

Application Number	19/0155/FUL	Agenda Item	
Date Received	14th February 2019	Officer	Alice Young
Target Date	11th April 2019		
Ward	Queen Ediths		
Site	Land R/O 3 And 5 Spalding Way Cambridge CB1 8NP		
Proposal	Single storey dwelling to the rear of 3 and 5 Spalding Way.		
Applicant	Ms Vanessa See 1B Ness Road Burwell Cambridge CB25 OAA		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal would not harm the character of the area - The proposal is considered to have an acceptable impact on the amenity of adjoining occupiers. - The proposal provides adequate amenity space for the proposed and host dwellings.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site consists of two semi-detached properties (No. 3 and No. 5) on the south-western side of Spalding Way. The application site has no site constraints as it falls outside the conservation area and controlled parking zone.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for a single storey dwelling in the rear gardens of No. 3 and No. 5 Spalding Way

that would be accessed via a driveway between the host dwellings. The dwelling would be an H-shaped property positioned centrally within its plot and with a detached double garage sited adjacent to the boundary with No.3. The proposal provides two off-street car parking spaces and a designated bin store on the shared boundary with No. 5 Spalding Way.

2.2 The application is accompanied by the following supporting information:

1. Design and access statement
2. Drawings

3.0 SITE HISTORY

There is no site history for land to the rear of 3 and 5 Spalding Way.

The planning history for 3 Spalding Way is as follows:

Reference	Description	Outcome
19/0185/FUL	Single storey rear extension to existing house, following demolition of existing conservatory.	Pending decision
C/01/0094	Two storey rear extension.	Approved
C/01/0375	Erection of a single storey rear extension.	Approved

The planning history for 5 Spalding Way is as follows:

Reference	Description	Outcome
19/0186/FUL	Single storey rear extension to existing house.	Pending decision

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 Plan 2018	Local	1, 3 35 50, 51, 52, 55, 56, 57 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 No objections subject to the following conditions: traffic management plan; visibility splays; highway drainage and the driveway to be of a bound material.

Sustainable Drainage Engineer

6.2 The proposal is acceptable subject to a surface water drainage condition.

Environmental Health

6.3 The proposal is acceptable subject to the following conditions: construction hours, collection during construction and piling.

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 owners/occupiers of the following addresses have made representations:

- 1 Spalding Way
- 7 Spalding Way

7.2 The representations can be summarised as follows:

- Increased comings and goings and smaller outside amenity space for 3 and 5 Spalding Way would result in noise and disturbance
- The area is characterised by large spacious gardens and back land development such as that proposed are limited to two examples in the neighbourhood. These examples are located in neighbouring streets and have been built fronting the street. Therefore, the proposal is not in character with the immediate area.
- The proposed height of the garage and bungalow would be unreasonably high. The garage would exceed the height of the newly developed No.1A and the proposed bungalow would exceed the eaves height of the adjacent two storey house. This would dominate No.1's garden and alter the enjoyment of the sunsets.
- Any trees planted should be varieties of limited height to limit overshadowing.
- There are serious concerns regarding drainage as there have been issues since the development of no. 1.
- The proposal would restrict sunlight to the garden of No.7 in the afternoon and evening.
- The bungalow in this position is inappropriate and would obliterate the views to Queen Ediths Way
- Increased on-street parking pressure

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 The proposal is for the subdivision of two 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 The site is located within an area characterised by two storey semi-detached and detached properties with generous rear gardens. The proposed single storey dwelling would be situated 10 metres from the rear boundary of the application site and approximately 9.2 metres from the new rear boundary with No.

3 and No. 5 Spalding Way. The proposed 'H' shaped bungalow would not fill the width of the site allowing the retention of the existing trees and hedging which would retain the privacy of neighbouring and future occupiers. The proposed double garage would sit to the north-east of the proposed dwelling 1.1 metres from the shared boundary with No. 1. Whilst the examples of subdivisions in the area (No. 1A Spalding Way, No. 1B Strangeways Road, No. 6A Tillyard Way) differ from the proposal as they front the highway and are not back land developments, it is considered that the proposal would not adversely impact the pattern of development and character of the area as it would be viewed in the context of the grouping of properties along Spalding Way, Queen Edith's Way and Strangeways Road. Whilst the main ridge height of the proposed bungalow is 4.75 metres, it is considered that, due to the scale and massing of the proposal and the 40 metre distance between the proposal and Spalding Way, the proposed bungalow would not appear to dominate the street scene, nor would it adversely impact the character of the area. However, I do share concerns of neighbours that, due to the height of the ridge, this could lead to the conversion of the loft space and addition of a dormer under permitted development. To prevent this and allow the Local Planning Authority to consider its impacts on neighbouring amenity, I have recommended that any permission be subject to a condition to remove permitted development rights under Class B and Class C.

