
Application Number	09/0017/FUL	Agenda Item	7.1
Date Received	9th January 2009	Officer	Mr Tony Collins
Target Date	6th March 2009		
Ward	Queen Ediths		
Site	2 Cavendish Avenue Cambridge Cambridgeshire CB1 4US		
Proposal Applicant	Erection of three detached dwellings. Mr Phil Barnes 1 St Mary's Court Main Street Hardwick Cambridge CB23 7QS		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site stands on the south-east corner of the junction between Hills Road and Cavendish Avenue. 0.17ha in size, it takes the form an irregular quadrilateral, roughly 45m x 35m.
- 1.2 To the south along Hills Road are two detached houses, the second set well back from Hills Road, level with the rear boundary of the application site. Beyond that is a three-storey block of flats: Homerton Court. To the north of the site, beyond Cavendish Avenue stands 221 Hills Road, a large nineteenth century house, which has been extensively extended, and converted to a language school. Beyond that is St John's Church.
- 1.3 To the east, the curtilage of a detached bungalow, 3 Cavendish Avenue, adjoins the site. To the west of the site, on the far side of Hills Road, are large semi-detached villas from the late nineteenth century. The area to the south, east, and west of the site is predominantly residential, but to the north, uses are more mixed, with the Homerton College site lying some 60m to the north-west.
- 1.4 At present the site contains a substantial building from the 1960's, constructed of gault brick. The footprint of the main building measures 14.8m x 9.8m and the pitched tiled roof rises

from 5.2m at the eaves to 9.5m at the ridge. The building, which is divided into two flats, presents its gable end to the Hills Road frontage. It has been unoccupied for several years. There is a detached single-storey garage, with a pitched roof, to the northwest of the house. There are two vehicle access points from Cavendish Avenue, respectively 21m and 39m east from the street corner.

- 1.5 The site contains a very large number of trees and shrubs. These range in quality from a number of dead and fallen trees to trees of very high amenity value, such as the 22m beech on the east side of the site, and the 20m sycamore in the north-east corner. These two trees and four others on the east side of the site are the subject of individual Tree Preservation Orders. The garden has been neglected, and is very overgrown; the hedge on the Hills Road frontage and the yew trees behind it have spread across the grass verge and overhang the footway. This hedge area, which contains 13 yew trees and two elms, is the subject of an Area Tree Preservation Order.
- 1.6 The site does not fall within any conservation area, and is outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 This application follows the refusal by South Committee of three earlier applications (05/1365/FUL) for a terrace of town houses on this site. The first of these was for six houses, the second and third for five houses. Both of the first two applications were the subject of appeals. In both cases, following an informal hearing, the appeal was dismissed. Copies of the Inspector's decision in each case are attached to this report. Details of the three previous applications are given in the site history section of this report.
- 2.2 This application seeks to demolish the existing building on the site, and to replace it with three detached houses (reading from the Cavendish Avenue end of the site, Houses 1, 2 and 3). The houses would be set between 10m and 11.5m back from the footway on Hills Road. The main entrances of these houses would face a car parking area in the centre of the application site, but the west elevations would also be designed to be 'public'. I refer in this report to the east (car park) elevations as the front, and the west (Hills Road) elevations as the rear.

- 2.3 The three detached houses would be six-bedroom dwellings of three storeys, under deep pitched roofs with their principal ridge line at right angles to Hills Road, The eaves would be low, at 4m above ground level, and the main roof ridge at 11m.
- 2.4 The 'rear' elevations, facing Hills Road would have the characteristics of a street frontage, with broadly symmetrical facades and prominent central porches. The design of all three houses alludes to the Arts and Crafts style; the deep pitched roofs would be clad in tiles, and the houses would have tall chimneys, strong window detailing in brick or reconstituted stone, and porches supported on timber posts or brick piers. House 1 would be finished in red brick on the Hills Road side, House 2 in buff brick, and House 3 rendered above the ground floor lintels. The 'front' elevations of all three houses would employ the brick/render combination.
- 2.5 Internally, the houses would have a large lounge and a large kitchen/dining room, a study and WC on the ground floor, with bedrooms and bathrooms on the first and second floors. Windows would mostly face east towards the gardens and west towards Hills Road; the few windows in the north and south elevations would mostly serve bathrooms.
- 2.6 A landscaping plan has been submitted with the application, which provides for the retention of all the individual TPO trees on the east of the site and three of the existing yews in the TPO grouping on the Hills Road frontage, as well as other existing trees. The landscaping plan shows a single vehicle access point (slightly to the west of the present eastern access), which would lead, via a drive, to 6 car parking spaces in the centre of the site. Two of these would be car ports in front of the east elevations of Houses 1 and 2. On the east side of the access drive, a further four spaces would be provided, two within a freestanding car port for House 3, and two unroofed, providing a second parking space for Houses 1 and 2. Individual private gardens would be created on the west side of the site, with each house having a pedestrian gate to the Hills Road footway. In the eastern part of the site a shared amenity area would be created beneath the canopy of the beech tree. The copse area around the sycamore tree in the north-east corner would be retained and regenerated. New yew hedges would be planted

on the Cavendish Avenue and Hills Road frontages, and a number of new trees added to the site.

2.7 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Tree and Landscape Report
4. Noise Survey and Assessment
5. Bat Survey

3.0 SITE HISTORY

Reference	Description	Outcome
63/0499	Erection of meeting room, with ancillary room attached	Refused
05/1365	Erection of terrace of six town houses, including demolition of existing building	Refused, appeal dismissed
06/1287	Erection of five dwellings	Refused, appeal dismissed
07/1000	Erection of five dwellings	Refused

4.0 PUBLICITY

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

5.0 POLICY

Central Government Advice

5.1 **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. Paragraph 34 states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way that it functions, should not be accepted.

- 5.2 **PPS3 Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, particularly in terms of tenure and price; supports a wide variety of households in all areas; sustainable in terms of location and efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. 30 dwellings per hectare is set out as an indicative minimum density. 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.
- 5.3 **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.
- 5.4 **PPG25 Development and Flood Risk (2001):** Recognises that the susceptibility of land to flooding is a material consideration and that local authorities should consider the specific risk of flooding to the development being proposed and the possible effects of the development on flood risks elsewhere in the floodplain. It also advises that the Environment Agency has the lead role in providing strategic advice on flood issues (paragraph 17). Paragraph 12 states that the precautionary principle should be applied in decision making so as to avoid or manage risk.
- 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 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 respects

5.7 East of England Plan 2008

SS1 Achieving sustainable development
T1 Regional transport strategy objectives and outcomes
T2 Changing travel behaviour
T4 Urban transport
T9 Walking, cycling and other non-motorised transport
T14 Parking
ENV7 Quality in the built environment
ENG6 CO₂ emissions and energy performance
WM6 Waste management in development

5.8 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

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

5.9 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/10 Sub-division of existing plots
3/11 The design of external spaces
3/12 The design of new buildings
4/4 Trees
4/13 Pollution and amenity
5/1 Housing provision
5/4 Loss of housing
5/10 Dwelling mix
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

5.10 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.

