour.

8.20 The proposed works would not in my opinion visually dominate this neighbour's outlooks. The proposed garage building would be situated against the boundary of this neighbour. However, the front drive/ side garden area is not the main outdoor amenity space of this neighbour. Furthermore the nearest ground-floor side (west) facing window of this neighbour is a dual aspect window as it also has a large window on the front (north) elevation. Therefore, I consider the visual presence of the garage building would not harm this neighbour's amenity. At 9m separation distance wall-to-wall, I do not consider the side facing windows of this neighbour would be visually enclosed by the proposed development. The proposed works would not break the 45° line of this neighbour's main south-facing rear windows and the 4.2m separation distance is sufficient to ensure this neighbour's rear garden would not be visually oppressed.

#### Impact on no.97 Barton Road

8.21 No.97 Barton Road is a two-storey detached property situated to the west of the application site. This neighbour has objected on the grounds of overshadowing and visual enclosure of their side facing windows. The proposed development would be set 2.9m off the shared boundary with this neighbour and roughly 6.2m from the nearest wall.

8.22 In terms of overlooking I am of the opinion that the proposal would not compromise the privacy of this neighbour. The only side (west) facing window proposed is an en-suite dormer at roof level. This would allow for a view towards this neighbour which does not currently exist. Given the private nature of this room, I am content that this matter can be addressed by way of an obscure glazing condition. The views out across this neighbour's garden from first-floor and roof level dormers would be no worse than the existing first-floor rear views.

8.23 I consider the levels of overshadowing would not be significant enough to adversely impact on this neighbour's amenity. In the Vernal and Autumn equinoxes, there would be some overshadowing of the ground-floor side kitchen windows, conservatory windows and side garden of this neighbour at

09:00hrs. After this time, the levels of light reaching these spaces would remain similar to that of present. The main garden space of this neighbour is also further to the south-west and is unaffected. Whilst there will be an increase in overshadowing, I do not consider this impact would be significant enough to warrant refusal of the application given the limited period of the day that these spaces would be overshadowed. In the summer, the rear conservatory windows and side garden space would likely be overshadowed at 09:00hrs but would again be unaffected for the remainder of the day. In the winter there would be a slight increase in overshadowing of the front drive area of this neighbour in the early morning but this would not be significant. This shadow study was produced on the basis of the proposed dwelling being 1.3m off the garden boundary of this neighbour and this separation distance has since increased. Notwithstanding, the results would be similar to this albeit the impact would not likely be as great as that shown on the shadow study. I consider the levels of light reaching this neighbour would be acceptable.

- 8.24 There are a number of windows on the side (east) elevation of no.97 which face towards the application site. The impact on each of the rooms will be assessed in turn below.
- 8.25 At ground-floor level there are two kitchen/ dining room windows and a glazed door. The outlook from the northern-most ground-floor side window currently looks out onto the side gable end of the existing dwelling. The southern-most ground-floor side window, above the kitchen sink currently has an outlook to the east, with the property of no.95 in peripheral view. By pushing the proposal deeper into the plot, this relationship will effectively be shifted. The northern-most window will have a line of sight out to the east and the southern-most outlook will be blocked by the proposal. In my opinion, as this habitable room will still have a visual outlook out to the east, I do not consider the visual presence of the proposed works would dominate this habitable room to such an extent as to warrant refusal.
- 8.26 On the south-east corner of no.93 there is a conservatory. This has outlooks to the east and south. The proposal would be visible from the eastern windows of this conservatory but there would still be an open outlook from the south facing windows. The single-storey element of the development would project deeper into the site but at 2.9m in height, I do not envisage this

to be visually oppressive on this habitable room or the garden space of this neighbour.

8.27 There is a side bedroom window at first-floor level which needs to be considered. At present the view out to the north-east of this window is interrupted by the existing building. The proposal to shift the building deeper into the site would open this up but at the cost of blocking the south-eastern line of sight from this window. Similar to the relationship with the ground-floor kitchen windows, I am of the view that this first-floor window would still have a reasonable outlook and retain a sufficient level of amenity for the users of this room. The other first-floor side window is a bathroom and the impact on this window is therefore considered to be acceptable.

