

<b>Application Number</b>	16/1362/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th August 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	11th October 2016		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Land Adjacent To 99 Kendal Way Cambridge Cambridgeshire CB4 1LP		
<b>Proposal</b>	Erection of two 2-bed affordable houses, associated landscaping, parking spaces and rear gardens.		
<b>Applicant</b>	Cambridge City Council Cambridge City Council CB4 1LT		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal is considered to provide a high quality living environment for future occupants.</li> <li>- The proposed works would not adversely impact on residential amenity in terms of increased parking pressure, overshadowing, overlooking or visual dominance.</li> <li>- The proposed development would be in keeping with the character and appearance of the area</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is comprised of former garden land associated with no.99 Kendal Way which is under the ownership of the City Council. The site is a wedge of land situated in-between nos.97 and 99 Kendal Way. The surrounding area is residential in context and properties are

typically two-storeys in scale and either terraced or semi-detached in form.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks planning permission for the erection of a pair of semi-detached properties and associated parking and landscaping.

2.2 The proposed development would be two-storeys in scale and constructed with a tiled hipped roof measuring approximately 5.1m to the eaves and 8.3m to the ridge. The proposed building would be constructed in buff brick with grey upvc windows and timber panelling at first-floor level.

2.3 There would be a parking space for each dwelling at the front of the site with side passageways leading to the rear gardens. Bin and cycle storage would be provided in the private outdoor spaces.

2.4 The proposed dwellings would be owned by the City Council and used for affordable housing.

## **3.0 SITE HISTORY**

3.1 There is no 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 3/10 3/11 3/12 4/3 4/4 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) Affordable Housing (January 2008) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010)
Supplementary Planning	Sustainable Design and Construction (May 2007)

Guidance	<p>2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Affordable Housing (January 2008)</p> <p>Planning Obligation Strategy (March 2010)</p>
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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 Provided that the Planning Authority is content that the Highway Authority can specify the final form of the crossing (which may impact upon the adjacent tree) the Highway Authority has no objection subject to conditions.

## **Environmental Health**

6.2 No objection subject to conditions

## **Refuse and Recycling**

6.3 No objection.

## **Urban Design Team**

6.4 No objection subject to conditions.

## **Head of Streets and Open Spaces (Tree Team)**

6.5 No arboricultural objection subject to minor adjustment of new cross over to exclude it from the RPA of the street tree.

## **Head of Streets and Open Spaces (Landscape Team)**

6.6 No objection subject to conditions.

## **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

6.7 No objection subject to condition

## **Nature Conservation Project Officer**

6.8 No objection subject to conditions.

## **Disability Consultative Panel (Meeting of 30 August 2016)**

6.9 The Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited.

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/occupiers of the following addresses have made representations:

- 97 Kendal Way
- 190 Kendal Way
- 192 Kendal Way

7.2 The representations can be summarised as follows:

- Loss of privacy/ overlooking
- Overbearing/ enclosure
- The proposal is contrary to the Human Rights Act Protocol 1, Articles 1 and 8
- Loss of light/ overshadowing (daylight, sunlight and moonlight)
- Shadow study inaccurate/ requires further detail
- The proposal is contrary to policies 3/1, 3/4, 3/7, 3/10, 8/2, 8/4 and 8/6 of the Cambridge Local Plan (2006).
- The revised plans are inaccurate in terms of dimensions.
- Land ownership concerns.
- Clarification of internal features in terms of Lifetime Homes standard needed.
- What type of trees/ plants will be used?
- Section 8 of the application form has been filled out incorrectly.
- The proposal is out of keeping with the character of the area.
- The materials are not in keeping with the area.
- The kitchens should be placed on the rear to provide a better active frontage to Kendal Way.
- Increased parking pressure on surrounding streets.
- Overdevelopment of the plot.
- Issues concerning utilities/ drainage
- Loss of garden land detrimental to wildlife.

7.3 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. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligations (s106 Agreement)

## **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 principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.
- 8.4 As the proposal is for the subdivision of an existing residential plot, Local Plan policy 3/10 is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the subdivision of existing plots, subject to compliance with specified criteria. However, in this instance, Section d and f of the policy are not relevant as the proposal would not adversely affect the setting of a listed building (d) and would not prejudice the comprehensive development of the wider area (f).
- 8.5 Residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) have a significantly adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic or noise nuisance;
  - b) provide inadequate amenity space, or access arrangements

and parking spaces for the proposed and existing properties;

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

e) would not adversely affect trees, wildlife features or architectural features of local importance

8.6 I consider that the proposal complies with the four criteria set out in policy 3/10 for the reasons set out in the relevant sections of this report.