5.11 Material Considerations

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001) - This document aims to aid strategic and development control planners when considering biodiversity in both policy development and dealing with planning proposals.

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 Nature Conservation Strategy – Enhancing Biodiversity (2006): and Cambridge City Wildlife Sites

Register (2005): Give guidance on which habitats should be conserved and enhanced, how this should be carried out and how it relates to Biodiversity Action Plans.

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

Cambridge City Council (2002)–Southern Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Insufficient information shown in the application on size of parking spaces, width of access and distance of gate from the edge of the public highway. Conditions sought on visibility splays, retention of parking area free from obstruction, access width, and hard paving for at least 6m from the highway. Informatives also requested

Head of Environmental Services

- 6.2 No comment received to date. Any comments received after the completion of this report will be reported to Committee on the amendment sheet or at the meeting.
- 6.3 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 No representations have yet been received. The 21-day consultation period for neighbouring residents does not expire until 5th February 2009. Any representations made by 11th

February will be reported to Committee either on the amendment sheet or at the meeting.

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. Highway safety
4. Transport impact
5. Car and cycle parking
6. Residential amenity
7. Trees
8. Disabled access
9. Refuse arrangements
10. Sustainability
11. Planning Obligation Strategy

Principle of Development

8.2 This proposal involves redevelopment of a previously developed site for residential purposes, which is in line with government guidance and development plan policy. I consider that the proposal would promote sustainability by provision of residential accommodation close to the city centre and to public transport routes. In my view, the site in its current condition is an eyesore, and the appearance of the area would be improved by its redevelopment.

8.3 The applicants have acknowledged that the density proposed would be 17.6 dwellings per hectare (dph). This is barely more than half the 30dph suggested as the national indicative minimum by government guidance in PPS 3, and consequently, without a specific justification, would have to be regarded as underdevelopment, or inefficient use of the land. The position, size, amenity value and protected status of trees on this site constitute special circumstances which justify a lower density. Even taking this into consideration, however, the acceptability of the very low density proposed here would have to be questioned were it not for the site's planning history. Two appeal decisions from the Planning Inspectorate have

confirmed that the implications for neighbour amenity of using the east side and south-east corner of the site for car parking are unacceptable. Given this constraint, and the position of protected trees, it is difficult to see how the site could be developed at a density of 30dph without either prejudicing the trees, eliminating car parking space, or creating the kind of impact on neighbour amenity identified by the two Inspectors as unacceptable.

- 8.4 In my view, the development of small units without car parking space on this site would be acceptable in principle, it is not clear that such a proposal would respect the character of the area, and there is a strong argument that the aspiration of the local plan for a mix of dwelling sizes in new development would be served by the development of this site for larger family houses. Similarly, whilst in my view, car parking provision at 1 space per residential unit or even lower would be quite adequate in this location, given its proximity to local services around the Cambridge Leisure site, bus routes and cycle lanes, I acknowledge the applicants' need to ensure the attractiveness of the houses to potential family occupiers by providing car parking space at the maximum level permitted under the City Council's standards. I would be reluctant to encourage underground car parking on this site, both because of its inherent conflict with the principles of sustainability, and because I am doubtful whether it could be achieved without harm to trees of amenity value.
- 8.5 Hence, although it appears that a significantly higher figure could be achieved on this site, I am satisfied that in this particular instance, a density of development which falls dramatically short of the national minimum figure prescribed in government guidance is acceptable.
- 8.6 Paragraph 3.6 of the Cambridge Local Plan (1996), supporting policy 3/1, encourages the conversion and re-use of existing buildings. In this instance, I do not consider that the existing building is particularly suitable for conversion and reuse. Its age suggests that it is unlikely to be energy-efficient, and the Environmental Health Department suggest that it may contain asbestos. The building lies outside any conservation area, and therefore its demolition does not require specific permission. The loss of the existing building cannot therefore provide a reason for the refusal of the application.

- 8.7 Policy 5/4 forbids development which would result in the loss of residential accommodation unless one of a list of criteria is met, but the proposed development would provide more residential floorspace than the existing building. This is one of the criteria for acceptability in Policy 5/4, and the proposal is therefore in line with that policy.
- 8.8 Policy 3/10 of the Cambridge Local Plan (2006) places restrictions on development which involves the subdivision of existing plots. The policy permits development involving the subdivision of existing plots only if six criteria are satisfied, ensuring protection of neighbour amenity, the character of the area, trees and listed buildings, provision of adequate amenity space and car parking, and the safeguarding of opportunities for comprehensive development. I indicate below under the respective headings of Residential Amenity, Character Appearance and Design, Car and Cycle Parking, and Trees that I consider the proposal meets these four criteria. There are no listed buildings on or near to the site, and I do not consider that there is any opportunity for comprehensive development of a wider site in this locality.
- 8.9 In my opinion, there are special circumstances on the site which justify the very low residential density proposed in the application, and the principle of the development is therefore acceptable and in accordance with policies SS1 and ENV7 of the East of England Plan 2008, and policies 3/1, 3/4, 3/10, 5/1 and 5/4 of the Cambridge Local Plan (2006), and government guidance in the form of Planning Policy Statement 3 'Housing' (2006).

Context of site, design and external spaces

- 8.10 This part of Hills Road has a very heterogeneous character; features of development such as massing, orientation, materials, architectural style, and position on the plot show considerable variation, especially on the east side of the road from the Glebe Road junction northwards. In my view, the proposed building would fit within this varied context in a harmonious manner, by respecting certain key features of the neighbourhood.

- 8.11 The proposed buildings are in my view of an acceptable height. The site lies in the zone of Hills Road where generally relatively small scale buildings begin to give way to those of greater height. The main ridges of the proposed houses, at 11m above ground level, would be lower than the highest ridges of 221 Hills Road (the language school) just to the north, and the same height as Homerton Court, 40m to the south. Houses with a third storey within the roof space are common nearby, and in this context, I do not consider that the two-storey height of the existing building on the site, or its immediate neighbours at 235 and 237 Hills Road and 3 Cavendish Avenue, should place a similar limit on any replacement.
- 8.12 The footprints of the buildings proposed are also acceptable in my view. The building would be set back from the Hills Road boundary, respecting the building line established by its immediate neighbour to the south. Although the proposed houses are set closer together than the semi-detached villas immediately opposite, their proximity is not in my view discordant with the character of the area; both terrace forms and more closely spaced detached and semi-detached houses can be found close to the application site.
- 8.13 In the context of previous applications on this site, which proposed a terrace of similar orientation to the row of houses proposed here, the question was raised as to whether it would be more appropriate for any development on this site to front Cavendish Avenue. This is a corner site, whose frontages on Hills Road and Cavendish Avenue are of similar lengths; I do not consider that the present postal address of the plot makes any particular orientation of the buildings more or less acceptable. In my view, the orientation of the row proposed here, fronting the central parking court, but showing a rear elevation to Hills Road exhibiting the coherence and boldness usually considered appropriate to a frontage addressing the street, is an imaginative approach to this site. Its appropriateness is enhanced in my view by the decision to give the 'back' gardens of the three houses a pedestrian access to the Hills Road footway. There are few instances on Hills Road, between Cherry Hinton Road and Long Road, of buildings on corner sites facing the side turning; such an orientation, in my view, would be at odds with the rhythm of existing buildings. I consider that the proposed orientation would have a number of benefits: it would strengthen the street scene on Hills Road,

create a more active frontage on Cavendish Avenue than exists at present, containing clear windows to habitable rooms, avoid the creation of any new vehicle access on to Hills Road, and enable the preservation of the visually important trees in the north-east corner of the site.

