

<b>Application Number</b>	21/01476/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31 <sup>st</sup> March 2021	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	26 <sup>th</sup> May 2021		
<b>Ward</b>	West Chesterton		
<b>Site</b>	45 Highworth Avenue		
<b>Proposal</b>	Residential redevelopment comprising two detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing buildings on site.		
<b>Applicant</b>	c/o Agent		

<p><b>SUMMARY</b></p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>o The design and scale of the development would not have an adverse impact upon the surrounding area.</li> <li>o The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers.</li> <li>o The proposal would provide an acceptable sustainable drainage strategy.</li> <li>o The proposal substantially addresses the previous primary reasons for refusal on 19/1408/FUL</li> </ul>
<p><b>RECOMMENDATION</b></p>	<p><b>APPROVAL</b></p>

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site comprises of a 'T' shape with a bungalow and garages set back from the road and behind the building line. The bungalow sits within the main spine of the 'T' shaped site. The site also sits directly behind No.43's and No.47's gardens in a rectangular area of land approximately 0.11ha in size.
- 1.2 To the north/north-east/east is Highworth Avenue, especially no's 43, 47 and 51 Highworth Avenue. To the west/south-west is Hurst Park Avenue. The site is surrounded by residential properties and their verdant spacious green gardens.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks planning permission for a 'Residential redevelopment comprising two detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing buildings on site.'
- 2.2 A previous application (19/1408/FUL) for residential development, which was for a terrace of 3 properties at the rear and 1 dwelling at the entrance of the site was refused by the Planning Committee for the following four reasons:
  - 1) The proposed scale, continuous bulk and form of the two storey flat roofed terrace of 3 dwellings at the rear of the site would appear as inappropriate backland development, starkly out of keeping with the verdant rear garden environment in which the properties would be located and particularly when viewed from Highworth Avenue down the long driveway. The proposal would be out of keeping with the character of the surrounding area contrary to Policies 52, 55 and 57 of the Cambridge Local Plan 2018
  - 2) No.51's garden is sited immediately adjacent to the north-west rear boundary of the site and unit 3. The excessive length, two storey height, flat roof form and bulk of the north west facing elevation and its return of unit 3 would result in a significant overbearing impact upon the rear garden of No.51 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.

- 3) The two-storey flat roofed terrace of 3 dwellings would be sited directly and in close proximity to the rear of the gardens of No.43 and 47 Highworth Avenue. Due to the limited gap between these properties and the proposed dwelling, and by virtue of the proposed scale, bulk and form of the dwellings, the proposal would result in an unacceptable sense of overbearing upon the rear gardens of No.43 and 47 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.
- 4) The proposal would introduce additional vehicular movements into an otherwise peaceful rear garden environment generating additional noise and disturbance impacts to neighbouring properties contrary to Policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018.
- 5) The proposal has failed to demonstrate that it would not result in a net loss of biodiversity or that through mitigation no net loss or net gain is possible. As such, the proposal is contrary to policy 70 of the Cambridge Local Plan 2018 and NPPF 2019 guidance, paragraph 170.

### **3.0 SITE HISTORY**

3.1 19/1408/FUL (as described above)

### **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	1 3

Plan 2018	28 29 31 32 33 34 35 36 50 51 52 55 56 57 59 68 70 71 80 81 82
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework 2021</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
SPD's	Sustainable Design and Construction (2020)
Previous Supplementary Planning Documents	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). This document, prepared to support policies in the 2006 local plan is no longer SPD, but is still a material consideration.
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge City Nature Conservation Strategy (2006)</p>

	<p>Contaminated Land in Cambridge - Developers Guide (2009)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Cambridge On-Street Residential Parking Study (2016)</p>
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## 6.0 CONSULTATIONS

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

- 6.1 No objections subject to conditions regarding contractor parking, falls and levels, and pedestrian visibility splays.

#### **Drainage Officer**

- 6.2 No objections subject to conditions regarding surface water drainage, maintenance programme and foul drainage.

#### **Environmental Health team**

- 6.3 No objections subject to conditions regarding construction hours, construction/demolition noise/vibration & piling, dust, EV charge points and boilers.