- 8.5 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

Host dwelling (No.3)

- 8.6 The proposed garage would sit between No.3 and the proposed single storey dwelling, therefore, the only element which could potentially impact No.3 would be the proposed garage. As the garage would have a relatively low eaves height (2.5 metres) and would be situated 10.7 metres from the rear of No.3, I am of the opinion that the proposal would not create any significant overshadowing, overbearing or overlooking to No.3. Whilst the subdivision would result in the loss of outside amenity space for

the occupants of No.3, future occupiers of No.3 would have a garden with a length of 10 metres which is considered to be adequate for the size of dwelling. The proposed driveway would be adjacent to the boundary with No.3 to the north-west. While the proposal would create vehicle and pedestrian movements along the boundary with No.3, on this proposed boundary would be a 2 metre high fence and some additional planting to the western corner of No.3. Additionally, the intensity of the use of the proposed driveway would not be high. Therefore, I do not consider that the noise and disturbance would be to the detriment of the occupiers of No.3's amenity.

Host dwelling (No. 5)

- 8.7 The proposed dwelling would be situated over 17 metres from the rear of No.5. Sited between the proposal and No.5 would be the retained existing tree and proposed 2 metre close boarded fence and planting. Due to the separation distance and the proposed and existing barriers, I consider that the proposal would have a limited impact on No. 5 in terms of overbearing, overshadowing or overlooking. The proposed bin store for the new dwelling would be located on the south-eastern boundary corner of No.5, parallel to the driveway. Whilst there would be an increase in vehicle and pedestrian movements along the driveway adjacent to No.5, I do not consider this additional noise to be significant due to the low intensity of use and the existing and proposed screening.

No. 1

- 8.8 It is acknowledged that despite the triangular shape of No.1's rear garden, the residents at no. 1 regularly use the majority of their garden for leisure (patio to the east, vegetable patch to the rear). Due to the single storey nature of the proposal and the orientation of the application site (west of no.1), the proposal is unlikely to cause a significant impact on No.1's residential amenity. The proposed dwelling would be situated south-west of No.1's property meaning morning into early afternoon sunlight would be unaffected, only the late afternoon sunlight in the autumn/winter months would likely to be decreased. This is considered to not significantly impact No.1's amenity. In terms of overbearing resulting from the proposed dwelling and garage, due to the distance from the common boundary (2.5 metres) and the scale and massing of the proposed dwelling, it is

considered that the proposed dwelling would not appear to dominate or overbear No.1's rear garden. The bungalow is designed to be an 'H' shape with two pitched gable ends. The highest proposed ridge of the bungalow would be 4.75 metres in height; this would sit 6 metres from the shared boundary with No.1 and slope away from the boundary from the low eaves height of 2.4 metres. The proposed garage would be sited 1.1 metres from No.1's shared boundary and would have a hipped design with a ridge height of 4.25 metres and an eaves height of 2.5 metres. Whilst the ridge height of the proposed garage would be relatively high, this impact is offset by the 4 metre distance between the highest point of the building and the shared boundary. Therefore, the proposed garage is considered not to significantly enclose or overbear the residents of No.1. In terms of overlooking, due to the single storey nature of the proposal and the retention of the existing boundary foliage, the proposal is unlikely to result in a loss of privacy or the sense of overlooking. The proposed roof lights in the slope adjacent to the common boundary would not give rise to direct overlooking.

No. 7

- 8.9 The proposed single storey dwelling is situated south of No.7 and would be stepped away from the common boundary with No.7 by 2.6 metres. As the dwelling is single storey and situated to the south, No. 7 would not experience significant overshadowing. Although the proposal, due to its orientation, would impede on light levels received to the rear garden of No. 7 on summer mornings and to the mid-section of the garden in the early afternoons of autumn/winter, due to the scale and massing of the proposal, this is not considered to be detrimental to the amenity of No.7. Similarly to No.1, the proposed dwelling would be situated approximately 2.6 metres from the shared boundary and the ridge height 6 metres from the boundary. Therefore, it is considered that the proposal would not create a significant sense of enclosure to the residents at No.7. Due to the nature of the single storey dwelling and the existing (and to be retained) boundary trees and hedges, it is considered that the proposal would not lead to a loss of privacy to No.7.
- 8.10 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 52, 56 and 35.

