

<b>Application Number</b>	17/0966/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st May 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	26th July 2017		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Land Rear Of 28 Anglers Way Cambridge Cambridgeshire		
<b>Proposal</b>	Demolition of existing store building and construction of single storey dwelling		
<b>Applicant</b>	Roben Developments C/o Agents		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The principle of a residential unit on the site is acceptable;</p> <p style="padding-left: 40px;">The proposed modest dwelling would not harm the street scene or the character of the area;</p> <p style="padding-left: 40px;">The dwelling would have an acceptable relationship with No. 28 and would provide a good level of amenity of the future occupants.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is located on land to the rear of No. 28 Anglers Way. It is currently occupied by a single storey storage/garage building and associated structures, which is understood to be used separately from No. 28. The site is accessed from Cam Causeway and has vehicle access. There is a close-boarded fence along the boundaries and some low quality planting within the site.

- 1.2 No. 28 is a two-storey end of terrace property fronting Anglers Way. The property has a rear garden approximately 8.5m long which adjoins the application site. It has single storey rear elements and the rear elevation faces towards the application site. The adjoining property to the west is No. 26 which is similar and has a mature tree in the rear garden.
- 1.3 To the north is No. 99 Cam Causeway, which is an end-of-terrace property set back from the road with a drive and front garden. There is a tall conifer hedge along the boundary with the application site.
- 1.4 The site is located at the end of a cul-de-sac in a predominantly residential area. There is a pedestrian and cycle link on the pathway in front of the site which provides access from Cam Causeway to Anglers Way.
- 1.5 The site does not fall within a Conservation Area. There are no tree preservation orders on the site. The site falls outside the controlled parking zone. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the erection of a 1-bed dwelling on land to rear of No. 28 Anglers Way following demolition of the existing garage on the site. The dwelling would front onto Cam Causeway. It would be positioned on the northern part of the site and would have a courtyard garden on the southern part. The building would be single storey with a hipped roof. The eaves height would be 2.6m and the ridge height would be 4.3m. The floor space would be approximately 45.5 sqm. The materials would be brick with a slate roof. There would be a landscape buffer along the frontage. Cycle parking and bin storage is proposed within the courtyard garden. No off-street car parking would be provided.

## **3.0 SITE HISTORY**

- 3.1 There is no relevant site history.

## 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 4/4, 4/13 5/1 8/2, 8/6, 8/10 10/1

### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

Material Considerations	<u>City Wide Guidance</u>  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)  Cambridge and Milton Surface Water Management Plan (2011)  Balanced and Mixed Communities – A Good Practice Guide (2006)  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 No objection. No off-street car parking provision is made for the new residential unit. The development may therefore 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 which the Planning Authority may wish to consider when assessing this application.

### **Environmental Health**

- 6.2 No objection. Recommend conditions for construction hours and piling.

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

- 6.3 The bin and cycle store will require more detailed thought during condition clearance. Access to each section must be convenient. It is unclear how the bins are accessed and removed without also removing the cycles. Recommend conditions for hard and soft landscaping scheme and boundary treatments.

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

- 6.4 No objection. Recommend condition for a surface water drainage scheme.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

- 7.1 The owner/occupier of the following address has made a representation **objecting** the proposal:

28 Anglers Way

7.2 The representations can be summarised as follows:

- Loss of privacy
- Loss of trees
- Flood risk
- Connection to mains sewers

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. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Third party representations

### **Principle of Development**

8.2 The site is currently occupied by a garage/storage building located at the rear of No. 28. The site is within separate ownership from No. 28 Anglers Way and is understood to be used separately. This suggests the site forms a separate plot from No. 28 and the structures on the site appear to have been there for some time. However, there is no planning history to confirm when the subdivision occurred and whether this was lawful. The applicant has provided no further information on this.

8.3 Policy 5/1 of the Cambridge Local Plan (2006) supports residential development on windfall sites, subject to the existing land use and compatibility with adjoining uses. The loss of the existing garage/storage building would be acceptable in

principle and the residential use would be compatible with the established residential character of the area.

- 8.4 However, without confirmation that the site is lawfully used as a separate plot, it is also necessary to consider the proposal under policy 3/10 relating to the subdivision of plots. This supports residential development within the garden area or curtilage of existing properties unless 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 disturbance;
  - 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 I have assessed the proposal against the relevant parts a, b, c and e in the sections below, and in summary, I find the proposal accords with policy 3/10. Thus the principle of development is acceptable under both policies 5/1 and 3/10.