#### **Biodiversity Officer**

- 6.4 No objection. The Biodiversity Officer is content with the findings of the Preliminary Ecological Appraisal including Preliminary Bat Roost assessment and subsequent emergence survey as well as the BNG metric report, including assumptions made on existing and proposed habitats, demonstrating a minor net gain for the site through the proposed landscaping scheme. A condition is recommended that secures additional ecological features as recommended within the PEA, plus also boundary holes for hedgehogs.

6.5 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 objections:

- Hurst Park Estate Residents' Association
- 6 Hurst Park Avenue
- 20 Hurst Park Avenue
- 24 Hurst Park Avenue
- 26 Hurst Park Avenue
- 32 Hurst Park Avenue
- 36 Hurst Park Avenue
- 65 Hurst Park Avenue
- 72 Hurst Park Avenue
- 8 Highworth Avenue
- 14 Highworth Avenue
- 15 Highworth Avenue
- 19 Highworth Avenue
- 22 Highworth Avenue
- 29 Highworth Avenue
- 30 Highworth Avenue
- 31 Highworth Avenue
- 33 Highworth Avenue
- 37 Highworth Avenue
- 39 Highworth Avenue
- 41 Highworth Avenue
- 43 Highworth Avenue
- 47 Highworth Avenue
- 51 Highworth Avenue
- 51A Highworth Avenue
- 53 Highworth Avenue
- 55 Highworth Avenue
- 59 Highworth Avenue
- 61 Highworth Avenue
- 9 Orchard Avenue
- 18 Orchard Avenue
- 38 Orchard Avenue
- 13 Leys Road
- 19 Leys Road
- 44 Leys Avenue

- 26 Highfield Avenue
- 28 Highfield Avenue

7.2 The letters of objections can be summarised as follows:

*Principle of development/design of dwellings*

- No other backland development
- Will set precedent for further backland development
- The developers are looking to create a parallel street
- Dispute that the principal of development was considered acceptable on the previous application
- Overdevelopment
- Density is too high
- Out of keeping with the surrounding character. Buildings pitched and 0.9m higher than before.
- Large 4 bed houses
- No other court style developments in nearby area
- The proposed dwellings are of the same design when most houses down Highworth Avenue are of a different design
- Highworth Avenue has a history of every house being of a different design and having frontage on to the street, each house having open space and garden to allow nature and the wildlife to flourish.
- No dwellings should be built behind the existing building line set by the neighbouring properties
- The proposal would provide small amenity areas for the dwellings
- Contrary to policies 25, 50, 52, 55, 56, 59 and 70 of the Local Plan. Policy 52's default position is that garden land is protected

*Biodiversity*

- This garden development will interrupt a wildlife corridor and impact upon local wildlife
- Lack of information regarding biodiversity enhancements or landscaping
- Loss of the green corridor
- The documents submitted fail to state exactly how this will be achieved and how the net gain will be measured.

*Residential Amenity*

- 24, 26, 32 and 36 Hurst Park Avenue will be overlooked
- Impact upon 41, 43, 47, 51 Highworth Avenue as the proposed dwellings are immediately behind

- Noise and disturbance

### *Highway Safety/Parking*

- Turning cars will be difficult in the site which will probably lead to cars adding to the parking pressures in Highworth Avenue
- Not enough car parking
- Additional traffic coming from the site may conflict with pedestrians and cyclists
- Extra cars will damage the road further

### *Sustainability*

- No need to demolish existing building
- The proposal includes chimneys in units 1 and 2. If serving wood burning stoves they should not be supported from an air quality perspective.
- Lack of information submitted regarding the sustainability merits of the scheme contract to policy 28. it does not specify what low-carbon or zero-carbon heating and ventilating technologies will be used, and what the water efficiency measures will be.