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

8.7 The proposed dwellings would be set back from and front onto the street in a similar manner to that of other properties along the road. The building line would be marginally forward of the adjacent pair of semi-detached properties at nos.99-101 Kendal Way. Nevertheless I do not consider this progression forward of the established building line would be significant and the proposed dwellings would still be read in a similar context to that of the surroundings. It is acknowledged that the building would not directly line up with nos.186 – 188 opposite in the same manner as that of the relationship between nos. 99 – 101 and nos. 190 – 192. However, I do not consider the proposal must conform to this pattern in order for it to integrate successfully into its surroundings. It would still read as a pair of semi-detached properties and there would be a comfortable separation distance from the boundaries of neighbours. The additional footprint of the dwelling compared to its neighbours would be situated to the rear of the site and would not result in the proposed development being too prominent or out of proportion within its context.

8.8 The proposal would have the appearance of a pair of semi-detached properties which would be in keeping with the general pattern of development in the surrounding area. The two-storey scale proposed is appropriate and is informed by the built form in the area. It would be designed with a strong active frontage with a consistent fenestration of doors and windows. It is noted that an objection has been made on the grounds that the kitchen windows at the front would not provide a sufficient active frontage. I disagree with this as the kitchen use is deemed to be a habitable room and would fulfil the objectives of



engaging with the street scene. The use of red brick with a hipped tiled roof would match the overall material palette of the surrounding area. Concerns have been raised regarding the specific colours and type of materials proposed and how the development should instead mimic that of properties in the immediate vicinity of the site. I do not agree with this and am of the view that the use of alternative materials and colours would give the building a contemporary feel compared to the post-war style housing in the immediate vicinity and would help rejuvenate the appearance of the area to provide a successful yet subtle contrast. The Urban Design Team has recommended a condition regarding material samples and this is proposed as a condition.

- 8.9 The proposed dwellings would have two main points of access. There would be a front door and path adjacent to the proposed car parking spaces which connects to Kendal Way. There would also be gates at the side of the dwellings which would likely be used when future occupants are accessing the cycle stores or taking out bins. I consider the proposed arrangement of car parking and main routes into the proposed dwellings would be acceptable from a design perspective.
- 8.10 A vehicular access would be introduced to provide car parking for plot 1, the northern-most property. Approximately 1m<sup>2</sup> of this new access would fall marginally with the root protection area of a large lime tree immediately to the west of the street which, although not specifically protected, is considered to be a positive feature in the street scene. Although the interference in the root protection area would be small in size I have recommended relevant tree protection conditions to ensure that this tree is adequately protected during any works and any relevant mitigation measures implemented accordingly. An informative has been recommended to make the applicant aware of the need to satisfy both the Highway Authority, in terms of highway safety, as well as the City Council, in respect of tree protection, when constructing this new access.
- 8.11 The Landscaping Team has raised no objection to the proposed landscaping works, subject to conditions, which would ensure that suitable species of trees, soft landscaping and hard landscaping is implemented.

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

### **Disabled access**

- 8.13 The Disability Consultative Panel has sought clarification regarding the schemes compliance with the Lifetime Homes standard. The floorplans do demonstrate that there would be the ability for wheelchair turning areas in the majority of the rooms and space for the possible provision of an internal lift in the corner of each of the living rooms up to the first-floor bedrooms. Any modifications needed to ensure that these dwellings would meet the Lifetime Homes standard would be restricted predominantly to internal works beyond the control of planning. I have recommended an informative to make the applicant aware of this
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.15 The main consideration is the impact of the proposed works on the adjacent occupiers of nos.97 and 99 Kendal Way.

#### Impact on no.97 Kendal Way

- 8.16 No.97 Kendal Way is a semi-detached property situated to the north of the application site. This neighbour has raised several concerns about the proposal, including loss of light, loss of privacy and visual enclosure. I have visited this neighbour and assessed each of these points in turn below.

