

<b>Application Number</b>	17/1630/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	20th September 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	15th November 2017		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Land Adj. 4 Strangeways Road Cambridge CB1 8PR		
<b>Proposal Applicant</b>	Construction of a single two storey 4-bed dwelling Mr Ian Purkiss 98C Hartington Grove Cambridge CB1 7UB		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The principle of a dwelling on the site has been established through previous consents.</p> <p style="padding-left: 40px;">The proposal would not harm the residential amenity of the occupants of No. 4 in terms of enclosure, overshadowing or loss of privacy.</p> <p style="padding-left: 40px;">The proposal would be in-keeping with the residential character of the area.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is land adjacent to No.4 Strangeways Road, which was formerly within this property’s curtilage but has been subdivided through previous consents. There is a boundary with No. 4 which is formed by a fence, although the positioning of this is understood to be disputed by the owner/occupant of No. 4.
  
- 1.2 The site is triangular in shape and is 0.04 hectares in size. It is currently left as scrub. It contains a mature Beech tree adjacent to the front boundary and a Willow tree adjacent to the southern boundary. Both trees are protected by a Tree

Preservation Order. There is another tree which is protected located in front of No. 4.

- 1.3 The front boundary is defined by a high and dense hedgerow. The front drive, which stretches across the entire site frontage is laid to loose gravel and set back from this is the amenity area, which is laid to lawn. The southern boundary of the site is defined by a 2m high timber fence which forms the rear boundaries of the properties facing onto Queen Edith's Way.
- 1.4 No.4 is a two storey, grey rendered, detached property set back from the road with a gated front access. No.4 is also identified as a Building of Local Interest (BLI). The application site is located within a residential area. The main built form of the area is characterised by two storey detached and semi-detached properties set back from the highway. The site is not within a conservation area and is outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a two storey 4-bed dwelling. The building would have a hipped roof with rendered external elevations. There would be a side and rear element with a secondary hipped roof which would form a subsidiary element. The dwelling would have a rear garden and parking to the front.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
17/1152/FUL	Construction of two semi-detached dwellings.	Withdrawn
16/1534/FUL	Erection of one two-storey four bed house on land adjacent to 4 Strangeways Road.	Permitted
13/1331/FUL	Erection of one two-storey four bed house on land adjacent to 4 Strangeways Road.	Permitted

10/0731/EXP	Extension of time for implementation of 05/0868/S73 for erection of 1 four-bed house (outline permission C/97/1016/OP) including amendment to siting at land adjacent to 4 Strangeways Road.	Permitted
05/0868/S73	Extension of time limit for commencement of work by 5 years	Permitted
C/98/0815	Alterations and additions to existing dwellinghouse including a two storey rear extension.	Permitted

#### 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 4/4 4/12 4/13 5/1 8/6 8/10

### 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)  Cycle Parking Guide for New Residential Developments (2010)  Buildings of Local Interest (2005)

### 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 As a result of this proposal the parking for the existing household will be displaced on-street. 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. Recommend conditions for no unbound material, to remove permitted development rights for gates, access construction standards and drainage, visibility splays and manoeuvring areas.

### **Environmental Health**

- 6.2 No objection subject to standard conditions to control construction hours, delivery/collection hours and piling.

### **Urban Design and Conservation Team**

- 6.3 No material urban design issues.

### **Landscape Officer**

- 6.4 Potential impact on trees from construction and pressure to prune which needs further consideration. Clarification of bins and bikes storage is required.

## **Tree Officer**

### Initial comment 26.10.2017

- 6.5 No objection. While the layout is still not ideal in relation to protected Beech, it is no worse than the layout that was previously approved. The pruning as indicated on the drawing 6040-D rev C is not approved. A more considered and detailed specification of works should be presented as part of the tree protection. Recommend condition for tree protection measures

### Additional comment

- 6.6 The bin/bike store can be constructed without material impact on the protected Beech and construction can form part of the arboricultural method statement required as a condition. Agree with recommendation to remove permitted development rights to prevent insertion of windows in front elevation in order to remove pressure to prune.

## **Sustainable Drainage Engineer**

- 6.7 No comments received.
- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- 4 Strangeways Road

- 7.2 The representations can be summarised as follows:

- Loss of privacy
- Loss of light
- Unreasonable noise and disturbance
- Ongoing boundary dispute

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 (and impact on heritage assets)
3. Residential amenity
4. Highway safety
5. Car and cycle parking
6. Refuse arrangements
7. Third party representations

### **Principle of Development**

8.2 The principle of a new residential unit on this site has been established by the granting of the previous planning permission (16/1534/FUL). In my opinion, the principle of the development is acceptable and compliant with policy 5/1.