### *Other Matters*

- No affordable housing or S106 money would be gained
- Questions over the developments' sustainability merits
- Water runoff needs to be considered
- Collection of bins is 23m away from kerbside, it should be 10m
- The application should go to Planning Committee to be considered by members
- The reasons for refusal haven't been addressed
  - o Reason 1: Inappropriate backland development continues to have a mass, form and scale which dominates the width and depth of the site with a long access road which is altogether out of character with the surrounding area.
  - o Reason 2: Overbearing impact on number 51 Highworth Ave. The north elevation of unit 2 is little more than two metres from the garden boundary of No.51. Although unit 2 has a pitched roof, the building rises to an ultimate height approx. 0.9metres more than the previous proposal and above the ridge

height of the existing bungalow. This does little to mitigate the original reason for refusal.

- o Reason 3: Overbearing impact on Nos. 43 and 47 Highworth Ave. Whilst the use of pitched roofs for units 1 and 2 reduces the continuous overall mass compared with the previous proposal, the increase in height and large footprint of both units nonetheless imparts an overbearing impact.
  - o Reason 4: Vehicle noise and disturbance. Access and parking arrangements are little changed from the previous application with the access road passing close to the rear garden boundary of No. 47. There are now two 4-bed houses and one 3-bed house, instead of four 3-bed houses, and there is likely to be very little difference in vehicle movements. Demand for parking spaces will constrain the turning area making manoeuvring difficult and resulting in inevitable overspill on to an already overcrowded Highworth Avenue. The proposal adds vehicular movements, where none existed before, into an otherwise peaceful rear garden environment generating additional noise and disturbance impacts to neighbouring properties contrary to Policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018.
  - o Reason 5: Biodiversity loss. The Planning Statement asserts that there would be no net loss in biodiversity at the site, but no evidence in the form of an independent survey or report is presented in support of this claim. The conclusion remains that the proposal has failed to demonstrate that it would not result in a net loss of biodiversity or that through mitigation no net loss or net gain is possible. As such, the proposal remains contrary to policy 70 of the Cambridge Local Plan 2018 and NPPF 2019 guidance, paragraph 170.
- Site plan and location plan are misleading, the later showing a tree planted where a neighbouring garage is proposed.
  - No engagement with the local community
  - Residents have raised concerns that the submitted information is out of date and that the proposal does not take into account the pre-development ecological value of the site.

- The recent amendments actually included: The increase in the pitch of the roof line on the cladded element when viewed on the front elevation of plots 1 and 2; and the increase in floorspace at the first-floor level of Plots 1 and 2, as facilitated by the aforementioned raised eaves.
- 7.3 Cambridge Past Present and Future have objected to the application. Very similar points have been raised above in the neighbour representations and the key point is that the previous reasons for refusal have not been overcome in this application.
- 7.4 Councillor Mike Sargeant has called the application in to be considered by members of the Planning Committee for the following reason:
- The proposal is in contravention of Policy 55 Responding to context as it does not draw any inspiration from the key characteristics of its surroundings.
- 7.5 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 the main issues are as follows:
1. Principle of development
  2. Context of site, design and external spaces
  3. Residential amenity
  4. Refuse arrangements
  5. Highway safety
  6. Car and cycle parking
  7. Drainage
  8. Sustainability
  9. Third party representations

### **Principle of Development**

- 8.2 Policy 3 of the Cambridge Local Plan 2018 states that for residential development, the spatial strategy is to focus the majority of new development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities, making the most effective use of

previously developed land, and enabling the maximum number of people to access services and facilities locally. 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. Policy 52 of the Cambridge Local Plan (2018) states that:

8.3 '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;
- e. there is no detrimental effect on the partial comprehensive development of the wider area'

8.4 Residents have raised concern that the applicant has argued that the principle of development was considered acceptable in the last application. Reason 1 focused on the design of the dwellings at the rear and has that 'two storey flat roofed terrace of 3 dwellings at the rear of the site would be out of keeping with the verdant rear garden environment in which the properties would be located and particularly when viewed from Highworth Avenue down the long driveway'. Criterion a of Policy 52 states 'the form, height and layout of the proposed development should be appropriate to the surrounding pattern of development and the character of the area'.

8.5 The existing bungalow on the site is set behind a garage and the existing building line of its neighbouring properties albeit not in a position that is commensurate with the two dwellings to the rear that are proposed. Whilst officers accept that there is a strong form of linear development along Highworth Avenue, the existing

bungalow being set back from the road, gives the perception that there an element of back-land development already. With this context in mind, the following paragraphs set out to assess the application against policy 52.

