

Application Number	17/1926/FUL	Agenda Item	
Date Received	22nd November 2017	Officer	Eloise Limmer
Target Date	17th January 2018		
Ward	East Chesterton		
Site	8 & 8A Oak Tree Avenue Cambridge Cambridgeshire CB4 1BA		
Proposal	Demolition of 8 and 8A Oak Tree Avenue and erection of two dwellings		
Applicant	Mr A DeSimone 436 Milton Road Cambridge CB4 1ST		

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 replacement dwellings are acceptable, in principle; <input type="checkbox"/> The design of the proposed dwellings is acceptable and would be in keeping with the character of the area; <input type="checkbox"/> The proposed dwellings would not harm neighbour amenity.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 Nos. 8 and 8A Oak Tree Avenue are situated at the end of a terrace of properties on the western side of Oak Tree Avenue. The original house, No. 8, was extended to the side to provide three additional bedrooms and a self-contained bedsit on the ground floor. This element subsequently became 8A Oak Tree Avenue. The property is currently a large HMO.

1.2 The area is characterised by residential dwellings and the site backs onto the gardens of properties on Milton Road. To the

north of the site is a right of way which serves the rear of the site and Nos. 10 and 12 Oak Tree Avenue. The site is close to the junction with Milton Road. The character of the area is mainly residential; there are no relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The application seeks full planning permission for the demolition of 8 and 8A Oak Tree Avenue and erection of two semi-detached three bedroom dwellings with associated bin and cycle storage to the rear. The proposed dwellings would be the same height as the adjacent terrace properties. To the rear of each dwelling, at second storey level, would be two box dormer windows which would accommodate the third bedroom. A small extension at first floor level would be created for the end property, in order to accommodate bedroom 1. This would be in the form of a flat roof extension, projecting out 1.6m from the rear elevation.
- 2.2 This is effectively an application to renew planning approval 14/1301/FUL which expired on 05/12/2017.
- 2.3 The application is accompanied by the following supporting information:
1. Design Statement
 2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
C/84/0150	Erection of two storey extension to existing dwelling house	Approved
C/84/0867	Addition of front porch and erection of first floor extension to existing dwelling house	Approved
14/0541/FUL	Demolition of existing house and building of two dwellings	Withdrawn
14/1301/FUL	Demolition of existing house and bedsit and replacement with two dwellings	Approved

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 3/7 3/8 3/11 3/12 5/1 5/14 8/2 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 (Appendix A)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.

Environmental Quality and Growth

- 6.2 The development proposed is acceptable subject to the imposition of conditions and informative relating to construction hours, collection during construction, piling, and dust.

Refuse and Recycling

- 6.3 No issues or comments with this development

Urban Design and Conservation team

- 6.4 It is considered that there are no material Urban Design issues with this application.

Landscape

- 6.5 The development proposed is acceptable subject to the imposition of conditions relating to hard and soft landscaping and boundary treatment.

Drainage

- 6.6 The development proposed is acceptable subject to the imposition of conditions relating to surface water drainage and drainage works implementation.
- 6.7 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:

- 10 Oak Tree Avenue

7.2 The representations can be summarised as follows:

- Concerned about the public access of the three houses next to the building.
- Concerned about the demolition of the existing house particularly safety and insurance issues.
- Does not think that the infrastructure of the cul de sac can take the volume and size of traffic required during construction.
- Thinks that public access to the cul de sac would be affected during construction as the proposed site is at the entrance.
- Thinks that the proposal will cause overshadowing and overlooking of his property and garden.

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. Car and cycle parking
6. Third party representations
7. Planning Obligations (s106 Agreement)

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) is relevant. *“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”*. This site is already in residential use, and the proposal seeks to replace it with residential. I therefore

consider that this proposal meets the policy objective and is acceptable, in principle.

- 8.3 The current buildings are in occupation as an HMO (House in Multiple Occupation). The loss of this use would not be detrimental to the housing stock as two new dwellings would be replacing it. Therefore, I am not concerned about the loss of an HMO unit in this area.
- 8.4 In my opinion the principle of development is acceptable and the proposal is compliant with Cambridge Local Plan (2006) policy 5/1

Context of site, design and external spaces

- 8.5 The existing buildings on the site complete the terrace form which ends with a two storey flat roof extension to the side (8A Oak Tree Avenue). The front elevation of the terrace is fairly uniform and has a certain rhythm of fenestration detailing and roof scape. The forecourt of the site is made up of hard landscaping and there is sufficient space for four cars to be parked in this area.
- 8.6 The proposed design matches the existing architecture of Oak Tree Avenue. The front elevation is simple in form and reflects the style and proportion of the neighbouring properties and would make the terrace more symmetrical. The building line would not come forward of the prevailing building line of the terrace and the forecourt is retained. Overall I consider that the street scene would be improved by this design approach and is acceptable.
- 8.7 At the rear there is a single storey element running along both properties at ground floor level, a first floor extension to the end property (No.8A), and the introduction of two box dormer windows on both properties. The dormers do not exceed the highest part of the roof and would not be highly visible from the street. There are no other dormers on the terrace however as the site is not constrained by Conservation designation it would benefit from permitted development rights for roof extensions. Under permitted development rights a dormer window of up to 40 cubic metres would be allowed. Thus, these dormers could be erected without planning permission. Therefore, it is considered that these dormers are acceptable.

