



<b>Planning Committee Date</b>	8 January 2025
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	24/02681/FUL
<b>Site</b>	1 St Kilda Avenue
<b>Ward / Parish</b>	Kings Hedges
<b>Proposal</b>	Erection of 1no single storey 1bed dwelling.
<b>Applicant</b>	Mr Michael Wong
<b>Presenting Officer</b>	Phoebe Carter
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Neighbour Amenity
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## **1.0 Executive Summary**

- 1.1 The application seeks planning permission for the erection of 1no single storey 1bed dwelling following the demolition of an existing garage.
- 1.2 The proposal is for the subdivision of the existing dwelling plot to provide a single storey dwelling fronting Kings Hedges Road. The proposal would replace an existing single storey garage to the rear of the site and would be proportionate to the plot.
- 1.3 The proposed works have been assessed in relation to the impact on the neighbouring residential amenity. The proposal is not considered to result in significant residential amenity harm to the neighbouring occupiers given the proposed height and relevant conditions.
- 1.4 There are no highway concerns. The parking provision for the host dwelling would retain the existing access off Kings Hedges Road. Car and cycle provision are provided for the host dwelling which would meet the requirements of Policy 82 and Appendix L.
- 1.5 Officers recommend that the Planning Committee approve subject to conditions.

## **2.0 Site Description and Context**

- 2.1 The site is located within the rear garden of number 1 St Kilda Avenue, a two storey end of terrace property located on a prominent corner plot of Kings Hedges Road and St Kilda's Avenue. The property has a vehicle accessed from Kings Hedges Road, with a single storey flat roof outbuilding within the rear garden of No. 1 adjacent to No. 103A Kings Hedge Road. The site is located within a residential area which is predominantly two storey terraced and semi-detached dwellings which are set back from the road.
- 2.2 1 St Kilda's Avenue has a long rear garden, enclosed by soft landscaping which extends along Kings Hedges Road. This provides separation between the properties on St Kilda's Avenue and Kings Hedges Road.
- 2.3 The site falls outside the controlled parking zone and is not within a Conservation Area.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for the erection of 1no single storey 1bed dwelling.
- 3.2 The application is proposing the subdivision of the rear garden to create a single storey bungalow in the rear garden, sited in a similar location to the existing garage. The dwelling would be accessed off Kings Hedges Road, utilising the existing access. The proposed bungalow is set in the south

eastern corner of the site and would be set adjacent to the boundaries with No. 103A Kings Hedges Road and 3 St Kilda Avenue. The proposed dwelling would measure approx. 7.2m x 7.2 metres with a dual pitched roof, pitching away from neighbouring boundaries. The roof would have an eaves height of 2.6 metres and a ridge height of 4.7 metres. The private amenity area adjoins the amenity area of the host dwelling.

3.3 Additional information has been submitted to support the application regarding Biodiversity Net Gain.

#### 4.0 Relevant Site History

Reference	Description	Outcome
24/00052/FUL	Erection of 1no single storey 1bed dwelling.	Withdrawn
22/01128/FUL	Erection of 1no 1bed dwelling	Refused and dismissed at appeal

4.1 Application 22/01128/FUL was for the erection of 1no. 1 bed dwelling. The design of this dwelling was 2-storey in height and located centrally within the plot between the 1 St Kilda's Avenue and 103A Kings Hedges Road. The proposed dwelling had a modern appearance and was proposed with a variety of materials. To reduce the impact on 3 St Kilda's Avenue the dwelling was proposed with an A-symmetric roof, dropping to 1.5 storeys to the rear. Overall, the Planning Inspectorate concluded that the siting of the dwelling would interrupt the characteristic spatial separation between the dwellings in St Kilda Avenue and Kings Hedges Road, and would appear at odds with the layout, form, width, roof form and material palette. As a result, would appear overly prominent with the streetscene and at odds with the established character and appearance of the area.

4.2 Additionally, the proposed dwelling, located centrally in the plot at 1.5 storeys/2 storeys, would be visible from the rear gardens of the properties on St Kilda Avenue. By virtue of the scale and massing of the dwelling, and limited separation to the boundary with No. 3, the proposed dwelling would appear as overbearing in nature, and the occupants would experience a sense of enclosure to the rear garden which would make it an unpleasant space in which to spend time, to the detriment of the living conditions of the occupants of this property.

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 2024

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 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 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 70: Protection of priority species and habitats

Policy 71: Trees

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  
Trees and Development Sites SPD – Adopted January 2009

## **6.0 Consultations**

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

6.2 Initial objection to the proposed access off St Kilda's Avenue given street furniture, but this has now been removed as part of the proposal and no objection is raised. No objection or conditions recommended to the existing access.

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

6.4 The development is acceptable subject to a condition regarding construction hours. An informative is recommended regarding Air Source Heat Pumps.

## **7.0 Third Party Representations**

7.1 One representation has been received in objection.

7.2 Those in objection have raised the following issues:

- Density and overdevelopment
- Lack of affordable housing
- Residential amenity impact (enclosure, privacy, noise and disturbance)

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 Planning Background**

8.2 An application, reference 22/01128/ for a two storey dwelling within the rear garden of 1 St Kilda Avenue was subject to appeal. That application proposed a two storey detached dwelling within the centre of the private rear garden fronting onto Kings Hedges Road. The dwelling was considered to interrupt the characteristic spatial separation between the dwellings in St Kilda Avenue and Kings Hedges Road. Consequently, it was considered to appear at odds with the layout of dwellings in the surrounding area. Furthermore, the width, roof form, design and materials were determined by the Inspector to fail in relation to the dwellings which characterise the surrounding area. As a result, the proposed dwelling was considered to appear prominent within the street scene and failed to accord with policies 52, 55,56 and 57 of the Cambridge Local Plan 2018 and the NPPF.

8.3 Additionally the Inspector found that the proposed two storey dwelling, situated centrally within the garden space, would be visible from the rear gardens of No. 3, 5 and 7 St Kilda Avenue. By virtue of the scale and massing it was considered to appear overbearing in nature when viewed from the rear garden of No. 3 and the occupants would have experienced a sense of enclosure to the rear garden which would have made it an unpleasant space in which to spend time, to the detriment of the living conditions of the occupants. The proposal was considered to fail to accord with Policy 52 of the Local Plan.

8.4 Officers will assess how the current application has overcome the previous reasons for refusal within the report assessment below.

### **8.5 Principle of Development**

8.6 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.

8.7 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.

8.8 The principle of the development is acceptable and in accordance with policies 3 and 52 subject to details discussed below.

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

8.10 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.

8.11 The site is located on a prominent corner plot at the junction of St Kilda Avenue and Kings Hedges Road. Dwellings in the area are predominantly 2-storey terraced and semi-detached dwellings which are set back from the highway. Planting within grass verges and private front gives the area a green and spacious character.

8.12 1 St Kilda Avenue has a long rear garden which is enclosed by boundary treatment which is visible from Kings Hedges Road. This affords a degree of separation between the side elevations of these dwellings and the front

elevation of the properties in Kings Hedges Road. This spatial separation is prominent within the street scene and, along with the hedge-lined nature of boundary treatment, makes a positive contribution to the green and spacious character of the area. Furthermore, there is an existing brick built single storey garage to the rear of the site.

- 8.13 To replace the existing single storey garage to the rear of the property the application proposes a single storey one bed dwelling. By reducing the height to single storey and siting the dwelling on the existing garage footprint, adjacent to 103A Kings Hedges Road it is considered to have overcome the previous reasons for refusal and concerns raised regarding the design and siting and appearance within the street-scene.
- 8.14 Kings Hedges is residential in character and predominantly terraced and semi-detached dwellings that are predominately two storey in scale. There is a linear form of development along the street. The existing dwelling has a single storey garage to the rear of the site. Whilst the proposal would be larger in scale than the existing building, given the scale of the proposal as set out above, the proposed height and scale is subservient to the host dwelling of 1 St Kilda Avenue and it would not appear incongruous within the surrounding pattern of development. Additionally, the existing fence and hedge are proposed to be retained which would prevent wider views of the dwelling.
- 8.15 Overall, it is not considered that the siting of a dwelling would be harmful to the character of the area. The proposed materials within the external construction are brick and tile. To ensure that the proposed materials are in character with the wider setting a condition is recommended in the interests of visual amenity.
- 8.16 A private amenity area is proposed to the site of the dwelling, enclosed by an existing hedge fronting Kings Hedges Road, and boundary fences to the remaining boundaries. A condition is recommended to ensure that the existing hedgerow fronting Kings Hedges Road is retained. No details have been provided regarding the proposed landscaping and therefore an additional condition is recommended to ensure that these details are obtained along with boundary treatments to ensure that the amenity is satisfactory.
- 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 55, 56, 57 and 59 and the NPPF.

### **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.
- 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 No evidence has been submitted to demonstrate that the proposal would meet the required 10% carbon reduction from part L of building regulations and achieve water efficiency equivalent to 100 litres per person per day. However, officers are satisfied that the proposal can meet the policy requirements, and this can be secured by via condition. These conditions are reasonable and necessary to impose to ensure the development adopts sustainable design principles.
- 8.23 Subject to conditions relating to carbon reduction technologies and water efficiency, the proposal is in accordance 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.
- 8.26 The application is accompanied by a Biodiversity Net Gain Metric and Habitat Sketch Layout Plan. As the proposal is for a self-build scheme the proposal, subject to a condition regarding details of a scheme of ecological enhancement and net gain provision is delivered in accordance with Policy 70 of the Local Plan 2018.

#### **8.27 Water Management and Flood Risk**

- 8.28 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.
- 8.29 The site is in Flood Zone 1 (Low Risk) and is not within an area of surface water flooding. Given that the proposal is not within an area of flooding and is for a single dwelling build predominantly on the footprint of an existing building it is not considered necessary in this instance to condition foul and



surface water drainage. These would be reviewed under the Building Control Legislation.

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

### **8.31 Highway Safety and Transport Impacts**

- 8.32 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.

- 8.33 Para. 116 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.

- 8.34 The application has been amended to remove the proposed dropped kerb and car parking space to the front of No. 1 St Kilda Avenue. The Local Highways Authority initially raised concerns with the proposed parking space given the limited information and street furniture to the front of the property. This objection has now been removed.

- 8.35 The access to the proposed dwelling would utilise the existing driveway off Kings Hedges Road which serves the existing garage. The proposed dwelling, with a single car parking space, is not considered to intensify the use of the existing access and no concerns have been raised by the Local Highways Authority. A condition is recommended to ensure that proposed driveway is in a bound material.

- 8.36 Officers consider it reasonable and necessary to add a condition regarding falls and levels and bound surfaces to ensure no water drains onto the public highway if the internal driveway is to be altered as no details have been provided regarding materials. Subject to the above conditions it is concluded that the proposal would not have a detrimental impact upon the public highway safety within the local area. The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

### **8.37 Cycle and Car Parking Provision**

- 8.38 Cycle Parking

- 8.39 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.

8.40 A cycle store has been located within the amenity space to the side of the dwelling. A condition is recommended to ensure details of the store are provided and that it is provided prior to the occupation of the dwelling.

8.41 Car parking

8.42 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. 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.

8.43 The proposal would create a single car parking space for the proposed dwelling and is therefore compliant with this policy and is acceptable. The existing dwelling has no existing car parking space to the front of the dwelling and would not be able to achieve an off street parking space. The dwelling is located in a sustainable location, in close proximity to multiple bus routes and within close proximity to a neighbourhood centre. The site also falls outside of a controlled parking zone. The proposed parking standards are therefore considered acceptable.

8.44 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.

#### **8.45 Amenity**

8.46 Policy 35, 50, 52, 53 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.

8.47 Neighbouring Properties

8.48 Impact on No. 103A Kings Hedges Road

8.49 103A Kings Hedges is sited to the south east of the site. The dwelling has two windows on the ground floor side extension serving a w.c. and a secondary window to a habitable room. The proposed windows are set

0.6m off a 1.8m high boundary fence and the windows would have minimal outlook and provide a limited level of light to the existing rooms. The proposed dwelling is to be built adjacent to the common boundary. The side elevation adjacent to the boundary is a blank gable wall and therefore the proposal would not give rise to any overlooking impacts or loss of privacy.

8.50 Given the proposed form of the dwelling, with a pitched roof and gable end the bathroom window would not have a significant reduction in light and outlook. As this is an obscure glazed window and serves a w.c. which is a non-habitable room it is not considered that the proposal would be harmful to the dwelling. The proposed dwelling is set back from the front elevation of No. 103A Kings Hedges Road by 1.5m. The window in the side elevation serving as a secondary window is set 1metres off the front elevation. Given the siting of the proposed dwelling, according to the measurements provided, it would not project past this window. The proposed dwelling is to the north west of No. 103A and therefore is not considered to lead to a significantly harmful loss of light in this instance. It is accepted that the proposal would lead to a marginal enclosing impact on this window however, given the existing boundary treatment and proximity of the window to the boundary, the proposed dwelling with a low eaves height is not considered to lead to a significantly harmful level of enclosure to refuse the application given that this is a secondary window.

8.51 Overall, whilst there would be some level of harm to the ground floor windows of the property in regard to enclosure and loss of light it is considered that this would not be significantly harmful to lead to a refusal in this instance.

1 St Kilda Avenue

8.52 The proposed dwelling is replacing an existing garage in the rear of the existing garden of No. 1 St Kilda Avenue. The proposed dwelling is set 18 metres from the rear elevation of the dwelling. Given the single storey nature of the proposed dwelling and the single storey nature of the proposed dwelling it is not considered to give rise to any loss of light, privacy or overbearing impact to the host dwelling.

3 St Kilda Avenue

8.53 3 St Kilda Avenue is a two storey, mid terraced property, situated to the southwest of 1 St Kilda. The dwelling is set within a linear plot with a long rear garden. The proposed dwelling is replacing an existing grouping of outbuildings including a brick garage. The proposed dwelling has an eaves height of 2.3metres which would be on the boundary extending to 4.7m at the ridge height. It is noted that the roof slopes away from the boundary. The dwelling would project 7 metres along the boundary. The dwelling would be separated from the dwelling at No. 3 St. Kilda Avenue by approx. 18 metres. Given the relatively low eaves and ridge height it is not considered that the proposal would give rise to a significant loss of light to the rear amenity area of the rear garden. Due to the modest scale of the

proposal and the existing and proposed boundary treatments, the proposal is not considered to cause any undue loss of light or appear overbearing to No. 3.

8.54 In addition, the proposal is replacing an existing garage building to the rear of the plot and would not extend closer to the proposed dwellings than the existing outbuilding. Whilst the garage is lower than the proposed building it also has a pitched roof. Officers accept that a 2.5 metre outbuilding could be built on the same footprint without planning permission and the lowest height would be limited to 0.2 metres above the height of the proposed eaves, for what would be allowed under permitted development. Subsequently, whilst it is accepted that there would be some impact on the residential amenity of No. 3 St Kilda Avenue, it is considered that the impact would not be great enough to warrant a refusal in this instance in regards to overbearing.