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

- 8.6 The site comprises a bungalow set back into the site, behind a garage and behind the existing building line set by the neighbouring properties. Highworth Avenue is characterised by two storey dwellings that are either detached or semi-detached with driveways in front for the parking of vehicles. Residents have objected to the proposal on the grounds that many of the properties along Highworth Avenue are of the same design and other residents have also objected to the fact that many properties along Highworth Avenue are of a different design. Officers agree there is not a strong uniform character along Highworth Avenue in terms of building design. The proposal includes a pair of detached properties at the rear of the site accessed via a long driveway from Highworth Avenue due to the demolition of the existing bungalow. The proposal also includes the erection of a detached two and a half storey dwelling adjacent to No.43 Highworth Avenue.
- 8.7 The proposed pair of detached dwellings positioned at the rear of the site would be of 1.5 storey scale (acknowledging their greater overall height than the refused scheme), of a contemporary design and asymmetrical pitched roof form and part flat roof. The dual pitched roof design helps to mitigate the visual impact of the dwellings from neighbouring gardens by taking the massing away from the boundaries. Because the dwellings are detached and less in number than the refused scheme, there is more space around the dwellings than before.
- 8.9 The proposed scheme would open up views into the site due to the creation of a large long driveway. In comparison to the previously refused scheme, the pair of detached 1.5 storey dwellings would sit much more comfortably on the site given their scale, design and siting. It is officers view that their design would provide a successful contrast to existing development. There would also be an appropriate gap between the two proposed dwellings in comparison to the previously refused scheme where the terrace filled the whole of the rear of the site especially when viewed from Highworth Avenue.

- 8.10 The proposed dual pitched form, 1.5 storey height and the layout of the 2 detached dwellings has satisfactorily addressed issues of scale and continuous bulk referenced in reason for refusal 1. Officers accept that the rear garden area of the site would be urbanised and its verdant character diminished as a result of the proposal. On balance, even though clearly a form of back-land development, the visual impact arising from the proposal compared to the refused scheme is significantly reduced. Taking the above into account, officers consider that the balance of consideration is in favour of allowing residential development in this location, particularly as the development of the residential units would assist the Council in helping meet its housing needs. The proposal accords with policies 52, 55 and 57 of the Cambridge Local Plan 2018.
- 8.11 Officers raise no issues with the siting, design or scale of the new house proposed on the frontage which is consistent with members decision on the previous application. A number of standard conditions regarding materials, landscaping, boundary treatment are recommended.

### **Residential Amenity**

#### Overlooking, Overbearing and Overshadowing

Impact on amenity of neighbouring occupiers

- 8.12 The site is surrounded by residential properties. To the north/north-east/east is Highworth Avenue, especially no's 43, 47 and 51. To the west/south-west is Hurst Park Avenue. The residential amenity impact of pots 1 & 2 - to the rear of the site - is set out below. Residents have disputed that the previously identified residential amenity impact has been overcome.

#### *No.51 Highworth Avenue (to the north)*

- 8.13 As outlined above, No.51's garden is sited immediately adjacent to the north-west rear boundary of the site and unit 2. The 2<sup>nd</sup> reason for refusal identified an overbearing impact upon No.51's garden due to the height and length of its two storey elevation on this common boundary.

- 8.14 The proposal has sought to address this impact, by significantly reducing the bulk of this scheme as would be perceived from the garden of no.51. Unit 2 would incorporate a lean-to roof that slopes down towards the common boundary with a low eaves height to mitigate impact. Unit 2's north western wall would be set off the boundary by 2m.
- 8.15 Given the reduction in massing of unit 2 in comparison to the previously refused scheme, including the reduction in length of the two storey form and its return, officers consider that the proposal would not have a significant adverse impact upon the residential amenity of the rear garden of No.51 Highworth Avenue. Taking the above into account, officers consider that the proposal has addressed the primary overbearing harm identified in the 2nd reason for refusal on 19/1408/FUL.
- 8.16 Overshadowing impact was not incorporated into reason for refusal 2 in relation to no.51's garden. There may be a degree of overshadowing upon the very rear of the garden of No.51 as a result of the proposal, but this is not considered to be significant given the size of the garden and consideration of the BRE guidance.

