

Application Number	17/1444/S73	Agenda Item	
Date Received	17th August 2017	Officer	Michael Hammond
Target Date	12th October 2017		
Ward	Trumpington		
Site	2 Barrow Road Cambridge CB2 8AS		
Proposal	Section 73 application to vary condition 1 of planning permission 15/0804/FUL dated 04/11/2015 for new dwelling to rear of site with access from Trumpington Road to allow the removal of the basement pool, extension to form bedroom at first floor level and alterations to fenestration.		
Applicant	Ms C Speed		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed extension to the first-floor compared to the previous permission would not give rise to any adverse neighbour impacts and would be in keeping with the character and appearance of the area. <input type="checkbox"/> The proposed amendments to the fenestration of the building would not introduce any harmful overlooking over neighbouring properties. <input type="checkbox"/> The proposed works would preserve the character and appearance of the Barrow Road Conservation Area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site relates to a detached residential property situated within a large rectangular garden plot, on the southern

side of Barrow Road. The site is located on the corner of Barrow Road and Trumpington Road.

- 1.2 The large garden to the rear is shielded from Trumpington Road to the west by a row of large trees which runs parallel to the length of the garden which are all protected by a group tree preservation order.
- 1.3 The existing building on the site has elements of the Arts and Crafts style. It has a rectangular footprint and projecting front garage. The front elevation has symmetrical fenestration, across eaves dormers and part external chimney breasts, which are design features associated with the Arts and Crafts style.
- 1.4 Planning permission (15/0225/FUL) was granted in September 2015 for the demolition and replacement of this dwelling. The Planning Committee recently made a motion to approve a further application for the demolition and replacement of the original building. This is awaiting confirmation by the National Planning Casework Unit as to whether the application should be determined by the Secretary of State which is due to be clarified by the end of October 2017.
- 1.5 The site is within the Barrow Road Conservation Area (2016).

2.0 THE PROPOSAL

- 2.1 Planning permission is sought to vary the approved drawings of permission 15/0804/FUL to allow for the removal of the basement pool, first-floor extension over the single-storey garage and alterations to the fenestration of the building.
- 2.2 Planning permission reference 15/0804/FUL was granted on 4th November 2015 for a new dwelling in the latter part of the garden of no.2 Barrow Road. The footprint of the building would remain as per the originally approved drawings. The proposed amendments would effectively change the three-bedroom dwelling into a four-bedroom dwelling by including a first-floor extension over part of the proposed single-storey garage.

3.0 SITE HISTORY

Reference	Description	Outcome
17/0826/FUL	Demolition of the existing dwelling and construction of a replacement dwelling.	Pending decision.
15/0804/FUL	New dwelling to rear of site with access from Trumpington Road.	Permitted.
15/0225/FUL	Erection of new dwelling following demolition of existing dwelling on the site.	Permitted.
14/1615/FUL	Replacement dwelling.	REFUSED
14/1616/FUL	New dwelling	WITHDRAWN

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

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 4/11 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) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Barrow Road Conservation Area Appraisal (2016) Trumpington Road Suburbs and Approaches Study (March 2012)

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.

Environmental Health

6.2 No objection subject to the following conditions:

- Construction hours;
- Collection/ delivery hours
- Piling

Urban Design and Conservation Team

6.3 No objection.

6.4 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:

- 30 Trumpington Road

7.2 The representation can be summarised as follows:

- Overlooking/ loss of privacy
- The building should be at least 20 metres from the fence of no.30.
- Human rights are being infringed due to overlooking.
- Noise and disturbance.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

8.0 ASSESSMENT

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

1. Preliminary
2. Context of site, design and external spaces (and impact on heritage assets)
3. Residential amenity
4. Third party representations
5. Planning Obligations (s106 Agreement)

Preliminary

8.2 The matters of principle of development, highway safety, cycle parking, car parking, refuse arrangements, amenity for future occupants and trees were assessed as part of the previous application. I do not consider the proposed material alterations to the scheme, compared to the previous application (15/0804/FUL) or the introduction of the Conservation Area, to have any significant bearing on these specific aspects or their merits to warrant a different conclusion being reached. I therefore am of the view that the assessment of the previous application is pertinent to this current application on these points. The noise mitigation condition concerning the proposed basement swimming pool plant equipment has been removed due to the fact that there is no longer a swimming pool proposed.

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

8.3 The proposed dwelling would occupy an identical footprint to that of the previous permission and I do not consider the proposed changes to the approved drawings would have any material impact on the layout and pattern of development of the area. The removal of the basement would reduce the pressure on the nearby tree belt on Trumpington Road.