8.55 No windows are proposed in the rear elevation, other than one rooflight. As the proposal is single storey the rooflight would be positioned 1.7m above the floor level and is not considered to give rise to any overlooking or loss of privacy to the rear amenity area of No. 3.

8.56 It is noted that the previous application concerns were raised by the Planning Inspectorate regarding overbearing impact and harm to the amenity of the neighbouring properties. Officers have considered these comments and given the proposed siting and reduction to a single storey dwelling has overcome these concerns and reasons for refusal.

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	39	43	+4

8.60 As set out in the above table, the proposed development would meet the residential space standards for internal floor areas. The proposed dwelling

8.61 Garden Size(s)

8.62 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. The proposal would have approximately 34m<sup>2</sup> of private garden area, excluding the parking, bin and cycle area. While modest, this is considered to be sufficient for the number of occupants proposed to provide a space for eating and relaxing outside and hanging washing.

- 8.63 A condition is recommended to remove permitted development rights. This is not only to protect neighbouring properties, but also to protect the character of the area and the external amenity space provided for the dwellings. To ensure that adequate private amenity space is retained, and privacy for neighbours, it is recommended that permitted development rights Classes A, B and E are removed for extensions, windows and outbuildings.
- 8.64 The proposed development would leave approx. 80 m<sup>2</sup> of garden space for 1 St Kilda Avenue. This is considered sufficient for this dwelling, which is a two storey family home, to allow for outside eating, relaxing, socializing and play. In the opinion of officers, the proposal provides an appropriate living environment for future occupiers, and in this respect, it is compliant with Cambridge Local Plan (2018) Policy 50 and 51.
- 8.65 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. 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.
- 8.66 The proposal provides an adequate level of amenity for future occupiers and is compliant with policies 50, 51, 52 and 57 of the Cambridge Local plan 2018.
- 8.67 Construction and Environmental Impacts
- 8.68 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.
- 8.69 Officers note that comments have been received regarding noise impacts and light impacts of a dwelling. It is not considered that the proposed dwelling would significantly increase noise levels to the surrounding properties in a residential area. It is not considered that the proposal would lead to a significantly more impact than the neighbouring properties or potential use of the existing outbuilding on site. Overall, it is not considered that the proposed use would give rise to any significant impacts in regard to noise or light.

8.70 It is noted that a comment has been received regarding an Air Source Heat Pump. No details have been submitted as part of the application and this has not been indicated on the application. As part of the application details regarding sustainability have been conditioned so if one was to come forward as part of the application this would be assessed via condition. Depending on the size and location ASPH's can be installed without the requirement of Planning Permission as it would fall under the remit of the General Permitted Development Order 2015, Part 14, Class H. This would be assessed as part of any additional information submitted to the Local Planning Authority to ensure that the proposal would not give rise to amenity harm to neighbours in regard to noise. An informative shall be attached to any planning permission for the applicants information.

8.71 The proposal is considered to be acceptable in regard to neighbour amenity and, subject to conditions, would not give rise to harm in accordance with Policy 35 and 58.

8.72 Summary

8.73 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.

**8.74 Third Party Representations**

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

Third Party Comment	Officer Response
Reasons for Build	This is not a matter which Officers can assess as part of a Planning Application. We assess applications against local and national planning policies.

**8.76 Other Matters**

8.77 Bins

8.78 Policy 57 requires refuse and recycling to be successfully integrated into proposals. Bins are stored in the rear garden which would be within the recommended drag distances. Details of the proposed bin store would be conditioned to provide these detail ad ensure a refuse store is provided prior to the occupation of the dwelling in accordance with policy.

**8.79 Planning Balance**

8.80 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).

