



Public Document Pack

Cambridge City Council

Planning

Committee Members: Councillors Dryden (Chair), Blencowe (Vice-Chair), Hipkin, Gawthrope, Hart, Pippas, C. Smart and Tunnacliffe

Alternates: Councillors Holland, Avery and Bird

Published & Despatched: Tuesday, 23 December 2014

Date: Wednesday, 7 January 2015
Time: 1.00 pm
Venue: Committee Room 1 & 2 - Guildhall
Contact: Claire Tunnicliffe

AGENDA

1 Order of Agenda

The Planning Committee operates as a single committee meeting but is organised with a three part agenda and will be considered in the following order:

- **PART ONE**
Major Planning Applications
Start time: 10am (if applicable)
- **PART TWO**
Minor/Other Planning Applications
Start time: 1.00pm
- **PART THREE**
General and Enforcement Items
Start time: at conclusion of Part Two

There will be a thirty minute lunch break before part two of the agenda is considered. With a possible short break between agenda item two and three which will be subject to the Chair's discretion.

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned. If the decision is to adjourn the Committee will agree the date and time of the continuation meeting which

will be held no later than seven days from the original meeting.

2 Apologies

3 Declarations of Interest

Members are asked to declare at this stage any interests, which they may have in any of the following items on the agenda. If any member is unsure whether or not they should declare an interest on a particular matter, they are requested to seek advice from the Head of Legal Services before the meeting.

4 Minutes

To confirm the minutes of the meeting held on 3 January 2014 (*to follow*).

Part 1: Major Planning Applications
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No major applications to be considered at this meeting of the Planning Committee.

Part 2: Minor/Other Planning Applications (1.00pm)

5 14/1634/FUL - 151-155 Vinery Road

6 14/1652/FUL - 23 Baldock Way

7 14/1136/FUL - 23 Mowbray Road

8 14/0888/FUL - 8 Cheney Way

9 14/1627/FUL - 22 George Street

10 14/1819/FUL - 96 Cavendish Avenue

11 14/1754/FUL - 3 Victoria Road

Part 3: General and Enforcement Items
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- 12 14/1111/FUL: Ashley Hotel, 74 -76 Chesterton Road**

- 13 Review of Committee resolutions to grant planning permission in the
light of the ministerial statement on 1 December 2014**

Meeting Information

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

**Local
Government
(Access to
Information)
Act 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each of the above reports on planning applications:

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 Patsy Dell (01223 457103) in the Planning Department.

**Development
Control
Forum**

Meetings of the Development Control Forum are scheduled for a week after the meetings of Planning Committee if required

**Public
Participation**

Some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

Members of the public who want to speak about an application on the agenda for this meeting may do so, if they

have submitted a written representation within the consultation period relating to the application and notified the Committee Manager that they wish to speak by **12.00 noon on the day before** the meeting.

Public speakers will not be allowed to circulate any additional written information to their speaking notes or any other drawings or other visual material in support of their case that has not been verified by officers and that is not already on public file.

For further information on speaking at committee please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Further information is available at

<https://www.cambridge.gov.uk/speaking-at-committee-meetings>

The Chair will adopt the principles of the public speaking scheme regarding planning applications for general items, enforcement items and tree items.

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk

Representations on Planning Applications

Public representations on a planning application should be made in writing (by e-mail or letter, in both cases stating your full postal address), within the deadline set for comments on that application. You are therefore strongly urged to submit your representations within this deadline.

The submission of late information after the officer's report has been published is to be avoided.

A written representation submitted to the Environment Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report. Any public representation received by the Department after 12 noon two

business days before the relevant Committee meeting (e.g by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

The same deadline will also apply to the receipt by the Department of additional information submitted by an applicant or an agent in connection with the relevant item on the Committee agenda (including letters, e-mails, reports, drawings and all other visual material), unless specifically requested by planning officers to help decision-making.

**Filming,
recording
and
photography**

The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

Anyone who does not want to be recorded should let the Chair of the meeting know. Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.

Fire Alarm

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**Facilities for
disabled
people**

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A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request.

For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

**Queries on
reports**

If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

General

Information regarding committees, councilors and the

Information democratic process is available at
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APPENDIX 1 – DEVELOPMENT PLAN POLICY, PLANNING GUIDANCE AND MATERIAL CONSIDERATIONS

1.0 Central Government Advice

- 1.1 National Planning Policy Framework (March 2012)** – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
- 1.2 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.
- 1.3 Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

2.0 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

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

3.0 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 3/3 Setting of the City
- 3/4 Responding to context
- 3/6 Ensuring coordinated development
- 3/7 Creating successful places
- 3/9 Watercourses and other bodies of water
- 3/10 Subdivision of existing plots
- 3/11 The design of external spaces
- 3/12 The design of new buildings
- 3/13 Tall buildings and the skyline
- 3/14 Extending buildings
- 3/15 Shopfronts and signage

- 4/1 Green Belt
- 4/2 Protection of open space
- 4/3 Safeguarding features of amenity or nature conservation value
- 4/4 Trees
- 4/6 Protection of sites of local nature conservation importance
- 4/8 Local Biodiversity Action Plans
- 4/9 Scheduled Ancient Monuments/Archaeological Areas
- 4/10 Listed Buildings
- 4/11 Conservation Areas
- 4/12 Buildings of Local Interest
- 4/13 Pollution and amenity
- 4/14 Air Quality Management Areas
- 4/15 Lighting

- 5/1 Housing provision
- 5/2 Conversion of large properties
- 5/3 Housing lost to other uses
- 5/4 Loss of housing
- 5/5 Meeting housing needs
- 5/7 Supported housing/Housing in multiple occupation
- 5/8 Travellers
- 5/9 Housing for people with disabilities
- 5/10 Dwelling mix
- 5/11 Protection of community facilities
- 5/12 New community facilities
- 5/15 Addenbrookes

- 6/1 Protection of leisure facilities
- 6/2 New leisure facilities
- 6/3 Tourist accommodation
- 6/4 Visitor attractions
- 6/6 Change of use in the City Centre
- 6/7 Shopping development and change of use in the District and Local Centres
- 6/8 Convenience shopping
- 6/9 Retail warehouses
- 6/10 Food and drink outlets.

- 7/1 Employment provision
- 7/2 Selective management of the Economy
- 7/3 Protection of Industrial and Storage Space
- 7/4 Promotion of cluster development
- 7/5 Faculty development in the Central Area, University of Cambridge
- 7/6 West Cambridge, South of Madingley Road
- 7/7 College and University of Cambridge Staff and Student Housing
- 7/8 Anglia Ruskin University East Road Campus
- 7/9 Student hostels for Anglia Ruskin University
- 7/10 Speculative Student Hostel Accommodation
- 7/11 Language Schools

- 8/1 Spatial location of development
- 8/2 Transport impact
- 8/4 Walking and Cycling accessibility
- 8/6 Cycle parking
- 8/8 Land for Public Transport
- 8/9 Commercial vehicles and servicing
- 8/10 Off-street car parking
- 8/11 New roads
- 8/12 Cambridge Airport
- 8/13 Cambridge Airport Safety Zone
- 8/14 Telecommunications development
- 8/15 Mullard Radio Astronomy Observatory, Lords Bridge
- 8/16 Renewable energy in major new developments
- 8/17 Renewable energy
- 8/18 Water, sewerage and drainage infrastructure

- 9/1 Further policy guidance for the Development of Areas of Major Change
- 9/2 Phasing of Areas of Major Change
- 9/3 Development in Urban Extensions
- 9/5 Southern Fringe
- 9/6 Northern Fringe
- 9/7 Land between Madingley Road and Huntingdon Road
- 9/8 Land between Huntingdon Road and Histon Road
- 9/9 Station Area

- 10/1 Infrastructure improvements

Planning Obligation Related Policies

- 3/7 Creating successful places
- 3/8 Open space and recreation provision through new development
- 3/12 The Design of New Buildings (*waste and recycling*)
- 4/2 Protection of open space
- 5/13 Community facilities in Areas of Major Change
- 5/14 Provision of community facilities through new development
- 6/2 New leisure facilities
- 8/3 Mitigating measures (*transport*)
- 8/5 Pedestrian and cycle network
- 8/7 Public transport accessibility
- 9/2 Phasing of Areas of Major Change
- 9/3 Development in Urban Extensions
- 9/5 Southern Fringe
- 9/6 Northern Fringe
- 9/8 Land between Huntingdon Road and Histon Road
- 9/9 Station Area
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

4.0 **Supplementary Planning Documents**

- 4.1 **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.
- 4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 4.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 4.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 4.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.
- 4.6 **Old Press/Mill Lane Supplementary Planning Document (January 2010)** Guidance on the redevelopment of the Old Press/Mill Lane site.

Eastern Gate Supplementary Planning Document (October 2011)

Guidance on the redevelopment of the Eastern Gate site. The purpose of this development framework (SPD) is threefold:

- To articulate a clear vision about the future of the Eastern Gate area;
- To establish a development framework to co-ordinate redevelopment within the area and guide decisions (by the Council and others); and
- To identify a series of key projects, to attract and guide investment (by the Council and others) within the area.

5.0 Material Considerations

Central Government Guidance

5.1 Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

5.2 Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

5.3 City Wide Guidance

Arboricultural Strategy (2004) - City-wide arboricultural strategy.

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 Landscape and Character Assessment (2003) – An analysis of the landscape and character of Cambridge.

Cambridge City Nature Conservation Strategy (2006) – Guidance on habitats should be conserved and enhanced, how this should be carried out and how this relates to Biodiversity Action Plans.

Criteria for the Designation of Wildlife Sites (2005) – Sets out the criteria for the designation of Wildlife Sites.

Cambridge City Wildlife Sites Register (2005) – Details of the City and County Wildlife Sites.

Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) - a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.

Strategic Flood Risk Assessment (2005) – Study assessing the risk of flooding in Cambridge.

Cambridge and Milton Surface Water Management Plan (2011) – A SWMP outlines the preferred long term strategy for the management of surface water. Alongside the SFRA they are the starting point for local flood risk management.

Cambridge City Council (2011) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development. It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

- sets out the protection of existing open spaces;
- promotes the improvement of and creation of new facilities on existing open spaces;
- sets out the standards for open space and sports provision in and through new development;
- supports the implementation of Section 106 monies and future Community Infrastructure Levy monies

As this strategy suggests new standards, the Cambridge Local Plan 2006 standards will stand as the adopted standards for the time-being. However, the strategy's new standards will form part of the evidence base for the review of the Local Plan

Balanced and Mixed Communities – A Good Practice Guide (2006) – Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change and as a material consideration in the determination of planning applications and appeals.

A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridge Sub-Region Culture and Arts Strategy (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridgeshire Quality Charter for Growth (2008) – Sets out the core principles of the level of quality to be expected in new developments in the Cambridge Sub-Region

Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012) - sets out in more detail how existing council policy can be applied to proposals for tall buildings or those of significant massing in the city.

Cambridge Walking and Cycling Strategy (2002) – A walking and cycling strategy for Cambridge.

Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004) – Guidance on how development can help achieve the implementation of the cycle network.

Cambridgeshire Design Guide For Streets and Public Realm (2007): The purpose of the Design Guide is to set out the key principles and aspirations that should underpin the detailed discussions about the design of streets and public spaces that will be taking place on a site-by-site basis.

Cycle Parking Guide for New Residential Developments (2010) – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

Air Quality in Cambridge – Developers Guide (2008) - Provides information on the way in which air quality and air pollution issues will be dealt with through the development control system in Cambridge City. It compliments the Sustainable Design and Construction Supplementary Planning Document.

The Cambridge Shopfront Design Guide (1997) – Guidance on new shopfronts.

Roof Extensions Design Guide (2003) – Guidance on roof extensions.

Modelling the Costs of Affordable Housing (2006) – Toolkit to enable negotiations on affordable housing provision through planning proposals.

5.6 Area Guidelines

Cambridge City Council (2003)–Northern Corridor Area Transport Plan:
Cambridge City Council (2002)–Southern Corridor Area Transport Plan:
Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:
Cambridge City Council (2003)–Western 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.

Buildings of Local Interest (2005) – A schedule of buildings of local interest and associated guidance.

Brooklands Avenue Conservation Area Appraisal (2002)
Cambridge Historic Core Conservation Area Appraisal (2006)
Storeys Way Conservation Area Appraisal (2008)
Chesterton and Ferry Lane Conservation Area Appraisal (2009)
Conduit Head Road Conservation Area Appraisal (2009)
De Freville Conservation Area Appraisal (2009)
Kite Area Conservation Area Appraisal (1996)
Newnham Croft Conservation Area Appraisal (1999)
Southacre Conservation Area Appraisal (2000)
Trumpington Conservation Area Appraisal (2010)
Mill Road Area Conservation Area Appraisal (2011)

West Cambridge Conservation Area Appraisal (2011)

Guidance relating to development and the Conservation Area including a review of the boundaries.

Jesus Green Conservation Plan (1998)

Parkers Piece Conservation Plan (2001)

Sheeps Green/Coe Fen Conservation Plan (2001)

Christs Pieces/New Square Conservation Plan (2001)

Historic open space guidance.

Hills Road Suburbs and Approaches Study (March 2012)

Long Road Suburbs and Approaches Study (March 2012)

Barton Road Suburbs and Approaches Study (March 2009)

Huntingdon Road Suburbs and Approaches Study (March 2009)

Madingley Road Suburbs and Approaches Study (March 2009)

Newmarket Road Suburbs and Approaches Study (October 2011)

Provide assessments of local distinctiveness which can be used as a basis when considering planning proposals

Station Area Development Framework (2004) – Sets out a vision and Planning Framework for the development of a high density mixed use area including new transport interchange and includes the **Station Area Conservation Appraisal**.

Southern Fringe Area Development Framework (2006) – Guidance which will help to direct the future planning of development in the Southern Fringe.

West Cambridge Masterplan Design Guidelines and Legal Agreement (1999) – Sets out how the West Cambridge site should be developed.

Mitcham's Corner Area Strategic Planning and Development Brief (2003) – Guidance on the development and improvement of Mitcham's Corner.

Mill Road Development Brief (Robert Sayle Warehouse and Co-Op site) (2007) – Development Brief for Proposals Site 7.12 in the Cambridge Local Plan (2006)

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Agenda Item 5

PLANNING COMMITTEE

07th January 2015

Application Number	14/1634/FUL	Agenda Item	
Date Received	20th October 2014	Officer	Miss Sophie Pain
Target Date	15th December 2014		
Ward	Romsey		
Site	151-155 Vinery Road Cambridge CB1 3DW		
Proposal	Demolition of the existing dwelling houses and the erection of a terrace and semi-detached dwellings and creation of new access.		
Applicant	Mr Tim Dean		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><input type="checkbox"/> It introduces an alien built form, which would diminish the openness of the immediate locality and detract from the prevailing character and appearance of the area;<input type="checkbox"/> It creates an unacceptable sense of enclosure and loss of privacy for the occupiers of 147 and 159 Vinery Road and 222 - 230 Ross Street; and<input type="checkbox"/> It would give rise to an unacceptable level of noise and disturbance associated with both the proposed terraced and semi-detached dwellings and the associated traffic movements into an existing garden environment.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 151 & 155 Vinery Road are neighbouring two storey detached properties situated on the western side of Vinery Road. This section of Vinery Road is one-way, and the site is situated on the stretch of road between the bend in Vinery Road and Coldhams Lane to the north. The surrounding area is

predominantly residential, with the area of housing to the south and east of the site differing in character to the area to the north.

- 1.2 The properties at this end of Vinery Road all have their own individual design, as a result of piecemeal development over the last century. These range from bungalows, terraced masionettes, Victorian properties and in the case of 151 Vinery Road a Dutch Gable. For this reason, the character of the area is varied.
- 1.3 Properties immediately to the south of the site (No. 147, 149) are two storey semi-detached houses with pitched roofs and buff facing brickwork at ground floor and white/cream render at first floor. To the north of the site lies three red brick pitched roof bungalows (159, 161 Vinery Road and No. 248 Coldham's Lane), whilst immediately opposite lies a two storey flat roof apartment block (Nos. 188-196) constructed in red facing brick and dark brown timber weatherboarding.
- 1.4 The application site is rectangular in shape and includes part of the garden belonging to 149 Vinery Road to the south in order to deliver the proposed development. It should be noted that 153 & 157 do not exist on Vinery Road. The numbering is 147, 149, 151, 155, 159 Vinery Road on the western side.
- 1.5 The site is not within a Conservation Area or the Controlled Parking Zone (CPZ).

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the construction of three, two storey, three bedroom terraced houses, and two pairs of two storey semi-detached houses, following demolition of the existing two detached properties.
- 2.2 The three terrace houses (plots 1-3) are to be situated at the front of the site, in the same position as the detached properties. These houses would be part 2.5 storey, part single storey. The height of these properties will be 600 mm lower than the existing property at 155 Vinery Road and will incorporate a bedroom and en-suite in the roof. At the rear, the property will step down to a single storey flat-roof extension. To the south of the houses an access road would be constructed,

leading to two pairs of semi-detached houses at the rear of the site.

- 2.3 The two pairs of semi-detached houses (plots 4-7) would be situated to the west of the proposed terraced properties, within the existing gardens of 149, 151 & 155 Vinery Road. These properties are 2.5 storeys in height, with two bedrooms proposed within the roof that will be served by rooflights. To the rear of these properties are a single storey flat roof extension.
- 2.4 The site includes 7 car parking spaces – three off Vinery Road at the front of the terrace and four to the rear of the site in a small car parking court, one for each of the semi-detached properties. These four spaces abut the common boundary with the gardens of the proposed terraced properties. Individual bike stores are proposed for each of the properties and for the terrace properties, the bin stores included within these. For the two pairs of semi-detached properties, the bin store is proposed adjacent to the carport in a communal bin store. No visitor car parking spaces are proposed.
- 2.5 As part of this application, a number of amendments have been submitted, that have been re-consulted upon. These were submitted following comments from officers. These include the following:
- ☐ Scale and massing of Plots 4-7 has been reduced. The depth of these units has been reduced and the garden lengths increased by 900mm. The eaves and overall height has been lowered by 400mm.
 - ☐ The car port layout has been revised and a separate area for the storage of bins for Units 4-7 introduced and this arrangement is considered to work well.
 - ☐ The individual cycle stores provided for each of the units have been increased in size and paving has now been provided to ensure that these are all easily accessible.
 - ☐ The shadow study has been updated to reflect the revisions and an additional study for 17:00 has been included.
 - ☐ The lower portion of the first floor windows on the frontage of Plots 1-3 has been obscure glazed.
 - ☐ A ground floor window has been introduced to the flank elevation of Plot 1 to increase surveillance over the access route.

- ☐ Arrangement of windows on rear elevation of Plots 1-3 revised and a 600mm clear wall space has been provided to enable storage of furniture.
- ☐ The vertical window at first floor level on the frontage of Plots 4 and 7 has been obscure glazed.
- ☐ The materials have been identified on the elevations. Details regarding eaves/soffits, water goods and window reveals can be conditioned and this is standard procedure.

