

Application Number	09/1134/FUL	Agenda Item	
Date Received	15th December 2009	Officer	Miss Catherine Linford
Target Date	9th February 2010		
Ward	East Chesterton		
Site	Land Between 34 And 35 Pakenham Close Cambridge Cambridgeshire CB4 1PW		
Proposal	Erection of two semi-detached houses.		
Applicant	Mr George Lambert Manor House Hildersham Cambs CB21 6BU		

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 Pakenham Close is a cul-de-sac off Union Lane, with allotments at the end. The application site lies on the northwestern side of Pakenham Close, between Nos. 34 and 35, on the street frontage. The land is currently part of the car park for the Tuscan Court flats, which are set in behind the houses on the frontage. The land is 11.6m wide, tapering in slightly to 9.6m rear, and is 23.6m deep. The surrounding area is predominantly residential in character, with allotments at the end of the Close. There are Tree Preservation Orders adjacent to the site, protecting one tree in each of the front gardens of Nos. 34 and 35, and there are also protected trees on the boundary with the site and the rear garden of No. 34.

2.0 THE PROPOSAL

2.1 This application seeks planning permission for a pair of two-storey, semi-detached dwellings. The dwellings would be situated approximately 1m from the boundaries with the adjacent properties, and approximately 1m from the pavement edge (at its closest point). As a pair the dwellings would

measure 9.2 in width at the front, narrowing down to 8m at the rear.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Arboricultural Survey

3.0 SITE HISTORY

None

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: 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 **Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice;

sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

5.4 **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.

5.5 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.6 **East of England Plan 2008**

SS1 Achieving sustainable development

T14 Parking

ENV7 Quality in the built environment

5.7 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.8 Cambridge Local Plan 2006

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

Planning Obligation Related Policies

- 3/7 Creating successful places (*public art/public realm*)
- 5/14 Provision of community facilities through new development
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.9 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

5.10 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.

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No Objection

Arboriculture Officer

6.2 Comments are awaited. These will be reported on the amendment sheet or orally at the meeting.

Head of Environmental Services

6.3 No Objection: Conditions recommended relating to contaminated land, construction hours, delivery hours, waste storage, and the need for a concrete crusher.

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:

- 3 Pakenham Close
- 6 Pakenham Close
- 8 Pakenham Close
- 17 Pakenham Close
- 26 Pakenham Close
- Ely Diocesan Board of Finance (owner of 35 Pakenham Close)
- 36 Pakenham Close
- 37 Pakenham Close
- Petition containing 33 signatures

- 7.2 The representations can be summarised as follows:
- Overdevelopment;
 - Loss of parking spaces, creating an increase in demand for on-street parking;
 - This area is used by the residents of Tuscan Court for their wheelie bins;
 - Loss of light and privacy to neighbours;
 - Emergency services will not be able to reach Tuscan Court quickly as there will no longer be access from Pakenham Close;
 - Increase in traffic movements;
 - Development would remove a 'visual break' in the street scene;
 - Development would impact on property values;
- 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. Context of site, design and external spaces
 3. Residential amenity
 4. Refuse arrangements
 5. Car and cycle parking
 6. Third party representations
 7. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. This windfall site is within a predominantly residential area, and therefore I am satisfied that the provision of housing here would be compatible with adjoining land uses.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan

(2006), subject to it being tested against the other policies of the Local Plan.

Context of site, design and external spaces

- 8.4 The site is currently part of the car park for the Tuscan Court flats, which are situated to the rear of the site. At present, there is no direct vehicular access through the site into the car park as there are a number of bollards across the front of the car park. Access is possible by foot. Cars access the site from between 32 and 33.
- 8.5 Pakenham Close consists of a variety of styles of dwelling, with two-storey, detached, semi-detached, and terraced dwellings. The flats at Tuscan Court do not form part of the street scene of Pakenham Close, as although views through to them are possible, they are set too far back to have much impact on the street. Allotments are situated at the end of the close. Directly adjacent to the site, to the south there is a two-storey, detached property situated approximately 6m from the pavement edge. The property directly adjacent to the site to the north is a two-storey, semi-detached dwelling situated approximately 5m from the pavement edge.
- 8.6 Policy 3/12 of the Cambridge Local Plan (2006) states that new buildings will be permitted where it can be demonstrated that they:
- a) Have a positive impact on their setting in terms of location on the site, height, scale and form, materials, detailing, wider townscape and landscape impact and available views;
 - b) Are convenient, safe and accessible for all users and visitors; and
 - c) Are constructed in a sustainable manner, easily adaptable and which successfully integrate refuse and recycling facilities, cycle parking, and plant and other services into the design.
- 8.7 Part c) of this policy has been considered under further headings of the report. Part a) however, is relevant here, and in my view this proposal does comply with this section of policy 3/12. Residents have argued that the site is a visual break in the street scene contributing to character of the area, and that developing this site would constitute overdevelopment. The

open car park is clearly a visual break in the street scene, but in my opinion the gap does not contribute positively to the street scene, but instead has the potential to become unsightly due to the area being used as for the storage of wheelie bins for Tuscan Court and some occasional casual parking.

