

Application Number	19/1301/FUL	Agenda Item	
Date Received	20th September 2019	Officer	Andy White
Target Date	15th November 2019		
Ward	West Chesterton		
Site	23 Garden Walk		
Proposal	2x new build one bed semi-detached incidental garden style properties to the rear of 23 Garden Walk		
Applicant	Mr Laurie Betts TRM Group Brygann Way North Lynn Industrial Estate Kings Lynn PE30 2HZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal would not detract from the character of the area - The proposal would not have any significant adverse impact on the amenity of surrounding residents
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is to the rear of No.23 Garden Walk on the west side of the street. No.23 is a detached property which has been subdivided into 9 flats and is on rising land above the level of the road. There are three terraced properties (Nos 23a to 23c) in a single storey block to the rear of the original dwelling with a gravelled parking and turning area and separate store building in the south-west corner of the site.
- 1.2 The site is located within a primarily residential area within the Cambridge Local Plan (2018). The site falls within Castle and

Victoria Road Conservation Area and is within a controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application proposes two one-bedroom semi-detached incidental garden style properties to the rear of No. 23 Garden Walk and to the side of Nos 23a to 23c. The proposed building would occupy the western end of the curtilage.
- 2.2 The application was amended in the course of the consideration of the application and the revised details are as follows. The semi-detached dwellings would be one-and-a-half storey (with bedrooms within the roof space) would be within a structure with ridge height of 5.5m, 2.6m eaves height, 10.4m width and 7.5m depth. It would accommodate 6 roof light windows to air and light the bedroom. Bin stores and covered cycle racks are located opposite the new dwellings and amenity area and would provide storage for the site.
- 2.3 The proposal will be a car free development. There is currently vehicular access to the side of the building but it is intended this would cease and the kerb modified to provide cycle access only.
- 2.4 The application is accompanied by the following supporting information:
1. Design Aid
 2. Arboricultural Report
 3. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
C/69/0623	Erection of two toilets one above the other at back of house,	Granted Permission
C/71/0346	Extension to existing house and erection of 7 garages at rear of property	Refused Permission 18.10.1971
14/423/TTCA	Mulberry tree in back garden - to fell,	No object 12.11.2014

15/0400/FUL	Extension to 23 Garden Walk, incorporating 3 new dwellings of 1.5 storey high, cycle store and amenity area.	Granted 16.09.2015
16/2109/CLUED	Application for a Certificate of Lawfulness under section 191 for loft conversion.	

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

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 Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 28 31 35 36 50 51 52 55 56 57 59 61 71 80 81 82

Central Government	National Planning Policy Framework 2019 National Planning Policy Framework –
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Guidance	<p>Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p>
Supplementary Planning Documents	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
Area Guidelines	<p>Castle and Victoria Road Conservation Area Appraisal (2012)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 The Highway Authority did not object to the proposal and suggested conditions relating to alteration to the existing

dropped kerb to reduce its length to provide cycle access only (two number taper kerbs one dropped kerb)

Conservation team

- 6.2 The principle of the development is acceptable; however some of the details, such as bin and cycle storage arrangements, need clarification. The proposal includes a lot of hard surfacing, and a softer approach would be more appropriate. The Mulberry tree is supported as it would help to soften the site.

Streets and Open Spaces (Trees)

- 6.3 As the proposed development could impact on trees with significant value the applicant needs to submit an arboricultural impact assessment prior to determination. The Tree report was subsequently provided and a condition to protect trees within and adjacent the site is recommended.

Streets and Open Spaces (Landscape)

- 6.4 The proposal to add further residential accommodation to the rear of 23 Garden Walk is capable of being accommodated, although there is concern regarding the displacement of the existing parking. Given that vehicles are being excluded from the site, it is a concern that more amenity space is not being provided. The proposal to plant a Mulberry tree within the grounds is supported. On the positive side there is benefit from excluding vehicles because the current vehicle access is causing compaction to the tree roots. The tree roots will require protection during construction should the application gain planning permission.
- The hard surfacing should be permeable resin-bound rather than resin-bonded surfacing. Cycle and bin storage details are acceptable although it is unclear whether the amount of bin storage provided is adequate. A Condition is suggested regarding hard and soft landscaping.

Environmental Health

- 6.5 The scheme is acceptable subject to conditions relating to construction hours and piling.

