

Application Number	16/1543/FUL	Agenda Item	
Date Received	22nd August 2016	Officer	Mairead O'Sullivan
Target Date	17th October 2016		
Ward	Romsey		
Site	2 Uphall Road Cambridge CB1 3HX		
Proposal	Erection of new three bedroom detached dwelling on land adjacent to 2 Uphall Road.		
Applicant	Mr Mangus Alexander & Ms Sarah Reilly 2, Uphall Road CAMBRIDGE CB1 3HX		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposal would not harm the character of the area <input type="checkbox"/> The proposal would not negatively impact on the amenity of the adjoining properties
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located on a corner plot at the junction of Uphall road and Nuttings Road; a predominantly residential area. It is comprised of former garden land from 2 Uphall Road.
- 1.2 The site is outside designated Flood Zone 2. It is not located within a Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The application proposes the erection of a new three bed detached dwelling on land adjacent to 2 Uphall Road.
- 2.2 In the past two years two previous applications for a detached three bed dwelling have been approved on the site. The current

proposal is of a similar size, scale and design to the previously approved schemes. The current proposal has been submitted as some minor amendments were required to obtain a “build-over” agreement with Anglia Water. As a result the building has reduced in depth adjacent to the passageway with 2 Uphall Road. To compensate for this the western gable end has been extended out slightly and a pitched roof added over the front lean-to.

- 2.3 The proposed new dwelling will be of a similar height and scale to the surrounding properties. It will be finished in facing brickwork to match existing. Amenity space for the new dwelling will be provided to the side and rear.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1097/FUL	Erection of new three bed detached dwelling on land adjacent to 2 Uphall Road	Permitted
15/0639/FUL	Erection of new three bed detached dwelling on land adjacent to 2 Uphall Road.	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 Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/13

	5/1 8/2 8/6 8/10 10/1
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	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, the following policies in the emerging Local Plan are of relevance:

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 off-street car parking provision is made for the new dwelling. As a result it may impose additional parking demands upon the on-street parking on the surrounding streets. This is unlikely to result in any significant adverse impact upon highway safety but there is potentially an impact upon residential amenity.

Environmental Health

- 6.2 The proposal is acceptable subject to the imposition of a number of conditions. These relate to construction hours, collections during construction and piling. The site is located on an old sand and gravel pit. As a result all 6 contaminated land conditions are recommended.

Refuse and Recycling

- 6.3 No comments received.

Head of Streets and Open Spaces (Landscape Team)

- 6.4 The proposal is acceptable subject to a condition requiring details of hard and soft landscaping to be agreed.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.5 The proposal is acceptable subject to the imposition of a condition requiring details of the surface water drainage scheme to be agreed prior to the commencement of work.

Marshalls Airport

6.6 No objection

Airport Safeguarding

6.7 No comments received

Defence Infrastructure Organisation

6.8 No safeguarding objection.

Minerals and Waste

6.9 No comments received.

6.10 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/occupier of the following address has made a representation:

- 27 Nuttings Road

7.2 The representation can be summarised as follows:

- The distances between the boundaries are unclear
- Out of keeping with the area which is mainly semi-detached and terraced housing
- The street frontage for the proposal and existing dwelling are presented inaccurately.
- Concerned about parking
- Will overshadow amenity area to the side of No.27 Nuttings Road
- Will result in a loss of privacy (inter-looking between side windows)
- Concerned about noise and disturbance

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

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

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning obligations

Principle of Development

8.2 Policy 5/1 states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The character of the surrounding area is predominantly residential. As a result the proposal accords with policy 5/1

8.3 The proposal would be built on garden land which serves 2 Uphall Road. As a result policy 3/10 which relates to the subdivision of plots is relevant. This policy requires consideration to be given to the impact on amenities of neighbours (part a), amenity space/car parking (b), impact on the character of the area (c), effect on listed buildings/BLI (d), impact on trees (e) and whether the proposal would compromise comprehensive redevelopment (f). In this case parts (d), (e) and (f) are not relevant. I have addressed the other parts of policy 3/10 below.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