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

- 8.6 The site is to the rear of No. 28 Anglers Way, however the proposed building would form part of the street scene along Cam Causeway. The street scene is characterised by terraced properties set back from the road along both side of Cam Causeway. The site is located at the southern end where the road forms a cul-de-sac. Here the street scene opens up with a semi-detached pair at the end of the road and the rear of the properties along Anglers Way and Cheney Way are visible. The site occupies a position between the rear of No. 28 Anglers

Way and the southern end of the terraced properties along the western side of Cam Causeway.

- 8.7 The site already has a defined curtilage visually and the existing structures set a precedent for some built form on the site. The garage is positioned at the northern end of the site and is stepped forward of the established building line along Cam Causeway. The proposed building would be single storey with a hipped roof. It would be modest in scale and design so that it appears to be subservient to the neighbouring properties and makes a similar contribution to the street scene as the existing building. The materials would be buff brick which would be secured through conditions. Subject to this, in my opinion, the proposal would be appropriate for the character of the area.
- 8.8 The site is currently bounded by a close boarded fence along the frontage. The front elevation of the proposed dwelling would be visible from the street with a strip of soft landscaping in front, and would be more prominent than the existing buildings. I have recommended the condition requested by the Landscape Officer for a landscaping scheme to be submitted to soften the visual impact of the dwelling and to ensure the proposal delivers an enhancement to the street scene. There would be a courtyard garden to the south with a close boarded fence forming the boundary along Cam Causeway. There is space for bin storage and cycle parking within the courtyard, however further details need to be submitted for approval through conditions.
- 8.9 Third parties have raised concerns about the loss of trees and the potential impact on trees in neighbouring gardens. I have visited the site and there is a conifer hedge along the northern boundary with No. 99 Cam Causeway and a mature tree in the rear garden of No. 26 Anglers Way. The tree on the site that would be removed is poor quality and makes a minimal contribution to the street scene. The tree in the rear garden of No. 26 does make some positive contribution to the street scene, however it is not protected. The proposed building would extend approximately 2.5m closer to the tree than the existing building. It would also extend approximately 1m closer to the conifer hedge on the northern boundary. As these trees make some contribution to the street scene, I have recommended a condition for an Arboricultural Method



Statement and Tree Protection Plan to be submitted for approval.

- 8.10 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/4.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.11 The nearest residential properties are No. 28 Anglers Way to the south and No. 99 Cam Causeway to the north.
- 8.12 The site is a separate plot and there would be no loss of curtilage associated with No. 28. The owner/occupier of this property has objected to the proposal, partly on the grounds of loss of privacy. This property has a garden approximately 8.5m deep, a single storey rear element and windows on the first floor rear elevation. There would be French doors on the side elevation of the proposed dwelling which the third party is concerned would allow views toward their property. The proposal includes a 1.7m high fence along the boundary. I am satisfied this would prevent views, however I have recommended a condition for the boundary to be erected to a height of 2m to overcome the perceived overlooking the occupants of No. 28 could experience. I have recommended that permitted development rights for the insertion of windows, roof lights and roof extensions are removed.
- 8.13 The unit would be single storey with an eaves height of 2.6m and a ridge height of 4.3m. The building would be on the northern side of the plot with the courtyard garden to the south, which pushes the mass of the building away from No. 28 as much as possible. In my opinion, the modest scale of the building would not result in significant enclosure on the rear garden or single storey element of No. 28 and would not harm the residential amenity of the occupants in this regard. I am satisfied that the creation of a new dwelling of such a modest scale would not result in significant noise and disturbance, particularly given the limited amount of external space available for the future occupants to use and compared to the existing garage use.

- 8.14 Due to the scale of the property and the positioning adjacent to the driveway and front garden of No. 99, as well as the existing boundary conifer hedge, the proposal would not impact on the residential amenity of the occupants of this property.
- 8.15 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

