

<b>Application Number</b>	16/1587/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	19th September 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	14th November 2016		
<b>Ward</b>	Arbury		
<b>Site</b>	58 Harvey Goodwin Avenue Cambridge Cambridgeshire CB4 3EU		
<b>Proposal</b>	Erection of bed-sit/studio to the rear of 58 Harvey Goodwin Avenue, with access from Hale Avenue.		
<b>Applicant</b>	Mr And Mrs Ray Colclough 58 Harvey Goodwin Avenue Cambridge Cambridgeshire CB4 3EU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed dwelling would be in keeping with the character and appearance of the area.</li> <li>- The proposal would provide an acceptable living environment for future occupiers.</li> <li>- The proposed works would not harm the amenity of neighbouring occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is situated to the rear of no.58 Harvey Goodwin Avenue, which is a semi-detached property on the corner of Harvey Goodwin Avenue and Hale Avenue. The area is characterised by dwellings that are mixed in form and style. The site is currently the rear garden area belonging to no.58. Beyond the rear boundary of the site, is a single storey dwelling which faces onto Hale Avenue. The site, subject of this

application, is a small narrow area and is bounded by a timber fence.

1.2 There are no planning constraints.

## 2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the erection of a single-storey bed-sit/ studio dwelling on land to the rear of no.58 Harvey Goodwin Avenue.

2.2 The proposed building would be constructed in brick with a slate tiled pitched roof measuring approximately 2.5m to the eaves and 4.35m to the ridge. The building would occupy a floor area of roughly 36m<sup>2</sup>. There would be a small patio area to the east of the building which would also include space for the storage of cycles. Bin storage would be to the front of the site behind a low timber fence.

2.3 A previous application (15/2242/FUL) was dismissed at appeal on this site for the proposed erection of a one-and-a-half storey dwelling. This appeal was dismissed due to the unacceptable harm to the character and appearance of the area it would cause. A copy of this appeal decision letter has been attached to the appendices.

## 3.0 SITE HISTORY

Reference	Description	Outcome
15/2242/FUL	Erection of dwelling at rear of 58 Harvey Goodwin Avenue	Refused – Appeal dismissed.
15/1063/FUL	Erection of dwelling	Refused.

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 4/13 5/1 8/2 8/4 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> Cycle Parking Guide for New Residential

	Developments (2010)
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

### 6.0 CONSULTATIONS

#### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity.

#### **Environmental Health**

- 6.2 No objection subject to construction hours and piling conditions.

#### **Refuse and Recycling**

- 6.3 No comment received.

#### **Landscape Team**

- 6.4 No objection.

## **Drainage Officer**

### Original Comments (04/10/2016)

- 6.5 The applicant has not demonstrated within the submission that an appropriate surface water drainage scheme can be delivered within the constraints of the site.

### Comments on Additional Information (04/11/2016)

- 6.6 No objection, subject to surface water/ foul water drainage scheme condition.
- 6.7 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 objecting to the application:

- 6 Hale Avenue

- 7.2 The representation can be summarised as follows:

- Noise and disturbance due to proximity of garden and bike storage area to No.6 Hale Avenue.
- The windows close to the road would be the subject of anti-social behaviour.
- The loss of the garden area would be harmful to the character of the area.

- 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 representation received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development

2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Drainage
7. Car and cycle parking
8. Third party representations
9. Planning Obligations (s106 Agreement)

## **Principle of Development**

- 8.2 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).
- 8.3 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 that 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, criteria d, e and f are 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 in the relevant sections of this report.

8.6 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1 of the Cambridge Local Plan (2006).

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

8.7 As stated in paragraph 2.3 of this report, the previously dismissed scheme was deemed unacceptable solely on design grounds and the impact it would have on the character and appearance of the area. I have assessed the proposed application against the two main reasons for this dismissal in turn below.

8.8 The previously dismissed scheme proposed a building hard up against the pavement and well forward of the main building line of Hale Avenue which the building would face onto. In addition to this the building would have occupied a large proportion of the plot (44m<sup>2</sup>). The inspector deemed that the encroachment of the front building line and limited plot size would have resulted in a layout that would be harmful to the character of the area. In response to this the proposed building line has been set back by roughly 1m from the pavement edge, with the exception of the projecting gable which is 0.8m back. The building footprint has been reduced down to 36m<sup>2</sup> and the reconfiguration of the entrance and bin storage has meant that the amount of usable private outdoor amenity space has increased in practical terms. In my opinion the proposed scheme overcome this specific aspect of the previous reason for dismissal. The dwelling would sit comfortably within the plot, respect the pattern of development in the surrounding area and would provide an acceptable layout that is in keeping with the character of the area.

- 8.9 The other design concern raised by the inspector was the lack of an active frontage and how the building would consequently appear as an incongruous feature in the street scene. The previous application did not include any windows or main entrances along the elevation fronting Hale Avenue and was comprised of a 9m long blank wall. The proposed application seeks to address this by introducing large windows and a front door on the principal elevation. In my view, the proposed fenestration of this elevation has overcome the previous reason for dismissal and would read as a residential dwelling that engages with the street scene of Hale Avenue. The presence of domestic scale windows and a clear legible entrance to the dwelling would provide a successful active frontage and relate well to the character of the area.
- 8.10 Overall, I consider the proposed scheme has overcome the issues raised in the previously dismissed application regarding the harm to the character and appearance of the area. A materials sample condition has been recommended to ensure that the materials are in keeping with the surrounding area. A condition restricting the permitted development rights of classes A (extensions) and E (outbuildings/ enclosures) has been recommended to ensure that the level of amenity space is maintained.
- 8.11 In my opinion, subject to conditions, 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

- 8.12 The previous application was refused on the grounds that the height and length of the proposed building would adversely enclose the gardens of the host dwelling and neighbour at no.56 Harvey Goodwin Avenue. However, the inspector did not agree with this reasoning and did not include this as a reason for dismissing the appeal scheme.
- 8.13 The proposed scheme is actually lower in height and narrower in width than the previous application. As the previous application was deemed acceptable by the inspector, in terms of impact on neighbour amenity, and the proposed application

would be reducing the scale and mass, I am of the view that the proposal would not harm the amenity of the host or neighbour dwelling in terms of loss of light or visual enclosure. There are no ground-floor windows facing towards either of these neighbours and the views up from the roof lights would not allow for views across the garden of no.56.