- 8.8 In terms of the external open spaces, the dwellings would both have their own private amenity space to the rear, in which the bins and cycles would be incorporated. The rear gardens are small but of a sufficient size, commensurate to the size of the proposed dwellings. No details of the bins and cycle store have been provided, apart from indicating where they would be situated, on the site plan. It is proposed that the cycles and bins be accessible from the rear of the properties via the private right of way, which is acceptable in my view. I have recommended a condition requiring further details of the bin and cycle stores.
- 8.9 The front forecourt is to be retained and would be for the use of off-street car parking for four cars. This would concur with the character of the car parking along Oak Tree Avenue. The site is situated in a sustainable location, close to public transport routes, so there is also an alternative option for more sustainable modes of transport available to the occupiers.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The adjacent neighbour, at No.10 Oak Tree Avenue has objected. The main concerns are addressed below:
- 8.12 *Access* - The occupier of No.10 is concerned about the access to the rear of the properties via the side passage which is used by Nos. 10 and 12 Oak Tree Avenue as well as the application site. They are also concerned about the access to Oak Tree Avenue from Milton Road as the site is at the mouth of a cul-de-sac and the effect that large vehicles would have on the infrastructure of the cul-de-sac. All of these concerns relate to potential impacts during construction. A condition is therefore recommended requiring that the contractor's access arrangements, storage and parking details are submitted and approved before works commence.
- 8.13 *Structural stability* - The occupier of No.10 is concerned about potential impacts to their property during the proposed demolition and construction. These concerns are related to Building Control and their regulations about demolition and

construction close to other properties. I have recommended an informative to advise the applicant to consider the 'Considerate Contractor Scheme'.

- 8.14 *Overlooking and overshadowing* – In terms of overlooking, whilst the dormers would be introducing an additional level of outlook, there is already a high degree of overlooking between neighbours at first floor level which I do not consider would be exacerbated by the proposed dormers. The proposed dwellings would be situated north-east of No.10, given this orientation it is unlikely that overshadowing would be significant enough to warrant refusal of the application.
- 8.15 I do not consider that the proposed dwellings would cause an unacceptable level of enclosure to the neighbouring property because they are of similar proportions to the terrace form. The single storey elements would be less than 3m in height and therefore unlikely to result in any significant loss of neighbour amenity.
- 8.16 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

- 8.17 The future occupants of the proposed dwellings would benefit from a high quality new build, which would be located within a sustainable part of the City and benefit from private amenity areas, adequate cycle and bin storage and off street car parking. Although the gardens, particularly at No.8A, are small they are considered to provide sufficient amenity space for the occupiers given the sustainable location of the site.
- 8.18 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

- 8.19 Refuse is indicated on the site plan. This is located to the rear of the properties. I am confident that adequate provision can be achieved for both dwellings. A condition is recommended to secure refuse provision in order to meet the requirements.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.21 Cycle parking is indicated on the site plan. It is provided to the rear of the site close to the bin store. I am confident that adequate cycle parking provision can be achieved for both dwellings. A condition is recommended to secure the provision of cycle parking for both dwellings.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.23 I have addressed the occupier of No.10 Oak Tree Avenue's concerns in paragraphs 8.12 - 8.15.

Planning Obligations (s106 Agreement)

- 8.24 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.
- 8.25 The guidance states that contributions should not be sought from developments of 10-units or fewer, 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 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 development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

5. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside or refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter.

Reason: To protect the amenities of nearby residents /occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

7. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. 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 treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced 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)

9. 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)

10. 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)

11. 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)

12. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy4/13

13. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

- i) contractors access arrangements for vehicles, plant and personnel,

- ii) contractors site storage area/compound,
- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

14. 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).

15. No development hereby permitted shall be commenced until a surface water drainage scheme based on sustainable drainage principles and following the drainage hierarchy has been submitted to and approved in writing by the local planning authority. The drainage system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding or flooding of third party land for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

- a. include details of all proposed SuDS features, information about the design storm period and intensity, the method employed to control the surface water discharged from the site to the greenfield runoff rate and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

b. identify how the risk of surface water flooding will be dealt with, ensuring that the surface water flood risk is not increased elsewhere; 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.

Reason: To ensure appropriate surface water drainage.
(Cambridge Local Plan 2006 policy 4/16)

16. No building hereby permitted shall be occupied until drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan for the lifetime of the development.

Reason: To ensure appropriate surface water drainage.
(Cambridge Local Plan 2006 policy 4/16)

INFORMATIVE: Dust condition informative

To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

-Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

-Control of dust and emissions during construction and demolition - supplementary planning guidance

https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers-by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).