- 8.14 The retention of a number of existing trees, and the landscaping proposals, which incorporate further trees, would in my view enhance the existing wooded and green quality of the site, and the proposed removal and replacement of the boundary hedge on both frontages would improve the street scene, which is currently heavily overgrown, and, in its present condition, out of keeping with the visual character of the street both to north and south.
- 8.15 Rather than alluding, as previous applications have done, to the detailing of the Victorian/Edwardian villas opposite, this proposal makes more reference to the materials, form and ornamentation of the Arts and Crafts period, features which are visible in nearby streets such as Hills Avenue and Luard Road, and on the west side of Hills Road, south of the application site. I have outlined some of the typical details in paragraph 2.4, and in my view it is appropriate to the scale of the houses and draws inspiration, as suggested in policy 3/4, from key characteristics of the surrounding area. In my view, the detailing of the proposed buildings respects the varied character of the neighbourhood, and is acceptable.
- 8.16 In my opinion the design of the proposed houses is appropriate in its context, and the proposal is compliant in this respect with East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12 and government guidance in PPS1.

Highway Safety

- 8.17 The highway authority has raised issues about the dimensions of the access, the layout of the parking area, and the position of the gate. These will be raised with the applicants, and the results reported on the amendment sheet or at the Committee meeting. It is my view that the issues can be easily resolved within the overall design submitted and the constraints of the site

- 8.18 Cambridgeshire County Council uses an average figure of 8.5 movements per day by all modes per residential unit to assess future flows. The single additional residential unit here proposed (three houses replacing two flats) would be expected to generate a figure of 8.5 additional daily movements. Regardless of the modal share of these trips taken by car, the impact would be immaterial in the context of existing traffic flows on Hills Road and Cavendish Avenue.
- 8.19 My inspection of the site confirms that cars are normally parked all along both sides of the road in Cavendish Avenue. I do not consider that this is likely to impede the movement of emergency vehicles, but I do consider that it tends to reduce traffic speed in Cavendish Avenue, which is to the benefit of pedestrian and cyclist safety. As I indicate below, I do not think it likely that the proposed development would give rise to additional on-street parking. In my opinion, subject to the satisfactory resolution of the layout issues raised by the highway authority, the proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policy P8/1 and Cambridge Local Plan (1996) policy 8/2.

Transport impact

- 8.20 Because of the relatively low level of vehicle movements which the proposal would generate, and which I have outlined under Highway Safety above, I do not consider that the proposal would conflict with policy 8/2 of the Cambridge Local Plan (2006).

Car and Cycle Parking

- 8.21 The site falls outside the Controlled Parking Zone. The City Council's Car and Cycle Parking Standards set a maximum level of two car parking spaces per residential unit of three bedrooms or more, plus one visitor space for every four units. This would give a total of 7 car parking spaces. The application proposes 6 spaces. In my view, this level of parking is appropriate; I do not consider that the proposal is likely to generate any significant extra demand for on-street parking.
- 8.22 In my opinion, in respect of car parking, the proposal is compliant with Cambridge Local Plan (2006) policy 8/10 and the Car Parking Standards in Appendix C of the Plan.

8.23 The City Council's Car and Cycle Parking Standards set a level of five cycle parking spaces for each residential unit of six bedrooms. The application drawings show a substantial store for waste and cycles within the envelope of each building. However, I am not convinced that these stores provide sufficient space for this number of cycles and the necessary waste storage bins. There is sufficient space on the site to provide satisfactory storage for both, but some amendment may be necessary to the detail of the layouts in order to provide the space in a satisfactory manner. I recommend a condition to ensure that, in respect of cycle parking, the proposal is compliant with Cambridge Local Plan (2006) policy 8/6 and the Cycle Parking Standards in Appendix D of the Plan.

Residential Amenity

8.24 I do not consider that the proposal has any implications for the residential amenity of occupiers on the opposite side of Hills Road (a minimum of 35m distant from the proposed houses), or to the north of Cavendish Avenue (a minimum of 25m distant); the buildings in these directions are too far away to be materially affected. I consider residential amenity here in respect of 235 Hills Road, 237 Hills Road, and 3 Cavendish Avenue.

Privacy

8.25 The proposed buildings would contain a large number of windows facing east. Some of these windows would be at a higher level than those in the existing building. I do not, however, consider that the proposed buildings would result in an unacceptable loss of privacy to the occupiers of 3 Cavendish Avenue, despite the fact that windows face in this direction, for several reasons. The trees to be retained on the site would provide considerable screening, even during winter. In addition, 3 Cavendish Avenue would be a minimum of 31m from the front windows of the proposed houses. The proposal must also be considered relative to the present situation, in which first-floor windows in the existing building face towards 3 Cavendish Avenue at a distance of only 24m, considerably closer than those of the proposed building.

8.26 I do not consider that the proposed building would result in an unacceptable loss of privacy to the occupiers of 237 Hills Road;

even the section of the side garden of this property which is immediately adjacent to the boundary of the application site lies at least 30m from the rear windows of the proposed houses, and they would be at a very oblique angle to this area. The house at 237 itself would be further away still, and the angle even more oblique. In both cases, screening by trees would further limit any possible overlooking.

- 8.27 I do not consider that the proposed building would lead to an unacceptable loss of privacy to the occupiers of 235 Hills Road. The only windows in the south face of the proposed building would all be roof lights. That on the ground floor would light the tool shed, and its lower edge would be 3.2m above floor level. That on the second floor would be above the stairwell, and its lower edge would be 3.9m above the second floor landing level. It would not be possible for occupiers to overlook any part of the curtilage of 235 Hills Road from these rooflights. The rooflight proposed on the first floor would serve a bathroom, and would have its lower edge 1.5m above floor level. Opportunities for overlooking would be eliminated if this window were obscure glazed. I recommend a condition to ensure the retention of such glazing in this rooflight. There would be no overlooking of the east-facing windows of 235. Only a very small strip of the north-east corner of the garden of 235 would be exposed to overlooking from the window of the south-east bedroom on the first-floor of the proposed House 3, and this would be at a very oblique angle. Having considered this question carefully, I consider that the degree of overlooking of the garden of 235 would be materially less than would be possible from the existing building, which has several windows and a first-floor balcony facing in this direction. In my opinion, provided that conditions prevent the addition of further windows in the south elevation of the proposed terrace, and ensure the retention of obscure glass in the first-floor bathroom of House 3, the proposal does not pose a threat to the privacy of surrounding houses.

