

Application Number	09/1024/EXP	Agenda Item	
Date Received	2nd November 2009	Officer	Mrs Angela Briggs
Target Date	28th December 2009		
Ward	West Chesterton		
Site	Camflat Roofing Ltd Sandy Lane Cambridge Cambridgeshire		
Proposal	Extension of time for implementation of 06/0544/FUL (erection of one 5 bedroom house).		
Applicant	Foildock Ltd C/O Agent Savills (L&P) Ltd Unex House 132 - 134 Hills Road Cambridge CB2 8PA		

1.0 Site Description and Area Context

- 1.1 The site is an irregular shaped piece of land that adjoins the rear gardens of properties on Montague Road to the south and the rear gardens of properties on Elizabeth Way to the east. It forms an extension to a larger site that is allocated for residential development and for which planning permissions have been approved. Access is from Sandy Lane, which is a poor quality unadopted road that runs between De Freville Avenue and Elizabeth Way.
- 1.2 The site is not within the Conservation Area and falls outside the controlled parking zone. It forms part of a larger area allocated for residential development (5.18 Sandy Lane (0.6 ha))

2.0 Description of Development

- 2.1 The proposal seeks to extend the time for the implementation of planning permission granted for the erection of one five-bedroom house under reference 06/0544/FUL. The current permission expired on 24 November 2009.
- 2.2 The key issue in the determination of the application is whether or not there have been any material changes in either the planning policy context or the site constraints which justify a refusal of the request.

3.0 Site History

Reference	Description	Outcome
06/0544/FUL	Erection of one 5 bedroom house	Del A/C
03/01241/FP	Erection of 5 houses	A/C
03/0859/FP	Erection of 22 houses	W/D
03/0406/FP	Erection of 18 houses	A/C

4.0 Central Government Guidance

PPS1	Delivering Sustainable Development (2005)
PPS3	Housing (2006) – this updates PPG3 Housing which was the relevant consideration in the earlier application.
PPG13	Transport (2001)
PPG15	Planning and the Historic Environment (1994)
PPS22	Renewable Energy (2004)
PPS23	Planning and Pollution Control (2000)
PPG24	Planning and Noise (1994)

Development Plan Policy

East of England Plan 2008 – the previous scheme was assessed under the Cambridgeshire and Peterborough Structure Plan 2003 only because the East of England Plan had not been adopted at that time.

SS1 Achieving sustainable development
T14 Parking
ENV7 Quality in the built environment

Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision
P9/8 Infrastructure Provision
P9/9 Cambridge Sub-Region Transport Strategy

Cambridge Local Plan 2006 the previous scheme was assessed under both the 1996 Local Plan and the Cambridge Redeposit Draft Local Plan (2004 as amended) because 2006 Local Plan had not been adopted at that time.

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/11 The design of external spaces
3/12 The design of new buildings
5/1 Housing provision
8/2 Transport impact
8/6 Cycle parking
8/10 Off-street car parking

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 (*transport, public open space, community facilities, public art*)

Supplementary Planning Documents

Sustainable Design and Construction (2007) – the previous scheme was not assessed against this spd because it had not been adopted at that time.

Affordable Housing (2008) – the previous scheme was not assessed against this spd because it had not been adopted at that time.

Material Considerations

Open Space Strategy (2006)

5.0 Consultations

5.1 Cambridgeshire County Council (Engineering): No significant impacts on the public highway provided that all conditions and informatives that were applied to the original consent are repeated.

5.2 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.

6.0 Publicity

Advertisement: No
Site notice: No
Adjoining occupiers: Yes

7.0 Representations

One letter of representation has been received from the occupiers of 41 Montague Road. They reiterate the concerns that they had about the original planning application as follows:

- The development is out of scale and character with the area.
- Overlooking and overshadowing to no. 41.
- Increased noise and traffic.

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 as follows. Although there have been significant changes to planning policy references since the previous decision, in particular the adoption of the East of England Plan and Supplementary Planning Guidance the policy context itself is not very different from that against which the previous application was judged.