2.6 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Shadow Study

3.0 SITE HISTORY

Reference	Description	Outcome
C/86/0545	Erection of a single storey extension to 149 Vinery Road	Permitted
C/68/0684	Detached 3 bedroom dwelling house for applicants occupation at 151 Vinery Road	Permitted

History for 155 Vinery Road Only

Reference	Description	Outcome
C/97/0883	The erection of a detached bungalow (Class C3).	Refused
C/97/0865	Demolition of existing house and erection of a terrace of 3 houses (Class C3).	Refused
C/95/0502	Outline permission for one bungalow (C3).	Refused and appeal dismissed
C/94/1000	SINGLE STOREY SIDE AND REAR EXTENSION TO CREATE LIVING ROOM, GARAGE AND UTILITY ROOM AT EXISTING HOUSE (C3).	Approved

C/91/0495	ERECTION OF SINGLE STOREY DWELLING AND GARAGE.	Refused
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4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/12
		4/13
		5/1
		8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning	Sustainable Design and Construction (May 2007)

Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Overall the proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of recommended conditions and informatives.

Head of Refuse and Environment

- 6.2 Overall there is no objection to the application in principle subject to the incorporation of recommended conditions and informatives.

Streets and Open Spaces (Drainage Engineer)

- 6.3 The proposal has a large increase in impermeable area and the use of permeable paving to mitigate some of this is welcomed. However, a minimum of 20% reduction in peak flow leaving the proposed development is required and therefore a condition has been recommended should the application benefit from planning permission.

Urban Design and Conservation

11th December 2014

- 6.4 The submitted amendments are acceptable in design terms and have addressed our previous concerns. The application is therefore supported in Urban Design and Conservation terms.

27th November 2014

- 6.5 The proposed arrangement and scale and massing of Plots 1-3 on the Vinery Road frontage is generally supported subject to identified amendments to the elevations.

Plot 4 is concealed behind the rear garden fence and garage of No. 149 resulting in a poor outlook from the ground floor study room windows as well and overlooking impacts from the 1st floor bedroom windows. The existing garage (located towards the rear of No. 149) conceals the unit from the private driveway reducing the legibility of this unit.

Streets and Open Spaces (Landscaping)

11th December 2014

- 6.6 The amended scheme has addressed many of our concerns and as a result we are prepared to support the proposals. There is a marked lack of landscape proposals and we will

expect the submission of a landscape scheme through the conditions process.

12th November 2014

- 6.7 While the comments above apply throughout, we feel that the proposed scheme is an overdevelopment of the site. A reduction of units, particularly within the grouping to the rear of the site, would provide each unit with more amenity space, better circulation and threshold space and would allow the carport adequate room for manoeuvring bins around parked cars. It would also allow more room for adequate tree and shrub planting.
- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

Objections

- ☐ 147 Vinery Road

Neutral

- ☐ 248 Coldhams Lane

- 7.2 The representations can be summarised as follows:

Residential Amenity

- ☐ Plot 4 will create overshadowing to the majority of the garden of 147 and that there will be overlooking of the house and garden causing a loss of privacy;
- ☐ Noise will increase especially in the gardens as well as the proposed driveway creating and increase in pollution;

Car Parking

- ☐ Concerns that the proposed development will cause additional parking pressures for on-street parking, which is already under pressure.

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

Support

- ☐ 71 Lucerne Close (Relative lives at 135 Vinery Road)
- ☐ 150, 179 & 196, Coldhams Lane
- ☐ 95 Brampton Road
- ☐ 127 Vinery Road
- ☐ Cambridge Christadelphians, 184 Vinery Road

7.4 The representations can be summarised as follows:

- ☐ Experience of the new development at Vinery Park has demonstrated an improvement to the street scene;
- ☐ Provision of good quality family accommodation;
- ☐ Good use of large and mostly unused private gardens;
- ☐ That the construction process should ensure that there is no disruption to the services at the Christadelphian Hall

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

8.0 ASSESSMENT

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

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

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses.
- 8.3 Paragraph 53 of the National Planning Policy Framework 2012 (NPPF) identifies that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Within the adopted local plan policy 3/10 addresses the acceptability of sub-dividing existing residential plots. The policy permits additional dwellings within existing residential curtilages provided six tests are met. The tests concerning comprehensive development and listed buildings are not relevant in this instance. I consider the remaining four tests, which concern neighbour amenity, amenity space and access, the character of the area, and trees, under the relevant headings below. This policy supports the guidance contained within paragraph 53 of the NPPF.
- 8.4 A material consideration to this application are two applications for 155 Vinery Road that have both been refused and dismissed by the Planning Inspectorate. Both applications sought permission for a detached bungalow but in different positions. C/002/95 sought permission for a bungalow within the rear garden, while C/97/0883/OP sought it at the front of the development on the street frontage. The 1995 application was refused for reasons relating to the loss of residential amenity due to noise and disturbance within what is presently a quiet garden area and that the proposed development would be a precedent for similar piecemeal backland development that would cumulatively erode the character of the area. The Inspector upheld both of these reasons.
- 8.5 While I appreciate that these previous applications were for one part of the current application site, the scale of development of a single bungalow in the rear garden environment of one existing property, 155 Vinery Road, was considered to be out of character for the area and gave rise to concerns about the impact on surrounding residents. Given that this application seeks 4 houses within the rear gardens of 3 existing properties,

these matters are therefore relevant to this application and need to be considered within the relevant sections of this report.

- 8.6 The proposed terrace of three houses at the front of the site, will be built in the same location as the existing pair of detached properties. The footprint of these three houses is very similar and therefore, these houses are to be built on previously developed land. It is my opinion, that these houses are acceptable in principle. The design of these houses and their potential impact on the residential amenity of the occupiers of neighbouring dwellings will be addressed under the appropriate headings below.
- 8.7 The rear portion of the site (ie the area where the pair of semi-detached houses will stand, along with part of the access road and car parking spaces) is not 'previously developed land' and forms the existing gardens of three residential properties.
- 8.8 In my opinion, the principle of the development presents no conflict with policy 5/1, and the consideration of paragraph 53 of the NPPF and policy 3/10 need to be considered against the relevant tests, which are addressed under the headings below.

Context of site, design and external spaces

- 8.9 The properties at this end of Vinery Road all have their own individual design which range from bungalows, terraced masionettes, Victorian properties and in the case of 151 Vinery Road a Dutch Gable. For this reason, there is no distinctive character within the area. The two properties that will be demolished as part of these proposals contribute to the variety of the street, but are not of any specific architectural merit to warrant their retention. The proposal to replace these buildings with a terrace of three properties is considered to be acceptable and would not be out of character with the surrounding area, and could be considered as a positive visual impact upon the street scene.
- 8.10 The proposed development incorporates two pairs of semi-detached properties to the rear of the site, which is presently garden land belonging to 149, 151 & 155 Vinery Road. The layout of development in this area is back to back properties which front onto Vinery Road and Ross Street. As existing the back to back distances between these properties are

approximately 60 m. Within the residential block that is boarded by Coldhams Lane to the north, Vinery Road to the east, Vinery Park to the south and Ross Street to the west, there is little development within the rear gardens of these properties apart from ancillary outbuildings and sheds.

- 8.11 The one exception to this is to the south of the application site on the corner of Vinery Road and Vinery Park. A small residential development, similar to this application, a terrace to the front and semi-detached properties to the rear, was granted planning permission in 2012 and has recently been completed. However, the context of that site is considered to be different to the proposed development due to its proximity with Vinery Park, which is a built up residential cul-de-sac that is in close proximity to the boundary of the approved development. The layout of properties in that area has a tighter urban grain and are situated on smaller plots, unlike the application site and the surrounding properties.
- 8.12 The appeal decision makes reference to the fact that in the main, the structures within the gardens of this block of properties are peripheral, leaving the central garden area comparatively undisturbed. From my site visit, this remains the situation nearly 20 years later. The proposal, like the appeal proposal seeks to introduce new residential development into the heart of this area, which detracts from the character of the area. For this reason, it is considered that the proposal to incorporate new residential development to the rear of the application site conflicts with policy 3/10 (c) and in doing so, the intrusion of development within the garden environment detracts from the character and appearance of the area.
- 8.13 Notwithstanding the above comments, the Urban Design Team identified in the application as submitted that the proposed contemporary approach to design would require a high degree of finish and quality of materials in order to ensure that this development would be a positive contribution to the local area. Therefore, as part of the amendments to the application, some changes were made to identify the materials on the drawings and improve fenestration of the front and side elevations of the terraced properties. The comments from Urban Design colleagues also included a suggestion that chimneys should be incorporated onto the terrace properties at the front in order to break up the roofline and that key details such as eaves and

soffit details are included on the drawings. These have not been included, but if planning permission were forthcoming, these items could be conditioned.

- 8.14 Despite the changes that have been made to the design of the proposed development and the fact that other elements could be conditioned as necessary, the application has failed to address the principal concern that the proposed development introduces a built form into the rear garden environment which is an incongruous form that detracts from the prevailing character and appearance of the area and for this reason does not comply with Cambridge Local Plan (2006) policy 3/10 criterion (c).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 Due to the location of the houses and their orientation it is my opinion that the neighbouring properties which may be potentially affected by the proposals are the dwellings to the south 147 & 149 and to the north 159 Vinery Road as well as adjoining properties in Ross Street, to the west of the application site. I consider that matters relating to overlooking, noise, over bearing sense of enclosure and loss of light are relevant to this application.

Overlooking

- 8.16 With regard to properties in Ross Street, the proposal will result in four gable ends facing the gardens and properties of 222 – 230 that will each have 2 windows at first floor, each serving bedroom 1. The first floor window to window distances are approximately 34 m. Despite this distance, and the extent of mutual overlooking between properties on Ross Street, I am of the view that the impact of the new houses on the privacy of 222-230 Ross Street is unacceptable. There is little screening along this boundary, as it has been removed, and in my view, the creation of directly facing first floor windows at this distance where no face-to-face overlooking currently exists, would result in a loss of privacy for the Ross Street occupiers.

- 8.17 The front elevations of plots 4-7 have windows at first floor that serve bedroom two. Where the window is closest to a neighbouring property, ie on plot 4 and 7, the vertical first floor window has been obscure glazed to protect the amenity of neighbouring properties at 147 & 159. However, there remains another window that although located further from the adjoining boundary, will still allow some views into these neighbouring gardens. Like the relationship with the Ross Street properties, the proposed development is allowing face-to-face overlooking with these neighbours, where none exists at present.
- 8.18 For these reasons I consider that the proposed development would cause a level of overlooking into the neighbouring properties that is unacceptable and that this would conflict with policy 3/10 criterion (a) of the Cambridge Local Plan 2006.

Noise

- 8.19 The location of these properties within the rear garden environment will increase the noise experienced by residents in the surrounding area. The 1995 appeal decision gave considerable weight to the fact that the insertion of a bungalow into the garden area would increase the activity both of occupants and vehicles, which would seriously detract from the quiet garden atmosphere which neighbours could reasonably expect to enjoy. Given that a greater number of dwellings are proposed as part of this application, this will naturally lead to a larger number of occupant and vehicle movements, which will affect a greater number of residents due to the larger site area. For this reason, I consider that the proposed development would cause a detrimental impact on the level of amenity that the residents surrounding the application site should reasonably enjoy and that this would conflict with policy 3/10 criterion (a) of the Cambridge Local Plan 2006.

Over-bearing Sense of Enclosure

- 8.20 The immediate area has some ancillary buildings that are appropriate in scale to domestic outbuildings.
- 8.21 The proposed semi-detached properties are located to the rear of the existing site, 43 m into the site when measured from the boundary of the site with Vinery Road. The form of these buildings include a pitched roof whose ridgeline runs east to

west. To the north, plot 7 is offset from the boundary with 159 by 1.3 m and to the south plot 4 is offset from the boundary with 147 by 2.5 m. Overall, the height of these buildings are 5.7 m to the eaves and 8.3 m to the ridge.

8.22 To the west, properties in Ross Street are presented with four gable ends that reach 8.3 m in height. The amendments to the application included that the depths of the rear gardens have been increased by 900 mm, which means a reduction in the depth of the buildings. The rear gardens of Plots 4 & 5 are now shown to be approximately 8m deep whilst the rear gardens of Plots 6 & 7 are 9m deep. This measurement is to the rear elevation of the proposed single storey. The distance between the common boundary and the two storey rear elevation is between 12.5 m and 14 m. The gardens of Ross Street are less than half the length of those on Vinery Road.

8.23 Given the scale and orientation of the proposed properties relative to their neighbours on the north, south and west boundaries the new houses will create a considerable sense of enclosure, which does not currently exist in any form. I do not consider that it is acceptable to create this in an area that is presently an open residential garden area and that the consequence of this is that the neighbouring properties will lose the level of amenity that they should reasonable expect to enjoy from their properties and gardens. For this reason, I consider that the proposed development conflict with policy 3/10 criterion (a) of the Cambridge Local Plan 2006.

Overshadowing

8.24 In order for officers to fully consider the impact of the proposed development upon neighbouring properties, additional shadow studies were requested. These shadow studies show that the proposed development will lead to increased overshadowing of the adjacent rear garden of No. 159 Vinery Road on the 20th March/23rd September. The proposed site and adjacent gardens are in full shadow on the 21st December 2014 at 17:00.

8.25 The BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011 second edition) paragraph 3.3.7 requires that neighbouring properties continue to receive in excess of two hours of continuous sunlight on the 21st March once the proposed development has been complete. The

amended shadow study identifies that this requirement will be met and for this reason the level of overshadowing to adjacent gardens that will be produced as a result of this proposed development is considered acceptable in design terms.

- 8.26 The occupant/owner of 147 Vinery Road has concerns that proposed dwelling on plot 4, adjacent to their boundary will overshadow their garden. Given that the proposed house is to the north of 147, there will not be a loss of light or overshadowing of the garden.
- 8.27 I do not consider that the proposed development would conflict with policy 3/10 criterion (a) of the Cambridge Local Plan 2006 with respect to overshadowing.

Amenity for future occupiers of the site

- 8.28 There is some concern that due to the proximity of plot 4 to the rear garden boundary of 149 Vinery Road (approximately 3.6m) this would result in a poor outlook from the ground floor study room window. However, this window does wrap around to the southern elevation of the building and on balance it is considered to be acceptable.
- 8.29 I do not consider that there are any other concerns regarding the quality of the development for future occupiers. In my view, the amenity space and outlook provided for future occupiers of the proposed houses is acceptable.

Refuse Arrangements

- 8.30 Individual bin stores are proposed for plots 1-3 at the front of the site and these are located in the rear gardens of each of the properties. The proposal would be for the occupants to move these to the kerbside at front of the property on collection days. This is considered to be acceptable by the Environmental Health officers.
- 8.31 The proposed bin stores for plots 4-7 are located in a communal bin store to the south of the car parking spaces. There is then an area on the southern boundary that allows bins to be stored on collection day. The construction of the access road will be engineered so that it can take the weight of the refuse truck. This proposal is considered to be appropriate.

- 8.32 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.33 The highway authority have confirmed that the proposed development will have no significant impact on the public highway providing that conditions are imposed that ensure that the visibility spaces as shown on the drawings are retained.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.35 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that for houses of this size, no more than two off-street parking spaces for each house should be provided. In total, seven off-street parking spaces are proposed. The Planning Statement submitted as part of the application explains that the three frontage parking spaces on Vinery Road will serve each of the three terraces house, one space for each house. There are four car parking spaces proposed at the rear of the site, again, one for each of the semi-detached properties. No visitor car parking is provided on site, but Vinery Road is not a controlled parking zone. While I appreciate that during drop off and pick up at St Philip's School to the south of the site residents experience congestion, this site is located further to the north and as such any on-street parking by visitors is unlikely to exacerbate the existing situation sufficiently to warrant refusal of this application. On-site car parking provision is below the maximum standards, but considering the site's location and the Government's aim to reduce dependence on the private car, it is my opinion that it would not be reasonable to refuse planning permission on these grounds.
- 8.36 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) maintains that for houses of this size, at least three secure, covered cycle spaces must be provided for each house. It is proposed that each house will have an individual cycle store located within their rear gardens that will be able to accommodate three cycle spaces in each store. This meets the adopted standards and is acceptable.

- 8.37 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.38 The majority of points raised by third party representations have been addressed as part of the report. The outstanding concern is that the proposed driveway would increase pollution. I consider that as the driveway will serve 4 car parking spaces, an increase in air pollution would be limited.

Planning Obligation Strategy

- 8.39 As a result of the Ministerial statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. The proposed development falls below this threshold and therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 The development of garden land would fail to have a positive impact upon the setting and would detract from the prevailing character and appearance of the area. The development is therefore an unacceptable plot subdivision, on garden land which is a low priority for development. REFUSAL is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The introduction of the proposed two pairs of semi-detached properties into this backland site is unacceptable, because it introduces an alien built form, which would diminish the openness of the immediate locality and detract from the prevailing character and appearance of the area. The proposal has not therefore demonstrated that it has responded to its context or drawn upon key characteristics of the surroundings. For these reasons the proposal constitutes poor design in conflict with policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006) and guidance within paragraph 53 of the NPPF (2012).
2. Because of their height and relationship to the common boundaries to the north, south and west, the proposed semi-detached properties would create an unacceptable sense of enclosure for the occupiers of 147 and 159 Vinery Road and 222 - 230 Ross Street. Furthermore, because of the position and orientation of the first-floor windows on the rear elevations of plots 4 - 7, there would be a loss of privacy for the occupiers of 147 and 159 Vinery Road and 222 - 230 Ross Street. For both these reasons the proposal would be contrary to policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan 2006.
3. The proposed development would give rise to an unacceptable level of noise and disturbance associated with both the proposed terraced and semi-detached dwellings and the associated traffic movements into an existing garden environment. This would result in an unacceptable loss of residential amenity to the adjoining occupiers, 147, 149 and 159 Vinery Road and 222-230 Ross Street. For these reasons the proposal constitutes poor design in conflict with policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006).

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CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

Ref: C/0502/95

Town and Country Planning Acts 1990

REFUSAL OF PLANNING PERMISSION

To: CRANSTON CONSTRUCTION
C/O MORRIS AND PARTNERS
51 NEWNHAM ROAD
CAMBRIDGE

The Council hereby refuse permission for

OUTLINE PERMISSION FOR ONE BUNGALOW (C3).

at

REAR OF 155 VINERY ROAD (AMBLESIDE), CAMBRIDGE.

in accordance with your application dated 21.07.95

for the following reasons:-

- 01 The adjoining occupiers at 155, 159 and 151 Vinery Road and 224-230 Ross Street (whose short gardens back onto the site) would suffer an unacceptable loss of residential amenity due to the intrusion, noise and disturbance arising from a new dwelling and its associated traffic and comings and goings into what is presently a quiet garden area. This effect would be particularly acute at 159 Vinery Road. The proposal does not respect these constraints on the site and as such is contrary to Policies BE2, and NE9 and BE8(b) of the Consolidated Draft Cambridge Local Plan (September 1994).
- 02 The proposal would set a precedent for similar piecemeal backland developments which would cumulatively erode the character and townscape of the local area, which would lead to problems of noise, disturbance and loss of privacy to existing houses contrary to policies BE2 and NE9 of the Consolidated Draft Cambridge Local Plan (September 1994).

