

<b>Application Number</b>	19/0095/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th January 2019	<b>Officer</b>	Alice Young
<b>Target Date</b>	21st March 2019		
<b>Ward</b>	Queen Ediths		
<b>Site Proposal</b>	Land Rear Of 17 Hills Avenue Cambridge CB1 7UY Erection of a single storey dwelling with associated access and landscaping.		
<b>Applicant</b>	Blues Propety Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would not harm the character of the area</li> <li>- The proposal would not significantly harm the residential amenity of neighbours</li> <li>- The proposal would provide a high quality living environment for future occupants.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site, No. 17 Hills Avenue, located on the north side of Hills Avenue, consists of a two storey detached property situated in a large plot. No. 17 has two vehicle accesses from each corner fronting Hills Avenue. Within the site, located at the rear is a single storey outbuilding which is attached to a similar structure to the rear of the site within No. 18 Cavendish Avenue.
- 1.2 The application site does not fall within the conservation area or controlled parking zone. However, within the curtilage of the

site, there are four TPOs, all of which are towards the western boundary parallel to No. 17A.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks the erection of a single storey dwelling with associated access and landscaping.
- 2.2 The proposed dwelling would have an internal floor space of 198.07m<sup>2</sup> and would have a flat roof with a height of 3 metres. The proposal includes a chimney which would protrude 1.3 metres from the roof with a width of 1.5 metres. The dwelling has been designed in a combination of vertical cedar cladding and through coloured monocouche render with a sedum flat roof. Access to the proposed dwelling from Hills Avenue would be via a gated driveway adjacent to the boundary with No.17A. Set back from the road before the proposed gates would be a bin store adequate for the size of dwelling proposed, to the southwest of the site. Both car and cycle parking are provided within the application site. The development would provide a garden area allocated to the new dwelling with the remainder of the existing garden being retained within the curtilage of the host dwelling.
- 2.3 The proposal was amended to remove the proposed chimney.
- 2.4 The application is accompanied by the following supporting information:
1. Design and access statement
  2. Drawings
  3. Arboricultural assessment and tree protection plan
  4. Drainage strategy

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1234/NMA2	Non Material Amendment on application 16/1234/FUL for changes to the original proposed site boundary between the host dwelling and the plot on which the new dwelling will be built	Pending consideration

16/1234/NMA1	Non material amendment on application 16/1234/FUL for proposed addition of ramp added adjacent to South East Elevation, proposed upper terrace to have a permeable finish over route zone (north west), proposed main entrance door to be timber (south west), proposed addition of 6 nos rooflights, proposed central roof section eaves extended to adjacent rooves, proposed doors and windows moved to suit internal layout of dwelling and proposed bull nose fascia detail amended.	Permitted
16/1234/FUL	Erection of a new dwelling.	Permitted
C/93/0409	Erection of a detached double garage (ancillary to class c3 use) (amended by letter dated 10.08.93 and accompanying drawings).	Approved
C/92/0616	End reduce branches overhanging house by 3m to clear property, raise lower canopy to give clearance of 3m.	Approved.
C/89/0791	Change of use and extension (conversion of existing house to provide sheltered accommodation and erection of a single storey rear extension).	Withdrawn.
C/89/0281	Controlled flats.	Refused
C/88/1035	Erection of bungalow (outline application).	Refused.
C/87/1011	Outline application for the erection of 1 no. bungalow.	Refused.

#### 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 2018 policies, Supplementary Planning Documents and Material Considerations.

#### 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 3 28, 31, 35 50, 51, 52, 55, 56, 57, 71 81, 82

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

Central Government Guidance	National Planning Policy Framework February 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Control)**

- 6.1 The development is considered acceptable subject to conditions requiring a traffic management plan, visibility splays, and that no private water from the site drains across the highway.

#### **Sustainable Drainage Officer**

- 6.2 The development proposed is unacceptable and should be refused as the proposal is not in accordance with Policy 31 of the adopted Cambridge City Council Local Plan because sufficient surface water drainage details demonstrating the principle of draining the site have not been submitted to the local planning authority.
- 6.3 Updated comments: Acceptable subject to a surface water drainage condition.

#### **Environmental Health**

- 6.4 The development proposed is acceptable subject to construction hours and piling conditions.

#### **Landscape Design**

- 6.5 No objections subject to a hard and soft landscaping condition.

#### **Streets and Open Spaces**

- 6.6 No formal objection subject to a Tree Protection Plan and Arboricultural Method Statement condition, site meeting condition, implementation condition and tree protection condition.
- 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:

- 18 Cavendish Avenue

7.2 The representations can be summarised as follows:

- The proposal is larger than the previously approved plans and consequently more occupants
- The proposal would result in minimal garden space which is uncharacteristic of the area. The area has a 'garden suburb' feel with substantial gardens
- The chimney added will cause the smoke to dissipate over neighbouring gardens. Can it be stipulated that the chimney is to be used only for a gas flue.
- The shape of the plot is peculiar

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**

### **Principle of Development**

8.1 Whilst the principle of the development has already been established in the previously approved application (16/1234/FUL), since then the Cambridge Local Plan 2018 has been adopted and thus, the principle will need to be assessed again. The proposal is for the subdivision of the existing residential plots and therefore, policy 52 of Cambridge Local Plan (2018) is relevant in assessing the proposal.

