

<b>Application Number</b>	09/1017/EXP	<b>Agenda Item</b>	
<b>Date Received</b>	19th November 2009	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	14th January 2010		
<b>Ward</b>	Coleridge		
<b>Site</b>	163 - 167 Cherry Hinton Road Cambridge Cambridgeshire CB1 7BX		
<b>Proposal Applicant</b>	Erection of 4no two bedroom flats. C/O Agent SE1 2BE		

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

- 1.1 The site is on the northern side of Cherry Hinton Road at the rear of Numbers 163-167. There are five garages on the site with the remaining land in an unkempt overgrown condition. Access to the site is through an archway off Cherry Hinton Road between an off licence and a private dwelling. The archway is set back behind a wide forecourt in front of these properties. The site itself is approximately 700 sq m in area.
- 1.2 The archway access is also used by the owners of the existing garages and the vacant commercial building located to the west. Further to the west is a relatively large building used by the Swiss Laundry. To the north and east of the site are the residential gardens of numbers 160 and 162 and to the south of the site is the rear yard used by the off licence.
- 1.3 The site is not within any Conservation and falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks to renew the previous planning permission on the site granted on 1 December 2006 (06/0534/FUL). There are no changes to the scheme as approved, the application relates solely to an extension of time.

- 2.2 The proposal is for the erection of a two storey building, comprising four 2-bed flats with access from Cherry Hinton Road via the archway. Car parking is proposed to the rear (north) of the units for 5 cars along with a cycle store.
- 2.3 The western elevation of the proposed building is set close to the access road with the building orientated with principal windows facing north/south. The building is 11 metres in width and 12 metres long. The building is 8.3 metres at ridge height with eaves at approximately 5 metres. The two ground floor units of the proposed development have small north facing gardens. The building is set 2.2 metres from the eastern boundary.
- 2.4 The proposal indicates that on the south boundary of the site, to the rear of 163 and 167 Cherry Hinton Road, a 1.9 metre brick wall is to be constructed. Along the east boundary, adjacent to the private gardens of the properties in Coleridge Road, the boundary will be a 2 metre high close boarded fence.
- 2.5 The building is to be constructed of buff facing brickwork under a natural slate roof. Bedrooms are accommodated in the northern parts of the building with lounges to the south. Small opaque windows to the bathrooms are in the side elevations.

### 3.0 SITE HISTORY

Reference	Description	A/C, REF, W/D
C/98/0462/FP	Erection of one Building Containing Two Flats and Erection of a Single Storey Building to Provide Two Garages on Land At The Rear of 163-167 Cherry Hinton Road.	Approved
C/01/1351/FP	Erection of Two Semi-Detached Houses	Approved
C/02/0880/FP	Amendment to previous application Ref: C/01/1351/FP (to provide additional rooflights)	Approved
04/0561/FP	Erection of 40 room student accommodation block	Refused

09/0588/FUL   Erection of 6 apartments on land   Withdrawn  
to the rear of 163-167 Cherry  
Hinton Road

#### **4.0 PUBLICITY**

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

#### **5.0 POLICY**

##### **5.1 Central Government Advice**

**5.2 PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

**5.3 PPG3 Housing (2000):** Paragraph 1 states that new housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life. The guidance seeks to encourage a better mix in the size, type and location of housing, giving priority to re-using previously developed land within urban areas, in sustainable locations and in an efficient manner. It seeks to reduce car dependence and promote good design in order to create attractive, high quality living environments in which people will choose to live.

**5.4 PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that

new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.6 **Circular 5/05- Planning Obligations:** Accepts that planning obligations may enhance the quality of development and enable proposals to go ahead which might otherwise be refused.

5.7 **East of England Plan 2008**

ENV7 Quality in the built environment

Planning Obligation Related Policies

**Cambridgeshire and Peterborough Structure Plan 2003**

P6/1 Development-related Provision

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/12 The design of new buildings

4/4 Trees

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

8/4 Walking and Cycling accessibility

8/6 Cycle parking

8/10 Off-street car parking

8/18 Water, sewerage and drainage infrastructure

10/1 Infrastructure improvements

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development

10/1 Infrastructure improvements (public open space, recreational

and community facilities, public realm)

## 5.9 Material Considerations

### **Cambridge City Council (2004) – Planning Obligation Strategy:**

Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Engineering)**

6.1 No new comments received. Previous comments as follows:

6.2 No Objection: Given the existing uses of the land and the level of use of the access it would be difficult to show that the proposal would significantly alter traffic patterns, and result in material detriment. Therefore, no objection to the proposal is raised on behalf of the Highway Authority.