- 8.4 The proposed alterations to the fenestration of the building would not have a significant impact on the appearance of the building. The proposal would continue to be read as a domestic dwelling that has an active frontage.
- 8.5 The additional mass proposed above the single-storey garage element would be set back from the main frontage of the building and would not result in the proposed dwelling appearing overly dominant or out of proportion within its context in my opinion.
- 8.6 It is pertinent to note that the site now lies within the conservation area and so consideration as to the impact on the character and appearance of this heritage asset is necessary. The proposed development would be detached a considerable distance from the host dwelling of no.2 Barrow Road and would be read within the context of Trumpington Road and largely obscured from the main public viewpoints along Barrow Road. The Urban Design and Conservation Team have raised no objection to the proposal in light of the conservation area designation. I consider the proposal would preserve the character and appearance of the Barrow Road Conservation Area.
- 8.7 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/4 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The proposed first-floor extension would be situated on the northern elevation of the proposed building. This additional mass proposed would remain a comfortable distance from the host garden of no.2, as well as the adjacent garden of no.4, and I am confident that no harmful loss of light or visual enclosure would be experienced as a result of this.
- 8.9 The proposed building occupies an identical footprint to that of the previous permission and I do not consider the proposal would harmfully impact on no.30 Trumpington Road to the

south in terms of loss of light or visual dominance for the reasons stated in the previous assessment.

- 8.10 It is acknowledged that the neighbouring property at no.30 Trumpington Road has been extended (16/1267/FUL) at two-storey level by approximately 3m since permission 15/0804/FUL was granted. Under the previous permission there would have been a separation distance of approximately 20m between the two-storey mass of the proposal and no.30. In light of the recent development at no.30, the separation distance from the first-floor of the proposal has been reduced down to 17m.
- 8.11 The proposed amendments to the fenestration mainly relate to the front (west), side (north) and rear (east) elevations. The remaining side (south) elevation facing no.30 is near-identical to what was previously permitted. The largest window on the south-elevation at first-floor level is the master bedroom window which wraps around the corner on the east elevation. This window would provide a south-easterly outlook and does not solely face south and I consider the view towards this neighbour would not compromise the privacy of this neighbour. The three other south-facing first-floor windows further along the elevation are narrow windows that serve a secondary window to the master bedroom and an en-suite respectively. I consider that these windows could be obscure glazed and have fixed openings to prevent direct views towards these neighbours. In my opinion, whilst I appreciate the proposal is now 17m rather than 20m away from the key windows of no.30, I consider that a separation distance of 17m would be sufficient to prevent any harmful loss of privacy being experienced at this neighbouring property.
- 8.12 In my opinion, subject to condition, 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.

Third Party Representations

- 8.13 The concern regarding overlooking has been addressed in the main body of this report. The remaining comments have been addressed in the table below:

<u>Comment</u>	<u>Response</u>
The building should be at least 20 metres from the fence of no.30.	I do not consider the proposed building needs to be sited this distance as it would not introduce any harmful neighbour amenity impacts and would be acceptable from a design perspective.
Human rights are being infringed due to overlooking.	The Human Rights Act relates, in part, to an individual's right to peaceful enjoyment of their property. I have considered the potential amenity impact through the changes to the proposed dwelling and of the view that no significant harm would arise.
Noise and disturbance	I do not consider the material alterations to the proposed scheme would introduce any alternative forms of noise and disturbance compared to that of the previous permission.

Planning Obligations (s106 Agreement)

- 8.14 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.
- 8.15 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 amendments to the development would preserve the character and appearance of the conservation area. The proposed works would respect the amenities of neighbouring properties.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun on or before 4th November 2018.

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. The en-suite bathroom first-floor windows and the secondary first-floor master bedroom window on the south elevation, as shown on drawing no.PL-2-01, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the dwelling) and shall have restrictors to ensure that the window 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).

4. Conditions 3 -4 and 6-17 of planning permission 15/0804/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 15/0804/FUL have been discharged, the development of 17/1444/S73 shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.

Reason: To define the terms of the application.

5. 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)

6. 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 nearby properties
(Cambridge Local Plan 2006 policy 4/13)

7. 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 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 and any arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To minimise flood risk (Cambridge Local Plan 2006, Policy 4/16)

8. 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

9. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

11. The access shall be constructed with adequate drainage measures to prevent surface water runoff onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway.

12. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawings. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety.

13. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

Reason: In the interests of highway safety.

14. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety.

15. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety

16. No development shall take place until an arboricultural method statement, tree constraints plan and tree protection plan, in accordance with BS:5837:2005, have been submitted to and approved in writing by the local planning authority. These shall include:
- a) Plans showing trees to be removed, identified by number.
 - b) Plans showing trees to be retained, identified by number, with canopies accurately plotted.
 - c) A tree constraints plan that identifies root protection areas of retained trees within, adjacent to, or which overhang the development site.
 - d) The precise location and design details for the erection of protective tree barriers and any other physical protection measures.
 - e) A method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard.

The arboricultural method statement shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policy 4/4).

17. 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 visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policy 4/4).

18. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. 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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

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 pergola structure shown on the elevations is outside the red-line ownership of this application. Approval of this planning application does not include the erection of this pergola structure.