8.2 Policy 52 of the Cambridge Local Plan (2018) states that: Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:

- a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;

- b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;
- c. the amenity and privacy of neighbouring, existing and new properties is protected;
- d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and
- e. there is no detrimental effect on the potential comprehensive development of the wider area.

8.3 I consider that the proposal complies with the above five criteria and the reasons for this are set out in the relevant sections of this report.

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

- 8.4 Besides the minor increase in scale, decrease in height and change in configuration, the proposed single storey dwelling is similar in design to 16/1234/FUL which was previously approved at Planning Committee. The works have yet to start for 16/1234/FUL. Due to the nature of the subdivision and the location of the proposed dwelling to the rearmost point of the existing garden, the proposal would not be prominent from any public viewpoint.
- 8.5 As the previously approved application (16/1234/FUL) stated, the original pattern of development has changed to include an element of back garden subdivision due to the presence of No.6a and No.12a Cavendish Avenue. This highlights that subdivision is not uncommon within the area. I am of the opinion that the pattern of development has changed to include sub-divisions and back land developments and I consider that the proposal would not go against the grain of the built form within the area.
- 8.6 With increasing the scale and massing of the proposal compared to the approved scheme, the space around the proposed dwelling, including garden space, would decrease. Whilst generous gardens are characteristic of the area, it is considered that the character and appearance of the area would not be adversely affected by the proposed development.

As previously noted, the proposed dwelling would not be visible from public viewpoints including views from Hills Avenue. The rear outbuilding and the majority of the existing trees would be retained along the borders of the proposed development, and therefore the proposed dwelling would be relatively shielded from view from the rear of neighbouring properties. Additionally, the proposed dwelling would be more contemporary in appearance than the previously approved application due to the sedum roof and vertical cedar cladding design. The proposal would maintain a sizeable section of the rear garden for private use for the host dwelling.

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.8 The separation distance between the properties on Hills Avenue (Nos. 17, 17A and 19) and the proposed dwelling would be over 20 metres. Additionally, the western site boundary would retain the majority of the existing vegetation, the southern boundary would be landscaped with planting and a 2 metre high boundary fence and the existing 1.8 metre close boarded fencing would be retained on the existing boundaries. These factors combined, I am of the opinion that the proposed single storey dwelling would not visually enclose, significantly overlook, overbear or overshadow the aforementioned Hills Avenue properties.
- 8.9 On the north side of the proposed dwelling which would face No. 18 Cavendish Avenue, multiple windows have been proposed. These windows would serve two bedrooms and a utility room. Whilst these windows would not be obscure glazed, due to the presence of the reconstructed outbuilding and the significant separation distance of 30 metres, I am satisfied that the proposal would not give rise to any significant overlooking impacts or loss of privacy. Whilst the presence of the proposed dwelling would be felt and the proposal would be visible from neighbouring outlooks, due to the relatively low height (3 metres), vegetation screening, existing fencing, re-consolidated outbuilding and sedum roof, I am of the opinion that the proposal would not visually dominate the views from

neighbouring properties, retaining the open feel of the rear gardens. Furthermore, I am satisfied that the proposal would also not create a significant sense of enclosure for No.18.

8.10 In terms of overshadowing, given the orientation of the application site, the properties to the rear of the development on Cavendish Avenue are the only properties likely to be overshadowed by the proposal. However, due to the substantial length of the rear gardens of Cavendish Avenue properties and the scale and massing of the proposed single storey dwelling, it is considered that the proposal would not adversely affect daylight or sunlight levels to the detriment of No.16 or No.18.

8.11 I am of the opinion that noise and disturbance resulting from the outside amenity space would not be significant due to the residential nature of the proposal. In addition, the proposed outside amenity space for the proposed dwelling is well screened from neighbours thus this would mitigate any significant noise pollution resulting from the proposal. Whilst the proposal would introduce vehicle movements alongside the boundary with No. 17A, due to the retention of the existing boundary treatment, low frequency of use and no habitable rooms being located on this elevation of No.17A, I consider that noise resulting from vehicle movements would not be significant. Similarly, the noise impact on the host dwelling would also be limited. No. 17 has no windows on the side elevation serving habitable rooms and would be separated by a boundary fence spanning 2 metres. In my opinion, this would screen any great noise resulting from vehicle or pedestrian movements. To prevent excess noise resulting from the vehicle movements, I recommend a bound material condition for the driveway.

8.12 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 (2018) policies 55 and 35.