### **Head of Environmental Services**

6.3 No objections. Conditions recommended regarding piling, noise insulation, potential contamination and waste provision.

6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- Swiss Laundry 149 Cherry Hinton Road
- 158a Cherry Hinton Road
- 19 Rutherford Road

7.2 The representations can be summarised as follows:

- The building will be inappropriate in relation to the adjacent block recently constructed

- The access is a fire hazard
- Fly parking will occur on the service road
- Access to the site inadequate from under the archway
- Removal of refuse for collection is difficult

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Other Material considerations
3. Planning Obligation Strategy

The previous application was assessed under the Cambridge Local Plan 2006, which is still the most up to date Development Plan for the City. The East of England Plan 2008 has since been adopted, superseding the majority of the Cambridge and Peterborough Structure Plan 2003.

### **Principle of Development**

8.2 Greater flexibility was introduced for agreeing extensions to existing planning permissions on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009. No primary legislation has been changed. This flexibility was introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn. This notwithstanding, the application must be assessed in accordance with the Development Plan and any other material considerations.

8.3 The site has a series of previous planning permissions initially for a single building incorporating two flats in 2000 and subsequently for two semi-detached houses, which were again amended and enlarged to form two separate 4-bed units in 2002. In 2004, a 40-bed student hostel was refused. The application (06/0534/FUL) was approved on 1 December 2006. The principle of the development remains acceptable.

## **Other Material Considerations**

- 8.4 The key change in circumstances since the original approval, is the new building that has been constructed on the adjacent plot, to the rear of 167 to 171 Cherry Hinton Road. The way in which the proposed development will integrate with this block requires consideration.
- 8.5 The adjacent site which fronts Coleridge Road to the rear of numbers 167 to 171 Cherry Hinton Road has been redeveloped with a new building accommodating 6 flats. This new block is relatively large in relation to its neighbours with an eaves height of approximately 7m and a deep footprint projecting back by some 11m.
- 8.6 At the time of the original application (06/0534/FUL) this had not been approved or constructed. The 2 buildings will be in close proximity with only approximately 10m separating them. Whilst I have concerns that the 2 blocks will appear relatively cramped and constrained in such close proximity, (compared with the more general pattern of development), I recognise that consent was granted for the adjacent scheme (07/1301/FUL) in the knowledge of this permission.
- 8.7 This proposed new building will be subservient to the newly constructed block adjacent, its eaves level rising to 5.5m. The orientation of the proposed building with its principal elevation facing south, will also mean that it will not unduly dominate the recently constructed flats.
- 8.8 In terms of the amenities of the adjacent newly constructed block, there will undoubtedly be a visual impact and presence from the proposed new building. However, given the orientation of the site, there is only likely to be a loss of sunlight towards the end of the day. The flank wall of the proposed building does not contain any primary windows which might result in overlooking.

## **Third Party Representations**

- 8.9 The issue regarding the integration of this building with the adjacent block has been considered in the above report. I note other concerns raised regarding the adequacy of the access road in terms of fire access and refuse collection. However, the

Highways Authority raise no objections to the access and these issues did not justify refusal of the previous application 06/0534/FUL. There has been no material change in circumstances with regard to these issues.

## Planning Obligation Strategy

- 8.10 The Planning Obligation Strategy (2004) provides a framework for expenditure of financial contributions collected through planning obligations. This application requires a fresh unilateral undertaking:

### Open Space

- 8.11 The Planning Obligation strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising formal open space, informal open space and children's play areas. The total contribution sought has been calculated as follows.

<b>Formal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
2-bed	4	360	720	4	2,880
<b>Total</b>					<b>2,880</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
2-bed	4	306	612	4	2,448
<b>Total</b>					<b>2,448</b>

<b>Children's play space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such	Total £



				units	
2-bed	4	399	798	4	3,192
<b>Total</b>					<b>3,192</b>

8.12 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

### Community Development

8.13 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1085 for each unit of one or two bedrooms and £1625 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
2-bed	1085	4	4,340
<b>Total</b>			<b>4,340</b>

8.14 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

## **9.0 Conclusion**

9.1 This application to extend and renew the previous permission 06/0534/FUL still accords with the relevant Local Plan policies. The application for the adjacent building already constructed, was determined and considered with the knowledge of this proposal. The proposed building will in my view adequately integrate with the newly constructed building fronting Coleridge Road. The associated Unilateral Undertaking is being progressed and shall be submitted shortly by the applicant. APPROVAL is recommended.