Outlook

- 8.28 I do not consider that the outlook of 3 Cavendish Avenue, or 237 Hills Road would be affected by the proposal, because of the distances, the aspect of the two houses, and the position of trees referred to under the heading of privacy. The proposed House 3 would be prominent when seen from 235 Hills Road,

but I do not consider that it would limit the outlook from that house unduly. The nearest point of the proposed House 3 would be 4m from No. 235, but this would be the eaves of the toolshed. The very low eaves of the main house (4m above ground level) would be 6m from No. 235, and from there, the roof would slope up, reaching the ridge height of 11m above ground only at a point 10.2m from the neighbouring house. I do not believe this profile would create an unacceptable sense of enclosure for the occupiers of 235 Hills Road.

Daylight and sunlight

- 8.29 235 Hills Road is the only building close enough to the proposed houses for the question of light to be an issue. The proposed houses lie north of 235, and I do not consider that they will affect sunlight to that property at all. I have assessed the proximity of the proposed House 3 to No. 235 under the subheading of outlook above, and for the same reasons as indicated there, I do not consider that the proposed development would have an unacceptable impact on daylight reaching No. 235.

Noise and disturbance

- 8.30 Given the scale of the development, the distances between the proposed houses and neighbouring buildings, and the orientation of the proposed houses, I do not consider that the activity of occupiers in or around the three houses would cause undue noise or disturbance to neighbours. No car parking or vehicle movements are now proposed in the south-east corner of the site, nor along the eastern boundary adjacent to 3 Cavendish Avenue. The nearest point of vehicle movements on the site would be 16m from 3 Cavendish Avenue, 23m from 235 Hills Road, and 58m from 237 Hills Road. Furthermore, the total number of vehicle movements to and from the site generated by the proposed development is likely to be of the order of 12 daily (assuming, as I have done above, that 48% of all movements generated would be by motor vehicle). Even if these were to be concentrated wholly into a single morning peak hour and a single evening peak hour, which I consider unlikely, this would only represent one movement every ten minutes within each of those hours. Given that the proposed houses are large family dwellings, I think it unlikely that they would generate a significant proportion of late-evening vehicle movements. I do

not consider that noise from vehicles would cause unacceptable harm to neighbour amenity.

Light pollution

- 8.31 The landscape drawing attached to the proposal specifies two low-level bollard lights adjacent to the vehicle driveway. These would be at least 24m from 3 Cavendish Avenue, and at least 22m from 235 Hills Road. The landscape condition I recommend will ensure that the installation of light fittings is of this nature and will not create any material light pollution. In my view, the distance of the access drive and car parking area from the common boundaries with the adjacent properties, taken with the very limited number of vehicle movements to be expected, would reduce any light spillage from vehicles to an insignificant level.
- 8.32 In my view, the proposal adequately respects the residential amenity of its neighbours and constraints of the site; I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 4/13 and 4/15.

Trees

- 8.33 In my view, the proposal will enhance the amenity value of the most important trees on the site by removing dead wood and ivy, and eliminating the poor quality regenerative growth of other specimens which fills the surrounding area at present. The landscaping scheme provides detail of the method to protect trees in the construction of the proposed driveway and parking spaces. This is even more important with respect to this application than previously, as the proposed car parking area impinges to a greater degree within the root protection area of the beech tree. I recommend conditions to reinforce the submitted tree protection proposals. I consider that the removal of the hedges and many of the frontage trees, and their replacement with new yew hedges and further tree planting would be beneficial to the street scene and the character of the area by improving the environment on the footway, and promoting the longer-term health and vitality of the hedge and tree growth on this side of the site. I consider that the landscaping proposals as a whole would enhance the character of the area, and provide a very satisfactory quality of amenity for future residents on the site. The arboricultural department

have been involved in previous pre-application discussions about this site, and approved of the previous unsuccessful proposals. No comments have been made by the department about this application, whose impact on arboricultural issues I judge to be very similar to the previous applications. Any additional comments from the arboricultural department will be reported to Committee on the amendment sheet. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Disabled Access

- 8.34 The development will comply with Part M of the building regulations. Level entrances are provided, and external no-dig surfaces will be provided with a bonded surface to promote accessibility. The application states that car ports and parking spaces will be of dimensions sufficient for disabled users, but I am not clear from the drawings that this is the case. I recommend a condition requiring this to be clarified. In my opinion, subject to such a condition, the provision for disabled access in the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.35 As I have indicated above under the heading of cycle storage, the application proposes a substantial storage space within the envelope of each house for the storage of waste, recycling, garden tools and cycles. In principle, this is a satisfactory solution, but given the need to accommodate three bins and at least three cycles for each house, I am not fully convinced that the space provided, especially in Houses 1 and 2, is sufficient. I recommend a condition to ensure that adequate space for waste and recycling is provided. Subject to such a condition, which may require minor adjustments to the internal layout of the houses, I consider that the waste storage provisions of the proposal are compliant with East of England Plan 2008 policy WM6 and Cambridge Local Plan (2006) policy 3/12

Sustainability

- 8.36 I consider that the applicants have addressed the issue of sustainability in the following ways.

- Selecting an appropriate site and developing it at an acceptable density, greater than the existing residential use.
- Respecting the site characteristics.
- Safeguarding the townscape
- Conserving and enhancing biodiversity by means of sensitive landscaping.
- Providing for recycling
- Maintaining people-friendly streets by improved treatment of the boundaries.
- Locating close to public transport.
- Limiting car parking to the maximum permitted by the City Council's Standards.
- Providing level access to ground floors, and meeting Part M of the Building Regulations.

8.37 The application also indicates the suitability of the south-facing roof slopes for the generation of solar energy, and expresses the applicants' intention to consider the use of recycled materials, low-emissivity glass, local sources of supply, building contracts requiring waste separation, water-efficient appliances, rainwater butts and soakaways. There is no firm commitment to any of these measures. However, the scale of the development is not such as to bring it within the remit of policy 8/16 of the local plan; in my view the tentative nature of the application's engagement with these aspects of sustainable construction do not constitute a reason for the refusal of the application, but can only be addressed by an informative encouraging their implementation. I consider that the issue of sustainability has been addressed sufficiently to render the application compliant with policy SS1 of the East of England Plan 2008 and policy 3/1 of the Cambridge Local Plan 2006.

Planning Obligation Strategy

8.38 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

8.39 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.