8.28 I have recommended conditions to restrict permitted development rights for the proposed dwelling. These would prevent the dwelling from being extended any further (class A), any new structures or enclosures being erected on the site (class E) and any hard surfacing being implemented (class F) without obtaining planning permission. This is because any further extension of the property without due consideration may impact negatively on neighbour amenity. Furthermore, the additional footprint of the extension or any new outbuilding would be within the flood zone and so any physical development in this area may increase flood risk or harm ecology in the immediate area. If the rear garden was to be block paved, other than that shown within the proposed landscape plan, this would also need to be considered as it could impact on flood risk in the area.

#### Noise and disturbance

8.29 The number of bedrooms in the proposed dwelling would be identical to the existing property. I do not anticipate that the day-to-day use of the main property and the garden space would result in any significant increase in noise and disturbance.

8.30 The movements from the proposed ancillary studio to the main dwelling would not be visible from neighbouring properties and the comings and goings would not in my opinion detract from neighbour amenity. It is noted that concerns have been raised regarding the potential for the ancillary studio to be occupied independently. The studio does have all of the components of

everyday living. The agent has explained that the studio is intended to be used by a family member which would provide a functional link to the main property. Nevertheless, I am of the view that given the detached nature of this building, there is the potential for this to be used separately. Therefore, I have recommended a condition to prevent this from being separately used, occupied or let.

- 8.31 In my opinion, subject to conditions, 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 3/7.

### **Ecology**

- 8.32 The Bolton's Pit Lake, approximately 65m to the south-east of the existing property, is a site of Local Nature Conservation Importance and a County Wildlife Site. Concerns have been raised from neighbouring properties regarding the potential impact on protected species nearby and have produced their own independent ecology report. The applicant has also produced an ecology report following the request by the Nature Conservation Projects Officer.

- 8.33 The Nature Conservation Projects Officer has reviewed both of these documents and acknowledges that there is evidence of bat foraging in the area. Nevertheless, the Nature Conservation Projects Officer is satisfied that the proposal is acceptable, subject to conditions regarding lighting and bird/ bat boxes. The boundary treatment condition recommended by the Landscape Team would also ensure that the heavy planting at the end of the garden is retained for the benefit of protected species. A bird nesting condition has also been recommended to restrict any tree clearance outside of the bird breeding period of March – August.

- 8.34 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 4/3 and 4/6.

### **Drainage**

- 8.35 The flood zone (2) covers all of the rear garden and part of the existing property. The proposal would involve shifting the built form further to the south into the garden which naturally

increases flood risk. The Drainage Officer objected to the application originally because of this and the lack of information provided to demonstrate how this increased risk would be mitigated.

8.36 After much discussion, the agent submitted a sequential test assessment and a flood risk assessment. The Sequential Test requires that all new development is located on sites at the lowest possible risk of flooding (i.e. located in Flood Zone 1) unless it can be demonstrated that there are no reasonably available, suitable, and achievable alternative sites at a lower risk of flooding (Flood Zone 1) upon which the proposed development can be located, in which case development in Flood Zone 2 is considered to become acceptable. The flood risk assessment explains that the ground level towards the front of the property will be lowered to offset the reduction in flood plain storage by the footprint of the development. This test, as well as the flood risk assessment, has been assessed by the Drainage Officer who is satisfied with the contents of these reports. Conditions have been recommended by the Drainage Officer in terms of flood resilient measures and finished floor levels.

8.37 In my opinion, subject to conditions, the proposal is compliant with paragraph 103 of the NPPF (2012).

### **Refuse Arrangements**

8.38 The position of bins along the western boundary of the building is considered to be acceptable and there would be a straightforward access out onto Barton Road on collection days.

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

### **Highway Safety**

8.40 The Highway Authority has raised no objection to the application, subject to conditions.

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

## Car and Cycle Parking

8.42 The level of car parking would not be changed as a result of the proposed development.

8.43 The number of cycle parking spaces would be increased to five spaces which is technically below the minimum cycle parking standards. Six cycle parking spaces should be provided as there are six bedrooms on site. Nevertheless, there would be adequate room within the internal garage or cycle store to comfortably accommodate this additional space. As a result, I consider the cycle parking arrangements acceptable.