- 8.16 The unit would be 1-bed and would have an internal floor space of approximately 45.5sqm. The bedroom would have one window looking out to the courtyard garden. This would be approximately 3m to the boundary so would provide an acceptable outlook. The kitchen and living room would have windows on the front elevation. The lounge window on this elevation would be a secondary window with the French doors on the courtyard-facing elevation providing the main outlook. Thus the future occupants could take measures to obscure views from the street into the living room to protect their privacy without harming the quality of the internal accommodation, should they wish to do so. The landscaping along the strip in front of the building would provide some degree of buffering and defensible space.
- 8.17 The courtyard garden would provide approximately 24 sqm of private amenity space. In my opinion, this is acceptable for a 1-bed unit. There would be views from the first floor windows on the rear elevation of No, 28 towards the site, however these would be approximately 11m away and the boundary fence would allow only glimpses into the courtyard garden and the bedroom/living room windows. Thus, in my opinion, the proposed dwelling would have an acceptable relationship with No. 28 and the future occupants would have an acceptable level of residential amenity. There are no views from other neighbouring properties that would harm their privacy.
- 8.18 The Highways Authority has commented that the lack of parking may generate additional demand for on-street parking which could have an impact on residential amenity. The site is outside the controlled parking zone. The site is in a sustainable location close to cycle and footpath links to Green End Road and Fen

Road which are served by bus stops. Moreover the future occupants are likely to be individuals or a couple who are less likely to be car dependent than families. In my opinion, the proposal would not generate significant additional demand for on-street parking and would not harm residential amenity in this regard.

- 8.19 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.

### **Refuse Arrangements**

- 8.20 The proposal includes space for 3 no. bins within the courtyard which would be a convenient location. It is unclear whether these would be located within a store. I have recommended a condition for details to be submitted prior to occupation. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.21 The proposal would remove the existing vehicular access to the garage. The Highways Authority has not raised any concerns with regard to highway safety and I accept their advice. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- Car parking

- 8.22 The proposal does not include car parking. This is compliant with the adopted maximum car parking standards, and would not harm highway safety or residential amenity as set out above.

- Cycle parking

- 8.23 The proposed site plan shows provision of a cycle store. No details have been submitted, so I have recommended a condition to secure this.

8.24 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Drainage**

8.25 Third parties have raised concerns about surface water drainage. The Council's Sustainable Drainage Officer has reviewed the application and recommended a condition for a surface water drainage scheme to be submitted for approval. I accept their advice that this can be resolved through conditions.

### **Third Party Representations**

8.26 I have addressed the third party concerns regarding loss of privacy, loss of trees and drainage in the relevant section above. The impact on the mains sewers is not a relevant planning matter and connection to the sewer would be subject to other agreements with the utilities companies.

## **9.0 CONCLUSION**

9.1 The proposed dwelling would be modest and subservient to the neighbouring buildings, so that it would have a similar impact on the street scene as the existing outbuilding. The single storey building would have an acceptable relationship with No. 28, would not harm the amenity of neighbouring properties, and would provide an acceptable level of amenity for the future occupants. The landscaping along the front of the site has the opportunity to enhance the street scene.

## **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. Prior to the commencement of development and with reference to BS 5837 2012, details of the specification and position of all protection measures and techniques to be adopted for the protection of any trees from damage during the course of any activity related to the development, shall be submitted to the local planning authority for its written approval in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

The approved AMS and TPP will be implemented throughout the development and 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: In the interests of tree protection (Cambridge Local Plan 2006 policy 4/4).

6. Prior to commencement of the development hereby permitted, a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. This shall include the results of the assessment 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. The scheme 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:
  - a. include the results of the assessment 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. The scheme 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
  - b. 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
  - c. 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.

Prior to occupation of the development hereby permitted, the surface water drainage scheme shall be implemented in accordance with the agreed details, and managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: In the interests of surface water management (National Planning Policy Framework 2012).

7. Prior to the commencement of external brickwork, samples of the bricks to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained 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).

8. Prior to first occupation of the development hereby permitted, a hard and soft landscaping scheme shall be implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter. These details shall include:
  - i) soft landscaping details for the landscape buffer along Cam Causeway, including planting plans, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;
  - ii) detailed arrangements for bicycle parking;
  - iii) detailed arrangements for bin storage.

Reason: In the interests of visual amenity, bin storage and cycle parking provision (Cambridge Local Plan 2006 policies 3/11, 3/12 and 8/6).

9. Notwithstanding the approved plans and prior to first occupation of the dwelling hereby approved, the boundary between the site and No. 28 Anglers Way shall be erected as a close-boarded fence to a minimum height of 2m, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary shall be retained in accordance with the approved details.

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

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

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

11. Notwithstanding the provisions of Schedule 2, Part 1, Class B 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 or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

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

12. Notwithstanding the provisions of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), alterations to the roof of the dwellinghouse(s) including the insertion of roof lights shall not be allowed without the granting of specific planning permission.

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

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



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