

<b>Application Number</b>	10/1278/REM	<b>Agenda Item</b>	
<b>Date Received</b>	21st December 2010	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	15th February 2011		
<b>Ward</b>	Trumpington		
<b>Site</b>	Land Adjacent To The Cottage Gazeley Road Cambridge Cambridgeshire CB2 9HB		
<b>Proposal</b>	Reserved matters application following outline application 09/1049/OUT to sub-divide existing residential site to form a separate 1000 sq m site suitable for a single 5-bedroom residence.		
<b>Applicant</b>	Mr. Timothy Kenworthy Treherne Westland Green Little Hadham Herts. SG11 2AG		

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Gazeley Road is a private road, which is located on the eastern side of Trumpington Road, approximately 90 metres south of the junction with Long Road. The site is accessed from Gazeley Road.
- 1.2 The site is 0.1 hectares and accommodates the 'Cottage' which is a two storey gault brick and pantile dwelling, set on the western boundary with Gilmerton Court. The grounds of the existing property are an old orchard, which still retains a number of trees, especially along the north and eastern boundaries, providing mature screening.
- 1.3 To the north of the site are 106 and 108 Long Road whose boundaries are approximately 12 metres away from the location of the proposed property. The surrounding area is characterised by large properties on spacious plots, which are green in appearance.

1.4 The site does not fall within a Conservation Area. There is a tree preservation order on the boundary with Gazeley Lodge, which protects a mature Lime Tree. This is to the east of the site.

## **2.0 THE PROPOSAL**

2.1 This application seeks reserved matters approval for the erection of one five-bed property.

2.2 Under planning permission reference 09/1049/OUT, outline planning permission was granted for a 5-bed residential property on land adjacent to The Cottage, Gazeley Road. The permission was subject to conditions, including one requiring the junction of Gazeley Road and Trumpington Road to be widened to 5 metres for a distance of 10 metres from the adopted highway, a condition that was challenged and allowed at appeal. Therefore the issue of access into the site has been approved by the outline application in addition to the number of dwellings. The present application seeks approval of reserved matters for the layout; the scale; the appearance; and the landscaping.

2.3 An amendment has been made to the application. This is a change to the proposed garage, located at the rear of the site, adjacent to the boundaries of 106 Long Road and Gazeley Lodge. The height of this garage has been lowered from 6 metres to 5.2 metres in order to address concerns about the overbearing presence of the garage upon neighbouring properties.

2.4 The application is accompanied by the following supporting information:

1. Tree survey and report
2. Plans

### 3.0 SITE HISTORY

Reference	Description	Outcome
09/1049/OUT	Outline application to sub-divide existing residential site to form a separate 1000 sq m site suitable for a single 5-bedroom residence.	APC
C/90/1037	Outline application for erection of detached dwelling (renewal of unexpired consent)	APC
C/87/1023	Outline application for the erection of a detached dwelling house.	APC

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3 (PPS 3) Housing:** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice;

sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

- 5.4 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.6 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.7 **East of England Plan 2008**

SS1: Achieving Sustainable Development

H1: Regional Housing Provision 2001 to 2021

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/10 Subdivision of existing plots

3/12 The design of new buildings

4/4 Trees

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

5.9 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

5.10 **Material Considerations**

**Central Government Guidance**

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision

of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

## **City Wide Guidance**

**Cycle Parking Guide for New Residential Developments (2010)** – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

- 6.1 The outcome of the appeal following the Highway Authority's recommendation of refusal has determined that the proposal is acceptable, although the Highway Authority's concerns about the access via the junction with Trumpington Road remain.

### **Tree Officer**

- 6.2 The lime on the eastern boundary and some of the trees along the southern frontage which have been identified are the only trees which constrain the site. Conditions have been recommended which require details of the no dig driveway, tree protection during construction, foundation details, that the chimney on the eastern elevation will not emit smoke or gas and that details which facilitate the pruning of the trees are submitted prior to the commencement of development.
- 6.3 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:
- 106 Long Road

7.2 The representations can be summarised as follows:

- Loss of privacy from both the main property and the two storey garage; and
- Concerns regarding the potential felling of trees and this would have an effect upon the level of privacy afforded.

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. Trees
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations

### **Principle of Development**

8.2 The principle of residential development on the site has been established by the original outline planning permission, reference 09/1049//OUT, which granted approval for development of a five-bed detached house on land adjacent to The Cottage, Gazeley Road.

8.3 The principle having been established, the present application now seeks approval of the 'reserved matters.' These matters comprise the following details: the layout; the scale; the appearance; and the landscaping. All these issues are assessed below.

