

<b>Application Number</b>	19/0015/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th January 2019	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	5th March 2019		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	11 Hinton Avenue Cambridge CB1 7AR		
<b>Proposal</b>	Erection of detached three bedroom dwelling and associated works at 11 Hinton Avenue, Cambridge		
<b>Applicant</b>	Mr & Mrs Mothersole 30 Greater Foxes Fulbourn CB21 5EZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design and scale of the proposed development would not have an adverse impact on the character of the surrounding area;</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> <li>- The proposed development would provide a high quality living environment for the future occupiers;</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site consists of land directly adjacent to No.11 Hinton Avenue. The site does not fall within a Controlled Parking Zone. There are no site constraints.

## 2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the erection of a 1.5 storey 1 bedroom dwelling. It would be accessed via Hinton Avenue. It would have one off street car parking space, and would also provide cycle and bin storage within the boundary of the proposed dwelling.
- 2.2 The scheme has been amended since submission to:
- Reduce the height and massing
  - Addition of an off street car parking space

## 3.0 SITE HISTORY

- 3.1 None relevant

## 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 31, 32, 35, 36 50, 51, 52, 55, 56, 57, 59 80, 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 Management)**

6.1 The proposal includes the removal of two off street car parking spaces, the streets in the vicinity provide uncontrolled parking, and as there is no effective means to prevent residents from owning a car and seeking to keep it on the local area this demand is likely to appear on-street in competition with existing residential uses. 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 when assessing this application.

6.2 No objection subject to the inclusion of conditions regarding introduction of kerb, falls & levels and a highways informative.

### **Drainage Officer**

6.3 There is extensive surface water flooding indicated on the Environment Agency's Flood Risk from Surface Water Maps which can be found here <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>. It is therefore recommended that finished floor levels are set higher

than the surrounding ground level so that the property will not be at risk of flooding.

- 6.4 No objection subject to conditions regarding minimum finished floor levels and flood resilience construction.

### **Environmental Health**

- 6.5 No objection subject to the inclusion of conditions regarding plant noise insulation, construction hours, and piling. An informative regarding the plant noise is also recommended.

### **Landscape Officer**

- 6.6 No objection subject to a green roof 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 address have made objections:

- 4 Hinton Avenue
- 5 Hinton Avenue
- 10 Hinton Avenue
- 13 Hinton Avenue

- 7.2 The objections can be summarised as follows:

- The drop kerb access removes 1 on-street car parking space
- Increase parking congestion due to the loss of parking for the existing dwelling
- The dwelling will overshadow and have a overbearing impact upon the garden of 5 Hinton Avenue
- The design is out of keeping with the character of the area
- Devalue neighbouring houses

- 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. Surface water drainage and flood risk
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking

### Principle of Development

8.2 Policy 3 of the Cambridge Local Plan (2018) states that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally.

#### Policy 52 Protecting garden land and the subdivision of existing dwelling plots

8.3 As the proposal is for the subdivision of an existing residential plot, policy 52 of Cambridge Local Plan (2018) is relevant in assessing the acceptability of the proposal.

8.4 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.

8.5 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**

8.6 This particular section of Hinton Avenue is characterised by large two storey pairs of semi-detached housing. However, No.11 Hinton Avenue is the last in the row of this design. The adjacent property, No.5 Hinton Avenue, is a detached property of a different design and marks the point in which the street scene becomes more varied. The contemporary design of the proposed dwelling would not be in keeping with the pairs of semi-detached properties but the design of the dwelling has evolved in order to address the site constraints in regards to residential amenity impact and the provision of car parking. A materials condition is recommended to ensure the proposal would be of a high quality finish. The proposal would also include an appropriate sized amenity area for the proposed dwelling.

8.7 It is my opinion the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area and would not constitute an overdevelopment of the site in accordance with Cambridge Local Plan (2018) policies 52, 55, 56 & 57.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

##### No.5 Hinton Avenue

8.8 To the north of the site lies No.5 Hinton Avenue. Due to the recently approved and constructed extensions, No.5's amenity area has been reduced and is now solely to the south of the host dwelling. The amenity area of No.5 is immediately to the north of the proposed dwelling. The applicant has since amended the design to significantly reduce the height and

massing of the dwelling to address this. The eaves height of the proposed dwelling would be 4.5m and the ridge height would be 6.7m and would be sited 9.4m away from the south facing elevation of No.5. While the proposed dwelling would bring the built form onto the boundary of No.5, the built form is less than the existing dwelling at No.11 and sits within the bulk of the existing dwelling. For these reasons, it is my view that scale and massing of the proposed dwelling is acceptable and would not have a significant overbearing impact upon No.5. Given that the ridge height of the proposed dwelling sits significantly below the ridge height of the existing dwelling at No.11 Hinton Avenue, I consider that the proposed dwelling would not result in a significant loss of light to the main amenity area of No.5 or to any of the ground floor or first floor rooms.