8.40 The application proposes the erection of three six-bedroom houses. Two residential units would be removed, so the net total of additional residential units is one. A house or flat is assumed to accommodate one person for each bedroom. 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		
3-bed	3	360	1080		
4-bed	4	360	1440		
5-bed	5	360	1800		
6-bed	6	360	2160	1	2160
Total					2160

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		
3-bed	3	306	918		
4-bed	4	306	1224		
5-bed	5	306	1530		
6-bed	6	306	1836	1	1836
Total					1836

Children's play space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	0	0		0
2-bed	2	399	798		
3-bed	3	399	1197		
4-bed	4	399	1596		
5-bed	5	399	1995		
6-bed	6	399	2394	1	2394
Total					2394

8.41 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

8.42 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 additional such units	Total £
1 bed	1085		
2-bed	1085		
3-bed	1625		
4-bed	1625		
5-bed	1625		
6-bed	1625	1	1625
Total			1625

8.43 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.

Education

8.44 Since the proposal would create fewer than four additional residential units, no contributions are sought.

Transport

8.45 The site lies within the Southern Corridor Area Transport Plan where contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. However, the proposal is only likely to generate 8.5 additional all-mode trips daily, and consequently, no payments will be sought.

9.0 CONCLUSION

9.1 This application is entirely different from the previous applications, and by its abandonment of the attempt to use the east side and south-east corner for access and car parking, avoids the neighbour amenity issues which led to the dismissal of the two appeals.

9.2 This proposal would provide family homes in a sustainable location, which is encouraged in policy SS1 of the East of England Plan (2008) and policies 3/1 and 5/1 of the Cambridge Local Plan (2006). This is a previously-developed site, and the efficient use of such sites for housing is urged by government guidance in paragraph 27 of PPS1 and paragraphs 40, 41 and 48-50 of PPS3.

9.3 I am satisfied that the overall design of the proposal, in which houses are served by a rear vehicle access, but have both a visual and a functional address to Hills Road is an acceptable solution to the constraints of this site, which respects the

character of the surrounding area. I recommend approval of the application.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 6th March 2009 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. The bathroom rooflight shown on the first floor of the south elevation of House 3 shall be obscure glazed, and shall be retained in that condition except with the express permission of the local planning authority.

Reason: To protect the privacy of neighbouring occupiers. (Cambridge Local Plan 2006 policy 3/4)

4. 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)

5. 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)

6. The approved area for parking shall be laid out before any of the houses are occupied. It shall be retained in the approved form, and kept free of obstruction except with the express permission of the local planning authority.

Reason: To provide satisfactory off-street car parking space, and to avoid any hazard to highway safety. (Cambridge Local Plan policies 8/2 and 8/10)

7. Notwithstanding any details shown on the approved drawings, the access drive shall be of 5m in width for a minimum of 10m from the boundary with the adopted highway.

Reason: To avoid any hazard to highway safety. (Cambridge Local Plan 2006 policy 8/2)

8. Notwithstanding any detail shown on the approved drawings, the access drive shall be hard surfaced for a minimum of 6m from the boundary with the public highway.

Reason: To keep the footway and carriageway free of debris, and to avoid any hazard to highway safety. (Cambridge Local Plan 2006 policy 8/2)

9. No development shall take place until details of two 2m x 2m visibility splays within the site at the access point have been submitted to and approved in writing by the local planning authority.

Reason: To protect highway safety. (Cambridge Local Plan 2006 policy 8/2).

10. No development shall take place until full details of both hard and soft 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 (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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. 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 that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

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)

13. 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)

14. No work shall start on the application site (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, and positioning of site huts) until:
 - a) A Tree Protection Plan has been submitted to and agreed in writing by the local planning authority.
 - (b) The developer has appointed a competent arboriculturalist and there has been a site meeting between the site agent, the developer's arboriculturalist, and the Council's Arboricultural Officer.
 - (c) All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.
 - (d) All tree protection barriers and ground protection measures have been installed to the satisfaction of the local planning authority

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)

15. All Arboricultural works shall be carried out by a competent tree contractor, proficient in both root-zone and aerial arboricultural work and shall follow strictly the agreed method statements and specifications.

The developer's arboriculturalist shall monitor, record and confirm the implementation and maintenance of tree protection measures as set out in the conditions of the planning permission.

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)

16. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/11)

17. 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)

18. 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)

19. 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)

20. No development shall take place until details of proposed wheel washing and other mitigation measures in relation to dust suppression have been submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.

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

21. Prior to the commencement of development, full details of 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, to safeguard visual amenity and to ensure adequate waste storage and recycling provision (East of England Plan (2008) policy WM6 and Cambridge Local Plan 2006 policy 3/12).

22. 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)

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer. The developer will not be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connection. No window or door will be allowed to open over a highway and no foundation or footing for the structure will be allowed to encroach under the public highway.

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

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: policies SS1, T1, T2, T9, T14, ENV1 and WM6

Cambridgeshire and Peterborough Structure Plan 2003: policies P6/1 and P9/8

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/12, 4/4, 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.

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 6th March 2009 it is recommended that the application be refused for the following reason(s).

The proposed development does not make appropriate provision for public open space or 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.

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.



Appeal Decision

Site visit made on 3 December 2007

by **Daphne Mair** BA(Econ), MPhil, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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2 The Square
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Bristol BS1 6PN

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Decision date:
7 January 2008

Appeal Ref: APP/Q0505/A/07/2054520 2 Cavendish Avenue, Cambridge, CB1 7US.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Camstead Homes against the decision of Cambridge City Council.
- The application Ref 06/1287/FUL, dated 17 November 2006, was refused by notice dated 16 April 2007.
- The development proposed is erection of 5 no. dwellings (including demolition of existing flats).

Decision

1. The appeal is dismissed.

The Main Issues

2. The main issues are the effects of the proposal on the street scene of Hills Road and on those living adjacent to the driveway and car park as a result of noise disturbance and sense of intrusion.

Reasons

3. On the first issue, the appeal site is a quite large corner plot containing a mid 20th century building of little visual merit and a considerable number of trees. The 5 houses proposed would face Hills Road. I saw that the west side of Hills Road hereabouts is characterised by dwellings quite similar in form and setting but that on its east side the pattern of development is more varied. To the immediate south of the site, no.235 is set gable end on to the road and beyond the driveway to no.237 (which house is not seen from the road), there is a large building (Homerton Court) and then a smaller house. Beyond Hills Avenue are flats. To the north across Cavendish Avenue is a large building used as a language school and then a church. Cavendish Avenue itself is varied at this western end with 3 storey flats opposite and a chalet bungalow to the immediate east of the site and larger houses beyond.
4. The appeal terrace would make a strong visual statement on the Hills Road frontage with its 2½ storey end houses and the three by 3½ storey central dwellings. Most of the existing dense but rather poorly growing yews to the Hills Road side of the site would be removed for the development but three would be retained and a new yew hedge planted between. A feature robinia would be planted at the corner. The siting of the houses would sit well in the not particularly well defined building line on the east side of Hills Road. The gable end facing Cavendish Road is sufficiently detailed to avoid an unduly

blunt and uninteresting appearance and the relationship to 235 Hills Road would not appear overly dominant in my view.