Dated: 21st September 1995

Guildhall, Cambridge, CB2 3QJ.

Director of Planning
T/c

SEE NOTES OVERLEAF

The Guildhall, Cambridge CB2 3QJ
Telephone: (0223) 463341/2
Extension: 2635 - Holly Huber
Facsimile: (0223) 463214



CAMBRIDGE
CITY COUNCIL

Planning

Date: 17 April 1996

Land Charges
4th floor, Guildhall

Our ref: C/0502/95

Your ref:

Dear Sir/Madam

Town and Country Planning Act 1990

Appeal By:- Cranston Construction

Site:- R/o 155 Vinery Road (Ambleside), Cambridge.

With reference to the above appeal I enclose the Department of the Environment Inspector's decision on this appeal.

Yours faithfully

P W STUDDERT
Director of Planning





The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

Januarys Consultant Surveyors
York House
Dukes Court
54-62 Newmarket Road
CAMBRIDGE
CB5 8DZ

Your reference:
EJW/101588
Our reference:
APP/Q0505/A/95/259899/P8
Date: 03 APR 1996

HM
PS/ADPL
Grg & S.

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY CRANSTON CONSTRUCTION
APPLICATION NO: C/0502/95**

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Cambridge City Council to refuse outline planning permission for the erection of a bungalow at rear of Ambleside, 155 Vinery Road, Cambridge. I have considered the written representations made by you and by the Council and those made by interested persons.
2. From my inspection of the site and its surroundings on 25 March 1996 and examination of the representations I consider the main issue in this case is the effect the proposal would have on the amenities of neighbours, in terms of noise, disturbance and loss of privacy.
3. Reference has been made to national planning guidance and to policies in emerging structure and local plans. These policies emphasise the importance of using derelict and under used sites within towns, including Cambridge, to meet housing targets, but also stress the need, before such sites can be considered suitable, for them to have adequate safe access, for there to be no loss of residential amenity, and for the development to respect the character of its surroundings. These are important planning policies and material considerations to which I have had regard in accordance with the requirements of section 54A of the Town & Country Planning Act 1990.
4. The appeal site is part of the rear garden of 155 Vinery Road and is bordered by the gardens of adjoining properties fronting both Vinery Road and Ross Street. There are individual instances of residential development set back from the general line of the frontage housing - the separate building at the rear of 159 and the dwelling at 145 are examples - but in the main the structures are peripheral, leaving a central garden area which, to my mind, is comparatively undisturbed.
5. The proposal would introduce a new residential structure and presence into the heart of this area, together with the consequent additional domestic outbuildings and increased activity both from occupants and vehicles, which would, in my opinion, seriously detract from the quiet garden atmosphere which neighbours could reasonably expect to enjoy.

6. As I saw on my inspection the main area of the appeal site is readily visible from several neighbouring upper floor windows - particularly those to the rear of 151 and 155 itself. Some of the principal windows in the new bungalow would be likely to face those properties, and be much closer to them than the existing rear windows of the Ross Street houses. This would, in my opinion, give rise to a significantly greater level of overlooking than at present exists.

7. I conclude, therefore, that the proposal would cause serious harm to the amenities of neighbours, by reason of noise, disturbance and loss of privacy, and that to allow it to proceed would be in conflict with the aims of the planning policy framework.

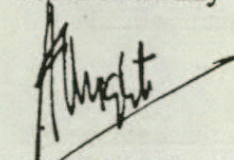
8. It has been suggested that the proposed access driveway would be very close to the existing dwellings at 155 and 159 and cause disturbance to their occupants. However, I note that 159 would be separated from the new access by its own existing drive, and that the proposal would result in the removal of a garage (and the elimination of the use associated with it) on the north side of 155 close to the common boundary with 159. Bearing these points in mind, if this had been the only matter before me I would not have considered it to be sufficiently harmful to justify dismissal of this appeal.

9. Concern has also been expressed that allowing this appeal would set a precedent which could increase the pressure for other backland developments, and I acknowledge that there are other similar nearby sites where applications could well be put forward if the principle of their acceptability became established. I have, therefore, borne this factor in mind, although it is the particular circumstances of the appeal site itself which have played the greater part in making my decision.

10. You have drawn my attention to the separate building at the rear of 159, to which I have referred earlier, and have made the point that this creates an in-depth residential use similar to that proposed by your client. While I have had regard to your view I have also been mindful that the building at 159 has its use linked specifically to the frontage development whereas the appeal proposal would be an independent residential unit, with the duplication of associated garden structures and activities this would be likely to bring. I have also taken into account all the other matters raised in the representations but they do not outweigh the considerations which have led me to my decision.

11. For the above reasons, and in exercise of powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



J.F. WRIGHT FRICS
Inspector

Agenda Item 6

PLANNING COMMITTEE

7th January 2015

Application Number	14/1652/FUL	Agenda Item	
Date Received	24th October 2014	Officer	Miss Catherine Linford
Target Date	19th December 2014		
Ward	Queen Ediths		
Site	23 Baldock Way Cambridge CB1 7UX		
Proposal	Demolition of the bungalow and replacing it with a chalet bungalow		
Applicant	Mr A Dr Simone 436 Milton Road Cambridge CB4 1ST		

SUMMARY	<p>The development is contrary to the Development Plan for the following reasons:</p> <ol style="list-style-type: none">1. The proposed dwelling would have a significant adverse impact on the occupiers of 71 and 73 Glebe Road through an overbearing sense of enclosure and dominance;2. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 23 Baldock Way is a detached bungalow situated on the eastern side of Baldock Way. The surrounding area is predominantly residential mainly consisting of two-storey detached, semi-detached and terrace houses. The site is not within a Conservation Area

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought to demolish the existing bungalow and would replace it with a 1.5 storey detached house.

- 2.2 The proposed house would have a similar footprint to the existing bungalow and would stand 6.2m from the common boundary with 73 Glebe Road and 1.8m from the common boundary with 71 Glebe Road. The house would be 3.4m in height to the eaves and 7.4m in height to the ridge.
- 2.3 The proposed house would have accommodation on two floors and would also have a basement.

3.0 SITE HISTORY

Reference	Description	Outcome
C/75/0789	The erection of one detached dwelling house	REF
C/77/0532	Erection of one detached chalet bungalow and garage	REF
C/78/0035	Erection of detached bungalow	A/C
14/0129/FUL	Demolition of bungalow and erection of detached house	REF Appeal dismissed

The Appeal Decision is attached as Appendix 1.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/8 3/11 3/12 4/13 5/1 5/14 8/6 8/10 10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal includes the provision of gates adjacent to the public highway. These gates could not be opened whilst a car is parked in the outer parking space unless opening over the public highway, which would be a breach of the Highways Act, 1980. Cars waiting to open or close the gates would obstruct the public highway. The Highway Authority therefore recommends that unless and until the application is proposed to remove the gates the application must be refused planning permission.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions related to construction hours and piling.
- 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 The owners/occupiers of the following addresses have made representations objecting to the application:

- ☐ 26 Baldock Way
- ☐ 71 Glebe Road
- ☐ 73 Glebe Road - Tenant
- ☐ Woodlands Farm, Hive Road, Witcham, Ely – Owner of 73 Glebe Road

7.2 The representations can be summarised as follows:

Principle

- ☐ The NPPG requires councils to consider the housing needs of older people including “the need for particular types of general housing such as bungalows”. Given Cambridge’s aging population the loss of the bungalow would be inconsistent with central government policy.
- ☐ The existing bungalow was built in the garden of 73 Glebe Road and the proposal should be assessed against policy 3/10 of the Local Plan

Context and character

- ☐ Out of character
- ☐ Out of scale
- ☐ Overdevelopment
- ☐ The height and formal design of the front wall and gates would dominate the very informal, suburban (almost rural) street scene at this end of Baldock Way, which is characterised by trees, hedges and low fences

Residential amenity

- ☐ Overlooking
- ☐ Dominance and enclosure
- ☐ Lack of garden space

Refuse

- ☐ The bins could not be moved out of collection with cars parked on the drive and it is likely that they will be left out on the street

Car parking and cycle parking

- ☐ Cars entering or leaving the premises would obstruct the road, which would have an impact on the safety of other road users
- ☐ The car parking layout is impractical and will result in the residents parking on the street
- ☐ The cycle parking is inadequate as it would not be possible to use the store with cars parked on the drive

Other

- ☐ Flooding – the existing bungalow blocked the natural direction of drainage and such a large building would further limit the drainage of neighbouring land
- ☐ Additional pressure on the sewerage system

7.3 The owners/occupiers of the following address has made a representation supporting the application:

- ☐ 59 Hills Avenue

7.4 The representations can be summarised as follows:

- ☐ Considerably improves a very poor street scene with an unsightly bungalow offering very little in terms of quality living accommodation

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

8.0 ASSESSMENT

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

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

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. There is an existing dwelling standing on the site, and the site is within a predominantly residential area. Therefore, the principle of a replacement dwelling is acceptable.
- 8.3 Paragraph 50 of the NPPF and NPPG state that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as older people). However, as the site is not in a Conservation Area the existing bungalow could be demolished without the need for planning permission and it would, therefore, be unreasonable to refuse planning permission because of its loss in my view.
- 8.4 The existing bungalow was granted planning permission in 1978 and whilst it appears to have been built on part of the garden of 73 Glebe Road it is my view that it could not still be considered to be garden land. In my opinion, policy 3/10 which relates to the subdivision of existing plots, does not apply here.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.6 The site is located within a suburban area and the nearby properties have spacious gardens. There is an allotment and single storey building to the north of the site. The existing bungalow has limited garden space and appears to have been built as part of the subdivision of garden land associated with 73 Glebe Road.
- 8.7 There is a mixture of architectural styles and forms in this area with traditional and contemporary dwellings sitting side by side.
- 8.8 The design of the property is considered to be well proportioned and the fenestration symmetrical. I therefore have no concerns with the proposed property in design terms.

- 8.9 Concern has been raised regarding the proposed boundary treatment at the front of the house, due to its height and formal appearance. 75 Glebe Road has a 1.8m close boarded fence running along the boundary with Baldock Way, but this is a side boundary and not a front boundary. In my opinion, it would not be appropriate to have a high front boundary wall, as on this part of Baldock Way front boundaries are generally delineated by hedges or low fences, or are left open. In saying this, as this could be dealt with by a condition requiring further information, it is my view that it would not be reasonable to refuse planning permission for this reason.
- 8.10 At the front of 73 Glebe Road there is a tree, which is the subject of a Tree Preservation Order (TPO). This tree stands approximately 10m from the application site, and is therefore unlikely to be affected by the proposals.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 I have concerns regarding the scale of the proposed building within this modest site and its proximity to the adjacent rear gardens of 71 and 73 Glebe Road. In my opinion, the proposed dwelling would dominate and enclose 71 and 73 Glebe Road to an unacceptable degree. It is my view that the application should be refused for these reasons.

Dominance and enclosure

- 8.13 The previous application was refused for the following reason:

Due to the height of the proposed dwelling and its proximity to the common boundaries with 71 and 73 Glebe Road, the proposed dwelling would have a significant adverse impact on the occupiers of these neighbouring properties through an overbearing sense of enclosure. The proposed dwelling would dominate the outlook from these neighbouring properties and enclose them to a far worse degree than the existing bungalow on the site. The proposed dwelling is therefore considered to

be unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

- 8.14 The Inspector agreed with this, and in paragraphs 7 and 8 of her decision she explained that:

At the rear of No 73 there is a garden about 7m in depth. The existing outlook at ground level is of the bungalow roof gable. The open aspect at first floor level provides a relief to this outlook. However the new dwelling would change this as the increased height of the flank wall would occupy most of the width of the garden. This would create a sense of enclosure due to its proximity and the contrast with the surrounding open space. The sense of enclosure would be experienced by the occupiers both within the dwelling and in the garden. The scale of the building would result in a dominant outlook for the occupiers of No 73 and this would not be diminished by the slight set back of the siting of the replacement dwelling.

No 71 adjoins No 73 and I consider that the outlook for these occupiers would also be affected. Currently the roof of the bungalow extends about 11m along the boundary with No 71 and slopes away from it. The new development would result in a wall about 5.6m high to eaves along the same length of garden, and as with the bungalow, would only be about 1.4m away from the fence line. The angle of pitch of the new roof would be similar to the bungalow and it too would slope away from the boundary. Whilst the effect on the outlook from within No 71 would be off set by the length of garden inbetween, within the garden the new development result in a dramatic change and would be a dominant feature at the end of the garden. The impact of the development would be all the more noticeable due to the contrast with the remaining open aspect.

- 8.15 The proposed dwelling would stand approximately 1.8m from the common boundary with 71 Glebe Road and would be 10.3m in length along this boundary. The dwelling would be 3.4m in height to the eaves and would be 7.4m in height to the ridge. Whilst the dwelling would be set 13.2m from the rear wall of 71 Glebe Road it is my opinion that it would be excessively dominant.

- 8.16 When seen from the rear garden and upstairs windows of 71 Glebe Road, the existing bungalow is a prominent and

oppressive feature. The proposed dwelling would stand in the same position as the existing bungalow in terms of its proximity to the common boundary and would be 1m taller to the eaves and 1.8m taller to the ridge than the existing bungalow. Whilst, at its closest point the proposed dwelling would be set back approximately 13.2m from the rear of 71 Glebe Road, the outlook from this neighbouring property would be affected by the proposed building. As the existing bungalow is, in my view, dominant when seen from 71 Glebe Road it follows that the proposed taller dwelling would have a significant detrimental impact on the occupiers of 71 Glebe Road as it would dominate the outlook from their property and enclose them to a far worse degree than the existing bungalow on the site. I consider this to be unneighbourly and unacceptable.

- 8.17 73 Glebe Road, directly to the south of the site would be also be affected. The proposed dwelling would stand 5.2m from the common boundary with this neighbour, 13.2m from the rear elevation. The southern elevation of the proposed dwelling would be 7.7m wide and 3.4m in height to the eaves and 7.4m in height to the ridge. The proposed dwelling would be similar in width to the existing bungalow, but as it would be taller it is my view that it would also dominate the outlook from 73 Glebe Road and enclose this neighbouring property to an unacceptable and unneighbourly degree. Whilst I recognise that the current scheme is reduced in scale from that previously dismissed it nevertheless is unneighbourly.

Overshadowing

- 8.18 The previous application was refused for the following reason:

The proposed dwelling would stand to the west of the rear garden of 71 Glebe Road and in the absence of a shadow study to demonstrate otherwise, due to the orientation of the dwelling and its height, it would be likely to cast shadow over this neighbour's garden in the afternoon to an unacceptable degree. The proposal is therefore unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

- 8.19 The Inspector did not agree with this, and as the proposed house is not as tall as the previous proposal I cannot conclude that the proposed house would have an unacceptable impact in terms of overshadowing.

Overlooking

- 8.20 Windows are proposed on the southern elevation of the house at ground floor levels. The existing bungalow has windows on the southern elevation, which are clearly visible from the upstairs windows of 71 Glebe Road and from 73 Glebe Road. I do not consider it likely that overlooking would be possible from the proposed glazed doors, due to the 1.8m close boarded fence. I have taken the view that it would be unreasonable to refuse the application on the grounds of overlooking from the southern elevation of the proposed house.
- 8.21 Windows are proposed on the eastern elevation of the house at ground and first floor levels. The existing bungalow has a conservatory on the eastern elevation which does not have planning permission. At the time of the previous application, the boundary fence on the common boundary between the site and 71 Glebe Road, was lower than is shown on the submitted plans when it came in front of the existing conservatory. Now, a 1.8m close boarded fence, as shown on the plans has been erected inside the rear garden of No. 71, approximately 1-1.5m in from the common boundary. Clear views would then not be possible into the rear garden of 71 Glebe Road from the proposed ground floor windows. The proposed rooflights would serve bedrooms. As they are set in a steep roof slope only sky would be visible from them and it would not be possible to overlook neighbouring gardens. I therefore consider that it would be unreasonable to refuse the application on the grounds of overlooking from the eastern elevation.
- 8.22 In my opinion the proposal does not adequately respect the residential amenity of its neighbours and the constraints of the site and I consider that it does not comply with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.23 The previous application was refused for the following reason:

The proposal to provide a substantial family dwelling by leaving very little external amenity space is unacceptable in that the proposal would not provide the attractive, high quality accommodation required by Cambridge Local Plan 2006, policy

3/7. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants and in doing so has not recognised the constraints of the site or responded to the context of the site and its surroundings. For these reasons the proposal is contrary to policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan 2006.

8.24 The proposed house is a family house situated on a small, constrained plot, with very little garden space. Whilst the existing bungalow also has very limited outdoor amenity space, the proposed dwelling is a larger dwelling and it is my opinion that the amenity space is proposed is not appropriate or sufficient for a family house of this size. What is proposed is a substantial family house and I consider it unacceptable that limited space is provided for children to play. In my view, the lack of amenity space means that this is not a high quality living environment, and the application should therefore be refused for this reason.

8.25 In my opinion the proposal does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/7 or 3/12.

Refuse Arrangements

8.26 The submitted plans show provision for bin storage, which is acceptable to Environmental Health. Due to the positioning of the bin store it would, in my view, be difficult to pull the bins out to the street on collection day, but as further details could be required by condition I do not consider that it would be reasonable to refuse planning permission for this reason.

8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.28 The Local Highway Authority has objected to the application on the grounds that the proposal includes gates, which would open out onto the public highway. This would be in breach of the Highways Act 1980, and cars waiting to enter the drive would

obstruct the public highway also obstructing the public highway. If the application were to be approved, the gates could be removed from the planning permission by way of a condition. I have taken the view that it would be unreasonable to refuse planning permission for this reason.

- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.30 Appendix D (Cycle Parking) of the Cambridge Local Plan (2006) states that at least three secure, covered cycle parking spaces must be provided for a dwelling of this size. A cycle store is shown on the submitted plans, which is satisfactory.

- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

Flooding and drainage

- 8.32 If the application were to be recommended for approval the details of drainage could be required by condition. I do not consider this to be an unresolvable issue and it would, therefore, be unreasonable to refuse planning permission for this reason.

Additional pressure on the sewerage system

- 8.33 This is a matter for Building Control.

