



<b>Planning Committee Date</b>	7 <sup>th</sup> February 2024
<b>Report to Lead Officer</b>	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
<b>Reference</b>	23/03759/FUL
<b>Site</b>	42 Birdwood Road, Cambridge
<b>Ward / Parish</b>	Cherry Hinton
<b>Proposal</b>	Erection of a 1bed dwelling. Resubmission 22/00231/FUL
<b>Applicant</b>	Mrs Katharine Wong & Mr Kelvin Sing
<b>Presenting Officer</b>	Beth Clark
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Construction impacts 2. Highway safety and parking 3. Amenity space 4. Privacy concerns
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks to demolish an existing double garage at the rear of the garden of No. 42 Birdwood Road, and erect a single-storey 1 bedroom dwelling in its place.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area and is of contemporary design and is considered appropriate for the context.
- 1.3 The proposal is not considered to cause undue harm to the amenity or living conditions of neighbouring occupiers and would provide an acceptable level of amenity for future occupiers.
- 1.4 The proposal would not have any significant adverse effect upon the Public Highway and would not result in any undue highways safety implications.
- 1.5 A minor amendment to bring cycle storage to the front of the development site was requested by officers, revised plans were submitted and uploaded on 12 December 2023.
- 1.6 Officers recommend that the Planning Committee approve the proposed development.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, Risk of Flooding from Surface Water	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

\*X indicates relevance

- 2.1 42 Birdwood road is a semi-detached residential property, with permission for use as a 6-bed House of Multiple Occupancy with a maximum provision for 7 persons. The dwelling has a paved rear garden, with access directly to Gray Road. This is a storage area and shed at the rear of the garden which is separated by a fence and independent access,

additionally there is a double garage at the very rear of the plot. To the front of the site is off-street parking for approximately 3 vehicles.

- 2.2 The surrounding area is residential, with two storey dwellings to the north, east and south of 42 Birdwood Road. To the west of the development site, across Gray Road, is a single-storey 2-bedroom dwelling built to the rear of a two-storey dwelling.

### **3.0 The Proposal**

- 3.1 The proposal is for the erection of a 1bed dwelling.
- 3.2 The development seeks to demolish a double garage and shed to the rear of the garden at no. 42 Birdwood Road. In its place would be a single-storey 1bed dwelling. Officers measurements demonstrate an overall internal floorspace of approximately 66m<sup>2</sup>, with an external rear amenity space of 21.6m<sup>2</sup> including a storage unit, an area for refuse and a 1m wide side access to Gray Road. To the front of the proposed dwelling are two cycle spaces and a ramp entrance, which is accessible from Gray Road.
- 3.3 The design of the dwelling comprises two mono-pitched roofs, brick walls and grey zinc cladding. The overall height of the dwelling would be approximately 3.9m at its highest point, with eaves at 2.2m tall.
- 3.4 The proposal is similar to a development adjacent to the site at 2 Gray Road. This similar proposal was brought before committee on 4<sup>th</sup> January 2017 for the demolition of existing garage and erection of two bed dwelling with associated site works (ref. 16/1733/FUL).
- 3.5 A minor amendment to swap the refuse and cycle storage around, and bring cycle storage to the front of the development site was requested by officers and revised plans were submitted and uploaded on 12 December 2023.

### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
19/0379/FUL	Erection of a two bed dwelling to the rear following demolition of existing garage.	Refusal, appeal dismissed
17/2211/FUL	Single storey extension, alterations and change of use to 6-bed HMO (House in Multiple Occupation).	Permitted
C/96/0979	Two storey side and rear extensions and single storey front extension to house (C3).	Permitted

C/87/1003	Erection of detached double garage in rear garden of existing dwelling house (amended by letter & drawings dated 11/12/87).	Permitted
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- 4.1 The dwelling has been previously extended, before gaining permission for further extensions and conversion to a House of Multiple Occupancy.
- 4.2 The refused application (ref. 19/0379/FUL) for a two-bedroom dwelling was determined under delegated powers. The refusal was appealed, however the inspector upheld the reasons for refusal which included;
- The effect of the proposed development on the character and appearance of the area.
  - Whether the proposed development would provide suitable living environment for future occupiers with particular regard for privacy and internal space.
- 4.3 A copy of the Inspector's Decision letter in relation to the appeal is attached at appendix 1.

## **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)

Equalities Act 2010

### **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: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Human health and quality of life

Policy 50: Residential space standards

Policy 51: Accessible homes  
Policy 52: Protecting garden land and subdivision of dwelling plots  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 59: Designing landscape and the public realm  
Policy 80: Supporting sustainable access to development  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Landscape in New Developments SPD – Adopted March 2010  
Trees and Development Sites SPD – Adopted January 2009

## **6.0 Consultations**

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

6.2 The effect of the proposed development upon the Public Highway should be mitigated if the following conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal:

- Hard surfaces falls and levels

6.3 The proposal is for a single residential unit with no off street car parking spaces, as the streets in the vicinity provide uncontrolled parking, and as there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets, this demand is likely to appear on street in competition with existing residential uses.

### **6.4 Sustainable Drainage Officer – No Objection**

6.5 Flood Risk Assessment demonstrates suitable finish floor levels and flood resilient measures. Proposals are acceptable with regards to flood risk. The proposals have not indicated a detailed surface water or a foul drainage scheme however, it would be acceptable to obtain this information by way of conditions:

- Floor levels in accordance with FRA
- Surface Water Drainage details
- Foul Water Drainage details

### **6.6 Environmental Health – No Objection**

6.7 The development proposed is **acceptable** subject to the imposition of condition:

- Construction Hours
- ASHP informative

## **7.0 Third Party Representations**

7.1 1 representation have been received.

7.2 Those in objection have raised the following issues:

- Residential amenity impact (privacy and lack of outside amenity space)
- Construction impacts
- Highway safety
- Car parking and parking stress

7.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **8.0 Assessment**

### **8.1 Principle of Development**

8.2 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 contribute to housing supply and thus would be compliant with policy 3.

8.3 Policy 52 requires proposals for the subdivision of existing residential curtilages to be of a form, height and layout appropriate to the surrounding pattern of development and character of the area whilst retaining sufficient garden space and balancing protecting the amenity and privacy of neighbours with creating high quality functional environments for future occupiers.

8.4 The principle of the development is acceptable and in accordance with policies 3 and 52.

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

8.6 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.

- 8.7 The application proposes to demolish the existing double garage and shed in the rear garden of the site and erect a single-storey 1bed dwelling in its place.
- 8.8 Birdwood Road is characterised by mainly semi-detached dwellings, with some terraced housing. Gray Road, which runs south-west of the site and which the entrance to the proposal will be sited, features terraced, semi-detached and some detached dwellings. Many properties along Birdwood Road feature outbuildings in their rear gardens, with off-street parking to the front of the dwellings. Both Birdwood Road and Gray Road have unrestricted on-street parking.
- 8.9 Within the vicinity there has been a number of sub-divisions of garden land to erect dwellings. Namely no. 2a Gray Road, which is situated opposite the development site (ref. 16/1733/FUL) and mostly recently 2b Ward Road (ref 19/0007/FUL) located to the rear of no. 60 Birdwood Road, east of the development site.
- 8.10 The proposed single-storey dwelling has a contemporary design comprising two mono-pitched grey-tile roofs which leave a gap in the middle. The between the roofs is filled with a lower perpendicular dual-pitched roof. Walls will be largely stock brick, but with grey zinc cladding to the principal elevation and full height glazing. The overall height of the dwelling would be approximately 3.9m at its highest point, with eaves at 2.2m tall. Officers calculate an internal floorspace of approximately 66m<sup>2</sup> and external rear amenity space of 21.6m<sup>2</sup> including a storage unit, area for refuse and a 1m wide side access to Gray Road. To the front of the proposed dwelling are two cycle spaces and a ramp entrance accessible from Gray Road. The built form will occupy the majority of the northern boundary with no. 42 Birdwood Road, and west boundary adjacent to Gray Road. Most of the site will be encased by a 1.8m high fencing, except for the principal elevation which will feature a low 0.6m high fence and soft landscaping. The outside amenity space is located in the southern corner of the site. Little detail has been provided regarding landscaping of the proposed development, it would appropriate to obtain these details via condition which will be attached to any permission granted.
- 8.11 The dwelling would not be dissimilar to the height and appearance of existing dwellings utilising sub-divided plots located on Gray Road and Ward Road, and as a result would be in keeping with this pattern of development.
- 8.12 A previous application for a two-bedroom property was refused on the site and upheld by the inspector when appealed. One reason for refusal cited "the proposed development, by virtue of the bulk, design, scale and siting would not respect the site constraints or respond well to the context of the area. Therefore, the form of proposed residential unit would not be appropriate and would be at odds with the character of the area.". The design of the proposed single-storey dwelling under this application is considered to be significantly different enough to overcome the