5. I have taken into account that some trees on the site were or are subject to a Tree Preservation Order (TPO) no 11/1978. Both the appellant and Local Planning Authority say that 6 trees are subject to individual TPOs (and the yews on the frontage to a group order) but the copy of the TPO that I have on file shows that the 1978 Order was modified in 2002 to delete the 16 trees on the appeal site. Nonetheless, as shown on the appellant's Landscape Plan and tree survey there are some trees of amenity importance including a copper beech (T6 on the TPO map and T5 on appeal plan), sycamore (T5/T7) and false acacia (T2 on appeal plan) amongst others. The appeal scheme would retain those. Removal of all but three of the yews on the frontage and replanting of a yew hedge between would be an amenity benefit to the area. The siting of the houses and their height do not appear to me to be harmful to the townscape on this corner site. The trees would help assimilate the new terrace of houses, the appearance of which in my view is of sufficient distinction to have a positive rather than harmful impact on the varied street scene of the east side of Hills Road and of this end of Cavendish Avenue. The proposal would comply with Policies 4/4 and 3/12 of the Cambridge Local Plan 2006.
6. On the second issue, the proposed driveway from Cavendish Avenue to the parking area in the south east extension of the appeal site would pass within a metre of the side shared boundary with no.3 Cavendish Avenue. That house has a lightly built rear extension with glazed roof which is not shown on the plans which has a side wall between 1m and 2m of the boundary along its length. It has a window facing the appeal site. This house has its terrace area adjacent to the rear of the house and the shared boundary with the appeal site, which would be the most used part of the garden. Vehicles reversing out of the proposed car port would be doing so within 4m or 5m of the rear boundary of that closest part of the garden.
7. As said for the appellant the number of vehicles using the 7 parking spaces would not be great. As shown in the noise survey a wall or solidly built fence would reduce the noise of their passing along the drive and it would adequately mitigate light intrusion from headlights. This is a situation however where at present no vehicles pass alongside the house and garden. There was no drive or car park in these positions when the existing two flats were occupied. An acoustic barrier would not counter the sense of intrusion and associated loss of pleasant living conditions in the conservatory and in the otherwise very private garden at no.3 from the sound of each of the 20 or so vehicles expected to be passing daily. The sound of vehicles manoeuvring in and out of the car park area would also have an adverse impact on enjoyment of this small area of garden. That house also has a larger area of garden reached by a long narrow path alongside the proposed car park. That area is more remote from the house, less likely to be in frequent use and its presence would not compensate for the harm arising to living conditions at and near to the house, particularly from the drive passing so close to the shared boundary.
8. It is proposed to build a brick rear wall of 2.15m at the rear of the carports and give them a green roof. The carports would directly adjoin a small area of garden used by the occupier of no 237. This garden is to the side of the long drive to this unusually situated house. Its enjoyment would be compromised

to a degree by the sound of vehicles manoeuvring beyond the wall. The wall and green roof would however do much to moderate any noise and I give any residual disturbance limited weight because that garden is about 15m from the house and it has a much larger garden to its rear.

9. I have reached the above conclusions based on the assumption that the number of vehicles using the driveway to reach the car park would be as implied by the 7 spaces shown. That number would be consistent with local and national policies where as here there is quite good public transport accessibility and there is a designated cycle route alongside Hills Road. The houses proposed are however large, with 3 or 4 bedrooms and large studies in addition. One would expect some of them at least to accommodate households with two or more cars. On my visit Cavendish Avenue was quite heavily parked and that may be worse in the evenings. It seems to me that the car park and also the drive would allow more vehicles to park within the site than shown on the plans. This would increase disturbance to adjacent occupiers.

Other matters and overall conclusion

10. I am satisfied that a s.106 unilateral undertaking along the lines of that submitted for another scheme for the site that is before the Council would meet the aims of policies to ensure the needs of the development are met for community facilities and various forms of open space.
11. The alignment of the driveway would however result in significant adverse impact on the occupier of no.3 arising from disturbance and sense of intrusion. That outweighs the benefits of the better use of this well located urban land in an otherwise appropriate way. The development would thus not meet the aims of the relevant policies of the Cambridge Local Plan 2006 or those of national policy in Planning Policy Statements 1 and 3.

Daphne Mair

INSPECTOR



Appeal Decision

Hearing held on 16 January 2007

Site visit made on 16 January 2007

by **Julia Gregory** BSc (Hons) BTP MRTPI MCMI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 14 February 2007

Appeal Ref: APP/Q0505/A/06/2016187

2 Cavendish Avenue, Cambridge CB1 7US

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Camstead Homes against the decision of Cambridge City Council.
- The application Ref 05/1365/FUL, dated 22 December 2005, was refused by notice dated 18 April 2006.
- The development proposed is the erection of 6 townhouses (including demolition of existing house).

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the hearing I was presented with a signed and dated unilateral undertaking by the appellant. This would give the mechanism for contributions to be made in respect of the open space, community facilities and education needs generated by the proposal. It fully addresses the council's concerns in respect of their reason for refusal number 5, and is in accordance with the requirements of the development plan, and supplementary planning guidance. I have taken the unilateral undertaking into account, but since the council no longer raises objections about these contributions, I have concentrated my attention on the remaining issues.
2. I was asked by the appellant to consider plan No MM5 04/1A Rev A which shows the deletion of two parking spaces and additional landscaping close to the common boundary with No 3 Cavendish Avenue. This plan seeks to address part of the council's concerns about noise and disturbance.
3. Although the closest neighbours and the council were aware of the plan, it was not part of the application and was not subject to consultation. Neither the council nor the appellant had obtained the views of the highway authority on the plan. Given that on-street parking, whilst not a main issue, was a concern of local residents, in the absence of a formal response from the council on the revisions, I shall determine the proposal based on the application plans.

Main Issues

4. I consider that there are two main issues. The first is the effect on the living conditions of the occupiers of adjacent residential properties in respect of noise and disturbance, privacy and overbearing appearance. The second is the effect of the proposal on the character and appearance of the area.
-

Planning Policy

5. The development plan includes the Cambridgeshire and Peterborough Structure Plan 2003 (SP) and the newly adopted Cambridge Local Plan 2006 (LP). SP policy P1/3 seeks a high standard of sustainable design in built development. The main parties agreed at the hearing that the most relevant LP policies in respect of the main issues were policies 3/4, 3/10, 3/12 and 4/13.
6. LP policy 3/4 specifies that planning permission will be granted for developments which respond to their context. LP policy 3/10 relates to the sub-division of existing plots and seeks, amongst other matters, to prevent such development which would have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance. It also seeks to prevent development which would detract from the prevailing character and appearance of the area.
7. LP policy 3/12 sets criteria to be demonstrated in respect of the design of new buildings. These include that they have a positive impact on their setting in terms of the location of the site, height, scale and form, materials, detailing, wider townscape and landscape impacts and available views. LP policy 4/13 relates to pollution in all forms and seeks to protect amenity.
8. The council's Housing Development and Design Guide recommends that new development reflects the grain and density of the neighbourhood and relates to nearby building lines, heights, materials and detailing. It also urges that key constraints be taken into account in design.
9. Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) sets national policies for the delivery of sustainable development. Its provisions include promoting high quality inclusive designs in the layout of new developments. Planning Policy Guidance Note 13: *Transport* (PPG13) promotes sustainable transport choices. It specifies that local authorities should not require developers to provide more parking spaces than they themselves wish, other than in exceptional circumstances.
10. Planning Policy Statement 3: *Housing* (PPS3) cancels Planning Policy Guidance Note 3: *Housing*. Local planning authorities are not required to have regard to PPS3 as a material planning consideration when making decisions on applications until 1st April 2007. Nevertheless, PPS3 represents the direction of travel in respect of Government policy. It continues the requirement for the effective use of previously developed land, promoting housing in sustainable locations, and providing high quality housing.