- 8.9 The existing dwelling at No.11 has kitchen windows facing towards the proposed dwelling but given that there are windows on the rear elevation serving the same room, these windows would not be significantly impacted. I have assessed above the potential impact on the residential amenity of the surrounding occupiers in terms of overlooking, overbearing sense of enclosure and overshadowing. I am satisfied that the proposed dwelling due to its orientation, layout and distance from existing dwellings and boundaries, would not have a significant adverse impact on the residential amenity of the neighbouring occupiers such that it would warrant refusal.

#### Wider area

- 8.10 The Environmental Health Team has recommended various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction. I accept this advice and have recommended the conditions accordingly.
- 8.11 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 35, 36, 52, 55 and 56.

#### Amenity for future occupiers of the site

- 8.12 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. The proposed unit would exceed

the standards. In this regard, the unit would provide a high quality internal living environment for the future occupants in my opinion. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	2	3	2	70	73	+3

8.13 Policy 50 of the Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space. The proposed dwelling would have a large long east facing garden.

8.14 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 (2018) policy 50.

#### *Accessible homes*

8.15 The development has been assessed for compliance with Policy 51 and complies with the requirements of Part M4 (2) of the Building Regulations. I have recommended a condition to secure this requirement.

#### **Surface water drainage and flood risk**

8.16 The Drainage Officer has not raised any objections subject conditions regarding minimum finished floor levels and flood resilience construction. In my opinion, subject to this condition, the proposal is compliant with the National Planning Policy Framework (2019) and policy 31 of the Cambridge Local Plan (2018).

#### **Refuse Arrangements**

8.17 There is adequate room within the rear garden to store bins. In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

## **Highway Safety**

- 8.18 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon highway safety but has raised the issue that the proposal could impose additional parking demands upon the on-street parking on the surrounding streets, this is addressed in the below section regarding car parking. As the proposal now includes car parking, the recommended condition regarding dropped kerb is not considered necessary. In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

## **Car and Cycle Parking**

### **Car Parking**

- 8.19 The proposal includes 1 car parking space for the proposed dwelling. The existing 2 car parking spaces for the existing dwelling would be lost due to the erection of the proposed dwelling.
- 8.20 The definition of parking stress is contained within the supporting text of Policy 53 (Flat conversions) of the Cambridge Local Plan (2018). It states that parking stress is defined as occurring in those streets where surveys show that there is less than 10 per cent free notional parking capacity. The Cambridge On-Street Residential Parking Study November 2016 shows that Hinton Avenue is at 90% car parking at 5.30am. This means that there is not less than 10 per cent free parking capacity within Hinton Avenue and subsequently no overnight car parking stress on Hinton Avenue.
- 8.21 Neighbours have raised concerns that the proposed widening of the existing dropped kerb would result in a loss of an on-street car parking space. There is currently insufficient room between the existing dropped kerb at 11 Hinton Avenue and the existing dropped kerb at 5 Hinton Avenue for a car to park without partially blocking either dropped kerb. The proposed widening of the existing dropped kerb would not result in the loss of an on-street car parking space.
- 8.22 The proposed dwelling would provide 1 car parking space. This complies with the maximum standards in the Cambridge Local Plan (2018). It is my opinion that the loss of 2 car parking

spaces for the existing dwelling would not warrant a refusal of the application due to the reasons set out in paragraph 8.20 of this report.

### Cycle Parking

8.23 The proposal includes cycle parking within a store in the garden.

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

## **9.0 Third party representations**

9.1 The majority of the third party representations have been addressed in the preceding paragraphs. Residents have raised concerns that the proposed dwelling could have a negative impact on the value of neighbouring properties. This is not a planning issue.

## **10.0 CONCLUSION**

10.1 In my opinion, the proposed development would not amount to overdevelopment of the site nor would it have an adverse impact upon the area, the neighbouring properties or the future occupants of the development.

## **11.0 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. 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)

5. Prior to the occupation of the development or the commencement of the use, a noise assessment detailing noise levels emanating from all plant, equipment and vents, relative to background levels, shall be submitted to, and approved in writing by, the Local Planning Authority.

If the assessment demonstrates that noise levels exceed the background level at the boundary of the premises, having regard to adjacent noise sensitive premises, a mitigation scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35)

6. 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)

7. Prior to the occupation of the development, hereby permitted, the curtilages of the approved dwelling shall be fully laid out and finished in accordance with the approved plans. The curtilage 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)

8. The finished ground floor levels of the dwelling hereby approved are to be set no lower than 9.24 mAOD.

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

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. No development shall commence until a scheme for flood resilient /resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.

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

11. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the chalet bungalow hereby permitted have been submitted to and approved in writing by the local planning authority. Development of the chalet bungalow 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)

12. No development above ground level, other than demolition, shall commence until full details of green and brown roofs have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategy and drainage details where applicable. The roofs shall be maintained thereafter in accordance with the approved details.

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)

**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.

**INFORMATIVE:** No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

**INFORMATIVE:** Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.