- 8.14 The 2m high wall close to the nearest front window of no.6 Hale Avenue would not in my opinion visually enclose this neighbour. The proposed building is also set off to the north-west of this neighbour and at single-storey in scale would not harmfully overshadow or visually dominate views from this neighbour. The proposed side facing patio door would only have limited views across the front of this neighbour and would not have any direct or harmful views of this neighbour's windows.
- 8.15 It is acknowledged that concerns have been raised from no.6 Hale Avenue regarding the noise and disturbance from the future occupants using the patio area. I do not consider the proposal would give rise to unacceptable levels of noise and disturbance. The patio area is situated to the front of this neighbour and away from the main private amenity space to this neighbour which is to the rear. The proposal would be a one-bedroom dwelling and the intensity of use and comings and goings would be relatively low. The site is situated in a residential context and I do not consider the use would be out of keeping with the area. The main entrance would be from the street and the patio would only be accessed for the enjoyment of the future occupiers or for storing bicycles. I do not consider the noise associated with this would adversely impact on the neighbouring windows.
- 8.16 The proposal is a car free development. The City Council has maximum parking standards. Hale Avenue, Stretten Avenue and Harvey Goodwin Avenue are the subject of high levels of on-street parking as the area is not situated within the controlled parking zone. The site is within walking distance of the Akeman Street and Victoria Road Local Centres which provide local shops and services. Cycle parking would be provided in the patio area and there are good cycle links into the City Centre. There are frequent bus routes into the City Centre provided by bus stops along Gilbert Road, Victoria Road and Histon Road in walking distance of the site. In my opinion, the site is situated in a sustainable location and is not dependent on private car as

the main means of access to and from the site. In the event that the future occupants do own cars, I do not consider the level of development proposed would displace on-street parking to such an extent as to adversely impact residential amenity in the surrounding area.

- 8.17 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

- 8.18 The proposal would provide habitable rooms to all of the habitable rooms for the one-bedroom dwelling. There would be a reasonable sized patio area to the side of the dwelling and space for the storage of bins and cycles. The site is situated in a sustainable location, close to Local Centres, and well served by public transport and cycle links into the City Centre. A condition restricting the permitted development rights for the site has been recommended to ensure that there would be sufficient outdoor space for future occupants.

- 8.19 In my opinion, subject to condition, the proposal provides an acceptable living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

#### **Refuse Arrangements**

- 8.20 The proposal would provide space for two bins behind a low timber fence in the north-west corner of the site. The position of the bins would be shielded by the fence and I do not consider this would detract from the character and appearance of the area. There would be no full-sized green bin provided in the designated waste storage area. However, given the lack of any green garden space and the one-bedroom size of the dwelling, I do not consider a full-sized green bin would be needed. The future occupants could make provision for a small green bin to be stored internally if needed but I do not consider this detail needs to be conditioned or dealt with as part of this application.

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

### **Highway Safety**

8.22 No works to the public highway are proposed and the Highway Authority has raised no objection to the application.

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

### **Drainage**

8.24 The application proposes a large quantity of hardstanding on the site. Following concerns raised by the Drainage Officer, the agent has confirmed that surface water will be dealt with by means of a soakaway within the host dwelling's garden and that paving would be semi-permeable or block pavements. The Drainage Officer is satisfied with this approach in principle and has recommended a condition requiring the full details of this to be agreed prior to commencement of development.

8.25 In my opinion, subject to condition, the proposal is compliant with Paragraph 103 of the National Planning Policy Framework (2012).

### **Car and Cycle Parking**

8.26 Car parking has been addressed in paragraph 8.16 of this report. A car club informative has been recommended.

8.27 The application indicates that cycle parking would be provided in the proposed patio area. Whilst this position is acceptable in principle, further information regarding the type and number of cycle parking spaces is required. Given the level of development proposed, I am confident that this can be dealt with through condition.

8.28 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.29 The concerns regarding noise and harm to the character of the area have been addressed in the main body of this report.
- 8.30 The concern regarding anti-social behaviour to the proposed front door and windows is a police matter. The proposal would provide an active frontage onto the street, similar to that of other properties in the area, and I do not consider future occupants would experience a poor living environment.

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

- 8.31 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.
- 8.32 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 I consider the proposed development would not harm the character and appearance of the area and overcomes the reason behind the previous scheme being dismissed at appeal. The proposal would provide an acceptable living environment for future occupants and would not harm the amenity of neighbouring properties.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties.  
(Cambridge Local Plan 2006 policy 4/13)

5. 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, 3/10 and 3/12 )

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and 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 enlargement, improvement or other alteration of the dwellinghouse; and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling and to protect the character of the area (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

7. Prior to commencement of development a scheme for the disposals of surface water and foul water shall be provided to and agreed in writing with the local planning authority. All external areas should utilise permeable surfaces. The development shall be carried out in accordance with the approved scheme.

Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

8. Prior to occupation of development, details of facilities for the secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before the development is occupied.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

**INFORMATIVE:** The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.