Reasons

Living Conditions

11. The dwellings would replace a detached two-storey building, divided into two residential units situated on a plot at the corner of Hills Road and Cavendish Avenue. The six dwellings would be terraced and would be located facing Hills Road, although plot 1 would have its main entrance on Cavendish Avenue, and plot 6 would have its main entrance facing the common boundary with No 235 Hills Road. All of the car parking, which complies with the council's parking standards, would be sited accessed off Cavendish

Avenue with pedestrian access from the houses to the 12 spaces through the rear gardens. The access and parking area would be close to boundaries with No 235 and No 237 Hills Road, and No 3 Cavendish Avenue.

12. The Council's Area Transport Plan calculates trip rates on the basis of 8.5 movements per household, which would equate to 51 movements for the six dwellings. This would be 34 more trips than for the existing two dwellings on the site. The appellant argued that the scheme would generate in the region of 25 vehicular traffic movements to the site in 24 hours, with some of these vehicles being parked in Cavendish Avenue.
13. The site is in a sustainable location with good access to public transport and traffic is a disincentive to the use of the private car. The relatively flat landscape makes the City attractive to the use of bicycles. I accept that other modes of transport to the car would therefore sometimes be used, but traffic to the site will vary over time and it is difficult to be conclusive. I consider that it would be reasonable to conclude that vehicular traffic would be significantly greater than that generated by the current two dwellings.
14. This is a suburban residential area where access drives and parking spaces are often located close to dwellings, and where some degree of external lighting to residential properties is not uncommon, and is not controlled. Hills Road has substantial traffic flows which create some background noise. Nevertheless, four parking spaces and part of the access driveway would be located directly adjacent to the common boundary with No 3 Cavendish Avenue for a substantial length of the boundary. There is a conservatory close to the boundary that is not shown on the application plan. This has windows looking towards the application site, but a 1.8m high close-boarded fence would be erected along the common boundary, to screen views from the conservatory and garden towards the site.
15. Nevertheless, the fencing would not prevent unreasonable disturbance for occupants of No 3 when using the conservatory and back garden. The back garden is wholly useable space right up to the boundary with no significant planting and there is a lack of space for extensive landscaping to the common boundary to separate the car parking and the access from No 3. These factors lead me to conclude that vehicle and pedestrian movement, coupled with activity associated with car use, even if a low noise surface to the driveway were to be implemented, would cause significant noise and disturbance to the occupiers of No 3.
16. The location of the parking spaces is constrained by the existence of preserved trees, and so this is not a matter which I consider could be left to be dealt with by a condition. I have therefore considered the proposal based on the scheme before me. I conclude that the proposal would be contrary to LP policy 3/10 because it would have a significant adverse impact on the occupiers of No 3 by reason of noise and disturbance.
17. There would be 8 parking spaces sited adjacent to the common boundaries with No 235 and No 237 Hills Road. The dense conifer hedge at the end of the garden of No 235 would prevent them being seen and would limit the impact of light pollution from the use of the car parking spaces to the occupiers of No 235. As the spaces would be well away from the house, I consider that their use would not cause harmful noise and disturbance to the occupiers of No 235. In respect of No 237, there would be a significant distance between the spaces and the house. With suitable boundary treatment to the rear of the pergola that

would cover the spaces, I consider that the use would not be intrusive on the living conditions of the occupiers of No 237. This does not outweigh the impact on No 3.

18. The dwellings would be sited so that the side of the dwelling on plot 6 would be adjacent to the common boundary with No 235 Hills Road. The windows on the side elevation of plot 6 above ground floor could all be obscure glazed and fixed shut. Although there would be a front door to plot 6 adjacent to No 235, this is not an uncommon relationship for a residential area, and a new hornbeam hedge would protect privacy at ground level. The rear windows to the terrace would face towards the side of No 3 Cavendish Avenue and its rear garden, but at some 30m distant, the relationship would not be so close that it would harm the privacy of these neighbours, who would be screened somewhat also by retained trees. Any views towards the gardens of No 235 and 237 Hills Road would be oblique and this would not be significantly intrusive.
19. The side of plot 6 would be close to No 235, but it would not project either in front or behind the extremities of that dwelling. There is a front and a back door, a landing window and a rooflight serving a bathroom in the side elevation of No 235. Whilst I appreciate that the appearance of the side of the development would change the outlook on the approach to the main entrance to No 235, the relationship would not be visually harmful to its setting. The openings in the side of No 235 are not so significant to the occupation of the dwelling that the building, in the location proposed, and although of greater height, would cause an oppressive sense of enclosure for the occupants of the dwelling. This does not outweigh my conclusions in respect of noise and disturbance.

Character and Appearance

20. The dwellings would be sited set back from Hills Road behind front gardens, a new yew hedge and preserved trees. The retained and new planting throughout the site would be in character with the verdant gardens locally, and there is no objection from the council in terms of the effect of the proposal on preserved trees, subject to conditions.
21. Building lines vary in Hills Road. Nevertheless, the front elevation of the terrace would be in a similar position to the front of No 235 and sufficiently far back from both Hills Road and Cavendish Avenue so that the siting would not look out of place in the street scene generally. The terrace would be a significant distance away from No 3 Cavendish Avenue, and on the opposite corner from No 221 Hills Road, so that this is the only property which I consider to be directly relevant, since building lines vary locally. The building would not be so close to the highway in either Hills Road or Cavendish Avenue that it would fail to respect its context.
22. In relation to the height of the dwellings, plots 1 and 6 would be lower than the other plots so that the building would be a mix of three and four storeys, with the top storeys set back behind parapets. The height of buildings varies in Hills Road and Cavendish Road, where there is a considerable mix of house types and substantial institutional buildings. There are substantial buildings close by at Homerton Court and at No 221 Hills Road, and the stepping down of either end of the building would I consider take account of the variation in the height of buildings locally.
23. No 235 is an individually designed property, but its design is not one common to the area, and it is well screened in the street scene. Because of this, whilst some regard should be had to it in terms of the overall character and appearance of the area, I consider that it

should not determine the overall design of the scheme. The existing building at No 2 Cavendish Avenue contributes little to the character and appearance of the street scene and I consider that its demolition would not be objectionable. The density of the development would be some 26 dwellings per hectare on previously developed land in a sustainable location. The density would not be at the minimum indicated in PPS3. Nevertheless, it would reflect the Government's desire to make best use of land whilst taking account of design, and the building would not appear cramped on the plot.