- 8.8 The use of this area as a storage place for wheelie bins has been cited as a reason why development should not take place. In my view the contrary is true. Wheelie bins are left across the front of the site, near to the existing bollards, and making the area appear unkempt and unsightly. Developing the site would, in my view, greatly improve its appearance.
- 8.9 When viewed from the street, the proposed dwellings would be L-shaped in plan, with the bike and bin stores positioned forward of the bulk of the building. The building line along Pakenham Street is not entirely uniform. The properties either side of the site are not in line, with 35 projecting 1.5m forward of 34, and a number of houses have porches. Even so, the bike and bin store element of the dwellings brings the houses forward of the building line by approximately 3m. In my view, as the houses along Pakenham Close are not identical and regular spaced, this positioning is unlikely to have a detrimental impact on the character of the area or the street scene, and therefore I consider that this could be acceptable.
- 8.10 However, it would be preferable for bin and bicycle storage to be located in the rear garden, as this would reduce the amount this element of the building would project into the street. This would be preferable, and details of bin storage at the rear of the site can be secured by condition.
- 8.11 The protected trees detailed earlier, are outside the site and the informal advice is they will not be affected by the proposed development. However, final, detailed comments are awaited from the City Council's Arboricultural Officer, and will be reported either on the Amendment Sheet or orally at the Committee meeting.
- 8.12 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

Overshadowing/loss of light

- 8.13 Potentially, due to the orientation of the proposed dwellings, 34 could block some daylight to the proposed dwellings, and in turn the proposed dwellings could block some daylight to 35. 35 does have windows in the flank elevation, adjacent to the boundary with the site, but these windows are small; the ground floor window is obscured by a close boarded fence, and the two upper floor windows are obscure glazed. Therefore, the amount of natural daylight lost is likely to be minimal.

Overlooking

- 8.14 Each flank elevation would have a side door and at first floor level there would be a window serving a bathroom. In order to ensure that there is no direct overlooking of the neighbouring properties, I recommend that these windows are obscure glazed.
- 8.15 At the rear, the upper floor window (serving a bedroom) would look directly out onto the rear gardens. There would be some potential for overlooking of the neighbouring gardens, but any views would be at an oblique angle, and this would be no worse than that already experienced along the street.
- 8.16 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.

Refuse Arrangements

- 8.17 As explained earlier on in the report, it is proposed that the refuse storage is situated in the front portion of each house. I am of the view that refuse storage should be situated at the rear, and this can be conditioned.
- 8.18 In my opinion either option would comply with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.19 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) maintains that no more than one off-street car parking space should be provided for a two-bedroom house. This application proposes one car parking space to the front of each property. This is within the adopted standards and is therefore acceptable in principle.
- 8.20 The site is currently part of the car park for Tuscan Court, and therefore the development will result in the loss of some off-street car parking spaces. The car park is not, however, used to capacity and, therefore, I do not believe that the loss of some of the spaces would have a significant impact on the demand for on-street parking spaces, and definitely not to an extent to warrant refusal of the application.
- 8.21 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) requires the provision of at least two, secure cycle parking spaces for each two-bedroom house. It is proposed that cycle storage be provided in the front portion of each house, but this, as explained earlier would be better provided in the rear garden.
- 8.22 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

- 8.23 The majority of the issues raised in the representations received have been discussed under the headings above. Those not yet considered are the impact the proposal may have on property values and access for the emergency services.
- 8.24 The potential impact a development could have on the value of neighbouring properties is not a planning consideration, and therefore cannot be taken into account in the assessment of this application.
- 8.25 Residents have raised concerns that developing the site could impede access for the emergency services to Tuscan Court. Currently, there is no vehicular access through the site from Pakenham Close to Tuscan Court, but access is possible by

foot. This clearly gives an alternative route for the emergency services but developing the site will not mean that the emergency services have no means of access. Therefore, I do not consider this sufficient enough to warrant the refusal of the application.

Planning Obligation Strategy

8.26 The Planning Obligation Strategy (2004) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.27 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.

8.28 The application proposes the erection of two two-bedroom houses. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Formal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	360	540		
2-bed	2	360	720	2	1440
3-bed	3	360	1080		
4-bed	4	360	1440		
Total					1440

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	306	459		
2-bed	2	306	612	2	1224
3-bed	3	306	918		
4-bed	4	306	1224		
Total					1224

Children's play space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1bed	1.5	0	0		
2-bed	2	399	798	2	1596
3-bed	3	399	1197		
4-bed	4	399	1596		
Total					1596

8.29 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

8.30 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:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1085		
2-bed	1085	2	2170
3-bed	1625		
4-bed	1625		
Total			2170

8.31 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 In my opinion, the proposed dwellings would respect the character of the area and improve the appearance of this site, whilst having a negligible impact on the residential amenity of the occupiers of neighbouring properties. I, therefore, recommend this application for approval, subject to conditions.