9.0 CONCLUSION

- 9.1 In my opinion, the proposed dwelling would have a significant and unacceptable detrimental impact on the occupiers of 71 and 73 Glebe Road due to the enclosure and dominance of these neighbouring properties. Due to the lack of outdoor amenity space, it is my view that the proposed dwelling would not offer a high quality living environment. The outcome of the Appeal Decision confirms this conclusion and is a strong material consideration. For these reasons, I recommend that the application is refused.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. Due to the height of the proposed dwelling and its proximity to the common boundaries with 71 and 73 Glebe Road, it would have a significant adverse impact on the occupiers of these neighbouring properties through an overbearing sense of enclosure. The proposed dwelling would dominate the outlook from these neighbouring properties and enclose them to a worse degree than the existing bungalow on the site. The proposed dwelling is therefore considered to be unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).
2. The proposal to provide a large family dwelling and in so doing leaving very little external amenity space is unacceptable, in that the proposal would not provide the attractive, high quality accommodation required by Cambridge Local Plan 2006, policy 3/7. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants and in doing so has not recognised the constraints of the site or responded to the context of the site and its surroundings. For these reasons the proposal is contrary to policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan 2006.

Agenda Item 7

PLANNING COMMITTEE

7th January 2015

Application Number	14/1136/FUL	Agenda Item	
Date Received	14th July 2014	Officer	Miss Catherine Linford
Target Date	8th September 2014		
Ward	Queen Ediths		
Site	23 Mowbray Road Cambridge CB1 7SR		
Proposal	Extension and conversion of existing semi detached house into 5 flats		
Applicant	Mr Darren Mould Southlawns Bangs Close Shudy Camps Cambridge CB21 4RJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none">1. The proposed extensions would not have a detrimental impact on the streetscene, or the character or appearance of the area;2. The proposal would not have a significant detrimental impact on neighbouring occupiers; and3. Cycle and bin storage can be adequately accommodated on the site.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 23 Mowbray Road is a two-storey semi-detached house situated on the eastern side of Mowbray Road. The property sits at an oblique 45 degree angle to Mowbray Road, mirroring the properties to the south 11 and 13 Mowbray Road and properties across the other side of the road at 18-24 and 26-32 Mowbray Road.
- 1.2 The surrounding area is predominantly residential and the site is not within a Conservation Area.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for a side and rear extension to the house, and the conversion of the resulting buildings into five flats.

2.2 The following amendments were made to the application:

- ☐ Removal of the roof terrace adjacent to 25 Mowbray Road
- ☐ Introduction of a bay window on the rear elevation

3.0 SITE HISTORY

None.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2006		3/1 3/4 3/7 3/14
		5/1 5/2
		8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Planning Obligation Strategy (March 2010)</p>
	<p><u>City Wide Guidance</u></p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Original application

- 6.1 The car parking spaces, as proposed are smaller than the recommended minimum of 5m x 2.5m. Space no. 5 is very constrained by vertical walls that make it difficult to access the vehicle.

Amended application

- 6.2 No additional comment.

Head of Refuse and Environment

Original application

- 6.3 No objection, subject to conditions related to construction hours, and bin storage.

Amended application

- 6.4 No additional comment

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

Original application

- 7.1 The owners/occupiers of the following addresses have made representations objecting to the application:
- ☐ 11 Mowbray Road
 - ☐ 25 Mowbray Road
 - ☐ 26 Mowbray Road

7.2 The representations can be summarised as follows:

- ☐ Overlooking
- ☐ Impact on guttering and drainage
- ☐ Increase in noise and disturbance due to the layout of the flats. Washing machines or similar goods could be positioned against the party wall with No. 25
- ☐ Vents could be positioned so that they are directed towards the neighbouring garden
- ☐ The 5th parking bay prevents bins from being brought out of the store to the road and it is likely that they would be left out
- ☐ Overdevelopment
- ☐ It is not clear whether the existing hedge and small tree at the front of the property would remain. Their removal would be detrimental to the character of the area
- ☐ Lack of parking

7.3 The owner/occupier of the following address has made a representation neither objecting to or supporting the application:

- ☐ 30 Mowbray Road

7.4 The representations can be summarised as follows:

- ☐ There will not be enough roadside parking to accommodate the cars belonging to the residents of the new flats. The roads are already extensively used for hospital parking

Amended application

7.5 No further representations have been received.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity

4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is my view that the proposal complies with policy 5/1 of the Local Plan.
- 8.3 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of single residential properties into self-contained dwellings will be permitted except where: a) the residential property has a floorspace of less than 110sqm; b) the likely impact upon on-street parking would be unacceptable; c) the living accommodation provided would be unsatisfactory; d) the proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and e) the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity. The floorspace of the house is more than 110sqm, and the proposal, therefore, complies with part a) of policy 5/2. Parts b), c), d) and e) of policy 5/2 will be addressed later on in this report.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and part a) of policy 5/2 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.5 The proposed extension is not dissimilar in scale or style to the completed extension to 9 Mowbray Road, which stands on the opposite side of the accessway, and it is therefore my view that the proposed extension would not be out of character. I consider it to be visually acceptable.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14.

Residential Amenity

- 8.7 The site is surrounded by a number of residential properties. The attached neighbour, 25 Mowbray Road stands to the northwest; 21 Mowbray Road stands to the southeast, and 56-60 Hulatt Road back on to the site to the east.

Overshadowing, enclosure and dominance

- 8.8 The proposed two storey side/rear extension would stand to the northwest of the frontage of 21 Mowbray Road. Due to the orientation of the buildings it is my view that it is unlikely that the proposed extension would have a significant detrimental impact on this neighbouring property in terms of overshadowing. At its closest point, the proposed extension would stand 4.2m from the common boundary with No. 21 and, due to this separation distance it is my view that the proposed extension would not dominate or enclose this neighbour to an unacceptable degree.
- 8.9 The proposed single storey rear extension would stand to the southeast of 25 Mowbray Road and would abut the common boundary with this neighbour. The proposed extension would be 3.2m in height, with a flat roof. It is my opinion that this extension would not overshadow, dominate or enclose this neighbour to an unacceptable degree. The proposed two storey rear/side extension would stand 2.8m from the common boundary with this neighbour and it would not breach a 45 degree line of sight. It would not have a significant detrimental impact on No. 25 in terms of overshadowing, dominance, or enclosure.
- 8.10 The proposed extensions would stand to the west of 56-60 Hulatt Road, and as 23 Mowbray Road stands at an angle to Hulatt Road the proposed extension would stand 4.8m from the common boundary with these neighbouring properties at its closest point, and 12.8m from the rear elevations. As the extension would stand at an angle to the boundary and because of the separation distance between the buildings it is my view that the proposed extensions would not overshadow, dominate or enclose the neighbouring properties on Hulatt Road to an unacceptable degree.

Overlooking

- 8.11 The proposed extensions would include windows on the front, rear and side elevations. The windows at the front would look out onto the road and would have no detrimental impact.
- 8.12 The windows on the side elevation of the two storey extension would serve a bedroom and living room at ground floor level, and a kitchen at first floor level. These windows would overlook the front garden of 21 Mowbray Road. This is not a private area, and it is therefore my view that it would be unreasonable to refuse planning permission due to this.
- 8.13 The windows on the rear elevation would allow views into the rear garden of 25 Mowbray Road. These views would be oblique and it is my opinion that the impact of this would be no worse than the current situation. Due to the angle that 23 Mowbray Road stands at, there would be no direct overlooking of the houses on Hulatt Road. The only window of potential concern is the northeast facing first floor bedroom window. A bay window has been introduced here, with a partially obscured window which directs views away from Hulatt Road.

Noise and disturbance

- 8.14 Building works are disruptive and in order to minimise this I recommend that construction hours are restricted by condition (3), along with the hours of collections and deliveries (4).
- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

Refuse Arrangements

- 8.16 A bin store is proposed in the rear, communal garden, situated against the common boundary with 60 Hullat Road. Due to the positioning of car parking space 5 and the proposed cycle store it would not be possible to bring the bins from the store to the kerbside for collection. There is ample space on the site to accommodate adequate bin storage on the site and I therefore have taken the view that it would be unreasonable to refuse planning permission for this reason. I recommend a condition

requiring details of bin storage, in a different location to that proposed (5).

- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.18 Five car parking spaces are proposed on the frontage, one for each flat. In my opinion, in order to adequately accommodate cycle and bin storage it is not feasible to provide five car parking spaces. The Car Parking Standards in Appendix C of the Cambridge Local Plan (2006) are maximums and considering the site's proximity to public transport routes and local shops it is my view that it would not be justifiable to refuse planning permission due to a lack of car parking spaces. I recommend a condition requiring details of a revised parking layout (5).
- 8.19 A cycle store is proposed to the side of the building. Due to the positioning of car parking space no. 5 it would be difficult to use this store. There is ample space on the site to accommodate adequate cycle storage on the site and I therefore have taken the view that it would be unreasonable to refuse planning permission for this reason. I recommend a condition requiring details of cycle storage in a different position to that proposed (5).
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

Impact on guttering and drainage

- 8.21 This is not a planning consideration.

Increase in noise and disturbance due to the layout of the flats. Washing machines or similar goods could be positioned against the party wall with No. 25

- 8.22 The internal layout of the flats cannot be controlled through the planning process.

Vents could be positioned so that they are directed towards the neighbouring garden

- 8.23 It is my view that it is unlikely that the positioning of vents would have a significant detrimental impact on neighbouring occupiers.

Planning Obligation Strategy

Planning Obligations

- 8.24 As a result of the Ministerial statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 In my opinion, the proposal would not have a significant detrimental impact on the character of the surrounding area or neighbouring properties and, subject to conditions, I consider it to be acceptable. I recommend that the application is approved.

10.0 RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

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

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

4. Except with the prior written agreement of the local planning authority, 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)

5. Prior to the commencement of development full details of a revised parking layout, storage facilities for waste, and facilities for the covered, secured parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision. (Cambridge Local Plan 2006, policies 3/4, 8/6 and 8/10)

6. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

7. The windows identified as having obscured glass on drawing number 1619/02 or shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

8. The flat roof leading out from flat 3 on the first floor shall not be used as a roof terrace without the express permission of the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan 2006, policy 3/7)

Application Number	14/0888/FUL	Agenda Item	
Date Received	2nd June 2014	Officer	Miss Catherine Linford
Target Date	28th July 2014		
Ward	East Chesterton		
Site	8 Cheney Way Cambridge CB4 1UD		
Proposal	Proposed two storey house to rear of 8 Cheney Way (with access from Long Reach Road), following demolition of the existing garage		
Applicant	Mr And Mrs S Harrison C/o Neale Associates		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed dwelling would be a positive addition to the streetscene; 2. The proposed dwelling would not have a significant detrimental impact on neighbouring dwellings; and 3. The proposed dwelling would not have a significant detrimental on highway safety.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site fronts onto Long Reach Road and currently forms part of the rear garden of 8 Cheney Way. The surrounding area is predominantly residentially, consisting almost exclusively of semi-detached houses with the occasional detached house. The site is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for a detached, two storey, two bedroom house on land which is currently occupied by a garage. .

3.0 SITE HISTORY

Reference	Description	Outcome
13/1663/FUL	Proposed two storey house to rear of 8 Cheney Way (with access from Long Reach Road), following demolition of the existing garage	Withdrawn

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/12 5/1 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No parking is provided for either the existing dwelling or that which is proposed. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application. The design and access Statement refers to providing parking within the site if required, however, the layout of the site would not appear capable of accommodating a normal sized car following development. It may be that the applicant is intending to park on the existing vehicular crossing of the verge. This land lies within the public highway and is outside the control of the applicant.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions related to construction hours and piling.
- 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 The owners/occupiers of the following addresses have made representations:
- ☐ 14 Cheney Way
 - ☐ 1 Long Reach Road
 - ☐ 3 Long Reach Road
 - ☐ 4 Long Reach Road
 - ☐ 28 Redfern Close

7.2 The representations can be summarised as follows:

Character and context

- ☐ Out of character
- ☐ The house would not be in keeping with the existing residential nature and density of the area

Residential amenity

- ☐ Loss of light and outlook to 2 Long Reach Road
- ☐ Overlooking to 2 Long Reach Road
- ☐ Noise from residents. 8 Cheney Way is rented out to students and the occupiers are noisy

Highway safety

- ☐ The building would obstruct visibility causing a blind corner
- ☐ The residents would park on the corner causing a highway safety problem

Car and cycle parking

- ☐ Lack of parking
- ☐ The proposed Cambridge North station will make the parking problems even worse

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety, and car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is my view that the proposed dwelling would comply with policy 5/1 in principle.
- 8.3 Policy 3/10 of the Cambridge Local Plan (2006) states that residential development within the garden area or curtilage of existing properties if it will: a) have a significant adverse impact on the amenities of neighbouring properties; b) provide inadequate amenity space, vehicular access and parking spaces; c) detract from the prevailing character and appearance of the area; d) adversely affect the setting of Listed Buildings or Buildings of Local Interest within or close to the site; e) adversely affect trees, wildlife features or architectural features of local importance; and f) prejudice the comprehensive development of the wider area.
- 8.4 Parts d) and e) of policy 3/10 are not relevant to this proposal. The application site does not form part of a wider developable area and it is my view that the proposals comply with part f) of policy 3/10. Parts a), b) and c) of policy 3/10 will be addressed later on this report.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and part f) of policy 3/10 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.6 The proposed house would be two storeys in height with a low, pitched roof, with the ridge line of the proposed house at a similar height to the eaves of the neighbouring house, 2 Long Reach Road. The houses on this estate are uniform in design. The proposed house would not conform to the standard design. However, I do not consider that this difference would have a significant harmful impact on the appearance of the area. Due to the curve of the road, the proposed house would be prominent but it is my view that it would be a positive addition to the streetscene. I recommend that materials samples are required by condition (6).

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/12 and part c) of policy 3/10.

Residential Amenity

Impact on amenity of neighbouring occupiers

Dominance, enclosure and overshadowing

- 8.8 The proposed house would stand to the southwest of 2 Long Reach Road, 0.9m from the common boundary at its closest point. 2 Long Reach Road stands 4m from the common boundary at its closest point. The proposed dwelling would cast shadow over this neighbour in the afternoon. The proposed house would stand to the west of the garden of 6 Cheney Way, 3.4m from the common boundary with this neighbouring house, and would cast shadow over this neighbouring garden in the late afternoon. The proposed house would stand at an angle to No. 2 and would replace an existing garage, and due to the minimal height of the house it is my opinion that the impact of it would not be significantly greater than that caused by the existing garage and that it would not be so great as to warrant refusal of the application.
- 8.9 The proposed house would stand to the northeast of 8 Cheney Way, and would abut the common boundary with this neighbour. The proposed house would stand 9m from No. 8 and due to the orientation of the buildings and the separation distance between the houses it is my view that it would not have a significant detrimental impact on this neighbouring house in terms of dominance, enclosure or overshadowing.

Overlooking

- 8.10 All windows are on the front elevation, with rooflights in the rear roof slope; and no windows are proposed on the side elevations. No. 2 would not be directly overlooked and due to the positioning of the rooflights, and the positioning of the house, oblique views into the garden would also not be possible.

Noise and disturbance

- 8.11 I understand that 8 Cheney Way is currently a tenanted property, which causes some disturbance and concern has been raised that the proposed house may be used for the same purposes. This is not something that can be controlled through the planning process. The proposed house would be an independent dwelling and would not be related to No. 8.
- 8.12 Buildings works cause disruption and in order to minimise this I recommend that the hours of construction are restricted by condition (3) along with the hours for construction deliveries and collections (4). I also recommend that a method statement is required if piling is necessary (5)
- 8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7, part a) of policy 3/10.

Refuse Arrangements

- 8.14 It is proposed that bin storage is provided in the rear garden. This is considered to acceptable in principle. I recommend that details are required by condition (7).
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety, and Car and Cycle Parking

- 8.16 The site is situated close to the junction of Cheney Way and Long Reach Road. The proposed house would stand further forward than 2 Long Reach Road, but it would not have an impact on visibility in my view. The Local Highway Authority has raised no concerns and has not objected on highway safety grounds.
- 8.17 No car parking spaces are to be provided for the proposed dwelling and the existing garage and driveway would be lost as the result of this development. Considering the size of the proposed dwelling, the number of vehicles that are likely to be generated by the existing and the proposed dwellings and the location of the site it is my view that it would not be justifiable to

refuse planning permission due to the lack of car parking spaces. The potential impact of the proposed Cambridge North station cannot be taken into consideration.

8.18 A cycle store is proposed in the rear garden. This is acceptable in principle. I recommend that details are required by condition (8).

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10, and part b) of policy 3/10.

Third Party Representations

8.20 The issues raised have been addressed above.

Planning Obligation Strategy

Planning Obligations

8.21 As a result of the Ministerial statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

9.1 In my opinion the proposed dwelling would be a unique and positive addition to the streetscene. It is my view that the proposals would not have a significant detrimental impact on neighbouring occupiers, or highway safety and I therefore recommend that the application is approved, subject to conditions.

10.0 RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

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

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

4. Except with the prior written agreement of the local planning authority, 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)

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

6. 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

7. No development shall commence until such time as full details of the on-site storage facilities for waste including waste for recycling have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be in accordance with the approved details. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason; To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

8. 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)

Application Number	14/1627/FUL	Agenda Item	
Date Received	17th October 2014	Officer	Mr Amit Patel
Target Date	12th December 2014		
Ward	West Chesterton		
Site	22 George Street Cambridge CB4 1AJ		
Proposal	Retrospective planning application for new summer house		
Applicant	Mrs S. Wilson 22 George Street Cambridge CB4 1AJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The outbuilding is in keeping with the scale and massing of other outbuildings</p> <p>The use of the outbuilding is ancillary to the main house and therefore the use is acceptable</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is on the west side of the road. The site is within a Conservation Area but the building is not listed or a Building of Local Interest. The area is characterised by residential properties. The property is a mid-terrace house.

2.0 THE PROPOSAL

- 2.1 This is a retrospective application for a summer house in the rear part of the garden. The building is hexagonal in shape. The building measures 2.5m by 2.5m by 3.3m to the top of the flue. The building is set in off the boundary by 900mm.

3.0 SITE HISTORY

There is no planning history for the site.

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/4 3/7 3/12 4/13

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge,

therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comment to make on this application.

Head of Refuse and Environment

Comments awaited. Any comments made will be reported..

7.0 REPRESENTATIONS

7.1 This application has been called in by Cllr. Tunnacliffe. The reason for the call in is that further discussion at Committee is required for the potential loss of amenity and proximity to 38, 40, 42 and 44 Herbert Street.