Amenity of future occupiers

8.11 The proposed three bedroom bungalow would provide two double bedrooms and a single bedroom, which would have a capacity of 5 persons. Policy 50 states that for a single storey three bedroom property with a capacity of 5 persons should have at least an internal floor space of 86m². The proposal would have a significantly higher total internal floor space of 122m². The proposed habitable rooms would also benefit from good levels of light and outlook. Therefore, it is considered that the proposal would provide a good quality living environment for future occupants. The proposed dwelling would have a level threshold and a bound driveway to allow sufficient access for disabled people, and the dwelling is of a size, configuration and internal layout to enable Building Regulations requirement M4(2) to be met. I have recommended a condition to secure this.

Size of external amenity space:

- 8.12 The proposed garden allocated to the new dwelling would have a 10 metre depth and 6.9 metre width; this is considered sufficient size for a three bedroom family house. As a result of the subdivision both 3 and 5 Spalding Way would have smaller gardens than at present, but they would measure 10 metres in depth which is also considered adequate outside amenity space.
- 8.13 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

- 8.14 The Highway Authority have no objections to the proposal subject to the conditions advised, therefore, I consider that the proposal would have a limited impact on highway safety.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52 and 81.

Car and Cycle Parking

- 8.16 The proposal provides sufficient space for two car parking spaces within the proposed garage. Whilst this is the maximum car parking provision for a new dwelling, the proposal still complies with policy 82 of the Cambridge Local Plan 2018. The proposed plans have been amended to increase the depth of the garage to provide three cycle parking spaces for the occupants of the new dwelling, which complies with the Local Plan cycle parking standards.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Refuse Arrangements

- 8.18 The bins allocated to the proposed single storey dwelling would be located adjacent to the driveway and the boundary with No.5. This is considered an acceptable distance from the dwelling and the bin collection point on Spalding Way, complying with the RECAP Waste Guidance.

Third Party Representations

- 8.19 The third party representations will be addressed in the table below:

<u>Comment</u>	<u>Response</u>
Out of character: The area is characterised by large spacious gardens and back land development such as the proposed are limited to two examples in the neighbourhood. These examples are located in far away in neighbouring streets and have been built fronting the street. Therefore, the proposal is not in character with the immediate area. The bungalow in this position is inappropriate and would obliterate the views to Queen Ediths Way	See section 8.4.

<p>Noise and disturbance: Increased comings and goings and smaller outside amenity space for 3 and 5 Spalding Way would result in noise and disturbance</p>	<p>There would be increased comings and goings both by pedestrians and vehicles between the two host dwellings which would result in an inevitable increase in noise and disturbance. However, I do not consider that this would be significant enough to detrimentally harm neighbouring properties.</p>
<p>Overshadowing and overbearing : The proposed height of the garage and bungalow would be unreasonably high. This would dominate No.1's garden and restrict sunlight to the garden of No.7.</p>	<p>See section 8.6-8.10</p>
<p>Drainage: Concerns regarding drainage as there have been issues since the development of no. 1.</p>	<p>The Sustainable Drainage Officer finds the proposal acceptable subject to a pre-commencement condition relating to surface water drainage.</p>
<p>Increased parking pressure</p>	<p>Within the curtilage of the proposed dwelling would be a proposed garage which would provide two car parking spaces for future occupiers. This is more than adequate provision for parking within this sustainable location. Furthermore, the two host dwellings would retain the existing car parking spaces. In addition, the Cambridge On-Street Residential Parking Study (Published 19th June 2017) shows that Spalding Way does not experience great parking pressure. Therefore, I am satisfied that the proposed dwelling would not increase the existing parking pressure.</p>

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 development above ground level 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 2018 policies 52 and 57).

4. 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).

5. 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).

6. For the hereby approved dwelling, notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): any roof additions or alterations shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 52 and 57).

7. 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).

8. Prior to the first occupation or bringing into use of the development, hereby permitted, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No 516-07 P. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

9. 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).

10. The driveway to the dwelling, and car parking spaces to the front of 3 and 5 Spalding Way 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).

11. 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).

12. 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).

13. 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).

14. 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).

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.

INFORMATIVE: Cambridge City Council recommends the use of low NOx boilers i.e. appliances that meet a dry NOx emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality.