



Planning Committee Date	2 nd October 2024
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/00245/REM
Site	111 - 113 Queen Ediths Way Cambridge Cambridgeshire CB1 8PL
Ward	Queen Ediths
Proposal	Reserved matters application for approval of access, appearance, landscaping, layout and scale following outline planning ref, 22/01411/OUT (Construction of detached bungalow on land to the rear of 111-113 Queen Edith's Way Cambridge).
Applicant	Mr Leneghan
Presenting Officer	Dominic Bush
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	The Key Issues raised when the application was deferred at Committee on the 3 rd July were: 1.Ownership 2.Access 3.Fire safety 4.Scale 5.Tree impacts
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

1.1 The application seeks approval of reserved matters of access, appearance, landscaping, layout and scale following outline planning ref, 22/01411/OUT (Construction of detached bungalow on land to the rear of 111-113 Queen Edith's Way Cambridge).

1.2 The application was deferred by Members at Planning Committee on the 3rd July 2024 for the following reasons:

- Ownership of the site
- Access and accessibility of the proposal
- Concerns regarding fire Safety
- Potential for the development to be considered overdevelopment of the site

1.3 The applicant has submitted further information to address the issues raised by Members. This comprises the following:

- Tracking plan of the access and parking

1.4 This report is an addendum report to the original Committee report attached as Appendix B.

1.5 It is considered by Officers that the additional information submitted and received from consultees addresses the reasons for deferral as set out above. As such, it is recommended that the Planning Committee approve the application, subject to the recommended conditions and informative.

2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
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 The existing site comprises the rear residential gardens of Nos.111 & 113 Queen Ediths Way. The application currently comprises an outbuilding to the rear of the garden of No.113. Within the red line of the application, a pedestrian access is included running along the existing footpath between Nos.113 and 115. Meanwhile the vehicular access is also included within

the red line of the location plan and utilises the existing shared access road that runs to the east of No.117 Queen Ediths Way.

- 2.2 The application site is located to the rear of the predominant building line of houses that front Queen Ediths Way to the south. Immediately to the north of the site is the neighbouring property of No.119 Queen Ediths Way that utilises the same shared access as the proposed dwelling.

3.0 The Proposal

- 3.1 Reserved matters application for approval of access, appearance, landscaping, layout and scale following outline planning ref, 22/01411/OUT (Construction of detached bungalow on land to the rear of 111-113 Queen Edith's Way Cambridge).
- 3.2 This application follows the previously approved outline planning application and seeks approval of access, appearance, landscaping, layout and scale of the proposed development. The proposed dwelling is a single storey in height with a private residential garden provided to the south of the property. Car parking is proposed to the front of the dwelling with a shared bin storage area located part of the way along the pedestrian access.
- 3.3 The application has been amended to address comments received from the Local Highways Authority and Councils Environmental Health officer and further consultations have been carried out as appropriate.

4.0 Relevant Site History

Reference	Description	Outcome
14/1838/OUT	Outline application for construction of bungalow/chalet style bungalow.	Refused
15/1322/OUT	Outline application for construction of bungalow/chalet style bungalow.	Refused
22/01411/OUT	Construction of detached bungalow on land to the rear of 111-113 Queen Edith's Way Cambridge	Permitted

- 4.1 The most recent outline planning application submitted regarding the site was approved as a delegated decision. Within this application, all matters were reserved for the current reserved matters stage, however the principle of development, with the current red line plan was established.

5.0 Policy

5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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 32: Flood risk

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

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 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

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 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

6.0 Consultations following the last committee meeting 3rd July

6.1 Access Officer

6.2 No objection.

6.3 Fire & Rescue officer

6.4 If suitable access to the site cannot be achieved, then the Fire Service would recommend that a sprinkler system is installed.

7.0 Third Party Representations received since the previous committee meeting

7.1 One additional representation has been received, raising the following points of objection

- Concerns regarding potential intensification of use of the access
- Covenants regarding the right of access to the site
- Ownership
- Construction impacts

7.2 Comments have also been received from Cllr Blackburn-Horgan raising the same points in objection as the third-party representation.

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.

7.4 All other consultee comments and representations remain as per the previous report to the Committee, attached as Appendix B.

8.0 Assessment

8.1 Planning Background

8.2 This application follows a previously approved outline planning consent that established the principle of the development of the site outlined in red on the location plan provided. The details of the proposal were not assessed within this previous application and are subject to this application currently under consideration.

8.3 Appendix A is the decision notice for the previous outline permission which includes the conditions applied which would continue to apply in the case that permission is granted for this proposal. This outline permission included conditions requiring further approval of Biodiversity Net Gain, Cycle parking, Drainage, EV Charging, renewable energy, M4(2) compliance and others.

8.4 This application is therefore assessing the proposed development with regards to its access, appearance, landscaping, layout and scale. Where applicable further conditions can be attached to Reserved Matters applications such as this.

8.5 The Committee report for the application when taken to the previous meeting in July is attached as Appendix B.

8.6 Principle of Development

8.7 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.

8.8 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.

8.9 This application is proposing the addition of one additional dwelling located within the residential gardens of No.111 and 113 Queen Ediths Way. The principle of the addition of a single residential property within this application site was established within the previous outline permission granted. This is therefore not a matter to be determined within this application.

8.10 The principle of the development is acceptable as approved within the outline permission, reference 22/01411/OUT

8.11 Design, Layout, Scale and Landscaping

8.12 Policies 52, 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.

8.13 The area surrounding the application site is characterised by pairs of semi-detached dwellings that front Queen Ediths way and have large, deep rear private gardens. As stated above, there are a few, exceptions to this prevailing character, with No119 Queen Ediths Way located beyond the prevailing building line. The majority of the surrounding properties are a full two storey in height, including No. 119 Queen Ediths.

8.14 This application is proposing the addition of a single storey dwelling within the application site. Whilst not for consideration at outline stage, indicative

plans were submitted with the outline application also showing a single storey dwelling within the application site. As was stated at this stage, it is acknowledged by officers that there are no existing dwellings within the immediate surrounding context that are a single storey in height and within the rear gardens of an existing property, there are a number of single storey incidental and ancillary outbuildings. It is considered by officers that the height and footprint of the proposed dwelling is similar to that of a large outbuilding and would therefore not appear out of character with the surrounding area.

- 8.15 Officers acknowledge that comments were received when the application was last brought to committee that the scale would potentially constitute overdevelopment of the site and that at two bedrooms it could potentially be reduced in scale.
- 8.16 Firstly, it is of course important to consider that the application must be assessed with regards to the information that is submitted, which in this case is for a two-bedroom dwelling within the application site. Whilst it is acknowledged that a single bedroom dwelling could be provided on site such a proposal has not been submitted. The footprint of the proposed dwelling is considered to be clearly subservient to the other dwellings within the context of the site and acceptable in this instance. There is also space for significantly sized gardens to be retained for both nos.111 and 113 Queen Ediths Way with a moderately sized garden for the proposed dwelling. Officers do not therefore deem that the proposal would result in a cramped form of development within the context, and the proposal is therefore acceptable in its scale.
- 8.17 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 and 59 and the NPPF.

8.18 Trees

- 8.19 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.
- 8.20 Potential concerns were raised previously at planning committee regarding the impact of the proposed development on the trees surrounding the site, owing to the proximity of the dwelling.
- 8.21 The application is accompanied by an Arboricultural Impact Assessment and method statement. The Council's Tree officer has been consulted on the application, and whilst initially objecting to the proposal, following the submission of additional information has raised no objection. This is

subject to a condition requiring compliance of works with the details set out in the Arboricultural method statement as provided.

8.22 Given that within the previous outline permission, conditions were attached regarding the submission of an arboricultural method statement and compliance with tree protection methodology and these conditions continue to apply to the site, it is not considered reasonable to attach an additional condition regarding compliance with the method statement provided with this application. To ensure that the development would not harm the root protection areas of the trees within the site a condition will be attached to any permission regarding the foundation design of the dwelling ensuring that it takes account the surrounding trees.

