SOUTH AREA COMMITTEE MEETING – 23rd June 2014

Pre-Committee Amendment Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: Enforcement Report

Location: 27 Babraham Road

Target Date:

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 14/0356/FUL

Location: Land Between 2 And 3 Shaftesbury Road

Target Date: 02.05.2014

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 14/0208/FUL

Location: 38 Almoners Avenue

Target Date: 23.05.2014

To Note:

See planning inspectorate's recent decision notice following an appeal on refused planning application 13/0891/FUL (3 residential units) which was on the same site.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 14/0272/FUL

Location: 66-68 Hartington Grove

Target Date: 21.04.2014

To Note: No further comments

Amendments To Text:

Condition 11 – Management plan. Additional wording to include monitoring of student numbers.

Pre-Committee Amendments to Recommendation:

Amended Condition 11

Prior to the commencement of the development a management plan for the use of the premises by the Violin workshop for residential courses shall be submitted to and approved by the Local Planning Authority. The management plan shall include details of car parking arrangements, **numbers of occupants**, and measures to ensure the amenities of neighbouring residential properties are not adversely affected. The premises shall be operated in accordance with the management plan.

Reason: To ensure that the impact of the use premises for student accommodation

provided by the violin workshop is managed to minimise the impact on surrounding residential properties. Cambridge Local Plan 2006 policy 3/4.

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 14/0754/FUL

Location: 12A Drayton Close

Target Date: 10.07.2014

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 14/0287/FUL

Location: 29 Fernlea Close

Target Date: 05.05.2014

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

GENERAL ITEM

CIRCULATION: First

ITEM: APPLICATION REF: 14/0020/FUL

Location: 33 Queen Ediths Way

Target Date:

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

The Planning Inspectorate

Appeal Decision

Site visit made on 19 May 2014

by A Harwood CMS MSC MRTPI

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

Decision date: 19 June 2014

Appeal Ref: APP/Q0505/A/13/2213819
38 Almoners Avenue, Cambridge, CB1 8PA

- 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 William King Homes Ltd against the decision of Cambridge City Council.
- The application Ref 13/0891/FUL, dated 6 June 2013, was refused by notice dated 16 August 2013.
- The development proposed is to demolish the existing detached dwelling and erect three detached dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was confirmed at my site visit that revision C of plan 'CM/13/4/72/3' which shows the proposed elevations and floor plans was considered by the Council when making the decision. I will disregard the earlier version that has been included with my appeal papers.

3. Planning practice guidance came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the nature of this proposal, these changes to the guidance framework have not affected my decision.

4. A document purporting to be a S106 planning obligation was submitted following my site visit but has been agreed with the Council and I am able to consider this. I deal with this within my reasoning below.

Main Issues

5. The three main issues are:

   - The effect of the proposed development upon the character and appearance of the area with particular reference to plot size and layout as well as the impact upon important trees;

- The adequacy of living conditions for prospective occupants' within plots 1 and 2 due to the size of the proposed gardens and proximity of the protected trees; and
- Whether the Council's request for financial contributions towards open space, community development and waste facilities as well as monitoring are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development as set out in regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

Reasons

Character and Appearance

6. The appeal site is situated at the end of a cul-de-sac in a pleasant suburban area. Almoners Avenue and other nearby roads are characterised by mainly detached dwellings within good sized plots. However the plots are generally long and narrow with a regular tight-knit feel apparent within the street-scene.

7. The appeal site currently includes a dwelling within a corner plot which is unusually large. The dwelling faces onto Almoners Avenue with vehicular access from that road but the garden to the side borders the verge of the pedestrian link to Bowers Croft as well as an electrical sub-station building.

8. The three detached dwellings when looked at from the front would be spaced in a similar manner as the other dwellings nearby. Although the rear gardens would be an irregular shape and shorter than other gardens, these differences would be difficult for members of the public or neighbouring residents to notice. The dwellings would front onto a short private drive utilising the same main access from Almoners Avenue. Such an arrangement would be different from the prevailing character where dwellings face onto the estate roads. However, the dwellings would be set back from the footpath and estate road behind the sub-station and boundary planting in what I consider would be a pleasant secluded arrangement.