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

- 8.5 The area is characterised by a mixture of semi-detached and terraced brick properties. The principle of a detached house on the site has already been established in the previously approved schemes. As set out in paragraphs 2.2 and 2.3, the proposed design is very similar to the other previously approved applications. The case officer on the previous applications noted that although the area is characterised by semi-detached and terraced properties, the proposal would be of a scale and form which is typical in terms of design for the area. I share this view. As a result I consider the proposed new dwelling to be in keeping with the surrounding properties and acceptable in terms of design. The proposal would be red brick to match the surrounding properties. A condition is recommended to control the materials.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The scale of the proposal remains unchanged from the previous proposal. However there have been a number of relatively minor amendments. The element closest to the boundary with No. 2 Uphall Road has been reduced in length. As a result the proposal now extends marginally closer (0.9m) to the boundary with the neighbour at No. 27 Nuttings Road. However there is still a significant set-away, of over 11m, between the two properties. Due to the separation and orientation to the north of No. 27 Nuttings Road, I do not consider the proposal will overshadow or visually enclose this neighbouring property.
- 8.8 The representation from 27 Nuttings Road notes that their largest and main amenity area is to the side rather than the rear of the property. The occupiers of this property have expressed concern that the proposal will overshadow this space. The proposal would not have a significantly more harmful impact than the previously approved schemes. Whilst the proposal is likely to result in some later afternoon overshadowing this would only affect a small proportion of this space and would be for a

limited time. As a result I do not consider this impact to be significantly harmful to warrant a refusal.

- 8.9 The representation also expresses concern that the side windows and balcony doors of the proposal would overlook the upstairs bedroom window of No.27. Due to the orientation of the plots the balcony window will look towards the road and communal grass area of the estate. As a result there will be no inter-looking issues. A 1.8m wall will run along the boundary. As a result the ground floor windows will not look onto the amenity space of No.27. Both windows on the elevation looking toward 2 Uphall Road are to be obscure glazed. There are only two first floor windows proposed to the rear elevation. These serve a bathroom and would be obscure glazed.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.11 The amount of outdoor amenity space to be provided remains unchanged. I consider there to be an adequate amount of space with adequate bike and bin storage. In my view the proposed new dwelling would provide a high quality living environment for future occupiers of the site. As a result it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

Refuse Arrangements

- 8.12 The Refuse Officer has not commented on the proposal. The plans show space for three bins. I consider this to be acceptable and in line with what was previously approved.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.14 The Highway Engineer notes that the proposal may result in an increased demand for on-street parking but does not consider

this would have any significant adverse impact upon the operation of the public highway. I share this view.

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

Car and Cycle Parking

- 8.16 No off-street parking is proposed for the new dwelling. Given the sustainable location of the site within close proximity to cycle and public transport infrastructure I consider this to be acceptable.

- 8.17 The submitted plans show three cycle parking spaces are to be provided. This meets with the standards set out in the Cycle Parking Guide for New Residential Developments (2010).

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

Third Party Representations

- 8.19 The applicant has provided accurate scaled plans which demonstrate how the proposal would sit within the plot.

- 8.20 The council does not have minimum car parking standards. Given the sustainable location of the site I do not consider off-street car parking provision to be necessary.

- 8.21 One additional dwelling will not result in an unacceptable level of noise and disturbance to the surrounding occupiers. A construction hours condition and condition relating to collections during construction are recommended. In my view these would offer adequate protection to the amenity of the surrounding occupiers during construction.

- 8.22 I have addressed the other issues raised in the representation within the body of my report.

Planning Obligations

- 8.23 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.

- 8.24 The guidance states that contributions should not be sought from developments of 10-units or fewer, 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 application is a resubmission of two previously approved schemes. Minor alterations are proposed to allow the applicant to obtain a “build-over” agreement with Anglia Water. The proposed amendments would not materially alter the appearance of the previously approved schemes and as a result the design is considered in keeping with the surrounding area. The proposed alterations would not result in any significant further harm to either of the adjoining occupiers at 2 Uphall Road or 27 Nuttings Road.

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. 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 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 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. The windows identified as having obscured glass on drawing number P-01 rev. F on the southeast and southwest elevation at ground and first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and any opening shall be 1.7m above floor level and be retained as such thereafter. The first floor windows to the rear elevation shall be obscure glazed to at least 1.7m above the finished floor level and be retained thereafter.

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

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. 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)

12. 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)

13. 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)

14. Prior to the occupation of the dwelling hereby permitted an assessment shall be carried out to assess the potential for disposing of surface water by means of a sustainable drainage system. This information and detail of the surface water drainage works will be submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with the National Planning Policy Framework 2012

15. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

16. 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), no new windows (other than those expressly authorised by this permission), shall be constructed at and above first floor level in the rear elevation of the dwelling unless non-opening and fitted with obscure glass up to a minimum height of 1.7m above the internal finished floor level.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

INFORMATIVE: The surface water drainage system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. provide a management and maintenance plan for the lifetime of the development 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.
- iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.