## **Recommendation**

**APPROVE subject to the satisfactory completion of the S106 Agreement by 1 March 2010 and subject to the following conditions:**

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

5. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policy 3/4 and 3/12)

6. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

7. In the event that foundations for the proposed development requiring piling, prior to any piling commencing, the applicant shall provide the Local Planning Authority with a report/method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and vibration. The provisions of BS 5228 Part 4: COP for noise and vibration control, applicable to piling operations. When approved in writing the scheme shall be implemented in accordance with the details approved.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

8. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

### **Reasons for Approval**

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1

Cambridge Local Plan (2006): 3/1,3/4, 3/12, 3/8, 4/4, 4/13, 5/1, 5/14

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

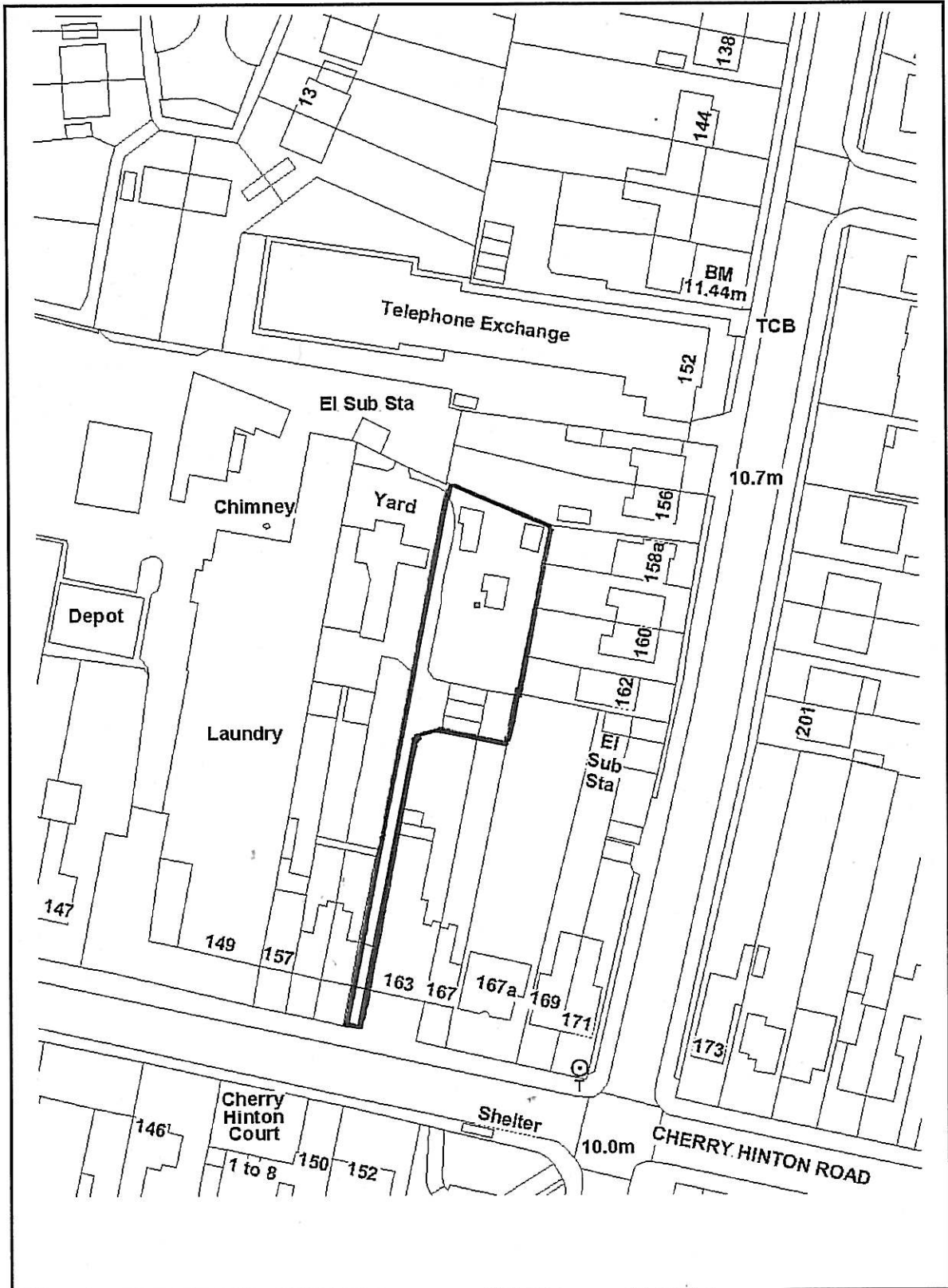
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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163 - 167 Cherry Hinton Road Cambridge Cambridgeshire CB1  
7BX