



<b>Planning Committee Date</b>	1 November 2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/02094/FUL
<b>Site</b>	5 Hinton Avenue
<b>Ward / Parish</b>	Coleridge/Queen Edith's
<b>Proposal</b>	Erection of a detached dwelling with bicycle storage, shed and air source heat pump, and alterations to windows/doors and cantilevered 'bay window' to existing dwelling including a dropped kerb.
<b>Applicant</b>	Mr & Mrs Henderson
<b>Presenting Officer</b>	Adam Dzimidowicz
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Character</li><li>2. Loss of Light</li><li>3 Privacy Impact</li><li>3. Noise Impact</li><li>4. Biodiversity Impact</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks the erection of a detached dwelling with bicycle storage, shed and air source heat pump, and alterations to windows/doors and cantilevered 'bay window' to the existing dwelling.
- 1.2 The proposed development utilises a traditional design appropriate for the street scene of a similar scale and mass to the front of the property as compared to those of existing properties in the street scene. The larger additions are primarily to the rear of the site, and are obscured from view of the public realm, meaning there is no adverse impacts on the character of the immediate context.
- 1.3 Concerns raised by neighbouring occupiers have been addressed. The assessments conducted show a negligible degree of overshadowing and overbearing, neither of which are sufficient to warrant a refusal.
- 1.4 Bikes and bins are situated to the front of the property as required by policy 57.
- 1.5 Standard conditions are recommended to account for Biodiversity Enhancement, surface water drainage, sustainability matters and to limit highways impact and environmental concerns in the interest of protecting the residential amenity of neighbouring occupiers.
- 1.6 Officers recommend that the Planning Committee **APPROVE** this application subject to conditions.

## 2.0 Site Description and Context

None-relevant	x
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\*X indicates relevance

- 2.1 The application site consists of an existing two-storey detached dwelling fronting Hinton Avenue. The site is not situated within a conservation area or the controlled parking zone and is in front of an unclassified road. The site is currently accustomed to 2no. off street parking spaces.
- 2.2 North of the site consists of neighbouring property no. 3 Hinton Avenue whereas further north is Cherry Hinton Road. East of the site consists of residential gardens serving the host dwelling and adjacent neighbours. South of the application site consists of neighbouring property no. 9 Hinton Avenue. West of the site consists of Hinton Avenue an unclassified Road.

## 3.0 The Proposal

- 3.1 The application seeks the erection of a detached dwelling with bicycle storage, shed and air source heat pump, and alterations to windows/doors and cantilevered 'bay window' to the existing dwelling.
- 3.2 The application has been amended to address representations and further consultations have been carried out as appropriate. The height of the new

dwellinghouse was amended to reduce from 8.9m to 8.7m. Proposed bicycle storage and sheds have been shown on the latest revised plans.

3.3 The application is accompanied by the following supporting reports and key plans which have been amended as indicated:

- Drawings
- Design and Access Statement
- Flood Risk Assessment
- Planning Statement

#### 4.0 Relevant Site History

Reference	Description	Outcome
22/01121/HFUL	Two storey front/side extension and single storey rear extension.	WDN
17/1689/FUL	Part two storey, part single storey rear extension, single storey side and first floor side extensions and associated access and landscaping arrangements following demolition of existing detached garage.	PERM

4.1 The previous application was withdrawn following concerns raised by officers.

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

##### 5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Protection of human health and quality of life from noise and vibration  
Policy 50: Residential space standards  
Policy 51: Accessible homes  
Policy 52: Protecting garden land and the subdivision of existing dwelling plots  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 58: Altering and extending existing buildings  
Policy 59: Designing landscape and the public realm  
Policy 69: Protection of sites of biodiversity and geodiversity importance  
Policy 70: Protection of priority species and habitats  
Policy 71: Trees  
Policy 80: Supporting sustainable access to development  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 Neighbourhood Plan**

N/A

### **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016

### **5.5 Other Guidance**

N/A

## **6.0 Consultations**

### **6.1 County Highways Development Management – No Objection**

6.2 Subject to conditions/informatives outlined below:

- Contractors Parking Plan
- Visibility Splays
- Driveway levels

### **6.3 Environmental Health – No Objection**

6.4 Subject to conditions outlined below:

- Construction Hours
- Piling

### **6.5 Drainage Officer – No Objection**

6.6 Subject to conditions outlined below:

- Compliance with Flood Risk Assessment

### **6.7 Ecology Officer – No Objection (verbal comments)**

6.8 Subject to conditions outlined below:

- Biodiversity Net Gain
- Green Roof.