#### *Privacy*

- 8.17 I do not consider the proposed development would compromise the privacy of this neighbour. At ground-floor level there would be a side living room window to a lounge whose main outlook is onto the rear garden. The side window would serve as the secondary outlook for this room. It would be facing out onto a 1.8m high fence and so there would not be a direct line of sight

to no.97's side kitchen window or garden. The other windows on the side elevation at ground-floor and first-floor are both bathroom windows and I have recommended a condition to ensure that these are obscure glazed and not fully openable. The proposed first-floor rear bedroom window would allow for direct views across the east rear-most part of the garden of this neighbour and obliquely into its centre. Whilst this is additional overlooking, it is not into the immediate rear garden area of this property adjacent to the house. Coupled with the fact that the plot for no.97 is large, I do not consider that the overall privacy, given the orientation of the proposal and distances involved, would be significantly prejudiced.

### *Enclosure*

- 8.18 I am of the opinion that the proposal would not harmfully visually dominate this neighbour. No.97 has a side kitchen window which faces out to the south towards the proposed development. This kitchen is also served by a part-glazed kitchen door on the east elevation. The side first-floor window of this neighbour appears to serve the landing area at first-floor. This neighbour benefits from a front, side and rear garden. The remaining windows are on the rear and front elevations and would not be visually affected by the proposed development. At a distance of approximately 8.5m from the kitchen to plot 1 and given the off-set position of the plot, whilst the proposal would be clearly visible from the kitchen and garden land there would remain a spaciousness around it. There would be no significant visual enclosure arising from the development.
- 8.19 Taking a direct line from the approximate position of this neighbour's side kitchen window out to the south there would be a separation distance of roughly 10.5m between this window and the proposal. At its closest point, the proposed development would be approximately 8.5m away when looking south-east from this window but this would be a less direct line of sight. The proposed dwelling would introduce a 5.1m high wall opposite this window and then the 8.3m high hipped ridge of the roof would slope away from this neighbour. In plotting the approximate position of this window, 10.5m away from the proposed development, the 25° line of sight would not be interrupted by the proposed works.

8.20 The garden of this property is considerable in size and I am of the view that the main private outdoor amenity space is at the rear which leads out from the ground-floor patio doors. The side and front garden area is currently exposed and visible from the public realm. The proposed development would not be readily visible from views looking eastwards down this neighbour's garden from the main private garden area. I have recommended a condition regarding the cycle store which would be adjacent to this neighbour's garden to ensure that the height of this structure is not visually imposing. Given that the site is currently undeveloped, it is inevitable that the proposed built form would have a visual impact. Nonetheless, I do not anticipate that the physical presence of the building would be harmful to this neighbour's amenity with respect to visual dominance.

### *Overshadowing*

8.21 In terms of overshadowing, I do not consider the proposal would significantly harm this neighbour's amenity. As explained in paragraph 8.19, the proposed works would not break the 25° line of sight taken from the side kitchen window of this neighbour. The BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) states that in cases where new developments would be in close proximity to existing outlooks directly opposite, the 25° calculation should be undertaken to ascertain whether the levels of daylight reaching the affected outlook would be acceptable. In this case, as the proposal falls outside this 25° angle, the proposal is considered to be acceptable in this respect.

8.22 The applicant has also produced a shadow study which shows the likely levels of overshadowing that the proposal would cause at 09:00hrs, 13:00hrs and 17:00hrs at each of the relevant equinoxes. During the autumnal/ vernal equinoxes at 09:00hrs there would likely be some overshadowing over the side kitchen window and side garden area of this neighbour. There would also be a strip of this neighbour's south-eastern garden boundary which would be overshadowed throughout the day. At 13:00hrs there would be a small shadow cast over part of this neighbour's garden but this would not be significant. During the summer equinox, when the sun is at its highest point, the levels of overshadowing over this neighbour would be minimal. At the winter equinox, there would be considerable

overshadowing over the front garden during the morning and the rear garden during the afternoon.

8.23 The BRE Site Layout Planning For Daylight and Sunlight: A Guide to Good Practice (2011) recommends that 50% of neighbour gardens should receive at least 2 hours of sunlight during the autumnal/ vernal equinox. Whilst there would inevitably be a larger shadow cast over this neighbour's garden than currently experienced, this neighbour would still receive well in excess of the recommended 2 hours of sunlight over 50% of the garden. There would be a degree of light loss experienced at the side kitchen window in the early morning hours during the autumnal/ vernal equinoxes. However by late morning this window would still receive light for this habitable room up until the early afternoon. In addition, the kitchen door would capture some morning sunlight for this room which would retain some morning light. Overall, I am of the opinion that the levels of overshadowing would not be significant enough to warrant refusal of the application.