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Disabled Access
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Planning Obligation Strategy

Principle of development

- 8.2 The application site forms part of a site which is allocated for residential development in the Local Plan and therefore in my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

- 8.3 The site context has not changed since the determination of the previous application. The proposed design accords with what has been approved on the adjacent site and extends the approved pair of semi-detached properties coherently. I consider that the character and appearance of the dwelling would be appropriate to the site context.
- 8.4 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.5 The site context and the relationship of the proposed house to neighbouring houses have not changed since the earlier decision.
- 8.6 Objections have been raised that the scheme would result in overlooking and is of a scale that would be incongruous in comparison to the more modest scale of Montague Road properties. The façade of the building is 34 metres away from the boundary with 43 Montague Road and in my view this separation distance is sufficient to preclude significant overlooking. I do not regard the buildings as incongruous but in any event this separation distance assists in maintaining a break between building styles. I do not consider that this development will result in a significant increase in noise and disturbance to neighbours.
- 8.7 A number of Elizabeth Way properties, but particularly 57, 59 and 61, adjoin the application site. No objections have been raised by the occupants of these properties. The side gable of the building, which has an above ground height of 10.7m and width of 8.7m is less than a metre away from the boundary with no. 59 Elizabeth

Way. This property has a 50m rear garden length. I do not consider that the proximity of the dwelling to the boundary would have an undue impact in terms of scale and massing on the occupants of that property or those adjacent.

- 8.8 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.9 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/7 and 3/12.

Disabled Access

- 8.10 A disability access statement was submitted and accepted in relation to the earlier application. It states that there will be level access from the basement parking area. Internal doors to rooms are 900mm wide, which allow for wheelchair access. All the internal stairs are adaptable and allow chair lifts to be fitted without alteration. All external areas are to be paved, giving the ability to control a wheelchair and avoid trip hazards. In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse arrangements

- 8.11 Refuse arrangements have not changed in common with all of the other approved dwellings on the allocated site, refuse arrangements are provided within the rear garden of property. Access from the rear of the plot to the frontage service access is available and is straightforward. In my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway safety

- 8.12 No objection has been raised by the Highway Authority with regard to highway safety. A Grampian condition was previously recommended to secure the upgrading of Sandy Lane to an adoptable standard prior to the occupation of the dwelling. This approach is consistent with the approach adopted by the Local Planning Authority on all other applications along Sandy Lane. In my opinion, subject to the imposition of this condition, the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car and cycle parking

- 8.13 Car and cycle parking provision has not changed, the approved schemes show car parking and cycle parking provision within a basement area. The additional dwelling maintains the approved 30 car parking spaces, incorporating 5 disabled bays. I consider that the level of provision is adequate. In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third party representations

- 8.14 The issues raised by representations have been addressed above.

Planning Obligation Strategy

- 8.15 The Planning Obligation Strategy (2004) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants entered into a S106 Agreement in accordance with requirements of this Strategy as part of the original planning permission in relation to open space, play space and community facilities. Providing that a Deed of Variation is completed to ensure the requirements of the original agreement are applied to this new consent then I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8, 5/14 and 10/1.

Affordable Housing

- 8.16 The previous permission, because it formed part of a larger development, was required to address the issue of affordable housing. This was to be achieved via a commuted sum payment but it was subsequently found that the commuted payment that had already been made for the site as a whole was sufficient to address this additional dwelling and there was no need to secure this provision via the s106 Agreement.

9.0 Conclusion

- 9.1 In my view the request for an extension of time to implement planning permission reference 06/0544 should be supported and a new planning permission granted subject to the same conditions and informatives as originally imposed but updated in relation to policy references.

RECOMMENDATION: APPROVE subject to the satisfactory completion of the Deed of Variation of the s106 agreement by 31 January 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. Before starting any brick or stonework, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/12).

4. Prior to the commencement of the development an intrusive site investigation shall be carried out to establish the level of contamination and any necessary remedial measures. The investigation and proposed remedial measures shall be submitted to and approved by the local planning authority prior to the commencement of any development. The agreed measures shall then be fully implemented prior to the commencement of the development.

Reason: To ensure that any contamination of the site is adequately dealt with (Cambridge Local Plan policy 4/13)

5. No development shall commence until full details of the construction of surfacing, lighting, footpath and other improvements to Sandy Lane have been submitted to and approved by the local planning authority. The improvements shall be fully carried out in accordance with an agreed timetable with the local planning authority and no dwelling shall be occupied until the local planning authority have confirmed in writing that the improvements have been carried out in accordance with the approved details.

Reason: To ensure that the means of access to the site is made up to an acceptable standard (East of England Plan 2008 policy T14 and Cambridge Local Plan policies 8/2 and 8/10).

6. 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)

7. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

i) contractors access arrangements for vehicles, plant and personnel,

ii) contractors site storage area/compound,

iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

8. Prior to the commencement of any development including demolition works full details of the lighting of the site during construction, facilities for stone crushing during construction, and dust suppression facilities during construction shall be submitted to and approved by the local planning authority.

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

9. No works or development shall take place until full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

10. No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. [These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures, (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.), proposed and existing functional services above and below ground, (e.g. drainage power, communication cables, pipelines etc). indicating lines, manholes, supports etc. retained historic landscape features and proposals for restoration, where relevant.]

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

11. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval before any equipment, machinery or materials are brought onto the site for the purpose of development. The agreed means of protection shall also be implemented in accordance with the approved scheme before any equipment, machinery or materials are brought onto the site for the purpose of development, and shall be retained on site until all equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

12. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/11)

14. No development shall commence until a revised plan has been submitted to and approved in writing by the local planning authority showing a scheme for the covered secure parking of cycles . The approved facilities shall be provided prior to the occupation of the dwelling and be thereafter retained for no other use.

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

15. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties.
(Cambridge Local Plan 2006 policies 3/4 and 3/14)

18. Before the development is commenced, details of all external flues and ventilation pipes shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of adjoining properties.
(Cambridge Local Plan 2006 policies 3/4 and 3/14)

19. No development approved by this permission shall commence until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the local planning authority. The contaminated land assessment shall include:

- (a) a desk study detailing the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study.

- (b) a site investigation, including relevant soil, soil gas, surface and groundwater sampling, 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.

No site investigation or remedial works shall be undertaken unless in accordance with the approved details. 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. The 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. 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 in writing by the local planning authority.

Upon completion of the works a closure report shall be submitted to the local planning authority. The closure report shall be approved in writing by the local planning authority prior to the occupation of any buildings or use of the land for the permitted purposes. 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 order to ensure that any contamination of the site is identified and remediation measures are appropriately undertaken to secure full mitigation (Cambridge Local Plan 2006 policy 4/13).

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s106 of the Town and Country Planning Act 1990 (as amended), dated as this decision notice.

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passersby. 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).

INFORMATIVE: The applicant is advised to contact Environmental Health & Waste Strategy's Housing Standards Service regarding natural lighting, Building Control regarding ventilation to the car park, Anglian Water about drainage, Cambridge City Council's Recycling Officer regarding recycling, Head of Waste and Fleet regarding refuse collection and Health and Safety Executive regarding demolition and asbestos removal.

INFORMATIVE: In submitting details for the discharge of condition 14 the Applicant is reminded that it will also be necessary to discharge condition 12 of planning approval reference C/03/1241FP in respect of amended arrangements for cycle parking.

24. **Reasons for Approval**

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

East of England Plan (2008): SS1, T14 and ENV7;

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8 and P9/9.

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/11, 3/12, 5/1, 8/2, 8/6 and 8/10.

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.

Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Deed of Variation to the Planning Obligation required in connection with this development, if the Variation has not been completed by 31 January 2010 it is recommended that the application be refused for the following reason.

The proposed development does not make appropriate provision for public open space and community development facilities in accordance with policies 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

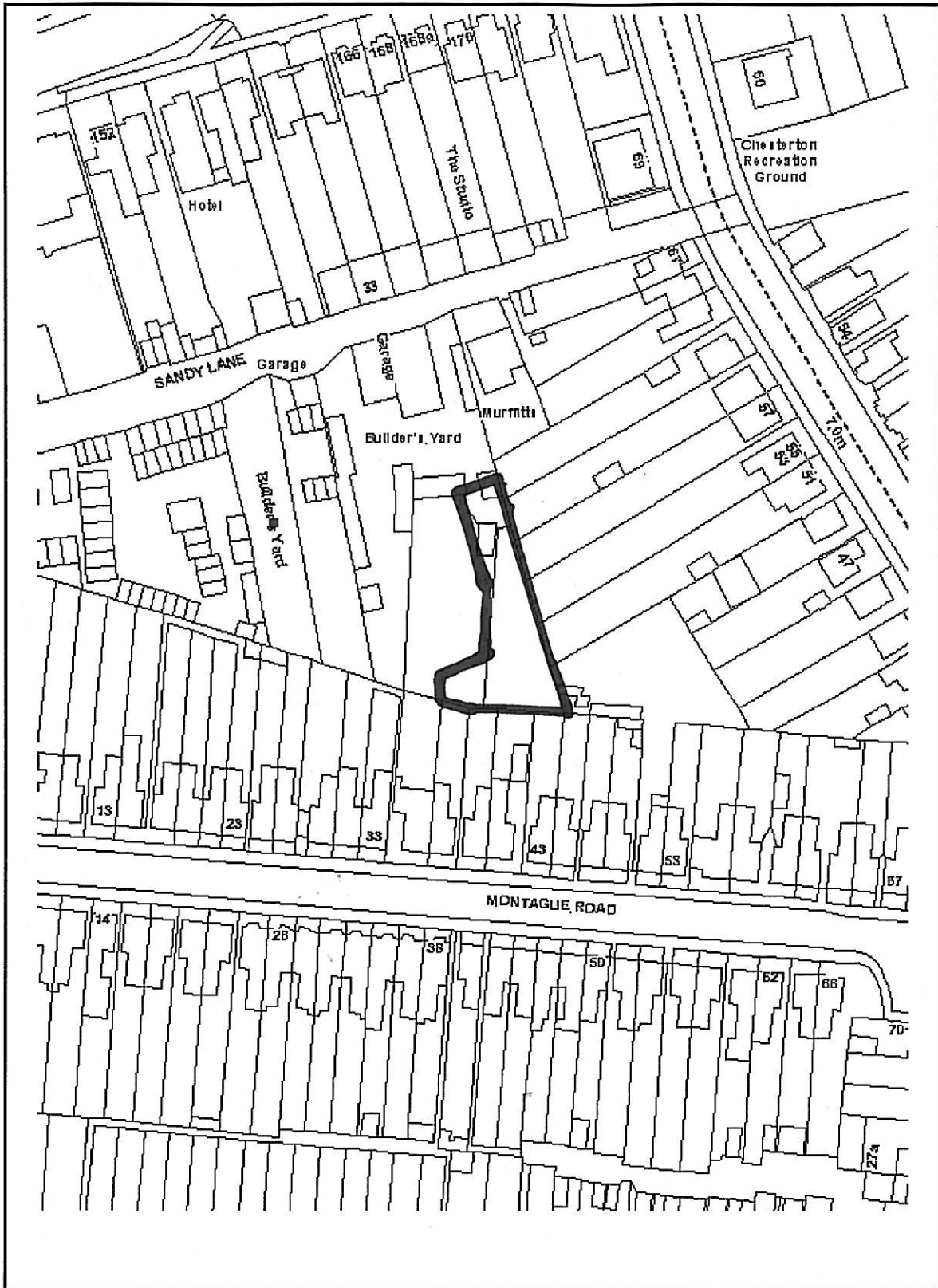
In the event that an appeal is lodged against a decision to refuse this application, DELEGATED AUTHORITY is given to Officers to complete a section 106 agreement on behalf of the Local Planning Authority, in accordance with the requirements of the Planning Obligation Strategy.

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.



09/1024/EXP

Camflat Roofing Ltd Sandy Lane Cambridge Cambridgeshire