aforementioned reason for refusal. The current proposed is deemed appropriate for the character and context of the area.

- 8.13 Overall, due to the scale, siting and design of the proposal is considered appropriate in relation to the surrounding pattern of development and the character of the area. The proposed development is a high-quality design that would contribute positively to its surroundings and would relate acceptably to the host dwelling. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59 and the NPPF.

#### **8.14 Trees**

- 8.15 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 136 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.16 The application form expresses that no trees are present on the proposed site and that there are no trees on adjacent sites that would influence the development or form part of the local landscape character. When conducting a site visit, two multi-stemmed trees within the garden of no. 42 Birdwood Road were identified and fall outside of the red line of the development site. The trees are not considered to form part of the local landscape character and are not protected by virtue of any tree protection orders or a defined Conservation Area.
- 8.17 The proposal would accord with policies 59 and 71 of the Local Plan.

#### **8.18 Carbon Reduction and Sustainable Design**

- 8.19 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.
- 8.20 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.
- 8.21 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.
- 8.22 Limited information has been provided regarding carbon reduction technologies and water efficiency. The Design and Access statement

states that the build will be in line with part L of Building regulations in addition to the installation of an Air Source Heat Pump and low energy lighting. Nevertheless, it is still thought necessary to add a condition to any permission given which requires the proposal to provide details of how it would comply with the policies above in the form of a carbon reduction statement and water efficiency details.

- 8.23 Subject to suitable conditions, the proposal is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

#### **8.24 Biodiversity**

- 8.25 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.

- 8.26 The existing site features a brick double garage, a shed and is mainly hardstanding. In line with the guidance within the Cambridge Biodiversity SPD, it is necessary to add a condition that requires the development to deliver biodiversity net gain.

- 8.27 Subject to appropriate conditions, 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 57, 69 and 70 of the Cambridge Local Plan (2018).

#### **8.28 Water Management and Flood Risk**

- 8.29 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.
- 8.30 The site is in Flood Zone 1 and is at risk of surface water flooding. The applicants have submitted a Flood Risk Assessment. The Council's Sustainable Drainage Engineer has assessed the Flood Risk Assessment and concluded that suitable finish floor levels and flood resilient measures have been proposed. A condition will be added to ensure compliance with details outlined in the FRA.
- 8.31 The proposals have not indicated detailed surface and foul water drainage schemes. The Drainage Engineer has stated that it would be acceptable

for this information to be obtained by way of condition and will be added to any planning permission granted.

- 8.32 Subject to appropriate conditions relating to water management and flood risk, the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

**8.33 Highway Safety, Transport Impacts, Cycle and Car parking**

- 8.34 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 8.35 Para. 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.36 Access to the site would be from Gray Road, which runs alongside no. 42 Birdwood Road.
- 8.37 Third party representatives have raised concerns regarding highway safety during the construction phase of the development. The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority who have raised no objection to the proposal. Given that the roads around the site offer unrestricted on-street parking, it would be inappropriate to condition a traffic management plan during the construction phase as this cannot be realistically enforced upon. It would be pertinent to add an informative to notify the applicant that planning permission does not constitute a permission to carry out any works within, or disturbance of, or interference with, the Public Highway.
- 8.38 The Local Highway Authority have recommended an appropriate condition regarding hard surfaces falls and levels in order to maintain the safe and effective operation of the highway.
- 8.39 Cycle Parking
- 8.40 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.