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

- ☐ 38 Herbert Street
- ☐ 40 Herbert Street
- ☐ 42 Herbert Street
- ☐ 44 Herbert Street
- ☐ 46 Herbert Street
- ☐ 48 Herbert Street

7.3 The representations can be summarised as follows:

- ☐ Use of the summer house as a barbecue will cause safety hazard through fire spreading as there is wooden fencing and trees;

- ☐ Smoke from the chimney will cause pollution and nuisance to the neighbours
- ☐ The design of the chimney is not in keeping with the surrounding
- ☐ The use of the building as a barbecue will attract rodents from the smells and residue
- ☐ The replaced building is taller than the previous shed
- ☐ Impact on privacy as discussions from neighbours are heard

7.4 The following neighbours have made comments supporting the application:

- ☐ 20 George Street
- ☐ 25 George Street

7.5 The representations can be summarised as follows:

- ☐ This is a very small and unobtrusive building and the buildings either side are much larger
- ☐ The chimney is several metres away from nearest boundary

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

Context of site, design and external spaces

8.2 The site is the rear part of the garden, close to the boundaries of properties facing Herbert Street. Number 22 George Street shares a common boundary with number 42 and 44 Herbert Street. If the building was set in from the boundaries by 1m or more, than the structure would not require formal permission up to 4m high. The proposal is 900mm from the boundaries and therefore the building only needs permission as it is more than

2.5m tall, otherwise, the building could be constructed under permitted development without the need for any formal planning permission.

- 8.3 There are much larger outbuildings within the neighbouring gardens and therefore I consider that the outbuilding is appropriate in terms of its scale and massing. With regards to the use of materials, which has been raised as an issue, this is a building in the rear of the property and not highly visible in the public street scene. There are other buildings made from similar materials and therefore I do not consider that this building is out of keeping with the area. I note that the top of the flue will be visible in neighbouring gardens but I do not consider this would cause any significant harm.
- 8.4 I consider that the building will fit well into its context and will not have a detrimental impact on the character of the area.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The building is set away from the boundaries. The overall height of the building is 3.3m high. There are no windows at high level that overlook neighbours on Herbert Street. Although the building is to the rear of the properties and close the gardens of Herbert Street, there are two larger out- buildings in the neighbouring gardens, I do not consider that the building will have any significant impact in terms of overlooking, over shadowing or loss of privacy. Comments have been received regarding conversations in the building being heard in other gardens. However, the site is relatively open and people talking in the rear part of the garden would be heard regardless of the building being here or not, and I therefore do not consider that this would be a reasonable reason for refusal.
- 8.7 Comments have been received regarding potential nuisance and the attraction of rodents through the use of the building as a barbecue area. The building can be used as an indoor barbecue but an open barbecue could be used in this position without the

need for any permission. I do not consider that this could be a justifiable reason for refusal.

- 8.8 Fire risk from possible barbecue use is not a planning consideration. This building is exempt from Building Regulations due to its size. Any damage caused to other property from embers or sparks would be a civil matter, but as I have indicated above, an open barbecue could be used in this position without the need for permission.
- 8.9 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Third Party Representations

- 8.10 The issues raised by third parties have been addressed in the main body of the report above.

9.0 CONCLUSION

- 9.1 The outbuilding is already in place. The building is smaller in scale and mass than the adjoining neighbouring buildings. I do not consider that any impacts from barbecuing would be different from those created by an open barbecue which would not require permission. I recommend APPROVAL.

10.0 RECOMMENDATION

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

PLANNING COMMITTEE

7th January 2015

Application Number	14/1819/FUL	Agenda Item	
Date Received	19th November 2014	Officer	Michael Hammond
Target Date	14th January 2015		
Ward	Romsey		
Site	96 Cavendish Road Cambridge CB1 3AF		
Proposal	Side extension and conversion of garage to habitable space		
Applicant	Mr David Baigent 96 Cavendish Road Cambridge CB1 3AF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none">1. The proposal complies with development plan policies (2006).2. The proposal is acceptable within the Conservation Area.3. The proposal is not harmful to the amenity of neighbouring occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.96 Cavendish Road, is a two storey end of terrace property with a small rear garden situated on the corner of Cavendish Road and Cavendish Place. The surrounding area is predominantly residential and is formed mainly of similar sized terraced properties.
- 1.2 The application is located within the Conservation Area and falls outside of the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal is for a ground floor side extension to the north of the existing building. The proposed extension would join with the existing garage, which would subsequently be converted

into habitable space. The proposed extension would project out to the side by approximately 2.9m, with an eaves height of 2.2m and ridge height of approximately 4.4m in a mono-pitched roof design.

- 2.2 The proposal has been designed in materials to match the existing property.
- 2.3 The application is brought to committee because the applicant is a Cambridge City Councillor.

3.0 SITE HISTORY

Reference	Description	Outcome
10/0259/FUL	Roof extension to rear of property, removal of two chimney stacks.	Permitted.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/4 3/7 3/11 3/14 4/11

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal

Urban Design and Conservation Team

- 6.2 The application is supported.
- 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 The owners/occupiers of the following addresses have made representations:

- 127 Cavendish Road

- 7.2 The representations can be summarised as follows:

- The proposal would improve the look of the property and tidy up the area.

- 7.3 It is identified that the expiry date for representations expires on the 26th December 2014. Any representations that have been made since writing this report will be updated on the day of Planning Committee.

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces and Impact on Conservation Area
2. Residential amenity

Context of site, design and external spaces

- 8.2 The proposed extension would be visible from the street scene of Cavendish Road and Cavendish Place.
- 8.3 There is not a distinctive character or built form around the site, with a unique detached property directly opposite to the west of the site, as well as fenced off hard standing parking and commercial buildings on the opposite corner. The proposed works would not cause any detrimental harm to the character of the area given the lack of unity in terms of the building line and design of buildings and spaces in this location. The Conservation Team support this application and I agree with this advice.
- 8.4 The design of the mono-pitch roof is considered acceptable in the context of the site. The proposed materials are in keeping with the existing building and garage, and are acceptable. A condition has been attached to ensure that the materials match those of the existing garage, as recommended by the Conservation Team.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The proposed side extension would not result in any impact on the amenity of neighbouring properties opposite along Cavendish Place and Cavendish Road as there is a considerable separation distance from the application site to these properties. The proposed windows on the side extension would not result in any overlooking towards properties to the north given the separation distance between these properties.
- 8.7 The proposed side extension would not have any impact on the amenity of no.94 Cavendish Road to the south as the scale of the existing ground floor extension at no.96 means that there

will be no issues regarding access to light, overlooking or visual dominance.

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

9.0 CONCLUSION

The proposed extension would not have a significant detrimental impact on the character of the area or adversely affect the amenity of neighbouring properties and thus should be supported.

10.0 RECOMMENDATION

APPROVE

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. 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.

3. All materials shall match those of the existing garage unless otherwise agreed in writing with the Local Planning Authority.
Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

PLANNING COMMITTEE

7th January 2015

Application Number	14/1754/FUL	Agenda Item	
Date Received	21st November 2014	Officer	Miss Sophie Pain
Target Date	16th January 2015		
Ward	West Chesterton		
Site	3 Victoria Road Cambridge CB4 3BW		
Proposal	Construction of a replacement dwelling as approved under 12/1041/FUL including an extension to the basement of 5.25 m.		
Applicant	Mr Peter Shenton 3 Craven Close Trumpington Cambridge CB2 9NW		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed development would not have a harmful impact on the appearance and character of the conservation area; <input type="checkbox"/> The proposed development can be conditioned to prevent the escape hatch from being open at any other time aside from an emergency to ensure that any noise from activities in the basement are not transferred outside where it may disturb neighbouring residents.
RECOMMENDATION	APPROVAL

0.0 INTRODUCTION

- 0.1 Full planning permission was granted in November 2012 by North Area Committee for the demolition and rebuild of the existing mid terrace property at 3 Victoria Road. Demolition of the property has occurred and construction of the foundations commenced, including the approved section of the basement.

- 0.2 Building Inspectors have identified that the fire escape proposals from the approved basement would not meet with Building Regulations and this has necessitated alterations to the approved development that form this planning application. An escape hatch from a basement has to be positioned so that it gives direct access into the garden and away from the building where it will not be obstructed.
- 0.3 As the property is significantly demolished and the new property has not been completed and inhabited, this application seeks permission for the erection of a new dwelling as approved under the previous approval (12/1041/FUL) including an extension to the approved basement. There are no other alterations to the dwelling as approved and for this reason; the content of this report will consider the change to the approved plans, which constitutes a 5.25 m long extension to the approved basement.
- 0.4 The original officer report for 12/1041/FUL can be found at Appendix 1.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Formerly, the site comprised of a two storey Victorian terrace property, which had a later single storey extension added which accommodates a garden room. At the southern end of the site is a garage, which is accessed from Croft Holme Lane. Both the neighbouring properties were taller than No.3, with no.5 rising to 3 storeys. Opposite the site is 'Victoria Homes' which is a sheltered housing scheme with a warden for the frail and the elderly. The properties are terraced bungalows, which date back to the early 1900's.
- 1.2 This property has now been significantly demolished and the site is secured with construction hoardings to the rear.
- 1.3 The site is located close to the junction of Victoria Road and Croft Holme Lane, which forms the western boundary of Mitcham's Corner. The area is largely residential in character containing a mixture of terraced and semi-detached properties although there are some ground floor retail units further west and north west of the subject property.
- 1.4 The site lies within the Victoria Road and Castle Conservation Area (2012).

2.0 THE PROPOSAL

- 2.1 The application seeks planning approval for the construction of a replacement dwelling as approved by a former planning permission, 12/1041/FUL. The only alteration to the approved plans is an extension to the basement of 5.25 m, so that it extends beneath the existing garden for its full length. In the south east corner, it is proposed for an external staircase to be installed from the basement to ground level for fire escape purposes. A door will be installed at the bottom of the staircase.
- 2.2 The application is accompanied by the following supporting information:

1. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
12/1041/FUL	Erection of a dwelling (following demolition of existing dwelling).	Approved
12/1280/CAC	Demolition of existing 2 storey single dwelling.	Approved
10/1163/FUL	Erection of a dwelling (following demolition of existing dwelling).	Refused and appeal dismissed
09/0913/FUL	Replacement of existing dwelling house with a new three storey house (following demolition of existing residential building).	Withdrawn
04/1179/FUL	Single storey rear extension and a loft extension to existing dwellinghouse	Permitted
C/93/0838	Conversion of loft with dormer window to rear, erection of garage and rebuilding of conservatory.	Permitted

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies:

PLAN		POLICY NUMBER
Cambridge Local Plan 2006		3/1, 3/4 3/7 3/12 3/14
		4/11 4/13 4/14
		5/1
		8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012
	National Planning Policy Framework – Planning Practice Guidance March 2014
	Circular 11/95
	Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)

Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u> Castle and Victoria Road Conservation Area Appraisal (2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Prior to development, the applicant must provide details of the proposed basement structure to the Highway Authority, and demonstrate compliance with the Highway Authority's requirements for structures supporting the public highway. An informative to this effect should be added to any Planning permission that the Planning Authority is minded to grant in regard to this application.

Head of Refuse and Environment

- 6.2 There are no objections to this application, providing that the recommendations and conditions attached to permission 12/1041/FUL are relevant and require compliance when works are undertaken to extend the basement.

Urban Design and Conservation team

6.3 It is considered that there are no material conservation issues with this proposal.

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

7.0 REPRESENTATIONS

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

- ☐ 3 Croft Holme Lane
- ☐ 1 and 5 Victoria Road

7.2 The representations can be summarised as follows:

- ☐ The works have already started;
- ☐ The proposed extension of the plans changes the whole character of the plans and impacts on the site and surrounding area in an unacceptable way;
- ☐ The proposed development will allow the door to be left open and the potential for noise to happen within the garden area which will increase noise and disturbance to all neighbours;
- ☐ The addition of a 5.5 m extension to the basement is surely overdevelopment, particularly as the approved plans were considered by many as over-development originally;
- ☐ This application will extend the length of time the building project goes on for;

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

8.0 ASSESSMENT

Principle of Development

8.1 The proposed development to replace the existing property with a single residential property was compliant with policy 5/1 of the

Cambridge Local Plan as demonstrated in paragraphs 8.2 & 8.3 of Appendix 1.

Context of site, design and external spaces

- 8.2 The proposed development does not seek any external changes to the approved scheme (12/1041/FUL). The design of the replacement dwelling was considered to be appropriate in the former application as demonstrated in paragraphs 8.8 to 8.14 of Appendix 1.
- 8.3 The proposed amendment to the scheme is to extend the approved basement by 5.25m, so that it extends the length of the existing garden. The development will be beneath the garden, which will be replaced following completion of the development. The only feature that will be visible will be the external staircase from basement to ground level that will allow emergency access from the basement in the event of a fire.
- 8.4 The building regulations requirement is for a means of escape for occupants to exit into the garden away from the main building to prevent future obstruction. It is proposed for the staircase to be located in the south east corner of the site. While a solution that would have located the means of access closer to the main property could have been found, the applicant has chosen this location as it has minimal impact on the use of the garden. However, by virtue of positioning it in the furthest corner of the garden, it means that the basement needs to be extended to that point.
- 8.5 As the basement will not be visible and the introduction of the staircase in this position will not be visible from the public realm, it is considered to be acceptable.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 & 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The scale and massing of the proposed property does not differ from the approved plans for the ground, first and second floors.

This was considered at paragraphs 8.15 to 8.30 of the report at Appendix 1.

- 8.8 A number of the third party representations make reference to the disturbance caused by the approved development. Officers appreciate that the demolition and construction of a new property does impact on the amenity of adjacent residents and where possible this is limited through the use of conditions. These were imposed on the former application in relation to construction and delivery hours as well as a traffic management plan. Such conditions were considered reasonable and are replicated on this application.
- 8.9 Within the approved basement area are uses such as a home cinema, gym and changing area for domestic use. The plans submitted with the application do not identify what the additional space within the basement will be used for, but provided it is used for domestic purposes it is of no material planning relevance. I consider that conditions are imposed that require information to be submitted that insulate and ventilate the basement in a way that prevents noise transference between properties in accordance with the Environmental Health officers recommendation.
- 8.10 The proposed stairs lead down into the newly formed space. There is a concern that the future use of this space, may have the opportunity to transfer into the rear garden environment should the door at the base of the stairs be left open. This could lead to noise and disturbance to the adjoining neighbours. The application states that the staircase is required for emergency purposes only and I do not believe that the door would be left open at other times. However, in order to provide protection to the neighbouring properties, a condition has been recommended that requires the door to be used in emergencies only and will remain closed at all other times.
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 & 3/14.

Refuse Arrangements

- 8.12 Arrangements for waste were considered to be acceptable as part of the former application and as this proposal remains for a single residential property there are no changes to those approved.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and guidance contained with the RECAP document.

Highway Safety

- 8.14 The proposed development does not endanger highway safety.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.16 Arrangements for car and cycle parking were considered to be acceptable as part of the former application and as this proposal remains for a single residential property there are no changes to those approved.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.18 The concerns of the third party representations have mainly been addressed in the above report. In terms of the proposed works extending the length of time the building project goes on for is not a reason for refusal. Officers appreciate that the construction process is disruptive, but best means are employed to ensure that the construction site operates as quietly and effectively as possible. It is not the role of the local planning authority to prevent all forms of development that may result in some measure of pollution (vibration or noise), but rather to control the development in order to minimise this effect.

Planning Obligation Strategy

- 8.19 There is no requirement for a planning obligation strategy as the proposed dwelling is a replacement dwelling and contains the same number of bedrooms as the existing.

9.0 RECOMMENDATION

APPROVE subject to following conditions:

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

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

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

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

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

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

4. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway);

ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street;

iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway);

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan policy 8/2).

5. No part of the structure shall overhang or encroach under the public highway and no gate, door or ground floor window shall open outwards over the public highway.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

6. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

7. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/14 and 4/11)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

9. All new joinery [window frames and doorways] shall be recessed at least 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

10. Prior to the commencement of the development a scheme to protect future residents of this development from exposure to high levels of air pollution and exhaust odours associated with the Victoria Road façade, shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To safeguard amenity and health of future occupants of the residential unit (Cambridge Local Plan 2006 policies 3/12, 4/13 and 4/14)

11. a. Prior to the occupation of the development a noise report that considers the impact of noise on the Victoria Road façade upon the proposed development shall be submitted in writing for consideration by the local planning authority.

b. Following the submission of the noise report and prior to the occupation of development, a noise insulation scheme for protecting the affected residential units from noise as a result of the proximity of the bedrooms and living rooms to high ambient noise levels on the Victoria Road façade (dominated by traffic and vehicle noise), shall be submitted to and approved in writing by the local planning authority.

The scheme shall detail the acoustic noise insulation performance specification of the external building envelope of the affected residential units (having regard to the building fabric, glazing and ventilation) and achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To protect the amenity of future occupants of this property from the noise from the public highway (Cambridge Local Plan 2006 policy 4/13)

12. Before the development hereby permitted is occupied, a scheme for the insulation of the plant that is installed in order to ventilate the basement shall be submitted to and approved in writing by the local planning authority which specifies how the level of noise emanating from the said plant shall be minimised to ensure that neighbouring properties are not disturbed. The scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

13. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

14. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition/construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

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

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/12 and 4/11)

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

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

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

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

18. In no circumstances shall the green roofs be used by the occupiers for recreational or amenity purposes and nor shall any furniture such as tables and chairs be situated on these roofs.

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

19. The approved means of escape shall only be used in the case of an emergency such as fire and the door at the base of the external staircase shall not be left open for any other purpose.

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

20. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

INFORMATIVE: The air quality condition above is likely to be achieved by mechanical ventilation, complying with the requirements of approved document F (Ventilation) for both background and purge ventilation / summer cooling, sourcing air from the rear of the development away from the road. Such ventilation may also be required to achieve the internal noise levels required by PPG 24.

INFORMATIVE: The applicant is advised that implementation of the application hereby approved will result in neither the existing residents of the site, nor future residents able to qualify for Residents' Parking Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

INFORMATIVE: To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the good internal noise levels of British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria.

INFORMATIVE: The level of noise insulation between the proposed new dwelling and those existing must comply with Building Regulations approved document E to provide resistance to the transmission of sound. This will be particularly important in respect of the proposed basement home cinema. It is assumed that Building Control will deal with this matter.

INFORMATIVE: The applicant is advised to contact housing standards at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS, in the event that the property is to be let in the future as a HMO.