**6.9 Tree Officer – No Objection (verbal comments)**

6.10 Subject to conditions outlined below:

- Tree Protection Plan and Arboricultural Method Statement
- Tree Protection Compliance Green

**7.0 Third Party Representations**

7.1 8 representations have been received from a total of 5 addresses.

7.2 These representations have raised the following concerns:

- Character, appearance and scale
- -Density and overdevelopment
- -Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, blocking of solar panels at no. 9, noise and disturbance from Air Source Heat Pump)
- Construction impacts
- Loss of parking
- Shared accessibility to the rear (would it be in the deeds)
- Impact on existing silver birch to the front (not TPO)
- Loss of biodiversity

**8.0 Member Representations**

Not applicable

**9.0 Assessment**

**9.1 Planning Background**

9.2 The previous application sought to extend the existing property, however, due to the limited internal arrangements of the existing dwelling and due to potential impact to the existing dwellinghouse and the context of the area, this application is to build a new dwellinghouse adjacent to the existing. The design and scale of the proposal have altered during the assessment period.

**9.3 Principle of Development**

9.4 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would allow for a vacant site to contribute to housing supply and thus would be compliant with policy 3.

- 9.5 The development constitutes a subdivision of an existing residential garden, meaning policy 52 is triggered. Policy 52 of the local plan states that proposals for the subdivision of residential gardens will be supported provided that:
- 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.

- 9.6 The following sections of this report will outline the proposed developments compliance with policy 52 of the local plan, and shall establish the principle of development as acceptable.

## **9.7 Design, Layout, Scale and Landscaping**

- 9.8 Policies 55, 56, 57 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 9.9 Concerns have been raised from neighbouring occupiers with regards to the adverse impacts the proposals would have on the character of the street. Further concerns have been raised with regards to the scale/massing of the proposed development, and the design of the bicycle store. These concerns will be addressed below.
- 9.10 The dwelling proposed is larger than the existing house on site, no. 5 Hinton Avenue, however, from the proposed frontage the scale appears similar other houses in the existing street scene, such as neighbouring properties nos. 11 and 13 Hinton Avenue. The proposed dwelling will be no wider than no. 5 Hinton Avenue on the front elevation, utilising a width of approximately 7.6m, and a height no greater than no. 13 Hinton Avenue of approximately 8.7m. The scale of the development is consistent with existing properties within the streetscene and is therefore compliant with Policy 52 (a).
- 9.11 The development proposes to utilise a larger footprint than that of the existing dwelling on site, no. 5 Hinton Avenue. The new dwelling is to extend into the site (to the south) and will be a similar depth to that of the neighbouring property no. 11 Hinton Avenue. Siting of the proposals is set back from the highway, and is consistent with the building line of adjacent properties along Hinton Avenue.
- 9.12 The new dwelling proposed will utilise a conventionally designed frontage, with some contemporary elements. The design is reflective of existing buildings within the area, drawing on similar characteristics of dwellings in proximity to the site such as no's. 11 and 13 Hinton Avenue, in an enhanced,

contemporary fashion and so is not considered to be an incongruous addition to the existing streetscene.