*No's. 43 & 47 Highworth Avenue (to the east and to the north)*

- 8.17 Units 1 & 2, are pitched roof 1.5 storey dwellings which would be sited close to the rear of the gardens of No.43 and 47 Highworth Avenue. There is now a visible gap between the two dwellings unlike before and the dual pitched roof form helps to keep the bulk of the dwellings to a minimum. Given the scale, form and layout of the proposed 2 units, officers consider that the proposal will not have a significant overbearing impact upon the residential amenity of Nos.43 and 47 Highworth Avenue. Therefore, officers consider that the proposal has gone far enough to address the harm identified in the 3<sup>rd</sup> reason for refusal on 19/1408/FUL. Given the proposed positioning and size of the 1 first floor window which would face towards these properties and the fact it serves a hallway, officers consider there would be no significant overlooking impact.

*No. 41 Highworth Avenue (to the south)*

8.18 No.41 Highworth Avenue is set in line with and to the south of No.43 Highworth Avenue. At the very rear of No.41's garden, which is the area closest to the terrace properties, there are a number of outbuildings. For these reasons, officers do not consider there would be an overbearing impact upon the garden of No.41.

*24, 26, 32 and 36 Hurst Park Avenue (to the west)*

8.19 The Hurst Park Avenue properties are sited west of the built form of the proposed terrace. There would be a degree of overlooking of the very rear of the gardens of the immediate properties in Hurst Park Avenue from the first floor rear windows of the 2 detached rear units. There would also be a degree of enclosure, overlooking and overshadowing of the very rear of these gardens. Given the distance between proposed and existing properties (circa 35m due to the long rear gardens of the Hurst Park Avenue properties), and taking into consideration of the large number of these gardens are screened by very mature trees within the neighbouring gardens, officers do not consider there would be a significant adverse impact upon these properties.

Noise/Disturbance

8.20 Cars do not currently go beyond the parking areas of the immediate neighbouring properties, No's 43 and 47 Highworth Avenue. The 4th reason for refusal on the previous application which was for a terrace of 3 dwellings to the rear of the site identified the potential noise and disturbance impact upon the above neighbouring properties. The current application, proposes 2 dwellings to the rear of the site, reducing the number of back-land dwellings by 1. This reduces the total car parking spaces down to 4 from a previous 5 and also reduces the amount of movements due to the fewer dwellings.

8.21 As outlined in this report above and below, officers consider that the proposal overcomes the harm identified in reasons 1, 2, 3 and 5. Taking this into account, and having regard to the marginal reduction in noise and disturbance given the fewer dwellings, on balance, officers consider the scheme benefits, which are mainly derived from the provision of new family housing which would meet housing need - outweigh the harm that would arise through noise and disturbance from vehicular movements in this part of the site. The proposal should not be refused on the basis of conflict with policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018 for this sole reason.

## Amenity for future occupiers of the site

8.22 The gross internal floor space measurements for units in this application are shown in the table below:

Unit Type	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	4	6	2	106	199.3	+93.3
2	4	6	2	106	199.3	+93.3
3	3	5	2	93	99	+6

8.23 As set out in the table above, all proposed units would comply and exceed with the space standards in respect of internal floor space, with units 1 & 2 being 93m<sup>2</sup> larger than the policy requirement. The proposed dwellings all provide moderately sized gardens which are sufficient in size for a family to occupy and utilise. The gardens would face south west. A third party observation is the lack of patio's in the rear garden, this can be resolved the inclusion of a soft and hard landscape condition. The layout and arrangement of the gardens is acceptable and would comply with Cambridge Local Plan (2018) policy 50.

### *Accessible homes*

8.24 The development has been assessed for compliance with Policy 51 and complies with the requirements of Part M4 (2) of the Building Regulations. A condition is recommended to secure this.