Application Number	12/1041/FUL	Agenda Item	
Date Received	11th August 2012	Officer	Miss Sophie Pain
Target Date	6th October 2012		
Ward	West Chesterton		
Site	3 Victoria Road Cambridge CB4 3BW		
Proposal	Erection of a dwelling (following demolition of existing dwelling).		
Applicant	Mr Peter Shenton 3 Victoria Road Cambridge CB4 3BW		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed development is to replace an existing residential property with the same number of bedrooms, which is in accordance with national and local policy; <input type="checkbox"/> The proposed development is sympathetic to the character and appearance of the Conservation Area in accordance with policy 4/11 of the Cambridge Local Plan 2006; <input type="checkbox"/> Providing that conditions are imposed to protect the amenity of neighbouring properties, the development is in accordance with policies 3/14 and 4/13 of the Cambridge Local Plan 2006.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site presently comprises a two storey Victorian terrace property, which has had a later single storey extension added which accommodates a garden room. At the southern end of the site is a garage, which is accessed from Croft Holme Lane. Both the neighbouring properties are taller than No.3, with no.5 rising to 3 storeys. Opposite the site is 'Victoria Homes' which is a sheltered housing scheme with a warden for the fail and the elderly. The properties are terraced bungalows, which date back to the early 1900's.
- 1.2 The site is located close to the junction of Victoria Road and Croft Holme Lane, which forms the western boundary of Mitcham's Corner.
The area is largely residential in character containing a mixture of terraced and semi-detached properties although there are some ground floor retail units further west and north west of the subject property.
- 1.3 The site lies within the Victoria Road and Castle Conservation Area (2012).

2.0 THE PROPOSAL

- 2.1 The applicant seeks planning permission to demolish the existing property and rebuild a three-storey house, including the excavation of a basement, which accommodates a gym and home cinema. The proposed property has three bedrooms, which extend up into the roof. The design of the property has two roof terraces at first and second floor.
- 2.2 Amended plans have been sought that amend the fenestration of the front and rear elevations in alignment with comments received from the Conservation Officer. The Officer recommendation has been made in accordance with the amended plans.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
12/1280/CAC	Demolition of existing 2 storey single dwelling.	Pending
10/1163/FUL	Erection of a dwelling (following demolition of existing dwelling).	Refused and appeal dismissed
09/0913/FUL	Replacement of existing dwelling house with a new three storey house (following demolition of existing residential building).	Withdrawn
04/1179/FUL	Single storey rear extension and a loft extension to existing dwelling house	Permitted
C/93/0838	Conversion of loft with dormer window to rear, erection of garage and rebuilding of conservatory.	Permitted

3.1 The decision notice for the previously refused application 10/1163/FUL is attached to this report as Appendix 1.

3.2 The decision of the Planning Inspector in the appeal on the previous application 10/1163/FUL is attached to this report as Appendix 2.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1, H1 T2 T9 T14 ENV6 ENV7 WM6
Cambridge Local Plan 2006	3/1 3/4 3/7 3/12 4/10 4/11 4/13 4/14 5/1 8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments Air Quality in Cambridge – Developers Guide
	<u>Area Guidelines:</u> Conservation Area Appraisal: Victoria Road and Castle

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Prior to development, the applicant must provide details of the proposed basement structure to the Highway Authority, and demonstrate compliance with the Highway Authorities requirements for structures supporting the public highway.

The future occupants will not qualify for Resident's Parking Permits in the existing scheme and this will be brought to the applicants attention through an informative.

Historic Environment Manager

First Response 28th September 2012:

- 6.2 Alterations need to be made to the fenestration of the front and rear elevations. As proposed, the development would be detrimental to the character and appearance of the Conservation Area.

Second Response 17th October 2012:

The amended plans have addressed the issues raised regarding the design of the elevations of the building. The proposed building is now of similar character to the existing and is therefore supported as it will not be detrimental to the character and appearance of the Conservation Area.

Head of Environmental Services

- 6.3 Given that the proposed development is within an air quality management area, conditions should be imposed to protect the future amenity of the occupiers. Other conditions have also been recommended in order to protect the amenity of neighbouring occupiers during the construction process.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- ☐ 1 Victoria Road
- ☐ 5 Victoria Road
- ☐ 3 Croftholme Lane

7.2 The representations can be summarised as follows:

- ☐ Risk of structural damage to surrounding properties;
- ☐ The development would be of considerable length and would cause noise and disruption to neighbours;
- ☐ Increase security risk both at construction stage and from the design of the building;
- ☐ Loss of light to No.1 as the building will be higher than existing;
- ☐ Anticipation of a cinema/music room in basement would be difficult to insulate to ensure neighbours are not disturbed; and
- ☐ Use of green roofs as seating areas.

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

8.0 ASSESSMENT

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

1. Principle of development
2. The loss of the existing structure and the merit of its replacement
3. Context of site, design and external spaces and impact on the Conservation Area.
4. Residential amenity
5. Refuse Arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligations Strategy

Principle of development

- 8.2 The proposed development is to replace an existing residential property with a new residential property that has the same number of bedrooms. The provision of dwellings in sustainable locations is generally supported by central government advice contained in The National Planning Policy Framework (NPPF) 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, Cambridge Local Plan 2006.

The loss of the existing structure and the merit of its replacement

- 8.4 The National Planning Policy Framework (2012) refers to heritage assets as a building, monument, site or area, which is identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. They are valued components of the historic environment and include assets identified by the local planning authority.
- 8.5 The National Planning Policy Framework (2012) goes on to state in paragraph 132 that the more important the asset, the greater the weight should be placed upon the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 8.6 The Design and Access Statement justifies the demolition of the existing building through the argument that the house requires a great deal of modernisation in order to accommodate them, as they get older. The building has been identified as a Building Important to the Character within the Castle and Victoria Road Conservation Area Appraisal. It is considered that the proposed replacement dwelling is of a design, which is

acceptable as it retains the character of the local area and retains the positive characteristics of the existing building in the proposed design.

- 8.7 Given the above, I consider that the justification provided complies with East of England Plan 2008, policies ENV6 and ENV7 and with policy 4/11 criterion of the Cambridge Local Plan 2006 and guidance within the National Planning Policy Framework 2012.

Context of site, design and external spaces and impact on the Conservation Area.

- 8.8 Since the previous application the site is now within a Conservation Area, which has a greater bearing on the appearance and design of the replacement property.
- 8.9 The southern side of Victoria Road is quite traditional in appearance with a mixture of Victorian terraced housing, interspersed with some three-storey townhouses. The site in question sits between a two-storey and three-storey property, on a road, which inclines towards the north. Victoria Road has a well-defined building line along the public highway, which has been respected in the proposed development.
- 8.10 The design of the proposed development has taken guidance from the local context and has introduced some rhythm to the building with the choice of windows and the introduction of stone cills and brick soldier courses to the front façade.
- 8.11 At present the ridge height of no.3 sits below that at no.1 by approximately 1.5 metres and below no.5 by 4.7 metres. The proposed design seeks to increase this ridge height by 2 metres, so that it sits no more than 0.5 metres above the ridge of no.1, but still remains below that at no.5 by 2.7 metres. This assists in providing some balance in the ridge level between no's 1 and 5 and creating a gradual step up between the three properties.
- 8.12 I consider that with the introduction of the amendments to the fenestration on the front elevation, the proposed street elevation of the property is acceptable and that it enhances the appearance of the road through the use of appropriate materials and detailing which I believe the existing property lacks.

8.13 The rear elevation of the proposed development will be relatively enclosed within the rear garden environment of the neighbouring properties. There may be some oblique views of the first and second floors through from the vehicular access off of Croft Holme Lane. However, the hierarchy of windows ensures that the openings are smaller towards the top of the property and if views do occur then I do not consider that the proposed contemporary design of the development would be detrimental to the character of the area.

8.14 Given the reasons discussed above, I consider that the proposal is compliant with East of England Plan 2008 policies ENV6 and ENV7 and Cambridge Local Plan Policies 3/4, 3/7, 3/12 and 4/11 and guidance provided within the National Planning Policy Framework (2012).

Residential Amenity

Impact on amenity of neighbouring occupiers

8.15 I consider that the proposed dwelling has the potential to impact upon both 1 and 5 Victoria Road. Given the incline of the road towards the north, no.3 is located a little higher than no.1 and consideration needs to be given to this when assessing the impact of the additional proposed development.

8.16 At present the projecting two-storey wing and later single storey extension of no.3, create a boundary with no.1. The two-storey wing is at a height of 5.3 metres and projects beyond the rear elevation of no.1 by 2.6 metres. This then reduces to a single storey, which is 2.8 metres in height for a distance of 3.6 metres. Therefore, this creates quite a presence within the small courtyard garden of no.1, especially given the difference in ground levels between the two properties.

8.17 The previous reasons for refusal were that;

1. The proposed dwelling, by virtue of its scale, height, depth and its proximity to the common boundary with the neighbouring properties to the east, 1 Victoria Road, and west, 5 Victoria Road, will result in a loss of light within the rear gardens of their properties. The proposal therefore fails to respond to its context or to relate satisfactorily to its

surroundings. For these reasons the proposal is contrary to policy ENV7 of the East of England Plan 2008, policy 3/4 and 3/12 of the Cambridge Local Plan 2006 and to advice provided by Planning Policy Statement 1 - Delivering Sustainable Development (2005).

2. The proposed depth of the proposed dwelling will create a dominant eastern flank wall, which will form the boundary with 1 Victoria Road causing the occupiers to suffer an undue sense of enclosure, to the detriment of the level of amenity that they should reasonably expect to enjoy. The proposal therefore fails to respond to its context or to relate satisfactorily to its surroundings. For these reasons the proposal is contrary to policy ENV7 of the East of England Plan 2008, policy 3/4 and 3/12 of the Cambridge Local Plan 2006 and to advice provided by Planning Policy Statement 1 - Delivering Sustainable Development (2005).

- 8.18 The Planning Inspector was of the view that the proposed development would result in an increase in height and bulk of the dwelling on all floors, with the greatest increase in mass at the upper level. The proposed roof terraces with side screening would add further depth and height to each projection.

Overbearing

- 8.19 The proposed scheme seeks to increase the heights and depth of each floor of the property. The eastern profile of the proposal (adjacent to No.1), increases in height in a terracing effect beginning with a single storey extension, 3.4 m in height and 4.2 m in depth. As a result, the proposal seeks an additional 450 mm in depth and 500 mm in height when compared to the existing. This element of the proposal has not been altered from the previous application, but is considered to be acceptable as the increases are marginal and shall not materially harm the amenity of the neighbouring occupier to the east.
- 8.20 The proposed first floor extension has a depth and height that is no greater than the existing, which is considered to be acceptable. The previous application proposed a timber screen that projected for a further 1.5 m in depth. The view of Officers and the Inspector was that this feature introduced further bulk and scale to the east elevation, which was overbearing to the

neighbour. By removing this feature in the present application it is considered that the situation is no worse than existing and that the previous concerns have been addressed.

8.21 The largest difference between the previous application and the current application is the way that the new second floor extension is designed. Previously the design sought to introduce a new high level extension that sat on the common boundary with No.1 and projected in depth for 5.5 m beyond the rear elevation of No.1. This was considered to be unacceptable and this additional height would have resulted in an overbearing impact upon No.1 and a material loss of light to the courtyard garden. To overcome these concerns, the current design is much reduced. A 45 degree angle has been taken from the dormer window of No.1 at second floor height and this has assisted in forming the parameters of development to No.3. On the boundary with No.1 a new gable end is formed that projects no more than 700 mm beyond the rear elevation of No.1. A new extension is then formed on the west boundary with No.5, that projects for 2.75 m at a distance of 2 m from the common boundary with No.1. As such, I believe that the scale of this extension is less overbearing and does not enclose No.1 to such an extent as the previous application. The current proposal also improves the level of light that will reach the windows and courtyard of No.1 too. For this reason, I consider that the proposal has overcome previous reasons for refusal and shall not significantly harm the amenity of the neighbour to the east, 1 Victoria Road.

8.22 Turning to No.5, who is the neighbour on the western boundary. The previous application was refused in part because of the impact upon the occupants of No.5. This was because the development sought to project beyond the rear elevation of No.5 in a manner that was considered to be harmful to the occupants amenity. However, in order to overcome this, the current application has greatly reduced this impact. Like with No.1, the ground floor will be 450 mm longer and 500 mm higher than the existing, which is considered to be acceptable. The first floor does not seek a material alteration to the existing and at second floor, the development does not project any deeper than the eastern flank wall of No.5, ensuring that there is no overbearing impact. I am satisfied that this proposal has addressed previous concerns and will not harm the amenity of No.5 in such a way as to stop their enjoyment of their property.

Loss of privacy

- 8.23 The proposed development seeks to alter the fenestration of the property and to introduce a roof terrace to the first floor. At first floor it is proposed to incorporate French doors that will allow access to the roof terrace. However, in order to reduce the bulk and massing of the proposed development, the screening to east and west elevations has been removed. As such, to use this area as a roof terrace would have significant implications to both No.1 and No.5 in terms of overlooking of their properties. For this reason, an amendment has been sought to replace the French doors with a window and the outcome of this request shall be reported on the amendment sheet.
- 8.24 Given the presence of other properties who have second floor extensions and the very nature of this area, I do not consider that there is a significant loss of privacy from the introduction of a second floor extension to the property.

Other issues

- 8.25 In the representations, concerns about security and the construction process have been raised.
- 8.26 There are concerns that the introduction of roof terraces to the development will be a security risk to neighbours as it provides an easy means of jumping between properties. Policy 3/7 of the Cambridge Local Plan 2006 does require that new development is secure and does not pose a security risk. Although I have some sympathy with the neighbour, I do not consider that the reality of introducing roof terraces will significantly increase the risk of more burglaries as the rear gardens are well overlooked in this area.
- 8.27 The proposal does require significant engineering works in order to achieve the proposed design. The existing property is sandwiched between two properties, and to remove the existing building, create a basement level and then re-construct a two storey dwelling with loft extension will have a major impact upon neighbours. This is in terms of creating new foundations and piling procedures, the general noise of construction and the creation of dust for a period of at least 1 year, that are all going to impact upon the living conditions for the neighbours.

However, it is not the role of the local planning authority to prevent all forms of development that may result in some measure of pollution (vibration or noise), but rather to control the development in order to minimise this pollution. Conditions have been recommended for each of the above points, in order to mitigate against the potential harm to the amenity of neighbouring properties, arising from the pollution of development.

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

Amenity for future occupiers of the site

- 8.29 Given the location of the property on a busy road, which is located within an Air Quality Management Area (AQMA) a condition has been suggested by Environmental Health that a scheme is submitted which will protect future residents from exposure to high levels of air pollution and exhaust fumes. While I appreciate that all properties along Victoria Road are in the same circumstances, the opportunity provided by the redevelopment of this site, allows for improved ventilation in order to protect future occupants.
- 8.30 I consider that if the above condition is satisfied, that the proposal is acceptable as it has been designed so that the property can be easily adapted when the occupant requires a wheelchair. The proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.31 The application does not detail where the proposed bin storage will be facilitated. It is my understanding that the wheelie bins are presently located in the rear garden and are taken through the garage and along the vehicle access for collection on Croft Holme Lane. I consider that such an arrangement could still be retained as part of this proposal as none of the houses along this section of Victoria Road have access to the front of the

properties from the garden except through the house which would be unacceptable. I consider that as the site remains as one residential property with no intensification of use, it is unreasonable to apply a condition requiring details of the waste storage prior to occupation as the owners will continue to make arrangements for their waste collection in the manner that already exists.

- 8.32 In my opinion the proposal is compliant with East of England Plan 2008 policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.33 The proposed development does not endanger highway safety.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.35 The Car Parking Standards (2006) allow a maximum of 2 spaces per dwelling over 2 bedrooms. Off-street car parking for 1 car is provided by way of a garage at the southern end of the site, which is accessed from a vehicular access off of Croft Holme Lane. This arrangement will not alter as a consequence of the proposed development and as the property is located close to a local centre and public transport routes, I consider that the provision of only one space is acceptable.
- 8.36 The proposed development is required to provide cycle parking for at least 3 cycles in accordance with the cycle parking requirements set out in the Cambridge Local Plan 2006. No details have been provided detailing the proposed cycle parking, however, given the presence of a garage and rear garden, I consider that an appropriate location can be achieved. However, I consider that as the site remains as one residential property with no intensification of use, it is unreasonable to apply a condition requiring details of the cycle storage prior to occupation as the owners will continue to make arrangements for storage of the bicycles in the manner that already exists.

- 8.37 In my opinion the proposal is compliant with East of England Plan 2008 policies T9 and T14 and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.38 I consider that I have addressed the representations regarding noise and sociable construction hours above. The former part of the objection related to the fact that they considered that their property would be vulnerable in terms of security and structurally when the demolition and re-building process occurred. I have suggested that if the application were approved, conditions could be imposed which would mitigate against this vulnerability, but that ultimately such concerns are a civil matter and would be addressed under the Party Wall Act 2004. As a result this issue cannot be considered as part of the planning application as no material consideration can be given to it.

Planning Obligation Strategy

- 8.39 There is no requirement for a planning obligation strategy as the proposed dwelling is a replacement dwelling and contains the same number of bedrooms as the existing.

9.0 RECOMMENDATION: APPROVE subject to the following conditions:

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

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

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

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

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

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

4. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway);

- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street;

- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway);

- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan policy 8/2).

5. No part of the structure shall overhang or encroach under the public highway and no gate, door or ground floor window shall open outwards over the public highway.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

6. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

7. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/14 and 4/11)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

9. All new joinery [window frames and doorways] shall be recessed at least 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

10. Prior to the commencement of the development a scheme to protect future residents of this development from exposure to high levels of air pollution and exhaust odours associated with the Victoria Road façade, shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To safeguard amenity and health of future occupants of the residential unit (Cambridge Local Plan 2006 policies 3/12, 4/13 and 4/14)

11. a. Prior to the occupation of the development a noise report that considers the impact of noise on the Victoria Road façade upon the proposed development shall be submitted in writing for consideration by the local planning authority.

b. Following the submission of the noise report and prior to the occupation of development, a noise insulation scheme for protecting the affected residential units from noise as a result of the proximity of the bedrooms and living rooms to high ambient noise levels on the Victoria Road façade (dominated by traffic and vehicle noise), shall be submitted to and approved in writing by the local planning authority.

The scheme shall detail the acoustic noise insulation performance specification of the external building envelope of the affected residential units (having regard to the building fabric, glazing and ventilation) and achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To protect the amenity of future occupants of this property from the noise from the public highway (Cambridge Local Plan 2006 policy 4/13)

12. Before the development hereby permitted is occupied, a scheme for the insulation of the plant that is installed in order to ventilate the basement shall be submitted to and approved in writing by the local planning authority which specifies how the level of noise emanating from the said plant shall be minimised to ensure that neighbouring properties are not disturbed. The scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

13. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

14. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition/construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

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

Reason To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/12 and 4/11)

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

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

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

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

INFORMATIVE: The air quality condition above is likely to be achieved by mechanical ventilation, complying with the requirements of approved document F (Ventilation) for both background and purge ventilation / summer cooling, sourcing air from the rear of the development away from the road. Such ventilation may also be required to achieve the internal noise levels required by PPG 24.

INFORMATIVE: The applicant is advised that implementation of the application hereby approved will result in neither the existing residents of the site, nor future residents able to qualify for Residents' Parking Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

INFORMATIVE: To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the good internal noise levels of British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria.