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

## Third Party Representations

8.45 The third party representations have been addressed in the table below:

<b><u>Comment</u></b>	<b><u>Response</u></b>
Impact on ecology and the County Wildlife Site. Insufficient information within the application to assess impact on ecology.	See paragraphs 8.28 – 8.30
The proposed new house is larger in scale and extends deeper into the plot than other properties. Out of character with the area. Replacement by a larger and taller house that extends beyond the rear building line of other houses.	See paragraphs 8.5 – 8.12
Loss of light/ overshadowing.	See paragraphs 8.16 and 8.20
Removal of hedging/ trees along boundary not supported. The removal of trees/ hedging to allow a view of the lake is not supported. Existing trees in rear garden used for bird nesting.	This would be protected by a boundary treatment condition.

<p>Highway safety concerns regarding proximity of cycle store entrance to road.</p>	<p>The Highway Authority has no objection to the proposed works.</p>
<p>Increase in height of drive would result in greater surface water run-off and risk of pollutants running towards lake.</p>	<p>The ground level is to be lowered at the front of the property and this would be controlled by way of condition.</p>
<p>No information regarding foundations. Vibrations from construction could damage structural stability of neighbouring properties. Damage to neighbouring properties through vibrations Potential fracture of water pipes from heavy plant.</p>	<p>These are building control/ civil matters.</p>
<p>The proposed summerhouse is very large and could be converted to another use in the future.</p>	<p>A condition has been recommended for details of the summerhouse to be provided in terms of elevations and materials. A summerhouse use would be considered to be incidental to the main dwelling. If the summerhouse was to be used for ancillary or separate use purposes then this would require a planning application.</p>
<p>Noise and disturbance from demolition/ construction. Health implications on elderly neighbours either side.</p>	<p>The Environmental Health Team is supportive of the application. Conditions have been recommended to protect neighbour amenity during construction/ demolition works.</p>
<p>Contractor parking along Barton Road/ Gough Way</p>	<p>A traffic management plan condition has been recommended to ensure that there is no threat to highway safety from contractor parking.</p>
<p>Increased flood risk. Increase in flood risk and pollution to lake.</p>	<p>See paragraphs 8.31-8.33</p>

No site notice/ public notification of the application was made.	No site notice or wider public notification is required for this type of development in this location, as per article 15 of the Development Management Procedure Order (2015).
Inaccuracies in existing plans.	The existing plans do not form part of the approved drawings on the decision notice. I therefore do not consider this undermines the validity of the application.
Proposed garage is intrusive and may impede vision of vehicles leaving western exit of 93 Barton Road.	See paragraph 8.17. The Highway Authority has raised no objection to the proposal.
Ancillary studio may be adapted as an independent residential unit.	See paragraph 8.26.
Presence of Japanese Knotweed should be kept under rigorous surveillance.	The Ecology and Landscape Officers have not raised any concern regarding this matter.
The hedge at the front should be retained as the primary boundary.	The proposal has been amended to take this into account.
Visual enclosure/ dominance due to proximity of building to western boundary.	See paragraphs 8.21 – 8.24.
The west facing wall should be painted white to improve light levels.	I do not consider this necessary.
Additional height due to proposed building being built on a ground level that matches Barton Road.	The height measurements of the proposed dwelling are taken from the site section which is from the ground level adjacent to the proposed building. It is acknowledged that the street elevation does not factor in the change in gradient physically on the site.

## **Planning Obligations**

- 8.46 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
- 8.47 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The proposal would not harm the character and appearance of the area and would respect the amenity of neighbouring properties. The proposed works would not adversely impact on flooding and would preserve the ecology of the area which would be secured through conditions. Approval is recommended.

## **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. There should be no collections from 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)

5. 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)

6. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy4/13

7. Prior to the commencement of development/construction, a noise assessment of external and internal noise levels and a noise insulation / attenuation scheme as appropriate, detailing the acoustic / noise insulation performance specification of the external building envelope of the dwelling (having regard to the building fabric, glazing and ventilation) and other mitigation to reduce the level of noise experienced externally and internally at the dwelling as a result of high ambient noise levels in the area (predominantly traffic noise from Barton Road ) shall be submitted to and approved in writing by the local planning authority. The scheme shall have regard to the external and internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and or passive background / purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policy 4/13)

8. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

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

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

10. 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 and 3/12)

11. Prior to commencement of development details of the summerhouse shown on drawing no. PI(90)01 Rev P4, including elevations and material types, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity of the area and in the interests of preserving the adjacent ecological assets (Cambridge Local Plan 2006 policies 3/4, 3/12, 4/3 and 4/6)

12. The studio building hereby permitted shall be used solely in conjunction with and ancillary to no.95 Barton Road and shall not be separately used, occupied or let.