### **Context of site, design and external spaces / Impact on BLI**

8.3 The proposed dwelling would form part of the street scene along Strangeways Road, which has a residential character. The principle of a dwelling on the site has been established and, in my opinion, the proposed larger dwelling would sit comfortably within the site, which has a relatively wide frontage. The step back of the side element would have the appearance of a subsidiary extension which breaks up the mass of the building. The proposal would retain the hedge and trees along the frontage, so the site would retain a verdant character and soften the appearance of the dwelling.

8.4 There is a mixture of building styles along this part of Strangeways Road. No. 4 Strangeways Road is identified as a BLI. However, comments from the Urban Design and Conservation Team on the previous application (16/1534/FUL) advised that the building was of limited architectural or historic

interest. Nonetheless, the principle of a dwelling on this site has been established and the proposal with its hipped roof form and use of render would not be out-of-keeping with the character of No. 4.

- 8.5 The previous consent on the site has been subject to a condition for materials samples to be submitted. Due to the scale of the building, I consider this to be appropriate for the current proposal. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.6 The occupants of No. 4 Strangeways Road have objected to the proposal on the grounds of loss of light, loss of privacy, and noise and disturbance. The previous consent for a dwelling on this site is a material consideration, and therefore the impact of the current proposal must be assessed with reference to impact of the approved scheme which could be implemented. The approved scheme is for a two storey dwelling. The footprint has been shown on the proposed site plan for the current application for comparison. This shows the current scheme would have a two storey side element on the northern side that would be closer to the boundary with No. 4 by approximately 3.6m. However, the main bulk of the building would be on a similar footprint to the approved scheme.
- 8.7 No. 4 is set back from the boundary with the application site by a gap of approximately 5.5m. There are six windows on the south-east elevation facing towards the application site, making this a relatively important elevation to the house. These are understood to serve habitable rooms. The owner/occupier has explained that due to the large protected tree to the south east within the application site which overshadows these windows, light from the south-west is particularly important to the quality of the internal accommodation. I accept this as a valid point of consideration. The outside area on the southern side of No. 4 is not considered to be an important part of the external amenity space for the occupants, as the main garden is to the rear.

- 8.8 A new dwelling on the site would clearly have an impact on the outlook from the windows of No. 4. The eaves and ridge height would be similar to No. 4 and I do not consider the massing to be inappropriate in itself. The main bulk of the two storey property would be on a similar footprint to the approved scheme, and the roof would be hipped rather than presenting a gable end. In my opinion, the main consideration is the impact of the additional two storey side wing compared to the approved scheme. This would be over 6m from the side elevation of No. 4. The side (north) elevation would be approximately 5.5m long. It would cover less than half of the length of the 12m long elevation of No., 4, and importantly would not cover the bay window. However, this element would align with French doors and a large window above, which serve habitable spaces. Nonetheless, given the separation distance, I am satisfied that the proposal would not have a significant overbearing impact on these windows.
- 8.9 During the course of the application, the applicant was asked to provide a shadow study so that the impact on these windows could be assessed. The shadow diagrams show some additional overshadowing from the dwelling during the mornings in March, June and September, resulting in partial overshadowing of the left-hand-side of the south elevation of No. 4, including a bay window. However, this shadow is largely removed by 9am. In addition, there would be some overshadowing of the right-hand-side of the elevation during the morning in December, however this impact would be removed from around 11am onwards. In my opinion, the shadow diagrams have shown that the overshadowing from the proposal would not have a significant impact on residential amenity.
- 8.10 In terms of overlooking, the proposal includes no windows on the first floor side elevation facing towards No. 4 other than narrow side windows to the projecting gable on the front elevation. These windows are over 10m from the boundary and align with the front of No. 4. I am satisfied there would be no overlooking. There would be no permitted development rights to insert unobscured first floor windows in this side elevation.
- 8.11 The owner/occupant has raised concerns about the amount of noise and disturbance generated from the additional dwelling on the site. While the proposed dwelling would be larger than the

approved scheme, the use as a single dwelling would be the same. In my opinion the proposal would not generate a significant amount of noise and disturbance over and above normal residential uses, and in my opinion, this would not be reasonable grounds to recommend refusal. The Environmental Health team has recommended conditions to control construction hours, delivery/collection hours and piling. I accept their advice that these conditions are necessary and reasonable in order to mitigate the impact on the amenity of nearby residential properties.