INFORMATIVE: The level of noise insulation between the proposed new dwelling and those existing must comply with Building Regulations approved document E to provide resistance to the transmission of sound. This will be particularly important in respect of the proposed basement home cinema. It is assumed that Building Control will deal with this matter.

INFORMATIVE: The applicant is advised to contact housing standards at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS, in the event that the property is to be let in the future as a HMO.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008:
SS1,H1,T2,T9,T14,ENV6,ENV7,WM6

Cambridge Local Plan (2006):
3/1,3/4,3/7,3/12,4/10,4/11,4/13,4/14,5/1,8/2,8/6,8/10

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 details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

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 on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.

PLANNING COMMITTEE

Date: 1st October 2014

Application Number	14/1111/FUL	Agenda Item	
Date Received	8th July 2014	Officer	Ms Lorna Gilbert
Target Date	7th October 2014		
Ward	West Chesterton		
Site	Ashley Hotel 74 - 76 Chesterton Road Cambridge Cambridgeshire CB4 1ER		
Proposal	Demolition of existing garages, to be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space) an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.		
Applicant	Mr Robert Norfolk Arundel House Hotel Chesterton Road Cambridge CB4 3AN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Planning permission has been granted for the development and changes in the planning policy context do not justify rejection of the current application.</p> <p>The development will not have a harmful effect on residential amenity.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is the empty space to the rear of the Ashley Hotel, which is located on the south-eastern corner of Chesterton Road and Hamilton Road. The site is currently occupied by hardstanding that is used for guest parking, and some old garages, which have not been used for car parking for some twenty or more years. The site is bounded to the south

and west by Hamilton Road, which wraps around the south-west corner of the site and to the east by houses that proceed along Hamilton Road. The general site context has a residential character made up of a mix of medium to large terraced and semi-detached, family housing predominantly of two storeys.

- 1.2 The site has no specific allocation in terms of the Cambridge Local Plan (2006). The site is not located within a Conservation Area but lies adjacent to the De Freville Conservation Area. The boundary of the conservation area travels along the southern half of the west shared boundary of the application site with Ferry Path and then along the southern shared boundary with Hamilton Road. The building is not a listed building. There are a number of trees on the eastern and western boundaries, which are not subject to Tree Preservation Orders. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 Planning permission reference 08/0941/FUL was granted by Planning Committee Members at the meeting on 5 November 2008 and extant permission reference 11/0746/EXP was granted by Planning Committee Members at the meeting on 16 November 2011. Both proposals were identical for the demolition of the existing garages and replacement with a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.
- 2.2 The purpose of the current planning application is to replicate the above planning permission as the applicant intends to open the hotel extension in April 2018, but the current approval expires in March 2015.
- 2.3 The proposal is for the demolition of some existing garages at the rear, southern part of the site adjacent to the shared boundary with Hamilton Road and the erection of a two and a half storey annexe building to provide additional hotel accommodation comprising 19 bedrooms, incorporating underground car and cycle parking.
- 2.4 The building has an L-shaped plan which wraps around the corner of Hamilton Road and is two-storey in height but has four

of the nineteen bedrooms proposed contained within its roof space. The building has a glazed reception 'tower', containing the main entrance, which is in contrast to the brick-faced traditional treatment of the main building.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
80/0725	Change of use from residential to guesthouse	A/C
80/1073	Change of use from residential to guesthouse	REF
81/0264	Erection of front porch	A/C
81/0284	Change of use from residential to guesthouse	REF
90/1080	Change of use from residential to hotel	A/C
06/0456/FUL	Demolition of existing garages to be replaced by two-storey gatehouse style building to provide 9 additional bedrooms	W/D
07/0016/FUL	Demolition of existing garages to be replaced by three storey building to provide 14 additional bedrooms	W/D
07/0960/FUL	Demolition of existing garages to be replaced by three storey building to provide 14 additional bedrooms	REF
08/0941/FUL	Demolition of existing garages. To be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.	A/C
11/0746/EXP	Demolition of existing garages.	A/C

	To be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.	
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4.0 **PUBLICITY**

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 **POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2006		3/1 3/4 3/7 3/12
		4/4 4/11 4/13
		8/2 8/3 8/6 8/10 8/16
		10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012
	National Planning Policy Framework – Planning Practice Guidance March 2014

	Circular 11/95
Supplementary Planning Guidance	<p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
Material Considerations	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:</p> <p>De Freville Conservation Area Appraisal (2009)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal replicates previous permitted schemes; the only material change as far as the Highway Authority is concerned since the last permission has been the introduction of a Residents Parking Scheme on the surrounding streets.
- 6.2 This, if anything, would act to reduce the risk of overspill parking (although this may still occur if a specific function were held at the hotel outside the hours of operation of parking restriction).
- 6.3 Any and all requirements of Conditions and Planning agreements applying to the previous permitted schemes must be carried through onto any new permission that the Planning Authority is minded to grant in regard to this application.
- 6.4 The applicant would need to fund any necessary alterations to the Traffic Regulation Order governing the scheme, if there are any necessitated by provision of the access.
- 6.5 Requested the inclusion of Highways conditions and informatives to any permission that the Planning Authority is minded to issue in regard to this application.

Head of Refuse and Environment

- 6.6 No objection to this application in principle, subject to their comments and recommended conditions/informatives. They have requested conditions for construction hours, collection or deliveries during construction, construction/demolition noise, vibration and piling, dust, plant/building noise insulation.

Head of Streets and Open Spaces (Landscape Team)

- 6.7 The pollarded limes along Ferry Path provide a distinct green edge to the site and whilst potentially of low quality are remnants of a historic line of pollarded limes which carried through to the river edge. Consideration should be given to providing some green elements to the streetscape as part of the proposals. Some form of planting should be introduced within the railed curtilage outside the Ground Floor rooms, etc.

6.8 Landscaping conditions are recommended.

Urban Design and Conservation team

6.9 This application is supported with conditions.

6.10 The plans are the same as those submitted for the 2011 application. Therefore the Conservation comments on the previous application are generally replicated below.

6.11 The 2011 application was for an extension of time to the 08/0941/FUL planning approval. When this approval was given, the conservation area had not been designated therefore there were no previous conservation comments on these proposals. The comments relate to the 2014 application for the proposed new building on the boundary of the property only, which is a resubmission of 11/0746/EXP.

6.12 The existing garages and exterior space for the Ashley Hotel do not contribute positively to the character of the adjacent conservation area. A number of the outbuildings to the Chesterton Road properties have either been converted or demolished for residential or office use. This gives Hamilton Road an eclectic mix of properties of differing styles and proportions. The proposals for this site appear to have taken their references for the site from properties in the area and with the use of appropriate materials it should sit well within the area.

6.13 Issues relating to underground parking, detailed elevations, CCTV and landscaping of threshold space can be addressed by conditions.

Planning Policy (Senior Sustainability Officer)

6.14 The approach being taken by the applicant in relation to renewable energy and sustainable construction is supported. Further detail in relation to the sustainable drainage systems and renewable energy would be helpful, and it is considered that this could be dealt with by way of condition.

Cambridgeshire County Council (Archaeology)

- 6.15 We would recommend that the same archaeological standard condition is placed on the development as was given for prior application advice (08/0397/FUL, 08/0941/FUL & 11/0746/EXP) within the same bounds.

Cambridge City Council Access Officer

- 6.16 The reception needs a hearing loop and a vibrating fire alarm for deaf guests.
- 6.17 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- ☐ Labour County Councillor for West Chesterton
- ☐ 1, 3, 13, 17, 23 Kimberley Road
- ☐ 82, 193, 197 Chesterton Road
- ☐ 4, 5, 10, 22 Ferry Path
- ☐ 5 Trafalgar Road
- ☐ 2, 5, 6, 10, 13, 18, 20, 21, 22, 23, 41 Pretoria Road
- ☐ 18-20 Victoria Road
- ☐ 22 Aylestone Road
- ☐ 65 De Freville Avenue
- ☐ 2 George Street
- ☐ 9 Albert Street

- 7.2 The representations can be summarised as follows:

- ☐ Traffic, Parking and Safety. Concerned about increase in traffic levels. Lack of attention of the need for taxi ingress drop off and egress.
- ☐ Prospect of fewer parking places for hotel guests adds to residents' parking concerns where finding a parking space is difficult, narrow roads makes it difficult for emergency vehicles and rubbish collections. Health and safety considerations should not be exacerbated by more visitor parking on these small streets.

- Impact on nature of the area, particularly the De Freville Conservation Area.
- Places a large development in a residential area and runs counter to the present arrangement whereby the Hotel's main building faces Chesterton Road rather than encroaching into neighbouring residential streets where houses are smaller.
- Height of the proposed development is not consistent with the buildings on the opposite corner of Ferry Path and Chesterton Road, particularly the Old Spring Hotel, nor is consistent with houses on Ferry Path and Hamilton Road.
- Mitcham's Corner has been categorised as a priority area, with increased attention being paid to the importance of this as a village area and community, with a recognition of a need to develop the area as a cosmopolitan and local shopping and café quarter. Proposed development is out of keeping with this.
- Massive scale of the development and it will overshadow the existing buildings.
- Major disruption during construction stage. Excavating and pile driving will be a major noise nuisance.
- No drop off area for taxis and cars.
- Would oppose the provision of Resident Parking permits to the hotel for any overspill vehicles as residents have difficulty finding spaces.
- Safety of road users around the proposed entrance to the underground car park in Hamilton Road, Pretoria Road and on the sharp corner of Hamilton Road and Ferry Path.
- Volume of traffic continues to increase, regardless of the parking control scheme now in operation. Home deliveries, trade vehicles and taxis have increased.
- Height of proposed development will make visibility on the sharp corner a greater problem than it is already and the queue of cars likely to build up for accessing and exiting the underground car park will be a constant hazard.
- Hamilton Road and Ferry Path fall within the De Freville Conservation Area, designated in March 2009. The Conservation Area Appraisal specifies with regard to development that 'further infill should be discouraged; and identifies a weakness that 'narrowness of streets with access at either end together with on street parking can cause traffic problems'.
- Traffic congestion would cause increased noise, fumes and disturbance to the conservation area.

- Over dominant in the area, impacting on the light of all surrounding buildings and dwarfing the houses on Ferry Path and the pub.
- Consultation took place in August and short time available for comment meant many people do not get an opportunity to express their views.
- Proposal's too big and will dwarf the Old Spring and houses adjacent to it. Permission granted pre conservation status should be withdrawn and this should be treated as a new application and not an extension.
- Properties at the north end of Ferry Path and the Spring PH will have an awful view of a two-storey building.
- Underground car park is out of keeping with the "out of city centre" leafy suburb character of the area.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Public Art
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy

Principle of Development

8.2 An adequate supply and range of accommodation is required throughout the city to encourage and cater for visitors and tourists who are visiting the City on a short stay basis. Policy 6/3 of the Cambridge Local Plan 2006 supports development, which maintains, strengthens and diversifies the range of short

stay accommodation in Cambridge. The proposed development would create an additional 14 units of accommodation and therefore in my opinion, the principle of the development is acceptable and in accordance with policy 6/3 of the Cambridge Local Plan 2006.

- 8.3 The proposed development is identical to the previous planning permission reference 08/0941/FUL and extension of time permission reference 11/0746/EXP and therefore the assessment of the application turns on whether there have been any changes in planning policy or guidance and whether the site context has changed.

Changes to Planning Policy and Guidance

- 8.4 The following key changes have been made to Planning Policy and Guidance since the determination of the previous application:
- ☐ National Planning Policy Framework March 2012
 - ☐ National Planning Policy Framework – Planning Practice Guidance March 2014
- 8.5 The National Planning Policy Framework (2012) states that *‘local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century’*.
- 8.6 I have reviewed all of these documents and reached the view that none of them lead me to conclude that the application should be refused. In general the changes that have been made do not alter the policy background against which the proposal needs to be assessed.
- 8.7 The De Freville Conservation Area was designated in 2009 and the site lies next to the conservation area boundary. The previous extension of time application (reference 11/0746/EXP) assessed the impact of the conservation area on the previous identical scheme.

Context of site, design and external spaces

- 8.8 The approved building has an L-shaped plan-form, which wraps around the Hamilton Road/Ferry Path frontages. The building is

two-storey in height with additional accommodation contained within the roof space, and in terms of its design has two distinct elements. For the greatest part, the proposed building is designed to echo the C19 architecture of the existing hotel building through its formal fenestration arrangements and traditional proportions, features and detailing. The scale that is expressed by the two-storey height of the building, responds to the domestic scale of the buildings that are found on Ferry Path and Hamilton Road and the streets that run off it to the south.

- 8.9 In contrast, a glazed entrance bay containing the reception area with stair tower feature abuts the main part of the building at its northern end. The ridge steps down at this point to signify a separation and to allow the two distinct elements to be read as such. The tower, as well as providing the lift over-run also forms a feature of visual interest that marks the entrance and echoes the round feature tower that is on the south-west corner. The two styles, although both very different to each other, work successfully together – the glazed element providing a light and welcoming entrance to the hotel and views through to the courtyard garden and human activity, and the more solid form of the main accommodation quarters to provide security and privacy for the hotel guests.

Impact on the adjacent De Freville Conservation Area

- 8.10 The extension of time permission (11/0746/EXP) assessed the scheme in terms of its impact on the nearby De Freville Conservation Area. The site is not within a conservation area but lies immediately adjacent to it. Third party comments have been received which are concerned with the impact of the proposal on the nearby conservation area.
- 8.11 The UDC team supports the current application with conditions. I agree with their comments in that the existing garages and exterior space does not contribute positively to the character of the adjacent conservation area. There is an eclectic mix of properties of differing styles and proportions nearby. In my opinion the proposed accommodation will improve the appearance of the site and preserve the character and appearance of the conservation area.
- 8.12 The application form includes details of the materials proposed. This includes buff coloured bricks with glass around the atrium,

clay tiles with zinc on part of the rear elevation, painted wood glass doors at main entrance and white painted wooden sash windows. The boundary treatment would be brick walls with cast iron railings. In my opinion the choice of materials would either match or complement the existing materials used on the hotel. I consider conditions in relation to material samples and joinery details are justifiable for the size of the development and its proximity to a conservation area.

- 8.13 The inclusion of an underground car park has been queried by third parties. In terms of its appearance, I consider details should be provided for the car park door equipment as suggested by the UDC team.
- 8.14 In my opinion the proposal remains compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

Public Art

- 8.15 The planning application is classed as a Major application. The Public Art SPD (2010) refers to how all major development will dedicate 1% of the construction cost of capital projects to public art. This can be secured through a Section 106 agreement as was previously sought for the extant permission.
- 8.16 The Design and Access Statement refers to Public Art. It proposes a glass entrance atrium will have a large display wall as guests enter the building and art and sculptures within the building. Comments have not been received from the Public Art Officer.
- 8.17 In my opinion, a Section 106 agreement would ensure the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Renewable energy and sustainability

- 8.18 Policy 3/1 of the Local Plan (2006) requires major development to include a Sustainability Statement and the Councils Sustainability Checklist as part of the application. This information is incorporated into the Design and Access Statement. The measures include low energy lighting and energy efficient heating systems and a very high level of insulation for instance.

- 8.19 The Council's Senior Sustainability Officer supports the measures put forward. A condition has been recommended relating to further technical details of the rainwater harvester.
- 8.20 Policy 8/16 of the Local Plan (2006) specifies that major proposals meet at least 10% of their proposed energy requirements through on-site renewable energy provision. Information has been provided within the Design and Access Statement. The Council's Sustainability Officer supports the approach that predicts a 10.3% reduction in carbon emissions. Renewable energy provision has been integral to the design of the scheme and includes a ground source heat pump.
- 8.21 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

Disabled access

- 8.22 The Design and Access Statement includes a Disability Access Statement. The existing hotel is unable to accommodate a lift. Within the proposed extension a ground floor bedroom has been specifically designed to meet disabled access requirements. It also includes a wet room area for showering. It is located adjacent to the reception area and is accessible to the courtyard garden. The new hotel lobby entrance doors are level with the pavement and would include a disability access push panel to open the doors automatically. A lift would also provide access to all floors. A disabled toilet would also be located in the basement bar lounge/breakfast area. A disabled accessible car parking space is provided and the lift serves the car parking area.
- 8.23 The Access Officer is happy with the proposal. He suggests the reception has a hearing loop and there be a vibrating fire alarm for deaf guests. I recommend an informative is included to recommend this be provided.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.25 Third parties have objected to the proposal on residential amenity grounds. The case officer's report to Planning Committee in conjunction with 08/0941/FUL acknowledged that the residential property that is most likely to be affected by the proposed development is the property adjacent to the existing hotel and fronting Chesterton Road (no.78). However, this relationship was agreed as acceptable because the approved building will be sited at least 13 metres from the shared boundary with 78 Chesterton Road and the part of the approved building that is closest to the boundary, is sited a distance of at least 22 metres from the rear of 78 Chesterton Road. The Planning Committee agreed that this was sufficient distance to ensure that no overlooking or loss of privacy will result from this development. This distance will also ensure that occupants of this property will not experience any sense of enclosure, loss of light or significant overshadowing.
- 8.26 It is recommended that all conditions which were imposed on the previous permission should be attached to this latest permission. These include conditions to control the hours of demolition and construction, vibrations from construction, piling and mitigation measures, contractors arrangements on site, collections and deliveries to and from the site during the demolition and construction phases, dust suppression, wheel washing, and noise insulation of the building and plant. The imposition of these conditions will satisfactorily safeguard the residential amenity of nearby occupiers. Subject to these conditions the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Highway Safety

- 8.27 A number of objectors have highlighted concerns over highway safety including the safety of pedestrians, cyclists and road users. Since permission was granted for the previous application for the site there has been the introduction of a Residents Parking Scheme on surrounding streets. Highways considers this if anything, would act to reduce the risk of

overspill parking, although it may occur if functions are held at the hotel outside the hours of the operation of parking restrictions.

- 8.28 As stated in the previous permission (11/0746/EXP) there has been no material change to the junction or highway layout or legislation. The Highways Authority has no adverse comments to make regarding this application. In my opinion the proposal is compliant with Local Plan (2006) policy 8/2

Car and Cycle Parking

- 8.29 The proposed scheme provides 16 car parking spaces and 12 secure and covered cycle parking spaces in the basement parking area. This provision accords with the City Council's Car and Cycle Parking standards as set out in Appendix C and D of the Cambridge Local Plan (2006). The applicant states that the current provision of 12 car spaces for 16 rooms is more space than it typically required. When planning application (08/0941/FUL) was being considered CCTV footage from between April 2004 and February 2008 was used to demonstrate this. This evidenced that the average number of cars parked per night over this period was 4.08.
- 8.30 Residents Parking Scheme that was introduced on nearby roads should help to reduce the pressure of hotel guests parking along these streets when it is in operation.
- 8.31 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Refuse Arrangements

- 8.32 A new waste and recycling area is proposed in common with the earlier scheme. The Environmental Health officer has no objections
- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Third Party Representations

- 8.34 In general the issues raised by objectors have reflected concerns raised in the context of the previous applications and I have addressed them in my Assessment.