*Conclusion of overall impact on no.97*

8.24 The occupier of no.97 has lodged a strong objection and I have carefully considered the points raised. To my mind, as a development proposal, its siting and scale appear to be adequately respectful of the amenities of no.97. Whilst an impact would result from the scheme, neither issue of privacy, enclosure or loss of light would result in significant harm. The impact is acceptable.

Impact on no.99 Kendal Way

8.25 No.99 Kendal Way is a semi-detached property situated to the south-east of the site.

8.26 For the same reasons as set out in paragraph 8.17 of this report, I do not anticipate the proposal would compromise the privacy of this neighbour. The side windows would have limited outlooks or be obscure glazes/ fixed opening. The views from the first-floor bedroom window would be no worse than that of the existing views from no.101 Kendal Way.

8.27 The proposed works would not visually dominate this neighbour's main outlooks. The ground-floor side facing window

of this neighbour serves a bathroom and the first-floor side window appears to serve a landing. The proposed development is set off this neighbour's boundary and the nearest rear first-floor window also serves a bathroom. The proposal does not break the 45° lines from any of this neighbour's habitable outlooks. The neighbouring garden would still have a relatively open outlook out to the north-east, east and south which would be unaffected.

- 8.28 The proposal would not harmfully overshadow this neighbour. The levels of light reaching this neighbour for the vast majority of the day would not be impacted by the proposal. Any overshadowing over this neighbour would be limited to the late afternoon/ early evening and would not in my view have a significant impact on this neighbour's amenity.

#### Noise and disturbance

- 8.29 In my opinion, the proposed residential use of the site should not of itself introduce any harmful noise or disturbance to neighbouring properties. The site is situated in a residential context and the use of the gardens, movement of bins and bikes and parking of cars would not be dissimilar to that of existing properties in the surrounding area.

#### Car Parking

- 8.30 Each of the proposed dwellings would have their own dedicated car parking space and the City Council has maximum car parking standards. The proposed dwellings are two-bedrooms in size and if ownership exceeds this the impact on-street would be minimal.
- 8.31 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 8/2.

#### Amenity for future occupiers of the site

- 8.32 The proposal would provide two affordable dwellings in a suburban location. The proposed dwellings would have their own private outdoor amenity space, bin storage area, bike store and car parking space. All of the habitable rooms would have

acceptable visual outlooks and the dwellings would have an internal area of roughly 78m<sup>2</sup>. The Green End Road Local Centre is within 300m of the site and there are bus stops along Green End Road and good cycle links into the city centre.

8.33 It is acknowledged that concerns have been raised from neighbours' regarding the narrowness of the path to plot 2 and the difficulty of manoeuvring bins and cycles through this space for future occupants. The width of the passageway would be approximately 1.15m which falls marginally below the desired width of 1.2m. Whilst I appreciate that this is narrower than normal it would not prevent future occupants from moving bins and cycles into and out of the site. A typical wheelie bin is 580mm in width.

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

### **Drainage**

8.35 The Drainage Officer has raised no objection to the proposed works subject to condition which I agree with.

8.36 The proposal is compliant with paragraph 103 of the National Planning Policy Framework (2012)

### **Refuse Arrangements**

8.37 The proposal would provide bins in the side and rear garden areas of each property and the Waste Team are supportive of this approach.

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

### **Highway Safety**

8.39 The Highway Authority is satisfied that the proposal would not pose a threat to highway safety, subject to conditions, and I agree with this advice.

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

### **Car and Cycle Parking**

8.41 The application form does not specify how many cycle parking spaces each of the stores in the gardens would provide. Notwithstanding this, there appears to be adequate room to accommodate the necessary number of minimum cycle parking spaces and I have recommended a condition to control this.