8.23 It is noted that the trees along the northern boundary of the site are within relatively closer proximity to the proposed dwelling and its foundations. However as was explained by the tree officer at the previous meeting, following the agreed removal of T4, the remaining trees within this cluster are mostly of lower value either category C or U, with the exception of T1 which is a category B tree. As shown within the arboricultural information provided, the proposed dwelling is not within the root protection area of T1, whilst the minimal encroachment of the foundations on T5, T6 and T7 is considered to be acceptable subject to the conditions recommended as above.

8.24 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

8.25 Fire Safety

8.26 Concerns have been raised by third parties and by Members at the previous committee meeting regarding the potential for the proposed development to fail to provide adequate fire safety measures.

8.27 Since the previous committee meeting discussing this application, the fire and rescue officer was consulted on the application, despite it not meeting the statutory requirements for their consultation. Comments have since been received from the officer stating that it does not appear as though the access to the site is suitable for a fire appliance to enter, turn and leave. As such it is recommended by the fire safety officer that a sprinkler system is installed.

8.28 Planning officers acknowledge that it is likely that a fire appliance would indeed not be able to access the site owing to the narrowness of the access road and lack of turning space for vehicles larger than a domestic car.

8.29 It is important to consider however that this access is shared, for the majority of its length with No.119 Queen Ediths way. Therefore, it is likely that the same issue would exist for this neighbouring dwelling. It is acknowledged that the assessment is for a new dwelling and that it must be considered on its own merits, however, the addition of a sprinkler

system, for example via a planning condition, is not considered to be representative of the scale of development and would not pass the conditions tests such as reasonableness in this case.

8.30 An informative can be attached to any permission to suggest that the applicant considers the addition of a sprinkler system in the case of permission being granted. It must also be noted that any permitted dwelling must comply with the relevant building regulations relating to fire safety set out in Approved Document B.

8.31 For the above reasons, the proposed development is considered to be acceptable with regards to fire safety.

8.32 Highway Safety and Transport Impacts

8.33 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.

8.34 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.

8.35 Access to the site would be along the shared access road that runs between Nos.117 and 121 Queen Ediths Way. This is an existing access road that serves a number of other dwellings and their garages found at the rear of their gardens. This includes Nos.111 and 113 Queen Ediths Way where the proposed dwelling would replace the existing garage.

8.36 At outline stage, no objection was raised to the proposed development and access from the Local Highway Authority as it was deemed that the proposal would not result in an intensification of the use of the access above that of the existing garage location on the application site.

8.37 Within this application, initially the proposed site plan showed a larger area of hardstanding to the front of the property that had the potential for the parking of more than one car, which the Local Highway Authority believed would result in an intensification of the use of the access. Therefore, initially they objected to the proposed development and requested that the access be widened to 5 metres width for a minimum of 5 metres from the highway.

8.38 Following revisions to the provided plans, the layout has been amended to clearly show that there is space for only a single car to park within the application site. Therefore, considering the existing car parking space within the site, the proposed development would not result in any significant increase in car usage into and out of the site. Therefore, in line with the most recent comments received from the Local Highway

Authority, there is no objection to the proposed development with regards to its highway impact, subject to the requested condition regarding access times for heavy construction vehicles, which given the constrained access is considered to be reasonable.

- 8.39 Since the application was last brought to planning committee, a vehicle tracking plan has been provided showing that there is sufficient space for a car to enter the site, park, reverse and leave the site in a forward gear.
- 8.40 It is noted that concern was raised previously that despite the site plan to be approved showing only space for only 1 car to park within the hardstanding to the front of the property, that in practicality there was potential for the space to the front of the dwelling to be used for additional car parking that in turn would result in the intensification of use of the access to the site.
- 8.41 It is not considered that it would be reasonable to assess the application under the assumption that the site could be used for the parking of more than one car. The area of hardstanding is only considered, at 3.8 metres in width, wide enough for the parking of a single car and the application must be assessed at face value, where the assessment of officers and the Local Highway Authority was that the proposal is for a dwelling with a single car parking space.
- 8.42 An additional condition is recommended, removing permitted development rights for hardstanding at the site, to ensure that this cannot be changed to create an additional car parking space. Beyond this condition, it is not considered to be possible to ensure that the development does not include the provision of more than one car parking space, other than through a legal agreement which would be considered onerous and unreasonable in this instance given the scale of development.
- 8.43 It was raised during the previous committee meeting regarding the potential to light the accesses to the dwelling due to the distance to the highway along Queen Ediths Way. Having spoken to the Local Highways Authority since the last meeting, they confirmed that, owing to the width of the vehicular access, it would not be possible to install lighting along this without further impacting highway safety. Whilst the same would apply to the pedestrian access to the site, along which, any lighting would restrict access for bikes and bins which are proposed to use the pathway.
- 8.44 Considering the above, and that the principle of the use of the access has been previously established by the outline permission granted, it is considered that the proposed development is acceptable with regards to its access and any potential highway safety implications.
- 8.45 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