- 8.41 Two cycle parking spaces are proposed at the front of the property, accessed directly from Gray Road. Plans show the provision of good, high quality and easily accessible cycle parking. The proposal would comply with the cycle parking guidance set out in appendix L of the Local Plan.
- 8.42 Car parking
- 8.43 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. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.
- 8.44 Concerns have been raised by third party representatives regarding the lack of car parking included within the proposed development and the impact of the removal of the existing double garage.
- 8.45 The Local Highway Authority has raised no objections to the application, regarding highways safety or impacts arising. They have noted roads surrounding the site have unrestricted parking, and that there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets, this demand is likely to appear on-street in competition with existing residential uses. However, the site is located in sustainable location which is in easy reach of the city by bicycle and public transport, with the nearest bus stop on Birdwood Road within 100m of the property.
- 8.46 Whilst the double garage appears to be of suitable size to accommodate parking, the design and access statement indicates that the garage has been unused for a number of years. Three off-street parking spaces are designated for no. 42 at the front of the property. It is not deemed that the loss of the garage would exasperate the parking situation as it is not currently used for parking vehicles. As previously mentioned, on-street parking in this area is unrestricted and therefore cannot realistically be controlled.
- 8.47 Subject to conditions and informative, the proposal accords with the objectives of policy 80, 81 and 82 of the Local Plan and is compliant with NPPF advice.

#### **8.48 Amenity**

- 8.49 Policy 35, 50, 52 and 58 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.

8.50 Neighbouring Properties

8.51 The proposed site would be accessed from Gray Road. The main dwellings that would be impacted by the development are Nos. 42 and 44 Birdwood Road and 1 and 2a Gray Road.

8.52 The proposed dwelling will be in the rear garden space of the host dwelling No. 42 Birdwood Road. The proposal would utilise the rear of the plot which has already been subdivided with a 1.8m high close boarded fence and is situated approximately 8m from the rear building. This distance of separation is slightly larger than that seen between neighbouring 2a Grey Road and 40 Birdwood Road and 2b Ward Road and 60 Birdwood Road, which are similar recently approved dwellings. As previously mentioned, the built form of the proposed dwelling would abut the shared boundary with no. 42, with the amenity space located further south within the site. Whilst the proposal would be visible within the amenity space of no. 42, the eaves of the dwelling would be only 0.4m above the fence height, before the roof slopes up and away from the boundary. There are no windows proposed which would allow direct views between 42 Birdwood Road and the proposed dwelling. Due to the scale of the proposal which would be single storey in height, the design of the dwelling and orientation within the plot the proposal is not considered to cause any undue loss of light, privacy, outlook, or appear overbearing to no. 42 Birdwood Road.

8.53 No. 44 Birdwood Road rear external amenity area is located adjacent to the proposal site. The proposed dwelling would be built against the shared garden boundary for approximately 5m in length. Given the existing double garage is already built up against this shared boundary, it is believed the proposal would not cause any increase in overbearing impacts upon this neighbour's amenity area. Furthermore, due to the scale of the proposal, the design of the dwelling and orientation within the plot the proposal is not considered to cause any undue loss of light, privacy, outlook towards no. 44 Birdwood Road.

8.54 No. 1 Gray Road is situated to the south of the development site. The two sites are separated between a 2.5m vehicular access leading to the rear of 1, 1a and 3 Gray Road. No windows feature on the north side of no. 1 Gray Road and due to the offset location of the proposed dwelling (forward of no. 1 principal elevation), the existence of the double garage and separation by the vehicular access it is not considered that there would be any undue residential amenity issues as a result of this development.

8.55 The proposed development site is situated opposite no. 2a Gray Road. There is a separation distance of approximately 12 metres between the two. Windows of both properties face on to the roadside, however given the distance between the two and the inclusion of graduated fencing

across the principal elevation of the proposed dwelling, it is considered that the proposed development would not cause unacceptable overlooking, overshadowing or visual dominance towards no. 2a Grey Road.

8.56 Overall, 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 52, 56, 58 and 35

8.57 Future Occupants

8.58 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).