24. The dwellings would be constructed of materials which would reflect those locally and a high quality of construction could be achieved. Although not common in Hills Road, balconies are to be seen in Cavendish Avenue close by. The architectural treatment of the building would be well articulated, and it would not have a monolithic form. I consider that the terrace would add visual interest to the street scene in Hills Road and would comply with LP policy in relation to respecting its context.
25. In respect of the Cavendish Road elevation, the side of Plot 1, whilst a flank wall, would not be without interest, broken up by various architectural details. Parts of the rear elevation of the terrace would be visible from the Cavendish Avenue as well as from adjacent residential property. The detailing with bay windows and canopies over the ground floor would reflect detailing elsewhere in the vicinity, and the detailing would not be unsympathetic to its context. I conclude that the proposal would not harm the character and appearance of the area and would comply with the requirements of the development plan in this regard. This does not outweigh my conclusions in respect of the effect of the proposal on the living conditions of No 3 Cavendish Avenue in relation to noise and disturbance.

Other Matters

26. Local residents have expressed concern that there may be overspill parking from the site, onto the highway and the private access way to Lady Jane Court. There is mostly unrestricted on-street parking in Cavendish Avenue and it is often lined with parked vehicles. The parking that would be provided is the maximum that the highway authority would accept in relation to the parking standards, and this is in line with PPG13. I conclude therefore that the parking provision is not objectionable. The highway authority has raised no objections to the location of the access subject to pedestrian visibility splays. Although located close to the access to Lady Jane Court, having considered local highway conditions and the comments of the highway authority, I consider that the access is acceptable.

Conclusions

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

28. I dismiss the appeal.

Julia Gregory

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Somerville- Large	Director Camstead Ltd, 1 St Marys Court, Hardwick, Cams CB23 7QS
Ms Jenny Page	Carter Jonas
Phil Barnes	Camstead Ltd
David Brown	David Brown Landscape Design
Michael Palmer	Savills

FOR THE LOCAL PLANNING AUTHORITY:

Tony Collins	Development Control Officer
Peter Carter	Principal Planning Officer

INTERESTED PERSONS:

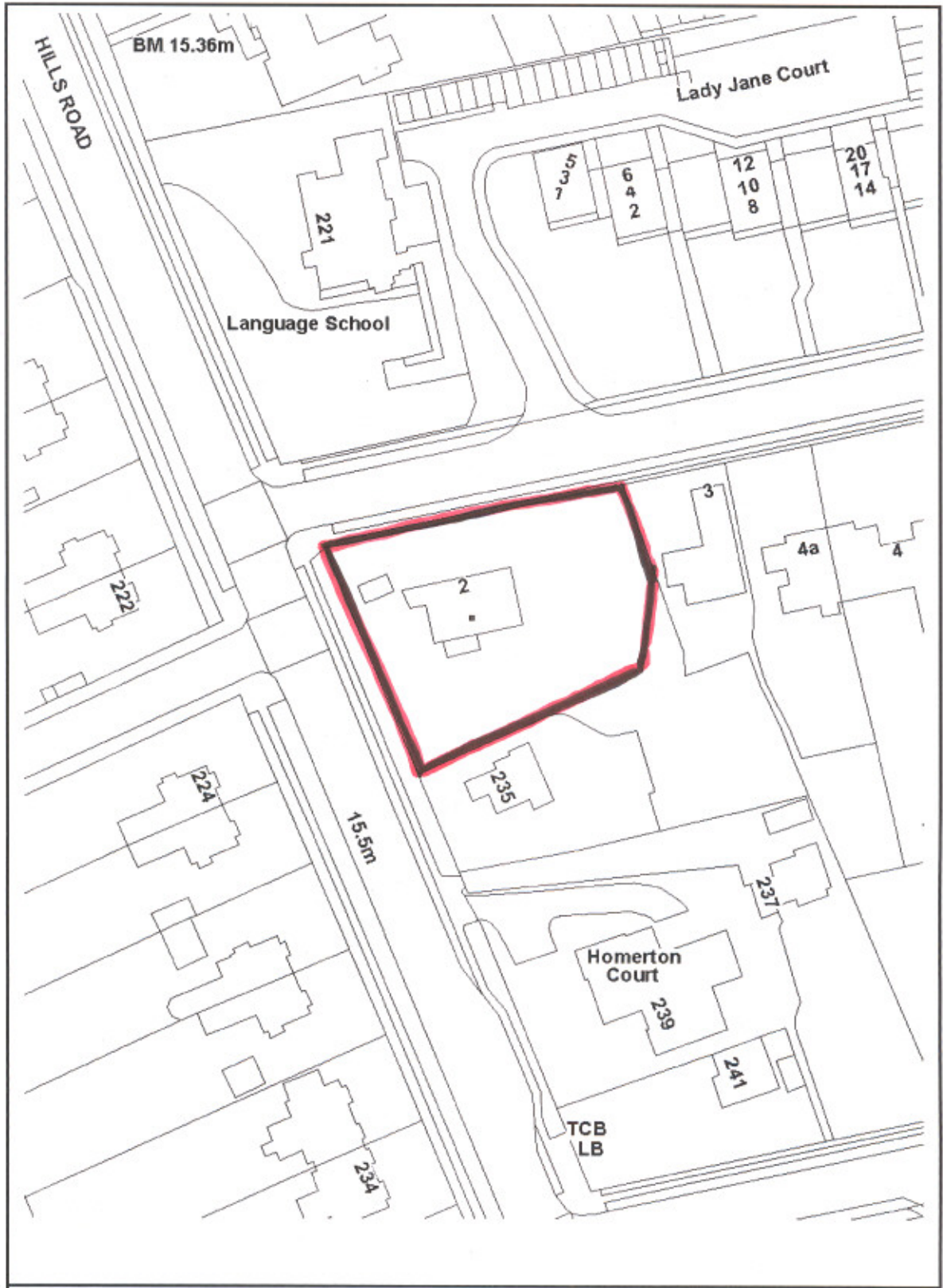
Peter Jolley, on behalf of Mrs Ellingham, 3 Cavendish Avenue	View Farm, Caxton End, Bourn, Cambridgeshire CB23 2SS
Mrs PD Amaratunga	235 Hills Road, Cambridge CB2 2RW
Mr Dawson, on behalf of Lady Jane Court residents	6 Lady Jane Court, Cavendish Avenue, Cambridge CB1 7US

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notification letter and circulation list
- 2 Unilateral Undertaking

PLANS

- A Application plans
- B Plan MM5 04/A Rev A submitted by the appellant



09/0017/FUL
2 Cavendish Avenue Cambridge Cambridgeshire CB1 4US