8.46 Third Party Representations

8.47 The remaining third-party representations are addressed in the preceding paragraphs:

8.48 Ownership

8.49 Third party representations received since the application was last taken to planning committee have continued to object to the proposed development due to dispute over the ownership of the land within the application site. Dispute is raised over the ownership of the access to the site for which No.119 claims to have sole ownership with covenants restricting the access to the site solely for garages and not a dwelling as proposed.

8.50 Firstly, it is important to note that covenants lie outside of the scope of the planning system and are not a matter for consideration as part of a planning application.

8.51 With regards to the ownership of the access, during the outline permission which has been granted previously and remains extant, certificate B was provided and No.119 Queen Ediths Notified as a shared owner of the access. Given that differing views between the applicant and the third party over the ownership of the land, it was considered that this is a civil matter to be resolved by the two parties. Ownership is not a matter for consideration at reserved matters stage, ownership certificates are not required as part of this application.

8.52 As such it is considered that the matter of ownership was assessed as part of the outline application and any ongoing dispute over this is a civil matter that does not form the assessment of this application.

8.53 Other Matters

8.54 This report to the Committee sets out an assessment of the issues raised as part of the deferral. Matters that have not changed following the previous consideration of the proposal including Amenity, Carbon Reduction and Sustainable Design, Biodiversity, and Water Management and Flood Risk, remain as set out on the previous report to the Committee, attached as Appendix B, and remain policy compliant.

8.55 Planning Balance

8.56 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).

8.57 The proposed development would preserve the character and appearance of the surrounding area, through the high quality replacement of the existing dwelling and the retention of sufficient garden land and considerable numbers of trees within the site. The scheme provides for a high-quality living environment for future occupiers.

- 8.58 It is considered that on balance, the impact of the proposed development on the amenity of neighbouring properties would not be significant and is acceptable in this instance.
- 8.59 Objections regarding the proposed access and its ownership are noted, however it is considered that the necessary notice has been served to the other owners of the land and that the access to the site is acceptable in this instance.
- 8.60 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 subject to conditions.

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.

Conditions

1. 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.

2. Any demolition, construction or delivery vehicles with a gross weight in excess of 3.5 tonnes shall only service the site between the hours of 09.30hrs -16.00hrs, Monday to Saturday.

Reason: in the interests of highway safety, in accordance with Policy 81 of the Cambridge Local Plan 2018.

3. Prior to the installation of any Air Source Heat Pump (ASHP) a noise impact assessment and any noise insulation/mitigation scheme as required for the ASHP shall be submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

Reason: To protect the amenity of neighbouring occupiers in accordance with Policy 35 of the Cambridge Local Plan 2018.

4. 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).

5. No development shall commence until detailed plans and an associated report for the foundation design of the development have been submitted to and approved in writing by the Local Planning Authority. The plans and report shall demonstrate that the foundation design accounts for tree variety and age, soil type, root growth (including root barriers), ground movement and tree growth. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the tree roots are suitably protected from development and that the design of the foundations are appropriate (Cambridge Local Plan 2018, policy 71).

6. Notwithstanding the provisions of Schedule 2, Part 1, Class F 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 dwellinghouse(s) of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse(s), shall not be allowed without the granting of specific planning permission.

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)

Informatives

1. In line with the comments received from the councils Fire safety officer, the applicant should review the potential for the addition of a fire sprinkler system within the dwelling due to the access arrangement to the site and difficulties for fire appliances.