- 9.13 Natural slate roofing on the proposed new dwelling is considered to be a sympathetic addition to the existing streetscape. The type of brick used is still to be confirmed. To ensure the brick used is sympathetic to the existing streetscape officers consider it pertinent for this to be confirmed by condition.
- 9.14 The stand-alone dwelling is considered to enhance the character and use of the site for the provision of 1no. new dwelling and is considered to assimilate into the surrounding area. The proposed dwelling is therefore considered compliant with policies 52 (a), 55, 56 and 57 of the Cambridge Local Plan (2018) and the design is supported.
- 9.15 The landscaping plans provided show there will be a marginal reduction of hedgerow to the front of the property. In light of the reduction in greening to the front of the site, the proposals seek to retain a sufficient level of vegetation to both the front and rear of the property, which is considered to successfully complement the prevailing green character of Hinton Avenue. The level of vegetation on site is considered to be consistent with the prevailing character of the site and surrounding streetscene and so is considered compliant with the requirements of policies 55 and 59 of the local plan which is supported.
- 9.16 It should be noted, that the development is not situated within a conservation area, and the vegetation to be removed is not subject to enhanced protective measures and so the removal of vegetation proposed as part of this application could be done outside of the formal planning process.
- 9.17 The installation of a new cycle store is considered to be acceptable in context as it would be obfuscated by existing landscaping arrangements to be retained, and as such it would have a limited impact on the context of the area.
- 9.18 It is considered that the proposal for the installation of sheds for the gardens of the existing dwellinghouse and the proposed dwellinghouse would be in keeping with the context of the residential area and it would appear subordinate to the existing and proposed dwellinghouse. As such it is considered that would not have a detrimental impact on the context of the area.
- 9.19 Changes to the existing dwellinghouse are proposed to ensure that there is no amenity impact. The increase in window size on the front elevation, addition of windows to the rear elevation and removal of windows from the side elevation are considered to be proportionate and minor in scale, and would be consistent with the character of the existing dwelling. As such, officers do not consider these to be an incongruous addition to the existing streetscene.
- 9.20 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57, 58 and 59 and the NPPF.

## **9.21 Trees**

9.22 An area subject to Tree Preservation Order is present to the rear of the property. The Site Block Plan and Landscape Plans sets out that the existing *Prunus domestica* 'Cambridge Gage' tree, would be retained to the rear of no. 5 Hinton Avenue. A statement has been submitted as part of this application detailing that this tree is intended to be retained. The Tree Officer has provided verbal comment that the impact of the proposal on the existing trees can be mitigated through a planning condition to limit harm through protective measures as appropriate, in accordance with documents regarding tree protection sent through by the applicant.

9.23 As such the proposal is considered to accord with Local Plan policy 71.

#### **9.24 Carbon Reduction and Sustainable Design**

9.25 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

9.26 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.

9.27 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.

9.28 The proposed solar PV and Air Source Heat Pump technologies are welcomed and express the applicant's intentions to ensure carbon reduction is achieved in line with the requirements of policies 28 and 29.

9.29 The application is supported and will be subject to conditions relating to carbon reduction technologies and water efficiency, in the interest of ensuring compliance with policies 28 and 29.

9.30 The proposal is in accordance with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020, subject to conditions.

#### **9.31 Biodiversity**

9.32 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70.

Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

- 9.33 Concerns have been raised by neighbouring occupiers regarding the lack of biodiversity benefits and the removal of a significant amount of vegetation to the site prior to the commencement of the application.
- 9.34 The proposed development will utilise swift bricks in the interest of enhancing Biodiversity on site, which is welcomed.
- 9.35 The application has been subject to verbal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 9.36 The suggested conditions relate to biodiversity net gain, with baseline figures drawn from the level of biodiversity features on site prior to site clearance, and the provision of measures for enhancement (e.g. hedgehog holes, swift bricks etc).
- 9.37 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with Policies 57, 69 and 70 of the Cambridge Local Plan (2018), subject to conditions.

#### **9.38 Water Management and Flood Risk**

- 9.39 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 9.40 The EA's Extent of flooding from surface water map indicates the site is Flood Zone 1, indicating that there is no increased risk of flooding in this area.
- 9.41 A Flood Risk Assessment has been submitted as part of this application. The Drainage Team have provided formal consultation for this application and have stated that the development proposed is acceptable, subject to condition that the development is constructed, and the surface water system is maintained, in accordance with the Flood Risk Assessment. Officers consider these conditions to be pertinent, and will ensure that they are added to any permission granted.
- 9.42 The application proposes a flat roof on the bicycle storage, which is proposed as a green/biodiverse roof. A condition will be applied to any permission granted requiring the proposed green roof to be constructed and maintained in accordance with the green roof code for the lifetime of the development. To ensure compliance with policy 31 of the local plan.