#### Amenity of future occupiers

8.13 The new dwelling proposed would have a total internal floor area of 198.7 m<sup>2</sup> which is significantly above the 117m<sup>2</sup> minimum stated in policy 50 of the Cambridge Local Plan 2018. In addition, the bedrooms all comply with the internal space

standard. Therefore, it is considered that the proposed dwelling would provide a good standard of living for future occupiers. The proposal would provide level thresholds with sufficient width to facilitate wheelchair access and would be Part M4(2) Building Regulations compliant, in accordance with Local Plan Policy 51.

Size of external amenity space:

- 8.14 The proposed four bedroom dwelling is considered a family home. Whilst it is acknowledged that the garden size has decreased from the previous application due to the addition of a bedroom, it is considered that the proposal still provides sufficient outside amenity space for a family of four within a city environment.
- 8.15 In my opinion the proposal provides an adequate level of residential amenity for future occupiers and I consider that it is compliant with Cambridge Local Plan (2018) policies 50, 51, 52 and 56.

**Highway Safety**

- 8.16 The Highway Authority has raised no objection to the proposed works, subject to conditions. Furthermore as the driveway would utilise the existing vehicle access onto Hills Avenue, it is considered that the proposal would not introduce any highway safety issues.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

**Car and Cycle Parking**

- 8.18 The proposal provides adequate space for a car parking space, situated parallel to the proposed garage, which complies with the Car Parking Requirements set out in Appendix L of the Cambridge Local Plan 2018.
- 8.19 The proposed cycle parking would be situated within the proposed attached garage; this would provide covered and secure storage for four bikes which is considered sufficient provision.

8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

### **Refuse Arrangements**

8.21 The bins associated with the proposal would be situated within the proposed garage and the proposed plans show a bin collection point towards the southern entrance of the site. The distance between the collection point and the proposed bin store in the garage would be over 30 metres; this is considered to be too much of a distance and does not comply with the RECAP Waste Management Guide. However, I am satisfied this can be addressed via a condition.

### **Third Party Representations**

8.22 The third party representations have been addressed in the table below:

<b><u>Comment</u></b>	<b><u>Response</u></b>
The proposal is larger than the previously approved plans and consequently more occupants	Whilst there has been an increase in the scale and capacity of the proposed dwelling comparative to the previously approved application, it is considered that the proposal provides a good quality living environment for future occupants. It is considered also that, due to the significant separation distances between the proposed dwelling and neighbouring occupiers as well as the boundary treatment enclosing the dwelling, the additional noise and disturbance cause by the additional bedroom (and potentially two more occupants) would not be significant.
The proposal would result in minimal garden space which is uncharacteristic of the area. The area has a 'garden suburb' feel with substantial gardens	See section 8.6.

The chimney added will cause the smoke to dissipate over neighbouring gardens. Can it be stipulated that the chimney is to be used only for a gas flue.	The plans have been amended to remove the proposed chimney and therefore, this third party comment has been addressed.
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## 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 91 of the Town and Country Planning Act 1990 (as amended by 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 2018 policy 35).

4. There shall 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 2018 policy 35).

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 2018 policy 35).

6. No development shall take place above ground level, other than demolition until details 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 2018 policies 52, 55 and 57).

7. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety (Cambridge Local Plan 2018 policy 81).

8. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: To prevent surface water discharging to the highway, in the interests of highway safety (Cambridge Local Plan 2018 policy 81).

9. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (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 (Cambridge Local Plan 2018 policy 81).

10. Prior to the first occupation of the dwelling, hereby permitted, 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 (Cambridge Local Plan 2018 policy 81).

11. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety (Cambridge Local Plan 2018 Policy 81).

12. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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: 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 2018 policies 55, 57 and 59).

13. Prior to any equipment, machinery or materials being brought onto the site for the purpose of development, including demolition, details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to development commencing 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: To protect the visual amenity of the area and to ensure the retention of the trees on the site (Cambridge Local Plan 2018 policies 55, 57, 59 and 71).

14. Prior to the installation of any external lighting in the garden or on the building of the dwelling hereby permitted, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To avoid disturbance to foraging bats (Cambridge Local Plan 2018 policy 70).

15. Any clearance of trees, introduced shrubs or scrub, shall only be completed outside of the bird breeding period of March - August in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid disturbance to nesting birds (Cambridge Local Plan 2018 policy 70).

16. Prior to the occupation of the development, hereby permitted, the curtilage(s) of the approved dwelling(s) shall be fully laid out and finished in accordance with the approved plans. The curtilage(s) shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land (Cambridge Local Plan 2018 policies 50, 52, 55 and 56).

17. Notwithstanding the approved plans, the building, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51).

18. Prior to the commencement of development, other than demolition, a scheme for surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

- 1) 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;
- 2) 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 for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage (Cambridge Local Plan 2018 policies 31 and 32).

19. Prior to occupation 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 2018 policies 52, 55 and 57).

**INFORMATIVE:** The applicant is advised that any granting of Planning Permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.