10.0 RECOMMENDATION

FOR RECOMMENDATIONS OF APPROVAL

1. APPROVE subject to the satisfactory completion of the s106 agreement by 18 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. 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)

3. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

4. 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)

5. The upper floor windows on the flank elevations of both houses shall be obscure glazed.

Reason: To minimise the overlooking of neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

6. 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 Local Planning Authority for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority 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 Local Planning Authority 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 Local Planning Authority. The Local Planning Authority 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 Local Planning Authority.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. 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: To safeguard the residential amenity of prospective and neighbouring occupiers (Cambridge Local Plan 2006 policies 3/4 and 4/13)

7. 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)

8. No development shall commence until such time as full details of the on-site storage facilities for waste including waste for recycling have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be in accordance with the approved details. The approved facilities 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 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, P9/8

Cambridge Local Plan (2006): 3/4, 3/7, 3/12, 5/1, 5/14, 8/6, 8/10, 10/1

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.

2. 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 Planning Obligation required in connection with this development, if the Obligation has not been completed by 18 March 2010 it is recommended that the application be refused for the following reason.

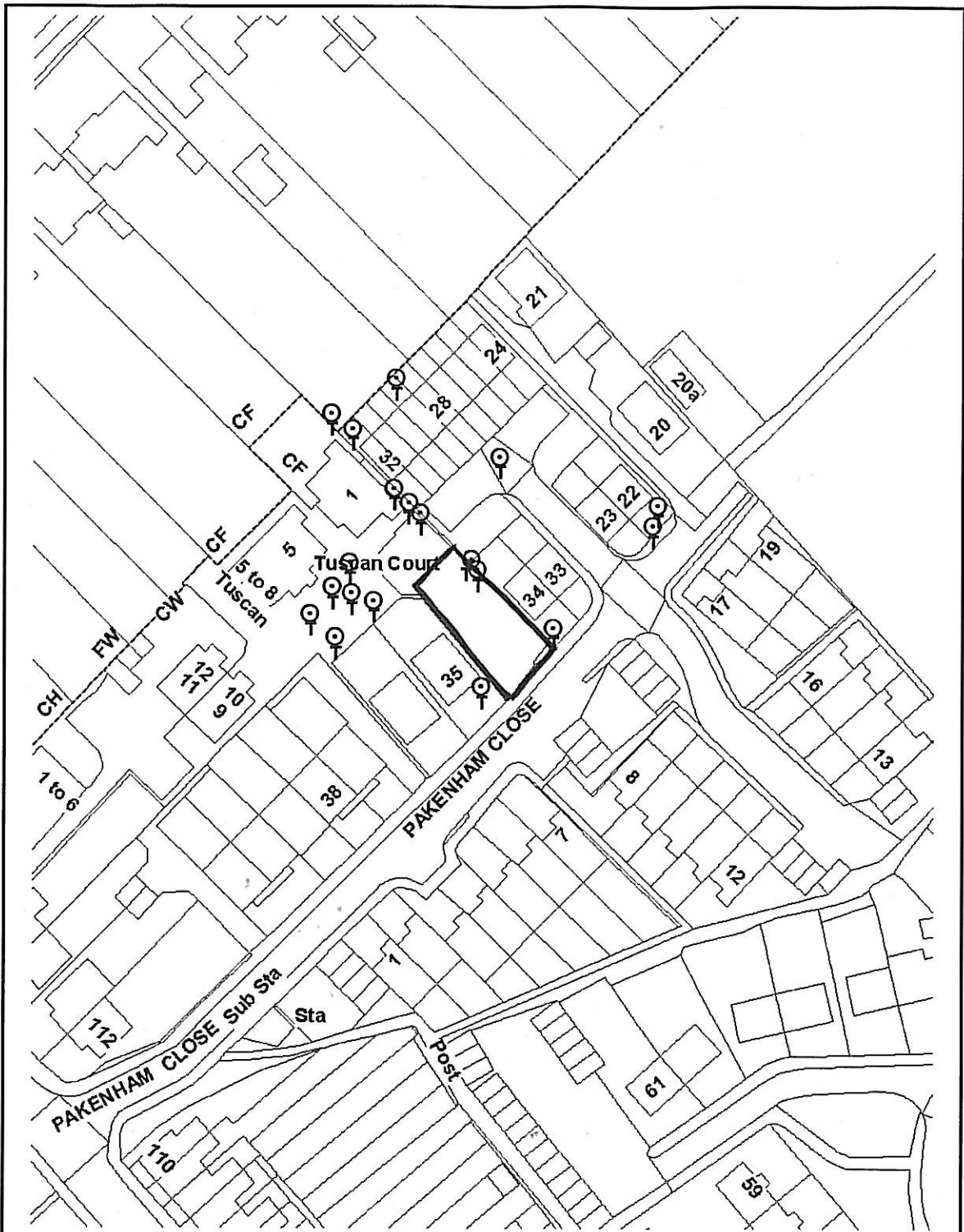
The proposed development does not make appropriate provision for public open space or community development facilities in accordance with the following policies, standards and proposals - 3/7, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, and Guidance for Interpretation and Implementation of Open Space Standards 2006, add other references as appropriate.

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.



09/1134/FUL

Land Between 34 And 35 Pakenham Close Cambridge
Cambridgeshire CB4 1PW