9. The appeal site currently includes mature landscaping and was overgrown at the time of my visit. The cherry, lime and beech trees towards the rear boundary of the site are subject to protection through a Tree Preservation Order (TPO). These trees and other mature landscaping provide dense cover along the boundary. These are mature, attractive trees that provide a high amenity value individually and collectively. The birch at the front of the property next to the driveway is also subject to the TPO.

10. The arboricultural impact assessment submitted before the Council determined the application but which was not considered by them does not include a plan with root protection zones. The proposed layout plan does show a zone around the important trees where I am confident that adequate protective fencing could be secured through a planning condition. The existing driveway at the front of the property encroaches close to the protected birch. The concrete surface would seem likely to adequately distribute the weight of construction activity. It would be possible to secure careful renewing of the surface with a permeable surface for the domestic traffic after construction but before occupation subject to a planning condition also providing control over how the work is carried out.

11. Although there would be differences from the form and layout of development in the surroundings, this would not have a harmful impact upon the character and appearance of the area. The important trees could be adequately protected. I consider that the proposal would satisfactorily respond to the context of the area and would comply with the main relevant policies 3/4, 3/7, 3/10, 3/12 and 4/4 of the adopted Cambridge City Council Local Plan 2006 (LP). These are consistent in material respects to the National Planning Policy Framework (NPPF).

Living Conditions

12. The cherry tree subject to the TPO would extend into the garden areas of proposed plots 1 and 2. This is on the north-western side of the dwellings and would not therefore over-shadow the gardens or the buildings. The spread of the tree would take up a substantial proportion of the garden area of plot 1. The tree may reduce some of the ambient daylight reaching the garden and the proposed kitchen/living/dining area of that dwelling. Furthermore, the small area of the garden of plot 1 outside of the canopy of the cherry tree would be overshadowed for much of the day by that dwelling and to a lesser extent the proposed neighbouring dwelling at plot 2. The open space within the garden would largely be in shade for much of the day and much of it would also be beneath the canopy of the cherry tree. The space would be very limited for many normal domestic activities. It would be difficult to construct a garden shed for example without developing within the area around the base of the cherry tree. Space for sitting out or playing would be very limited outside of the area in the shade from the houses for much of the day. The Council would also be under ongoing pressure to allow the pruning back of this tree which in the long term could undermine the form and therefore wider amenity value of the tree.

13. The garden of proposed plot 2 would be more spacious and therefore less affected by the canopy spread of the cherry tree as well as the beech and lime covered by the TPO. It is more likely that there would be direct sunlight reaching the garden area and it would be a adequately attractive amenity area for the occupants of that dwelling. Plot 3 would have an even bigger garden and that would provide a good standard of space for the occupants of that dwelling.

14. In relation to the second main issue, the prospective occupants' of proposed plot 1 would have inadequate living conditions due to the small size of the rear garden and the amount of space taken up by the canopy spread of the protected cherry tree. This private space would not be an enjoyable space and the proposal would not comply with LP policy 3/7.

S106 contributions

15. I have been provided with a document purporting to be a S106 planning obligation. It is produced in the context of the appellant and the Council agreeing on sums of money to be paid to overcome the third reason for refusal. The document has been signed by the Council as well as by representatives of 'Broadway Homes (Cambridge) Ltd' and 'R2 Developments Ltd'. The certificate of correct title has not been signed. However, I note from Land Registry title document that these are the parties with a current interest in the land.

16. The S106 provides for financial contributions sought by the Council for open

space and recreation; community facilities, waste facilities and also for the monitoring of the agreement. The amounts of the contributions which are sought are significant. The requests are supported by various policies.

17. I can understand that some facilities can come under pressure from increased population. However new housing can also bring with it increased income for the Council. There is a lack of precise evidence from the Council on how the money would be spent. Pooled contributions can be accepted at the moment, but it is not clear from the evidence provided where some of the contributions would overcome specific problems that the development would make worse.

18. It is not clear from the evidence that the sums are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Based upon this submitted evidence I cannot be assured that the financial contributions requested by the Council meet the regulation 122 CIL tests. I have not taken the S106 obligation into account.

Other Matters

19. The proposal is acceptable in relation to the first and third main issues however, due to my concerns regarding the second main issue I do not consider that it is acceptable. Although the development would help to boost housing supply in the area, I do not consider that this or any other matter outweighs my conclusion that this appeal should be dismissed.

Overall Conclusion

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

A Harwood

INSPECTOR