8.4 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**

- 8.5 The proposed site has been sub-divided from the parent property, The Cottage, to form a new residential plot. In terms of its size, this plot is in character with the surrounding area and it is proposed to construct a large family dwelling on the site. The dwelling has been located towards the rear of the site so that it respects the building line of properties along the northern side of Gazeley Lane and proposes to have a large sweeping front garden with the driveway located close to the eastern boundary.
- 8.6 The site is presently overgrown with trees and shrubs and the important trees along the frontage (along with a lime along the eastern boundary) have been identified as trees which contribute to the visual amenity of this suburban lane. Through the tree survey submitted with the application a number of trees along the frontage have been identified for retention so that the property will be well screened from the Lane.
- 8.7 The design of dwellings along Gazeley Lane varies and does not provide a clear vernacular style, which can be followed. The proposed design has taken a lead from properties such as the neighbouring Gazeley Lodge in terms of proportions and materials such as local buff stock brick. In order to create bedrooms in the roof, a number of dormer windows have been proposed, which are set into the roof slopes and are of a design that is traditional in appearance and do not overwhelm the roof.
- 8.8 Subject to a condition relating to materials (condition 2) I consider that the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

## **Residential Amenity**

### **Impact on amenity of neighbouring occupiers**

- 8.9 The proposed dwelling is located within a residential area, which has properties to the north, west and eastern boundaries. I consider that each of these properties will be affected by the proposal to a degree and I will assess each of these in turn.
- 8.10 The dwelling is located on land, which has been sub-divided from the parent property, The Cottage, and sold to another



owner. The proposed dwelling has been sited 0.4 metres from the adjoining boundary with The Cottage, but 16 metres from the house at an oblique angle. This western elevation adjoining The Cottage, rises to 8.7 metres to the ridge. However, the dwelling has been designed so that it has a low eaves height of 4.1 metres, which then steeply rises to the ridge, but in a hipped arrangement in order to reduce the impact upon the neighbouring property. There is also a dormer window set into the roof on this elevation, which serves bedroom 4 and will to a degree overlook the garden of The Cottage. However, this will be focused in the latter half of the garden and I do not consider that the degree of overlooking from this window will be so harmful to the occupants of The Cottage as to justify refusal.

8.11 The occupants of the property to the north, 106 Long Road, have objected to the application on the grounds of loss of privacy due to the orientation of the windows on the rear elevation and the removal of trees along the boundary. I appreciate the concerns of the occupiers of 106 Long Road, but having assessed the floor plans of the proposed property, there are few windows serving principal rooms. At first floor level on the north-west corner there is a window to a dressing room, followed by two bathroom windows. I consider that each of these three windows can be conditioned (condition 8) to ensure that they are obscured to protect the amenity of 106 Long Road. The final window at this level serves bedroom 3 and is the principal window. There is approximately 12 metres between the rear elevation of the proposed property and the common boundary and 37.5 metres to the rear elevation of 106. I consider that this distance is sufficient to mitigate any potential overlooking of the property or its garden. There is also an additional dormer window at roof level, which also serves a bathroom and as a result can be obscure glazed in order to protect the amenity of neighbouring properties.

8.12 Finally, to the east is Gazeley Lodge. The proposed dwelling has been set 5 metres from the boundary with this property due to the presence of the protected lime tree on the neighbouring boundary. Therefore, I do not consider that the dwelling will create an adverse presence upon the property. There is a dormer window on the eastern elevation at roof level, which looks across this property, but due to the presence of the mature lime tree, which will screen any potential overlooking, I

do not consider that the occupants will be adversely affected by the proposal and that it is not necessary to obscure this window.

8.13 There is a proposed garage on the boundary with 106 Long Road and Gazeley Lodge. At ground floor level this provides car parking, cycle parking and bin storage. At first floor level it is a games room, which is ancillary to the main dwelling house. The amended proposal sees the ridge height reduced from 6 metres to 5.25 metres with an eaves level of 2.4 metres. The roof is hipped away from the boundary with 106 Long Road and I consider that given the length of the garden and the low eaves height, the impact of this garage building will not be unreasonable. Furthermore, there are four rooflights proposed, two on the south facing roof and two on the north. These rooflights are located 1.3 metres above finished floor level and in order to safeguard the amenity of 106 I consider that the north facing windows should be obscure glazed (condition 9). Those in the south facing roof are so positioned that there is no issue for the neighbour because of the angle between the two. On the boundary with Gazeley Lodge, is the eastern elevation, which is a gable end and therefore, the full extent of the height of the building will be felt. However, I consider that given the location of Gazeley Lodge on its plot, where there is a larger front garden south of the house, that appears to be used more than the rear garden. The garage/playroom at its reduced height will not detrimentally harm the amenity of the rear garden of Gazeley Lodge.

8.14 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.15 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 (or 3/14).