- 9.43 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

#### **9.44 Highway Safety and Transport Impacts**

- 9.45 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions.
- 9.46 The requested Contractors Parking Plan, visibility splays and driveway materials/levels conditions are considered necessary for highway safety throughout the demolition/construction of the development proposed, as the adjacent highway; Hinton Avenue, is an unclassified road. These are considered acceptable and will be applied to any permission granted.
- 9.47 The application has been amended to change the location of the proposed dropped kerb.
- 9.48 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

#### **9.49 Cycle and Car Parking Provision**

- 9.50 Cycle Parking
- 9.51 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.
- 9.52 The application proposes the inclusion of a single bike store to be situated to the front of the new dwelling, and for Sheffield stands to be situated to the front of the existing dwelling. The bike store and the Sheffield stand can sufficiently accommodate 4no. cycles each and both are situated to the front of the property so is considered as accessible as the car with regards to the situation of parking spaces. The proposed cycle store will be ensured via condition, which will require the use of a green/biodiverse roof, and so the application is in accordance with policy 82 and appendix L of the local plan, subject to conditions.
- 9.53 Car parking
- 9.54 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms.

- 9.55 The application proposes 1 no. off-street parking space to the front of the new dwelling. This is within the maximum requirements for a 3-bedroom dwelling as outlined within policy 82 of the local plan and is acceptable.
- 9.56 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging as one slow charge point for each dwelling with allocated parking.
- 9.57 This application proposes an EV Charge point to the front of the proposed new dwelling. The application will be subject to conditions requiring the implementation of EV Charge points to the front of the property.
- 9.58 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

**9.59 Amenity**

- 9.60 Policy 35, 50, 52 and 53 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 9.61 Neighbouring Properties
- 9.62 Concerns have been raised by neighbouring occupiers with regards to loss of light, overbearing and overlooking.
- 9.63 Impact to No. 5 Hinton Avenue
- 9.64 Concerns were raised regarding the potential for the new dwellinghouse to have amenity impact on the existing dwellinghouse due to loss of light.
- 9.65 Changes to the existing dwellinghouse are proposed to ensure that there is no amenity impact: the increase in window size on the front elevation, addition of windows to the rear elevation and removal of windows from the side elevation are considered to be acceptable to ensure that there is no impact to available light to the living areas of the existing dwellinghouse.
- 9.66 To ensure there is adequate light for the ground floor rear windows of the existing dwellinghouse, which serve a living room and kitchen, an assessment was performed to determine if there would be an adverse impact to the proposed ground floor rear facing window.
- 9.67 The BRE's 'Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice' provides rules of thumb regarding whether there will be an adverse effect to neighbouring properties. This includes the 45 degree horizontal and vertical lines and it advises that if the extension intersects both of the 45 degree lines from the centre line of the neighbouring window by more than 50% then there will be an adverse affect on daylighting in the neighbouring property.