Waste and Recycling

- 6.6 The waste and recycling officer advised that the 2 new properties should have 140 litre bins. The 9 flats in the original dwelling should be served by 1 x 1100 black, and 1 x 1100 blue, the bins retained at front of property but screened from footpath. The occupiers of the two new dwellings and Nos 23a to C should have 1x 140 bins stored in the wooden bin sheds as located on the plan and moved to collection point on collection day.
- 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 Four representations have been received following public consultation from the occupiers of Nos 19, 24, 27 and 29 Garden Walk
- 7.2 The representations can be summarised as follows:
- 7.3 Two are supportive of the proposal as it is considered to be aesthetically pleasing although one of the supporters is concerned about noise during construction.
- 7.4 The objectors are concerned about the following:

The development will occupy a parking area which is utilised by existing residents. Garden Walk is part of the Victoria Area residents only parking scheme with reduced space available for on-street parking. The occupiers of each flat/house could apply for a resident's parking permit as well as those for visitors and tradesmen. Any increase in on-road parking will exacerbate the parking situation to an unacceptable level, causing stress.

The retention of the location of 6 black bins against the front boundary wall is a concern. There are two blue bins against the front wall of the house to serve all 12 flats/houses, there are no green bins contrary to the Site Plan for 15/0400/FUL of 24 July 2015 showing a dedicated storage area for 16 bins, which was never built, at the rear of the property and the applicant's Design and Access Statement of 24 July 2015 which stated ".....

In addition we will move the bins to the rear ...". Consequently the 6 black bins, unconcealed by the low wall, are an eyesore on a road which is part of the Conservation Area and detrimental to the external appearance of the property. They have also recently been subjected to vandalism, being pushed over by passers-by and the contents spilt. In addition to being visually unsightly they are also a hazard - see my letter 15/0400/FUL dated 20th April 2015.

The proposal represents an overdevelopment of the site with the unacceptable additional pressure on on-road parking spaces that would be created I believe this application should be rejected.

- 7.4 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

Context of site, design and external spaces & Impact on the Conservation Area

- 8.1 The application proposes additional residential development within a predominantly residential area where it is acceptable in principle. The proposal also subdivides the former garden area of No.23 and as such Policy 52 is of relevance to the consideration of the proposal. Having regard to Policy 52 (a) it is considered that the scale and appearance of the two dwellings is consistent with the form of the three existing dwellings to the rear of the property. The other elements of Policy 52 will be assessed later under amenity and parking.
- 8.2 The dwellings have been designed to be in keeping with the design and appearance of the three additional dwellings already constructed at the site. The proposal is entirely to the rear of the dwelling and to the west of the three additional dwellings already constructed. Consequently the proposal would not impact on the character and appearance of the street scene. The bin stores will be seen from the front of the dwelling in glimpsed views but they are modest and as such the proposal is not considered to harm the character or appearance of the conservation area.

- 8.3 It is considered that the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57, 59 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.4 The design and location of the properties is such that as the proposal will be car free there is not considered to be a significant impact on the amenity of any adjoining property. The provision of roof-lights to serve bedrooms is acceptable providing they are at least 1.7m above the floor level of the bedroom. The rear area of the neighbouring dwelling No. 25, to the north, contains garages in proximity to the shared side boundary and as such the scale of the proposals and the relationship to nearby buildings does not give any cause for concern in relation to residential amenity.
- 8.5 As such, it is considered that the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and that it is compliant with Cambridge Local Plan (2018) policies 52, 56 and 35.

Amenity of future occupiers

- 8.6 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 (m²)	Proposed size of unit	Difference in size
1	1	2	1.5	58	60	+2
2	1	2	1.5	58	60	+2

Size of external amenity space:

- 8.7 The proposal provides shared amenity space between No.23c and No.23d. This is considered to offer an adequate level of residential amenity for future occupiers and is not out of keeping with immediately neighbouring dwellings. The site will accommodate 14 dwellings in total if the proposal is allowed. None of these would be sufficient to accommodate a family. The former dwelling has been used as single person

accommodation for many years. The rear part of the property is at present a pea shingle area with only a small amount of usable amenity space. In the consideration of the application 15/0400/FUL the proximity to public open spaces at Jesus Green and Alexandra Gardens was considered to compensate for this limitation. The present scheme retains the areas of amenity space from the earlier scheme and provides additional space to the north of the proposed dwellings. The provision of this formal area of amenity space with tables and chairs will ensure that there is scope for outdoor relaxation at the site. Nonetheless the proximity to the areas of open space identified in the previous application remains for the existing and future residents. The proposal is considered to be compliant with Cambridge Local Plan (2018) policies 50, 51, 52 and 56.