- 8.12 The dwelling would be a substantial distance from other neighbouring properties and I am not concerned about the impact on those. 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 and 3/7.

#### Amenity for future occupiers of the site

- 8.13 The proposed dwelling would have an area of amenity space at the rear. While I am satisfied that this area is sufficient for a dwelling on this size, I would have concerns should this area reduce in the future. In my opinion, this could provide an unacceptable level of amenity for the occupants. As such, I have recommended conditions to remove permitted development rights for alterations and extensions (Class A) and outbuildings (Class E). Subject to this, I am satisfied that the dwelling would provide a high quality of residential amenity, in accordance with Cambridge Local Plan (2006) policies 3/7 and 3/12.

#### **Impact on Tress**

- 8.14 The site includes a protected tree in the northern corner. The proposed dwelling would extend into the root protection area and beneath the canopy. The site plan shows the footprint of the dwelling within these areas would be similar to the approved scheme. On these grounds, the Tree Officer supports the proposal, subject to a condition for tree protection measures. The proposal also includes parking space and bin/bike stores, the details of which can be secured through condition to ensure no harm to the tree.

- 8.15 The Tree Officer agrees with my concern that the proposal has the potential to increase the pressure to prune the tree should additional windows be inserted into the dwelling. The condition I have recommended to remove permitted development rights under Class A for alterations and extensions would also remove permitted development rights for the insertion of windows in order to avoid this scenario arising.
- 8.16 There is another tree preservation order covering a young replacement tree in the eastern corner of the site. This is sufficiently far enough away from the proposed dwelling so that it would not be impacted. The recommended condition will ensure that this is protected during the construction phase.
- 8.17 Subject to these conditions, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

### **Highway Safety**

- 8.18 The Highway Authority has not objected to the proposal and has recommended standard conditions. The proposal would re-use an existing dropped-kerb access and the extant consent did not include highways conditions. I have assessed the conditions requested by the Highways Authority, and in my opinion only the conditions requiring visibility splays and accessed and maneuvering areas would meet the tests of being reasonable or necessary. Subject to these conditions, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

#### Car parking

- 8.19 The proposal includes 2 no. car parking spaces. This is the same as the approved scheme and in accordance with the adopted maximum standards for larger dwellings outside the CPZ. The Highways Authority has raised concerns about a loss of car parking for No. 4, however the subdivision of the site has already occurred and No. 4 retains on-plot parking spaces. This is not a relevant concern.

### Cycle parking

- 8.20 The proposed site plan shows space for 4 no. cycle parking spaces. This is in accordance with the adopted standards based on a 4-bed dwelling. I have recommended a condition for full details of the cycle store to be submitted for approval.
- 8.21 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Refuse Arrangements**

- 8.22 There is enough space within the site to accommodate refuse storage. The applicant has shown a space to the front of the property where bins will be located to allow convenient access to the collection point. I have recommended a condition for details to be submitted. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Third Party Representations**

- 8.23 I have addressed the objections raised by the owner/occupier of No. 4 in my assessment above. The boundary dispute is a civil matter.

## **9.0 CONCLUSION**

- 9.1 The principle of development has been established through previous consents on the site. The current proposal would be larger than the consented schemes, however I am satisfied that it would not harm the residential amenity of neighbouring properties, important trees or the character of the area. For these reasons, the recommendation is for approval subject to conditions.

## **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. Prior to commencement of development and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and LPA Tree Officer to discuss details of the approved AMS.

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).

7. Prior to commencement of the construction of external surfaces of the development hereby permitted, samples and full details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority. Thereafter 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).

8. Prior to first occupation of the dwelling hereby permitted, two 2.0 x 2.0 metres visibility splays shall be provided 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. Thereafter this area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety.

9. Prior to first occupation of the dwelling hereby permitted, the access and manoeuvring area shall be provided as shown on the drawings. Thereafter this area shall be kept free from obstruction.

Reason: In the interests of highway safety.

10. Prior to first occupation of the development hereby permitted, cycle parking facilities and bin storage shall be provided in accordance with details that have been submitted to and approved in writing by the local planning authority prior to installation. Thereafter the facilities shall be retained in accordance with the agreed details.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 8/6).

11. 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) (including the insertion of windows) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity space for the future occupants (Cambridge Local Plan 2006 policies 3/4 and 3/12).

12. 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 space for the future occupants (Cambridge Local Plan 2006 policies 3/4 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.

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.