## **Trees**

- 8.16 The site is presently overgrown with a mixture of trees and shrubs. Many of these trees are not considered to be of visual importance and can be removed in accordance with the details of the submitted tree survey as supported by the Principal Arboricultural Officer. There are a number of trees along the frontage with Gazeley Lane, which are to be retained and a lime tree on the boundary with Gazeley Lodge, which places a constraint on the developable area.
- 8.17 The proposed location of the dwelling is located within the root protection area of this protected Lime tree. The tree officer has been on site and discussed construction methods with the applicant's tree surgeon. It is considered that in order to protect the tree, the foundations must be pile and beam and that the piles should be hand dug to a depth of 650 mm and that if any roots are encountered the pile must be relocated. As part of condition 5, this has been recommended to ensure that this occurs. Additionally, the driveway will encroach on the root protection area and therefore condition 5 also addresses the need for information prior to development to ensure that the construction of this will also be hand dug.
- 8.18 In order to accommodate the proposed dwelling the Lime tree will need to be pruned and crown lifted. Details of such works will be required by condition 5. Additionally, the design of the dwelling incorporates a chimney directly underneath the canopy of the tree. In terms of architectural design, the applicant would like to keep the chimney, but a condition is required to ensure that the chimney on the eastern elevation will not emit any smoke, gas or other emission, which will have an adverse impact upon the canopy of the tree (condition 8).
- 8.19 Subject to the imposition of conditions, I consider that the proposal will not have an adverse impact upon the trees located on the site and is in accordance with Cambridge Local Plan 2006 policy 4/4.

## **Refuse Arrangements**

- 8.20 The application proposes to locate the bin storage within the garage at the rear of the site. There is adequate space provided within this allocated area for 3 bins.

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

### **Highway Safety**

8.22 The outcome of the appeal following the Highway Authority's recommendation of refusal has determined that the proposal is acceptable, although the Highway Authority's concerns about the access via the junction with Trumpington Road remain.

8.23 Given the Inspector's decision, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

8.24 The application proposes a separate storage area within the garage building for the storage of 4 cycles. This will be secured and covered and therefore I consider that the proposal is acceptable and in accordance with the cycle parking guide for new residential developments (2010).

8.25 Given the large plot on which the proposed dwelling is located, there is ample space to provide off-street car parking for at least two cars. This is in accordance with the maximum car parking standards within the Cambridge Local Plan 2006.

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

### **Third Party Representations**

8.27 I consider that I have addressed the concerns raised within the residential amenity section of the above report.

## **9.0 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. 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours 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)

4. Except with the prior written agreement of the local planning authority in writing, there should be no collections or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday to Saturday and there should be no collections or deliveries on Sundays or Bank Holidays and Public Holidays.

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

5. No work shall start on the application site (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until:

- a) A Tree Protection Plan, as defined in BS 5837:2005 "Trees in Relation to Construction - Recommendations", containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:

- b) Arboricultural method statements for the precise location and erection of tree protection barriers and ground protection for all trees retained on, and adjacent to, the site, in order to establish Root Protection Areas and construction exclusion zones;
- c) Arboricultural method statements for any special engineering operations within Root Protection Areas;
- d) Arboricultural method statements for root pruning
- e) Arboricultural method statement for any development facilitation pruning.

and, that there has been:

- f) A pre-construction site meeting between the site agent, the developers chosen arboriculturalist, and the Council's delegated Arboricultural Officer.
- g) All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.
- h) All tree protection barriers and ground protection measures have been installed to the satisfaction of the Council's delegated Arboricultural Officer.

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)

- 6. All Arboricultural works shall be carried out by a competent tree contractor, proficient in both root-zone and aerial arboricultural work and shall follow strictly the agreed method statements and specifications.

All tree protection barriers and ground protection must be in accord with BS 5837:2005 clause 9 - "The construction exclusion zone: barriers and ground protection."

The developer's arboriculturalist shall monitor, record and confirm the implementation and maintenance of tree protection measures as set out in the conditions of the planning permission.

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)

7. Prior to commencement of development, full details of the proposed emissions from the chimney, an assessment of their impact on the existing lime tree and any necessary mitigation measures to ensure the long term health of the tree shall be submitted to and approved in writing. Development shall be carried out in accordance with the approved details.

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)

8. Prior to the first occupation of the development hereby permitted, the windows on the northern elevation, which serve the first floor dressing room, ensuite bathroom and family bathroom and the second floor bathroom as approved on drawing 23380 P 101, shall be fixed opening and obscure glazed. These windows shall be retained unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 3/7)

9. Prior to the first occupation of the development hereby permitted, the rooflights on the northern elevation of the approved garage, which serve the first floor games room as approved on drawing 23380 P 300 Rev.A, shall be fixed shut and obscure glazed. These windows shall be retained unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 3/7)

10. Prior to occupation of the approved development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

## **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1, H1, T9, T14, ENV7 and WM6

Cambridge Local Plan (2006):

3/1,3/4,3/7,3/10,3/12,4/4,4/13,5/1,8/2,8/6 and 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:

[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)

or by visiting the Customer Service Centre at Mandela House.