### **Refuse Arrangements**

8.25 Each unit would have its own bin store. The proposal includes a refuse collection point. Residents have raised concern that the collection of bins is 23m away from kerbside, it should be 10m. This is not possible due to the proposed front dwelling being in line with the neighbouring properties and the siting of No.47's garage. A condition is therefore recommended requiring a scheme for refuse collection to be submitted. The proposal provides adequate refuse and recycling in compliance with Cambridge Local Plan (2018) policy 57.

## **Highway Safety**

- 8.26 Comments from third parties regarding vehicle visibility issues and highway safety concerns are noted. However, the Local Highways Authority has raised no objection to the previously refused scheme or the proposed development on the grounds of highway safety or the increased use of the access, noting the scheme is now for one less dwelling than previously. The site plan demonstrates that the correct inter-visibility splays can be achieved for the proposed development. In this regard the proposal is compliant with Cambridge Local Plan (2018) policy 81.

## **Car and Cycle Parking**

### Car parking

- 8.27 Residents have raised concern about parking stress in the surrounding streets and especially on Highworth Avenue. Officers note these concerns. However, the vast majority of properties along Highworth Avenue have off-street car parking in the form of driveways and each of the proposed 3 dwellings would have a car parking space within the site with an additional space for visitors. This level of car parking proposed would meet the requirements for parking set out within Policy 82 Appendix L.
- 8.28 The parking and turning arrangements for the proposed dwellings and the impact upon the residential amenity of neighbouring properties has been addressed above.

### Cycle parking

- 8.29 The proposal includes individual cycle stores for each dwelling. The proposal is compliant with the standards set out in Policy 82 Appendix L.

## **Drainage**

- 8.30 The Drainage Officer has not raised any objections subject to a surface water drainage condition, a drainage maintenance plan condition and a foul drainage condition. A surface water drainage condition is recommended to ensure compliance with the National Planning Policy Framework (2021) and policy 31 of the Cambridge Local Plan (2018).

## **Sustainability**

8.31 Neighbours have questioned the sustainability merits of the proposed scheme especially given the demolition of the existing dwelling. Taking into account the relevant permitted development rights regarding demolition, the site constraints and as the proposal is for the erection of residential units, the principle of development is considered to be acceptable. Members should note that the previous application was not refused on these grounds given that conditions regarding water efficiency and carbon reduction could be imposed.

8.32 The applicant has submitted an Energy Statement and associated calculations which outline how the inclusion of a number of renewable technologies will ensure a 19% CO<sub>2</sub> emissions reduction target can be met. The following technologies have been identified for the proposed development: photovoltaic panels, solar thermal collectors and Air source heat pump. Residents have raised concerns that the proposal includes chimneys in units 1 and 2 and if the chimneys do serve wood burning stoves they should not be supported from an air quality perspective. Officers have sought clarification from the applicant about this and also comments from the council's Sustainability Officer. This update will be provided on the amendment sheet. Subject to these comments from the Sustainability Officer, appropriate conditions could be recommended in accordance with policy 28 of the Cambridge Local Plan 2018.

## **Biodiversity**

8.33 In order to address the 5<sup>th</sup> reason for refusal on the previous application 19/1408/FUL, the applicant has submitted a preliminary ecological assessment including a preliminary bat roost and subsequent emergence survey alongside a Biodiversity net gain metric report including assumptions made on existing and proposed habitats. The biodiversity net gain metric report demonstrated a minor net gain for the site through the proposed landscape scheme. The Biodiversity Officer has confirmed they support the proposal subject to a condition to secure bat boxes and boundary holes for hedgehogs as per the recommendations within the preliminary ecological assessment. Officers consider the proposal has overcome the 5<sup>th</sup> reason for refusal on the previous application. As such, the proposal is in

accordance with policy 70 of the Cambridge Local Plan 2018 and NPPF 2021 guidance, paragraph 174.

8.34 Residents have raised concerns that the submitted information is out of date and that the proposal does not take into account the pre-development ecological value of the site. Officers will seek additional advice from the Biodiversity Officer and will provide an update on the amendment sheet.