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

### **Third Party Representations**

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

<b><u>Comment</u></b>	<b><u>Response</u></b>
Loss of privacy/ overlooking	See paragraph 8.17 of this report.
Overbearing/ enclosure	See paragraphs 8.18 – 8.20 of this report.
The proposal is contrary to the Human Rights Act Protocol 1, Articles 1 and 8	The part of the Act relates to an individual's right to peaceful enjoyment of their property. I have considered the potential amenity impact of the development and consider that no significant harm would arise.
Loss of light/ Overshadowing (daylight, sunlight and moonlight)	This has been addressed in paragraphs 8.21 – 8.23 of this report. Moonlight is not a planning consideration.
Shadow study inaccurate/ requires further detail	The level of information provided is considered to be acceptable for officers to make an informed assessment as to the likely impacts of overshadowing.
The proposal is contrary to policies 3/1, 3/4, 3/7, 3/10, 8/2, 8/4 and 8/6 of the Cambridge Local Plan (2006).	The proposal is considered to be compliant with these policies for the reasons set out in this report.



<p>The revised plans are inaccurate in terms of dimensions.</p>	<p>The revised plans are fully dimensioned and appear to be accurate to officers.</p>
<p>Land ownership concerns.</p>	<p>This concern relates to a dispute over the position of the boundary of the site in relation to no.97 Kendal Way. The Estates and Facilities Team has been in separate discussions with the neighbour regarding the precise position of the boundary. The Estates and Facilities Team has provided an OS plan and Land Registry details which appear to accord with the red-line plan provided under the location plan. Based on the information provided, the proposed development would fall within the red-line location plan submitted with this application and I consider the application valid in this respect. Any party wall matters could be dealt with separately from planning.</p>
<p>Clarification of internal features in terms of Lifetime Homes standard needed.</p>	<p>See paragraph 8.13 of this report.</p>
<p>Section 8 of the application form has been filled out incorrectly.</p>	<p>The application has been submitted by the Cambridge City Council housing team and section 8 has been filled out correctly.</p>
<p>What type of trees/ plants will be used?</p>	<p>This would be dealt with under the hard and soft landscaping condition.</p>
<p>The proposal is out of keeping with the character of the area.</p>	<p>The proposal is not out of keeping with the area for the reasons set out in paragraphs 8.7 – 8.12 of this report.</p>
<p>The materials are not in keeping with the area.</p>	<p>This has been addressed in paragraph 8.8 of this report.</p>
<p>The kitchens should be placed on the rear to provide a better active frontage to Kendal Way.</p>	<p>This has been addressed in paragraph 8.8 of this report.</p>

Increased parking pressure on surrounding streets.	This has been addressed in paragraph 8.30 of this report.
Overdevelopment of the plot.	The proposal is not considered to be an overdevelopment of the plot for the reasons set out in paragraphs 8.7 – 8.8 of this report.
Issues concerning utilities/drainage	This is a Building Regulation matter and not a planning consideration. A drainage condition has been recommended.
Loss of garden land detrimental to wildlife.	Conditions have been recommended in respect of shrub clearance and a reptile survey/mitigation strategy. The Nature Conservation Projects Officer has no objection to the development subject to these conditions.

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

8.44 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.

8.45 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 proposed development adequately respects neighbouring occupiers in terms of overlooking, overshadowing, visual dominance and noise and disturbance. The proposal would be

in keeping with the character of the area, would provide a high quality living environment for future occupants and would help to meet affordable housing need.

## 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 unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

7. Notwithstanding the provisions of Schedule 2, Part 2, 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 fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

Reason: To protect the visual amenity of the neighbourhood and in the interests of highway safety (Cambridge Local Plan 2006 policies 3/4 and 8/2).

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

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

9. 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).

10. 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. 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)

11. The windows serving the bathrooms on drawing number 1441-P-001 Rev A on the elevations labelled B and D shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to use of the rooms and shall have restrictors to ensure that the windows 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).

12. Prior to any site works, a reptile survey and mitigation strategy 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: To protect reptile species (Cambridge Local Plan 2006 policy 4/3)

13. The clearance of the vegetation, as shown on drawing no.1443-901 Rev A, shall only take place 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 (Cambridge Local Plan 2006 policy 4/3).

14. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:
  - 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.

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

15. No development shall commence until details, including floorplans and elevations, of facilities for the covered, secure 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 use of the development commences.

Reason: In the interests of residential amenity and to ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2006 policies 3/3, 3/12 and 8/6).

16. Prior to commencement of development of the proposed new vehicular access to plot 1, as shown on drawing no.1443-P-501 Rev D, details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval. The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the road side tree adjacent along Kendal Way. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

**INFORMATIVE:** The Disability Consultative Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited.

**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:** The proposed vehicular access to parking plot 1 will need to satisfy both the Highway Authority and the City Council in respect of condition 16.