- 8.81 Summary of harm
- 8.82 There is a degree of harm arising from the location of the proposed dwelling in proximity to neighbouring gardens in regards to overbearing impact and loss of light.
- 8.83 Summary of benefits
- 8.84 The dwelling would result in a self-build dwelling located in a sustainable location. The proposed dwelling meets the definition of a self-build dwelling and the current needs being unfulfilled. While the proposal would make a very limited impact on meeting this need, it still will aid delivery of one self-build home.
- 8.85 The proposal would also provide economic benefits through employment during construction as well as providing a further home to support the village economy.
- 8.86 When weighing up the harm against the benefits detailed above, officers conclude that the public benefits outweigh the harm in this instance.
- 8.87 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.

- 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 dwelling shall be occupied until a Carbon Reduction and Water Efficiency Statement, setting out how the proposals meet the requirement for all new dwelling units to achieve reductions as required by the 2021 edition of Part L of the Building Regulations has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate how this requirement will be met following the energy hierarchy of Be Lean, Be Clean and Be Green. Where on-site renewable, low carbon technologies and water efficiency measures are proposed, the Statement shall include:

- a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design;
- b) Details of any mitigation measures required to maintain amenity and prevent nuisance;
- c) Details of water efficiency measures to achieve a design standard of water use of no more than 110 litres/person/day.

The approved measures shall be fully implemented prior to the occupation of any approved dwelling(s) or in accordance with a phasing plan otherwise agreed in writing by the local planning authority.

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

4 No development above ground level, other than demolition, shall commence until all details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be fully carried out in accordance with the approved details prior to the occupation of the development, unless an alternative phasing scheme for implementation has otherwise been agreed in writing by the Local Planning Authority.

If within a period of 5 years from the date of planting of any trees or shrubs, or 5 years from the commencement of development in respect of any retained trees and shrubs, they are removed, uprooted, destroyed, die or become seriously damaged or diseased, replacement trees and shrubs of the same size and species as originally planted shall be planted at the same place in the next available planting season, or in accordance with any variation agreed in writing by the Local Planning Authority.

Reason: To ensure the 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).

5 No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be



erected. The boundary treatment for each dwelling shall be completed before that dwelling is occupied in accordance with the approved details and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of biodiversity, visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57, 59 and 70).

- 6 The development shall not be occupied or the permitted use commenced, until details of facilities for the covered, secure parking of cycles and bin store for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout of the cycle store. Store proposed with a flat / mono-pitch roof shall include plans providing for a green roof. Any green roof shall be 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. The bin and cycle stores and green roof as appropriate shall be provided and planted in full in accordance with the approved details prior to occupation or commencement of use and shall be retained as such.

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

- 7 Prior to the commencement of development above slab level, a scheme for biodiversity enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of bat and bird box installation, hedgehog connectivity, habitat provision and other biodiversity enhancements, including how a measurable net gain in biodiversity will be accomplished, when it will be delivered and how it will be managed. The approved scheme shall be fully implemented within the agreed timescale following the substantial completion of the development unless, for reasons including viability or deliverability, it is otherwise agreed in writing by the local planning authority.

Reason: To provide ecological enhancements in accordance with Cambridge Local Plan 2018 policies 57, 59 and 69, the Greater Cambridge Shared Planning Biodiversity SPD 2022 and NPPF paragraphs 8, 180, 185 and 186

- 8 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)

- 9 The hedge on the boundary with Kings Hedges Road of the site shall be retained except at the point of access; and protective fencing and ground

protection measures applied in accordance with BS5837. Any trees or shrubs within the retained existing vegetation which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area (Cambridge Local Plan 2018 policies 59 and 71).

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

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

- 13 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 No development shall take place above ground level, other than demolition, until details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 15 Each residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act and shall comply with the following:

- i.) The first occupation of each unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years; and
- ii.) The Council shall be notified of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation

Reason: To ensure the development complies with the self-build and custom house building definition and help to meet the City's self-build requirements, in accordance with Paragraph 63 of the National Planning Policy Framework 2023.

- 16 The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway and uses a bound material to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall be retained as such.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81).

#### Informatives

1. 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.
2. 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.