### **Third Party Representations**

8.35 The third-party representations have mostly been addressed in the relevant sections above. The following issues remain:

<b>Representation</b>	<b>Response</b>
Biodiversity, Wildlife corridor and impact upon the local wildlife, Lack of information regarding biodiversity enhancements or landscaping	Addressed above. The site is not a defined wildlife corridor. The proposal has also been assessed by the Council's Biodiversity Officer.
Overdevelopment/Density	Addressed above.
No other backland development, precedent for further backland development	Acknowledged. The principle of backland has been addressed above.
Parking pressures in Highworth Avenue.	It is considered the proposal includes sufficient parking within the site and therefore should not add to overnight parking stress in Highworth Avenue.
Damage to the road due to extra cars	This is a minor development for 3 dwellings and while this is a matter for the Cambridgeshire County Council Highway Team, it would be unreasonable to require contributions from the development to address damage to the road. Any damage to the road caused during construction would be a civil matter between the applicant and Cambridgeshire County Council.
No affordable housing or S106	As this is a proposal for 3

money would be gained	dwelling and a minor development, there is no policy requirement to provide either affordable housing or make S106 contributions to mitigate the development.
No engagement with the local community	The proposal is for a minor development, therefore there is no validation requirement to submit a statement of community involvement. Notwithstanding this, the application itself is subject to formal consultation with neighbouring properties.
The recent amendments actually included: The increase in the pitch of the roof line on the cladded element when viewed on the front elevation of plots 1 and 2; and the increase in floorspace at the first-floor level of Plots 1 and 2, as facilitated by the aforementioned raised eaves.	Officers note these minor changes to plans. Given the 15cm difference between the original plans and amended plans, it is not considered to warrant an additional consultation.
Lack of a scheme for soft landscaping	This can be conditioned.

## 9.0 CONCLUSION

- 9.1 There have been an extensive number of objections received from neighbouring parties to this revised proposal and officers note these concerns. When assessing the application, officers and members must give regard to the decision the Council made on the previous application. This includes what was deemed acceptable and what was deemed harmful. The harm previously identified was character and design, overbearing impacts, noise and disturbance from vehicular movements and lack of demonstration of a biodiversity net gain.
- 9.2 The above assessment outlines why officers are of the view that the proposal has overcome the reasons for refusal 1, 2, 3 and 5.. The proposal is for 1 less dwelling than in comparison to the refused scheme and the design of the 2 dwellings to the rear is considerably different to the previously refused scheme. The 2

dwelling to the rear have been designed in response to the previously identified harm and to ensure impacts are limited or mitigated. Vehicular movements would still arise from the proposal in this rear garden environment and officers accept that the design and siting of the rear units contrasts with the prevailing character. However, the harm arising from the proposal is significantly less than before and on balance, officers consider that the proposal has gone far enough to address the harm previously identified.

- 9.3 The proposal would also provide additional housing that not only has acceptable sustainability credentials but is also within a sustainable location. Notwithstanding that the Council has a 5-year housing land supply, the provision of additional housing to help meet need is to be welcomed. For the reasons set out within this report, officers consider that the proposal has substantively overcome the earlier reasons for refusal on 19/1408/FUL and would provide a high quality development that respects the character of the area, would not have an adverse impact upon the occupiers of neighbouring properties and would provide an acceptable level of amenity for future occupiers. On balance, a recommendation of approval is therefore given.

## **10.0 RECOMMENDATION**

**Approve subject to the below conditions:**

Appendix

1: Decision Notice for 19/1408/FUL

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. No development shall commence (including any pre-construction, demolition, enabling works or piling), until a written report, regarding the demolition / construction noise and vibration impact associated with this development, has been submitted to and approved in writing by the Local Planning Authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. The development shall be carried out in accordance with the approved details only.

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 nearby properties (Cambridge Local Plan 2018 policy 35)

6. No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning

authority The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

7. Electric Vehicle (EV) Charge Points - Residential Developments  
Prior to the installation of any electrical services, an electric vehicle charge point scheme demonstrating that at least one operational active electric vehicle charge point will be installed to each allocated parking space for each of the proposed residential units, shall be submitted to and approved in writing by the Local Planning Authority.