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	2	1	50	66	+16

8.60 Garden Size(s)

8.61 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. A garden area of approximately 22m<sup>2</sup>, 3m wide by 7.2m in length, would be provided which is sufficient for the size of the 1 bedroom property. Furthermore, the location of the garden in the south-east corner of the site means there is no opportunity for overlooking by neighbouring properties, thus protecting the amenity of the occupiers.

8.62 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 with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. The Design and Access Statement submitted states the proposal would comply with these standards and therefore, Officers consider that the layout and configuration enables inclusive access and future proofing.

8.63 Construction and Environmental Impacts

8.64 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.

8.65 The Council's Environmental Health team have assessed the application and stated that they have no objections to the development subject to the imposition of a condition regarding construction hours and an informative relating to the installation of an Air Source Heat Pump. This condition and informative are considered to be acceptable in order to limit the impact the proposal would have on adjacent occupiers given their proximity to the site.

8.66 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, 57 and 58#.

#### **8.67 Other Matters**

8.68 Permitted Development Rights

8.69 The proposed development has been found acceptable in terms of its impact on the character of the area and residential amenity, as set out above. However, given the small-scale nature of the site, officers consider it reasonable and necessary to remove permitted development rights under Schedule 2, Part 1, Classes A, B and E of the GDPO.

8.70 Without such restrictions, extensions, dormer windows and outbuildings could be added to the Plot without formal planning consent, which may give rise to greater impacts on the character of the area and amenities of neighbouring properties considered as part of the current application (Local Plan policies 52, 55, and 57).

#### **8.71 Planning Balance**

8.72 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).

8.73 The proposal would not cause harm to the character and appearance of the area or to neighbouring or future occupiers. The proposal would also not have any highways safety implications and would comply with the parking and cycle parking guidance set out within Appendix L of the Local Plan

8.74 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.

## **9.0 Recommendation**

### **9.1 Approve** subject to:

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

## **10.0 Planning Conditions**

### **1 Time Limit**

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 Approved Plans**

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

*Plans to be listed:*

*Location Plan*

*Block Plan*

*7630 1221 REV02 (NO.2) (proposed floor plan)*

*7630 1221 REV02 (NO.3) (proposed elevations and roof plan)*

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 Materials**

The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within the application form and approved plans unless otherwise agreed in writing by the Local Planning Authority.

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).

### **4 Part M4(2)**

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)

## **5 Finished Floor Level**

Finished ground floor levels should be to be set in accordance with Flood Risk Assessment for the Proposed Erection of a New Residential Dwelling in the Rear Garden of 42 Birdwood Road - reference 3155 Prepared By: MTC and dated August 2023.

Reason: To reduce the risk of flooding to the proposed development and future occupants. (Cambridge Local Plan 2018 policy 32).

## **6 Surface Water Drainage**

No development shall commence, other than demolition, 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)
- 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. (Cambridge Local Plan 2018 policies 31 and 32).

## **7 Foul Water**

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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage (Cambridge Local Plan 2018, policies 32 and 33).

## **8 Falls and Levels**

All proposed hard paved accesses (to the front door and cycle parking/bin store) be constructed so that their 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 (Cambridge Local Plan 2018 policy 82).

## **9 Hard and Soft Landscape**

No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) proposed finished levels or contours; pedestrian access and circulation areas; hard surfacing materials, where relevant
- b) 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;
- c) boundary treatments indicating the type, positions, design, and materials of boundary treatments (to include gaps for hedgehogs) to be erected.

All hard and soft landscape works shall be carried out and maintained 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 with the Local Planning Authority.

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69).

## **10 Construction / demolition hours**

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).

## **11 Permitted Development: Class A**

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 (Cambridge Local Plan 2018 policies 52, 55, and 57).

## **12 Permitted Development: Class B**

Notwithstanding the provisions of Schedule 2, Part 1, Class B 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), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity (Cambridge Local Plan 2018 policies 52, 55, and 57).

## **13 Permitted Development: Class E**

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)

#### **14 Biodiversity Net Gain**

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.

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.

#### **15 Carbon Reduction**

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).

## **16 Water Efficiency**

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).

Informatives:

### **1 Air Source Heat Pumps**

The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or

barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

## **2 Highways Licence for Works**

The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.