Reason: To protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

13. The window serving the room labelled "lby enS" on drawing number PL(21)01 on the west elevation at second floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to use of the room and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12).

14. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties and to minimise flood risk (Cambridge Local Plan 2006 policies 3/4 and 3/12, and Paragraph 103 of the NPPF (2012)).

15. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

16. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse(s), shall not be allowed without the granting of specific planning permission.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

17. 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 treatments to be erected including plant specification details if the boundary is a hedge and details of new trees. The boundary treatment shall be completed before the use hereby permitted is commenced 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 and in the interests of preserving the adjacent ecological assets. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12, 4/3 and 4/6)

18. The development shall be carried out in accordance with the tree protection measures identified in the Arboricultural Implication Assessment document demonstrated in drawing no.TIP 16 150:1 dated March 2016 unless otherwise agreed in writing by the Local Planning Authority. The protected tree, identified as tree no.10 on drawing no.TIP 16 150:1 dated March 2016 shall be retained and no works to this tree shall take place unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and for the protection of trees (Cambridge Local Plan 2006 policy 4/4).

19. Prior to the installation of any external lighting on the rear elevation or in the rear garden of no.95 Barton Road, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To avoid disturbance to foraging bats on the adjacent County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

20. No development shall commence until a plan has been submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal and / or external bird and bat boxes on the new buildings and retained trees. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancement to the surroundings of a County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

21. Any clearance of trees, introduced shrubs or scrub, shall only be completed outside of the bird breeding period of March - August in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid disturbance to nesting birds in relation to the adjacent County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

22. The main property shall have a finished floor level of 10.95m A.O.D (above ordnance datum)., the garage shall have a finished floor level of 10.20m A.O.D. and the external ground level shall not exceed 10.20m A.O.D.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

23. Prior to commencement of development, details of the flood resilient measures employed on the garage and rear patio should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

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

**INFORMATIVE:** Dust condition informative

To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":  
<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

-Control of dust and emissions during construction and demolition - supplementary planning guidance

[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)

**INFORMATIVE:** The Housing Act 2004 introduced the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

Further information may be found here:

<https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>

**INFORMATIVE:** Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

**INFORMATIVE:** To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the internal and external noise standards recommended in BS8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice".

Internal noise standard shall be achieved in habitable rooms with external windows / doors open and closed. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer comfort acoustically treated mechanical and or passive free area ventilation may also need to be considered within the context of this internal design noise criteria.

For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. If these levels cannot be achieved then an acoustic barrier may be required around this amenity area.

**INFORMATIVE:** Please note that any proposed floor area which has a ceiling height below 1.53m (5ft) will be discounted from useable floor space measurements.

Where a tenant has integral cooking facilities in their own bedsit they must be provided with at least the following facilities:

- A two ring gas or electric hob plus an oven and grill (ideally positioned so that the hobs are at worktop level.)
- A sink and integrated drainer with a tiled splashback provided and a constant supply of hot and cold running water for food preparation.
- Adequate worktop with a minimum of 1000mm long and the standard depth of generally 600mm.
- A single food storage unit of standard depth (300mm) and height (720mm) x 400mm width, or base unit (not a sink unit) of equivalent volume.
- Standard refrigerator, there is no requirement for a freezer to be provided.
- Adequate internal lidded rubbish bin.
- At least 4plug socket outlets in addition to those servicing major appliances.

In addition to the grant of planning permission the development should be in accordance with these standards and if any further information / clarification and advice is required please contact the ward officer within the Residential Team, Claire Adelizzi via e-mail: [claire.adelizzi@cambridge.gov.uk](mailto:claire.adelizzi@cambridge.gov.uk) / tel: 01223 457724.

**INFORMATIVE:** Number 95 Barton Road was previously part of an area occupied by Brick and Tile Works in the late 1800s to early 1900s. However, the property was never part of a Brick pit.

If during the works land contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant/agent to need to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future