The active electric vehicle charge point scheme as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF, 2019) paragraphs 105, 110, 170 and 181, Policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

8. LOW NOx - Low NOx boilers condition  
Prior to the installation of any gas fired combustion appliances, technical details and information demonstrating the use of low Nitrogen Oxide (NOx) combustion boilers, i.e., individual gas fired boilers that meet a dry NOx emission rating of  $\leq 540\text{mg/kWh}$ , to minimise emissions from the development that may impact on air quality, shall be submitted to and approved in writing by the local planning authority. The details shall include a manufacturer's Nitrogen Oxides (NOx) emission test certificate or other evidence to demonstrate that every boiler installed meets the emissions standard above.

The scheme details as approved shall be fully installed and operational before first occupation and shall be maintained and retained thereafter.

Reason: To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen

dioxide and particulate matter are kept to a minimum during the lifetime of the development, to contribute toward National Air Quality Objectives and in accordance with the requirements of the National Planning Policy Framework (NPPF, 2019) paragraphs 170 and 181, policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan 2018 and Cambridge City Councils adopted Air Quality Action Plan (2018).

9. No demolition or construction works shall commence on site until a contractors parking 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.

The aim of the plan should be to demonstrate how the developer will control and regulate on street motor vehicle parking for the contractors and sub-contractors undertaking the works.

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

10. The two pedestrian visibility splays of 2m x 2m as shown on Dwg. No 102 shall be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway for the life time of the development.

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

11. 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 be retained as such.

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 including provision for gaps in fencing for hedgehogs; 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 (existing retained or proposed) that, within a period of five years after planting (or replanting if previously failed), 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. 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)

14. No development above ground level shall commence until a scheme for the provision of bat boxes and hedgehog friendly boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of access holes, box numbers, specification and their location. No dwelling shall be occupied until nest boxes and features have been provided for that property in accordance with the approved scheme.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57).

15. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The scheme shall include:

- a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
- d) A plan of the drained site area and which part of the proposed drainage system these will drain to;
- e) Full details of the proposed attenuation and flow control measures;
- f) Site Investigation and test results to confirm infiltration rates;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- i) Formal agreement from a third party if discharging into their system is proposed, including confirmation that sufficient

capacity is available.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.

16. Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the buildings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

17. No building hereby permitted shall be occupied until foul water drainage works have been detailed and approved in writing by the local planning authority.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.

18. Notwithstanding the approved plans, the dwellings, 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)

19. Prior to occupation of the proposed development, information demonstrating that one slow electric vehicle charge point has

been installed in each of the allocated parking spaces shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of encouraging more sustainable forms of travel/transport and to reduce the impact of development on local air quality, in accordance with Policies 36 & 82 Cambridge Local Plan (2018); and in accordance with Cambridge City Councils adopted Air Quality Action Plan (2018)

20. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

21. No development above slab level shall commence until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning. This shall demonstrate that all new residential units shall achieve reductions in CO2 emissions of 19% below the Target Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details

a. Levels of carbon reduction achieved at each stage of the energy hierarchy; and

b. A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit.

Where on-site renewable or low carbon technologies are proposed, the Statement shall also include

c. A schedule of proposed on-site renewable energy

technologies, their location, design and a maintenance schedule;  
and

d. Details of any mitigation measures required to maintain amenity and prevent nuisance

There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36 and Greater Cambridge Sustainable Design and Construction SPD 2020).

22. No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigation and historic building recording in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) the statement of significance and research objectives;
  - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that the significance of historic environment assets is conserved in line with NPPF section 16.

23. No development shall take place above ground level, other than demolition, until details of the materials to be used in the construction of the development 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 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)).

24. For the hereby approved dwellings (units 1 and 2), notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): loft conversion including rear dormers 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)

## **INFORMATIVES**

1. Dust Informative

In order to achieve the requirements of the dust condition, the applicant will need to provide details in accordance with Sections 3.6.155-3.6.161 (Pages 122 and 123) of the Council's "Sustainable Design and Construction" SPD (January 2020). The SPD is available to view at the following link:

[greater-cambridge-sustainable-design-and-construction-spd.pdf](#)

For minor applications such as this, attention is drawn specifically to Section 3.6.156 and Table 3.16 (Pages 121 / 122) of the SPD which provide further detail on submission requirements.