- 9.68 A 45 degree line drawn from the centre line of the proposed rear elevation ground floor window at the existing dwellinghouse on no. 5 Hinton Avenue, and the profile of the proposed new dwelling, indicates that it would intersect on the vertical line but not the horizontal. As such it is considered that there would be sufficient light for the existing property.
- 9.69 Officers consider it pertinent to apply a condition to ensure that no development of the new dwellinghouse may commence until the proposed development to the existing dwellinghouse has been completed.
- 9.70 A proposed new rear window on the first floor of no. 5 is proposed. To ensure that there will be no privacy impact by overlooking the rear gardens it is proposed to be of a sill height above floor level that would mean that it is within guidelines set by the Town and Country Planning (General Permitted Development) Order 2015 to ensure that there is sufficient privacy for neighbouring occupiers. As such, officers consider that this matter has been addressed.
- 9.71 Impact on No. 9 Hinton Avenue
- 9.72 The comments provided from No. 9 Hinton Avenue object to the development due to impact to privacy, loss of light to skylights, loss of light to solar panels, and noise coming from the proposed Air Source Heat Pump.
- 9.73 The proposed first-floor side (south) facing windows on the new dwelling are considered to grant overlooking opportunities posing a threat to the privacy of the amenity space serving 9 Hinton Avenue. Therefore, the identified windows will be obscure glazed and fitted with opening restrictors via condition, in the interest of protecting the privacy of neighbouring occupiers. A condition will be added to this effect.
- 9.74 The potential for the new dwelling to impact rooflights on No. 9 Hinton Avenue has been assessed due to these concerns. The two roof lights present on this property are on the first storey north facing hipped roof slope, and the single storey flat roof to the rear.
- 9.75 Planning permission previously granted for the construction of 9 Hinton Avenue in 2022 (planning reference number 22/00197/FUL) indicates that the rooflight on the first storey north facing roof slope serves a bathroom. Regulation 19 of Part Two of the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 defines habitable rooms as any rooms used or intended to be used for sleeping or living which does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. As such, it is not considered to be habitable space. Therefore, whilst it is accepted that there will be some impact on light to this room, it is unreasonable to refuse the application on these grounds.

- 9.76 Planning permission previously granted for the construction of 9 Hinton Avenue in 2022 (planning reference number 22/00197/FUL) indicates that the rooflight on the flat roofed single storey element serves a living area. This area is considered to have a principal light source from a rear facing ground floor window.
- 9.77 Because of the aforementioned concern regarding loss of light to No. 9, and the potential impact to the skylight, an assessment was performed to determine if there would be an adverse impact to the to the ground floor rear facing window.
- 9.78 The BRE's 'Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice' provides rules of thumb regarding whether there will be an adverse effect to neighbouring properties. This includes the 45 degree horizontal and vertical lines and it advises that if the extension intersects both of the 45 degree lines from the centre line of the neighbouring window by more than 50% then there will be an adverse affect on daylighting in the neighbouring property.
- 9.79 A 45 degree line drawn from the centre line of rear elevation ground floor window at no. 9 Hinton Avenue, and the profile of the proposed new dwelling, indicates that it would intersect on the horizontal line but not the vertical.
- 9.80 Separately, officers consider that due to the orientation of the properties in relation to the path of the sun, that no sunlight would be lost to this rooflight or rear facing window.
- 9.81 Therefore, officers consider that it would not lead to a harmful loss of light to the rear window or the aforementioned skylight. As such, it is considered that it would not lead to a harmful loss of light and it would be unreasonable to refuse an application on these grounds.
- 9.82 The solar panels at No. 9 Hinton Avenue are located on the south facing roof slope, as detailed on permission granted (planning reference number 22/00197/CONDB). Officers have considered the path of the sun and have assessed this by drawing a line from the plane of the south facing roof slope of No. 9 to see if it intersects with the profile of the proposed new dwelling. It was determined that it does not intersect.
- 9.83 Officers consider that, as the line does not intersect, and due to the path of the sun providing sunlight to the solar panels from other directions, that there would be no loss of light to the aforementioned solar panels. Therefore, it would be unreasonable to refuse an application on these grounds.
- 9.84 Noise issues and concerns regarding the proposed Air Source Heat Pump would be addressed by the aforementioned condition relating to carbon reduction technologies. This condition requires details of any mitigation measures required to maintain amenity and prevent nuisance, and this would be required pre-commencement and would be reviewed by the Environmental Health Team.