Highway Safety

- 8.8 The comments of the Highways Authority suggest a condition to reduce the access to the property to cycle parking only. Garden Walk is now included within the Controlled Parking Zone and consequently new properties will not be able to access on-street parking permits. The proposal is therefore car-free and there will be no impact upon highway safety through additional car movements. The alteration of the dropped kerb to cycle access to the properties will assist in achieving this and a condition is included at the request of the Highway Authority to ensure that this alteration takes place prior to occupation.
- 8.9 As a consequence of the above the proposal is compliant with Cambridge Local Plan (2018) policies 80 and 81.

Car and Cycle Parking

- 8.10 As stated in the preceding paragraphs the proposal is car-free - consequently no parking provision is made on site and there is no access to parking permits to enable parking within the controlled parking zone on Garden Walk. This will ensure that the occupants will have little incentive to be car owners. The Highway Authority does not include new properties in parking permit schemes for controlled parking zones. Consequently, the proposed development is car free.
- 8.11 Cycle parking provision for all of the residential units is intended to be made within the south-western part of the site. The

location has access to public transport in addition to the ability to store cycles securely. A condition is suggested to require details of the cycle storage and that the cycle parking provision is available prior to occupation of the new dwellings.

- 8.12 Vehicles associated with the construction phase of the proposal will not be able to park legally on-street. The enforcement of unauthorised parking is not a planning matter and it is anticipated that the relevant bodies would prevent this becoming an issue should it occur and be brought to parking enforcements attention. However, a Traffic Management Plan for the construction phase is proposed amongst the conditions.
- 8.13 The proposal is considered to be compliant with Cambridge Local Plan (2018) policy 82.

Bin storage

- 8.14 The comments of the Waste and Recycling Officer on the amended proposals suggested that the storage should be in two locations which would be accessible by the future and existing residents. The applicant has agreed to provide a plan with separate areas shown and with screening of the front facility to address the concern of the resident living opposite. A condition is recommended to require the submission of further details.

Third Party Representations

- 8.15 It is considered that the majority of comments made in third party representation have been addressed above. However, in relation to concerns over noise and disturbance relating to the construction phase a condition is proposed to limit the hours when construction work can take place.

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. Unless otherwise agreed in writing by the Local Planning Authority, the development, hereby permitted, shall be constructed in accordance with the materials specified within application form & approved drawings

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

4. 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 and these works shall be carried out as approved.

These details shall include proposed finished levels or contours; boundaries and thresholds; vehicle and pedestrian access and circulation areas; communal/amenity space, hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. 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 2018; Policies 55, 57 and 59)

5. 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)

6. In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of two years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with BS 5837:2012 and the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure the retention of trees on site. (Cambridge Local Plan 2018 policies 55, 57, 59 and 71)

7. No development above ground level, other than demolition, shall commence 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 in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

8. Prior to the occupation of the new dwellings the existing dropped kerb that provides motor vehicular access to the rear of the existing property shall be reduced in width to provide cycle access only (two number taper kerbs one dropped kerb) and the remaining width of the dropped kerb shall be removed and the footway returned to a full face kerb. The access shall thereafter be retained as such and no car parking shall thereafter be provided on site.

Reason: To ensure the development would be car-free, in the interests of the safe and effective operation of the highway (Cambridge Local Plan Policy 81)

9. Notwithstanding the provisions of Schedule 2, Part 1, Class 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), no alterations to the roof of the dwellings hereby approved, shall be undertaken without the granting of specific planning permission.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

10. Notwithstanding the details shown on the approved drawings the cill of the rooflight windows shown to light and air the bedroom of the new dwellings hereby approved shall be located at a distance of 1.7m above the floor level of the 1st floor accommodation of the dwellings.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

11. Prior to first occupation of the development hereby permitted, details of cycle parking and bin storage facilities to serve the new dwellings and the existing properties shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking and bin storage areas shall be provided prior to first occupation of the development and retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of bins and bicycles. (Cambridge Local Plan 2018 policies 57 and 82)

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

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

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: 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).

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer. The developer will not be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connection. No window or door will be allowed to open over a highway and no foundation or footing for the structure will be allowed to encroach under the public highway.