- 9.85 Impact on No. 294 Cherry Hinton Road
- 9.86 The comments provided from No. 294 Cherry Hinton object to the development due to impact to privacy from the rear windows on the new development. As such, officers assessed No. 294 and it's neighbour No. 286 Cherry Hinton Road for overlooking impact.
- 9.87 On the proposed new dwelling the first floor windows and the second storey dormer windows would be respective distances of >40m and >42m, away from the single storey rear extension of No. 294 Cherry Hinton Road (the closest point of the dwellinghouse at No. 294 to the proposed new dwellinghouse). The distance from these aforementioned windows to No. 286 Cherry Hinton Road would be a greater distance away, and no harmful impact is envisaged either to the existing 286 or to the recent replacement permission for this property. As such officers consider that there is enough distance to ensure that adequate privacy is maintained. There may be some overlooking into the rear gardens of these properties, but this would be to the very rear of what are substantial gardens and any loss of privacy would not be significant.
- 9.88 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 35, 52, 57 and 58.
- 9.89 Future Occupants
- 9.90 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 9.91 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 (m <sup>2</sup> )
1	4	8	3	130	231.1

- 9.92 Garden Size at No. 5 = 65.4m<sup>2</sup>
- 9.93 Garden Size at No.7 = 90.5 m<sup>2</sup>
- 9.94 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. Officer considers that a sufficient private amenity space is provided, and as such the development proposed is compliant with Policy 50.
- 9.95 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met. The Site Block and Landscape Plans submitted indicate that the proposal would comply with these standards

and therefore, officers consider that the layout and configuration enables inclusive access and future proofing. A condition will be added to ensure that the proposed new dwelling is constructed to these requirements. As such, the proposal is considered to be compliant with policy 51 of the local plan, subject to conditions.

**9.96 Construction and Environmental Impacts**

9.97 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

9.98 The Council's Environmental Health team have assessed the application and recommended 3no. standard conditions relating to construction hours and piling. The officer shared the opinions of the environmental health officer, and the conditions will be applied to any permission granted to ensure the application is respectful of neighbours throughout construction. The development proposed is compliant with policy 35 of the local plan, subject to conditions.

**9.99 Summary**

9.100 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53 and 57.

**9.101 Third Party Representations**

9.102 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

<b>Third Party Comment</b>	<b>Officer Response</b>
Covenants	Concerns were raised regarding to a new rear access to the existing dwellinghouse going through the forecourt of the proposed new dwellinghouse. It is considered that this would be settled by way of a covenant.  However, these are civil matters between different landowners and not a material planning consideration.

**9.103 Other Matters**

9.104 Bins

9.105 Policy 57 requires refuse and recycling to be successfully integrated into proposals.

9.106 The application proposes to include a bin store to the side/west elevation of the property. The bin store will be obscured from view of the public realm due

to its siting behind the proposed boundary treatments and is considered to be suitably integrated within the scheme.

9.107 The proposed bin store is compliant with policy 57 and is considered acceptable.

9.108 Accessibility

9.109 The development would have level access to the front door and access to the rear would have a minimum width of 1m with ramp provisioned. As such, the development is considered to be able to comply with Building Regulations requirement M4 (2) 'accessible and adaptable dwellings'.

### **9.110 Planning Balance**

9.111 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

9.112 There is a variety of architectural forms/designs in the street scene, as seen with the adjacent property no. 9 Hinton Avenue. Objections have been received regarding the scale of development. However, the height and building form is similar to what is already present in the street scene and would be in keeping with what is present in context.

9.113 There would be a negligible level of harm to the residential amenity of neighbouring occupiers. The loss of light, overbearing and overlooking concerns raised by neighbouring occupiers are not considered sufficient to warrant a refusal.

9.114 The proposed development is considered to enhance the site by providing for more housing in the centre of Cambridge, with provisions for biodiversity and renewable technologies. The proposal adequately respects the residential amenity of its neighbours and the constraints of the site.

9.115 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

## **10.0 Recommendation**

10.1 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **11.0 Planning Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

- 3 No development shall take place above ground level, other than demolition, until details of the brick 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 and 57).

- 4 All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice.

The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing.

The maintenance shall be carried out in accordance with the approved schedule.

Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

#### Tree Protection

- 5 Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology, such as in the forms of an Arboricultural Method Statement (AMS) and/or Tree Protection Plan (TPP), shall be submitted to the local planning authority for its written approval, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence this

methodology will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Reason: To satisfy the Local Planning Authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

- 6 The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

#### Carbon/Water Efficiency

- 7 No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where on-site renewable or low carbon technologies are proposed, the Statement shall include:

a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design; and

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

The proposed renewable or low carbon energy technologies and associated mitigation shall be fully implemented in accordance with the measures set out in the Statement prior to the occupation of any approved dwelling(s).

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 the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 8 The new dwelling shall not 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).

#### Ecology

- 9 No development shall commence, apart from below ground works and demolition, until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the local planning authority. The BNG Plan shall target how a minimum net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:

- i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;
- ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the appropriate DEFRA metric in force at the time of application for discharge;
- iii) Identification of the existing habitats and their condition on-site and within receptor site(s);
- iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge;
- v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate;
- vi) Ensure that boundary treatments have hedgehog holes.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, Cambridge Local Plan 2018 policies 59

and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

- 10 The bicycle storage associated with the proposed new dwellinghouse development, including any planting associated with a green roof, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31 and 82).

- 11 The proposed flat roofs of the development hereby approved shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

- a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.
- b) With suitable access for maintenance.
- c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

The green biodiverse roof(s) shall be implemented in full prior to the use of the extension and shall be maintained in accordance with the Green Roof Organisation's (GRO) Green Roof Code (2021) or successor documents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development provides the maximum possible provision towards water management and the creation of habitats and valuable areas for biodiversity (Cambridge Local Plan 2018, policy 31). The Green Roof Code is available online via: [green-roofs.co.uk](http://green-roofs.co.uk)

#### Flood Risk

- 12 The proposed development should be constructed in accordance with the submitted strategy Flood Risk Assessment Proposed Residential Development Land adjacent to 5 Hinton Avenue Cambridge prepared by MAC Pre-Planning Engineering.

Reason: To ensure the development provides the maximum possible provision towards water management (Cambridge Local Plan 2018, policy 31).

- 13 The proposed surface water drainage system should be inspected and maintained in accordance with the submitted Flood Risk Assessment Proposed Residential Development Land adjacent to 5 Hinton Avenue Cambridge prepared by MAC Pre-Planning Engineering.

Reason: To ensure the development provides the maximum possible provision towards water management (Cambridge Local

Plan 2018, policy 31).

Highways

- 14 No demolition or construction works shall commence on site until a contractors parking plan has been agreed in writing with the Planning Authority. 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 under taking the works.

Reason: in the interests of highway safety.

- 15 The two pedestrian visibility splays of 2m x 2m as shown on drawing number PR-151 shall be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway for the lifetime of the development.

Reason: In the interests of highway safety.

- 16 The proposed drive way must 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. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

EV Charging

- 17 The 1no. parking space proposed will be equipped with EV charge points in line with the requirements of building regulations approved document S prior to the occupation of the dwelling hereby approved and shall be maintained 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 2021) paragraphs 107, 112, 174 and 186, Policies 36 and 82 of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

Amenity

- 18 Prior to occupation of the proposed new dwelling, all approved development to No. 5 Hinton Avenue must be carried out in accordance with the approved details (as shown in drawing no. PR-202 and drawing no. PR-222).

Reason: To ensure that amenity is maintained for the occupiers of No. 5 Hinton Avenue (Cambridge Local Plan 2018 policies 55, 57/58).

- 19 The proposed first floor window on the Southern elevation of No. 7

Hinton Avenue, hereby permitted, shall be fitted with obscured glazing up to 1.7m above the first floor level (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity), and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall (unless in an emergency for means of escape). The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties (Cambridge Local Plan 2018 policies 55, 57/58).

- 20 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house(s) shall not be allowed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity.

- 21 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwelling house(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

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

- 22 No construction or demolition work shall be carried out and no plant or power operated machinery 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, , unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 23 In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed 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 statement.

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

Accessibility

- 24 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)

Informative (Highways)

The granting of planning permission does not constitute a permission or license to a developer to carry out any works within, or disturbance of, or interference with, the public highway, and that a separate permission must be sought from the highway authority for such works.