Planning Obligation Strategy

Planning Obligations

- 8.35 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 8.36 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Transport

- 8.37 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. The site lies

within the North Corridor Area Transport Plan where the contribution sought per trip is £229.

- 8.38 The applicant submitted a transport assessment with the original extant permission from which the assessment of additional trips and contributions was based. Using the County Council standard figures for the number of trips likely to generated by residential units, contributions have been calculated as follows:

Eastern Corridor Area Transport Plan

19 (rooms) x 7.5 trips x £229 = £32,632.50

- 8.39 The County Council Highway Engineer has also requested that the applicant funds any necessary variation of the Traffic Regulation Order to provide the access. This also needs to be secured via the s106 Agreement.
- 8.40 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

Public Art

- 8.41 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.15 to 8.17 above that in this case provision for public art should be made on site. This needs to be secured by the S106 planning obligation.
- 8.42 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Monitoring

- 8.43 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and

non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

- 8.44 For this application a monitoring fee is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

Planning Obligations Conclusion

- 8.45 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The application seeks a planning permission for an identical development to that which has been granted planning permission on two previous occasions. Neither the site context nor the planning policy position has changed significantly and approval is therefore recommended.

10.0 RECOMMENDATION

1. APPROVE subject to completion of the s106 Agreement by 31 December 2014 and 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

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

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

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

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

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

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

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

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

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

Reason: To safeguard the amenity and health of future occupants of these residential units (Cambridge Local Plan 2006 policy 4/13).

5. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228 - Noise and Vibration Control On Construction and Open Sites, especially Part 1: 1997 Code Of Practice (COP) for basic information and procedures for noise and vibration control, Part 2: Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance and Part 4: COP for noise and vibration control applicable to piling operations, (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

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

6. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 - Part 4: 'OP for noise and vibration control applicable to piling operations', development shall be carried out in accordance with the approved details.

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

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

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

ii) contractors site storage area/compound,

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

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

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

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

8. 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: To protect the residential amenity of nearby residents (Cambridge Local Plan 2006 policy 3/4)

9. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

10. Before the development hereby permitted is commenced, including any works of demolition, details of proposed wheel washing and other mitigation measures in relation to dust suppression shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.

Reason: In the interest of residential amenity (Cambridge Local Plan 2006 policy 4/13).

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

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

12. No work shall commence (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until such time as:
 - a) A Tree Protection Plan, as defined in BS 5837:2005 'Trees in Relation to Construction - Recommendations', containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:

- Arboricultural method statements for the precise location and erection of tree protection barriers and ground protection for all trees retained adjacent to the site, in order to establish Root Protection Areas and construction exclusion zones;
- Arboricultural method statements for any special engineering operations within Root Protection Areas;
- Arboricultural method statement for any development facilitation pruning.

and,

b) that there has been:

- A pre-construction site meeting between the site agent, the developers chosen arboriculturalist, and the Council's delegated Arboricultural Officer.
- All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.
- All tree protection barriers and ground protection measures have been installed to the satisfaction of the Council's delegated Arboricultural Officer.

All tree protection barriers and ground protection must be in accord with BS 5837:2005 clause 9 - "The construction exclusion zone: barriers and ground protection"

Reason: To ensure that the existing trees are adequately protected during construction (Cambridge Local Plan 2006 policy 4/4)

13. Full details of all powered car park door equipment, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

14. No external materials shall be implemented until such time as full details of all external joinery, including finishes and colours, have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

15. No brickwork shall be erected until the choice of brick, bond, mortar mix design and pointing technique has been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site. The approved panels shall be retained on site for the duration of the works for comparative purposes. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

16. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

17. No CCTV cameras shall be installed until such time as their type, size and location have been agreed, in writing, with the local planning authority.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

18. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

INFORMATIVE: It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial areas' or similar. Noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L90) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

INFORMATIVE: The applicant is advised, when submitting details for the discharge of condition 4 with regard to possible land contamination the following documents should be referred to:

- Planning Policy Guidance Statement 23: Planning and Pollution Control: Office of the Deputy Prime Minister (ODPM) 2004.
- Cambridge City Council's planning guidance document Contaminated Land In Cambridge: A Developers Guide.
- The various Contaminated Land Research (CLR) reports 1 to 11 published by the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency.

- The Interdepartmental Committee Report on Contaminated Land (ICRCL) guidelines were replaced in December 2002 with the Contaminated Land Exposure Assessment (CLEA) guidelines. Only reports considering CLEA will be accepted as valid. Where pollutants are found that are not covered by CLEA guidelines then a qualitative risk assessment must be undertaken.

If any intrusive investigation is required, particular reference should be made to:

- CLR10 (2002): Contaminated Land Exposure Assessment Model (CLEA): Technical Basis and Algorithms, which describes the conceptual exposure models for each standard land use for which Soil Guideline Values are derived.

- CLR 11 (2004): Model procedures for the management of land contamination

By deriving site-specific Contaminated Land Exposure Assessment (CLEA) guideline values, it is possible to establish whether a site poses actual or potential risks to human health, in the context of the existing or intended usage of the site. Where contaminants exist that are not covered by CLEA guidelines the current policy is that the applicant/agent/developer has to submit a site-specific human risk assessment, and for the site investigator to justify that approach and methodology.

- British Standards Institute (2001) BS10175 Code of Practice for Investigation of Potentially Contaminated Sites BSI, London 1999

- British Standards Institute BS 5930:1999, Code of practice for site investigation.

INFORMATIVE: The applicant is advised to contact the following with regard to Occupational/Operational Issues:

i. Building Control at Cambridge City Council, Tel No: 01223 457114 for advice regarding building control requirements. Sanitary provision will need to be sufficient. All the w.c. closets / bathrooms will require natural or mechanical ventilation. Adequate noise insulation will be required between different room floor uses and will need to be in accordance with building regulation Approved Document E: Resistance To The Passage of Sound. Fire precautions and means of escape will need to be complied with.

ii. The Food and Occupational Safety Section, Environmental Services, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge for advice concerning the proposed premises design/layout, Food and Occupational Safety/Welfare, Regulations/requirements and Food Premises Registration, Tel No: 01223 457900.

iii. The Head of Waste and Fleet, City Services, Cambridge City Council on 01223 458281 for further advice/information regarding general refuse collection provision.

iv. The Fire Officer, Cambridgeshire Fire and Rescue Service, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF, Tel No: 01223 376224 for advice / clarification regarding fire certification requirements associated with hotel alterations.

v. The Principal Scientific Officer, Environmental Health & Waste Strategy, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge, Tel No: 01223 457926 for advice regarding contaminated land.

INFORMATIVE: The applicant is advised when submitted details for the discharge of condition 11 that they contact the organisations listed below and are also aware of the guidance listed.

i. The Health & Safety Executive, 14 Cardiff Road, Luton, LU1 1PP: -Tel No: 01582 444200 concerning health and safety regulation requirements associated with the construction and operational phases. Considering the age of these buildings asbestos may be present and will need to be removed in accordance with appropriate regulations.

ii. The Environment Agency, Brampton Environment District, Bromholme Lane, Brampton, Huntingdon, Cambs, PE28 4NE, Tel no: 01480414581 for advice regarding, the removal and disposal of waste and adherence with Agency pollution prevention guidelines. The waste produced on the site during demolition / construction will be subject to the general Duty Of Care under the Environmental Protection Act 1990 and is likely to be subject to control under the Waste Management Licensing Regulations 1994 and the Special Waste Regulations 1996 (hazardous waste). With regard to construction noise / vibration the following documents should be referred to:

iii. BS 5228: Parts 1, 2, 3 and 5: 1997; BS 5228-4: 1992: `Noise and vibration control on construction and open sites`. Provides a method for predicting construction site noise and several parts are Codes of Practice under the Control of Pollution Act, 1974.

iv. BS 7385-1:1990: Evaluation and measurement for vibration in buildings. Guide for measurement of vibrations and evaluation of their effects on buildings

v. BS 7385-2:1993: Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration

vi. Department of the Environment (DoE) Advisory Leaflet (AL) 72: Control of noise on building sites, Advisory Leaflet 72 (1976) Noise control on building sites, DoE.

vii. BRE document `Control of Dust from Construction and Demolition Activities` February 2003, ISBN 1 86081 6126.

viii. London Best Practice Guidance: The control of dust and emissions from construction and demolition (November 2006)

http://www.london.gov.uk/mayor/environment/air_quality/docs/construction-dust-bpg.pdf

ix. To satisfy the recommended condition requiring the submission of a demolition / construction noise and vibration impact reports, the following should be included in any report: details regarding the phasing of the demolition, the demolition activities of each phase, the timetable for that phasing, associated predicted noise and vibration levels at the nearest noise sensitive locations, details of any noise/vibration mitigation measures and noise/vibration monitoring. The report should also detail liaison, consultation and public relation arrangements. This report could detail phase schemes as they progress. In relation to environmental construction noise impact we recommend the developer uses the standard the City Council requires in relation to noise levels when letting contracts, known as clause 109 Noise Control and Department of the Environment (DoE): Control of noise on building sites Advisory Leaflet 72 (1976).

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

INFORMATIVE: For the avoidance of doubt, when submitting details for the discharge of condition 14, Joinery is taken to mean all windows, doors, etc. whether made of timber or not.

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). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with 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 31 December 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

The proposed development does not make appropriate provision for transport mitigation measures, public art and monitoring (ADD/DELETE AS APPROPRIATE) in accordance with Cambridge Local Plan 2006 policies 3/7, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010 and the Northern Corridor Area Transport Plan 2003

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee

WARD: West Chesterton Ward

**DEMOLITION OF EXISTING GARAGES, TO BE REPLACED BY A TWO
STOREY BUILDING TO PROVIDE 19 ADDITIONAL HOTEL
BEDROOMS (4 WITHIN ROOF SPACE) AN UNDERGROUND CAR
PARK FOR 16 CARS AND 12 BICYCLES AND AN EXTENSION TO THE
EXISTING SEMI-BASEMENT HOTEL FACILITIES
ASHLEY HOTEL, 74-76 CHESTERTON ROAD (REF. 14/1111/FUL)**

SECTION 106 UPDATE

1. INTRODUCTION

- 1.1 This application was approved by Planning Committee on 1 October 2014 subject to the completion of the s106 Agreement to secure amongst other things funding of a Traffic Regulation Order (TRO) to facilitate access to the development. This report requests that this requirement be removed from the s106 planning obligations.

2.0 RECOMMENDATION

- 2.1 That planning permission be granted subject to planning conditions as set out in the report to Planning Committee on 1 October 2014 (copy attached) and completion of a s106 Agreement to secure Eastern Corridor Area Transport Plan contributions, the provision of public art and monitoring (i.e. excluding a requirement to fund a TRO)

3.0 BACKGROUND

- 3.1 The County Council Highways Engineer originally requested that the s106 should require the developer to fund any necessary alterations to the Traffic Regulation Order governing the scheme, if there are any necessitated by provision of the access. The Committee report made reference to the requirement for this funding. However, the Highways Engineer has confirmed that as a result of the

implementation of the recent Residents Parking Scheme in the area the TRO is no longer required to provide for the access.

- 3.2 The Chair, Vice Chair and Spokesperson have already agreed an extension of time for determining the planning application until 28th February 2015.

4.0 CONCLUSIONS

- 4.1 Committee are asked to approve the application subject to the conditions previously recommended.

The author and contact officer for queries on the report is Sarah Dyer x 7153.

Report file:

Date originated: 22 December 2014
Date of last revision: 22 December 2014

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee

07/01/2015

WARDS: All

REVIEW OF COMMITTEE RESOLUTIONS TO GRANT PLANNING PERMISSION IN THE LIGHT OF THE MINISTERIAL STATEMENT ON 1 DECEMBER 2014

1 INTRODUCTION

- 1.1 The purpose of this report is to review Planning Committee resolutions to grant planning permission in relation to the five applications below in the light of the Ministerial Statement on 1 December 2014 by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government).

2. RECOMMENDATIONS

- 2.1 That the following planning applications be confirmed as approved without the requirement for a planning obligation to secure compliance with the Council's Planning Obligations Strategy SPD 2010:

- | | |
|----------------------------|--|
| a) Application reference | 14/1248/FUL |
| Site Address | 19 New Square |
| Description of development | Erection of 1No. 3 bedroom dwelling with associated landscaping and access, following part demolition of rear boundary wall fronting Elm Street and part demolition of side boundary wall fronting Jesus Terrace (forming the rear garden of No.20 New Square). To include a new pedestrian access via Jesus Terrace |
| b) Application reference | 14/0607/FUL |
| Site Address | 1 Great Eastern Street |
| Description of development | Conversion and extension of existing frontage building from office to 1no. flat and 1 studio flat; and erection of 4 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure |

- c) Application reference 14/0978/FUL
 Site Address Former Auckland Road Mental Health Centre
 Description of development Erection of 4 semi-detached dwellings and 1 detached dwelling (following demolition of existing buildings), together with associated infrastructure.
- d) Application reference 14/1123/FUL
 Site Address 21-25 Fitzwilliam Road
 Description of development Fourth floor extension to the existing building and a four storey rear extension to create one three bedroom flat and four one bedroom flats
- e) Application reference 11/0776/FUL
 Site Address R/o 43-59 Elizabeth Way
 Description of development Construction of five new family homes on land to the rear of 43-59 Elizabeth Way following the demolition of number 57 Elizabeth Way and existing outbuilding

3. BACKGROUND

- 3.1 On 1 December 2014 the Minister of State for Housing and Planning, Brandon Lewis, published a Ministerial Statement which included the following instruction to Local Planning Authorities:

‘Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.’

- 3.2 The Ministerial Statement has immediate effect and is a ‘material consideration’. It is therefore important for the Council to apply this consideration to all planning applications where a s106 Agreement has not been completed and a Decision Notice has not been issued. These include five applications which have already been reported to Planning or Area Committee but which have not yet been determined i.e. a Decision Notice has not yet been issued. In each case the Committee resolved to grant planning permission subject to the completion of a section 106 Agreement. The relevant applications are set out in the following table:

Reference	Site Address	Committee resolution
14/1248/FUL	19 New Square	Planning Committee November 2014
14/0607/FUL	1 Great Eastern Street	East Area Committee September 2014
14/0978/FUL	Former Auckland	West Central Area Committee

	Road Mental Health Centre	September 2014
14/1123/FUL	21-25 Fitzwilliam Road	Planning Committee November 2014
11/0776/FUL	R/o 43-59 Elizabeth Way	North Area Committee September 2011

- 3.3 A copy of the Committee Report relating to each of the above applications is attached to this report. In each case the report recommends that contributions are sought towards open space, community development, waste and recycling containers and monitoring under the terms of the Planning Obligations Strategy. In relation to the schemes at Great Eastern Street, Auckland Road and Fitzwilliam Road contributions were also sought in relation to Household Recycling Centres and education and at Elizabeth Way education contributions were also sought. These constitute 'tariff style contributions' under the terms of the Ministerial Statement.
- 3.4 The Ministerial Statement applies only to sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres. Contributions will continue to be sought in relation to developments of eleven units or more and those which propose less than this number but with more than 1000 square metres of floorspace. In each of the cases set out above the floorspace has been confirmed at less than 1000 square metres.
- 3.5 It is the view of officers that in the light of the Ministerial Statement it is no longer appropriate to seek contributions in relation to the applications set out above.
- 3.6 Committee will be aware that a new draft of the Planning Obligations Strategy has been produced as part of the preparation of the new Local Plan. This document has little weight in terms of decisions on planning applications. Also the Government has recently commenced a consultation on proposals for discounts for first time buyers which will have further implications for s106 contributions.

4 CONSULTATIONS

- 4.1 None.

5 OPTIONS

- 5.1 Option 1 To confirm the approval of the applications listed in paragraph 2.1 without the requirement for a planning obligation. This option is recommended.

Option 2 To refuse the applications listed in paragraph 2.1 on the basis that the development does not comply with the requirements of the Planning Obligations Strategy 2010. This option is not recommended because it would expose the Council to the risk of costs at a subsequent planning appeal on the basis that it had failed to give proper weight to the Ministerial Statement.

6 CONCLUSIONS

- 6.1 Given the change in Central Government advice is it appropriate to reconsider the Council's approach on all applications that have yet to be formally determined.

IMPLICATIONS

- (a) **Financial Implications – Reduced level of commuted payments towards community infrastructure such as open space and community facilities.**

The table below sets out the previously required contributions in relation to each application:

Contribution type	19 New Square	1 Great Eastern Street	Former Auckland Road Mental Health Centre	21-25 Fitzwilliam Road	R/o 43-59 Elizabeth Way	TOTAL
Outdoor Sports	£714	£1547	£4046	£2142	£3808	£12257
Indoor Sports	£807	£2151.50	£4573	£2421	£4304	£14256.50
Informal Open Space	£726	£1573	£4114	£2178	£3872	£12463
Children/ Teenagers	£948	n/a	£5372	£948	£5056	£12324
Community Facilities	£1882	£7536	£8784	£6906	£7528	£32636
Waste/ Recycling	£75	£900	£375	£750	£300	£2400
Household Waste Recycling	n/a	£1140	£950	£950	n/a	£3040
Pre-school Education	n/a	n/a	£4050	£810	n/a	£4860
Primary Education	n/a	n/a	£6750	£1350	£5400	£13500
Secondary Education	n/a	n/a	£7600	£1520	n/a	£9120
Life Long Learning	n/a	£960	£800	£800	£640	£3200
Monitoring	£257.60	£685.38	£2370.70	£1039	£0	£4352.68
TOTAL (excludes monitoring)	£5152	£15807.5	£47414	£20775	£30908	£120,056.5

- (b) **Staffing Implications - None**
- (c) **Equalities and Poverty Implications - None**
- (d) **Environmental Implications – None**
- (e) **Community Safety - None**

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Ministerial Statement on 1 December 2014 by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)

To inspect these documents contact Sarah Dyer on extension 7153

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file:

Date originated:	22 December 2014
Date of last revision:	22 December 2014

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Application Number	14/1248/FUL	Agenda Item	
Date Received	1st August 2014	Officer	Mrs Angela Briggs
Target Date	26th September 2014		
Ward	Market		
Site	19 New Square Cambridge CB1 1EY		
Proposal	Erection of 1No. 3 bedroom dwelling with associated landscaping and access, following part demolition of rear boundary wall fronting Elm Street and part demolition of side boundary wall fronting Jesus Terrace (forming the rear garden of No.20 New Square). To include a new pedestrian access via Jesus Terrace		
Applicant	Mr Simon Hawkey C/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed development is acceptable in principle; <input type="checkbox"/> The proposed dwelling would enhance the character and appearance of the Conservation Area; <input type="checkbox"/> The proposed dwelling would not have an adverse impact on neighbour amenity or harm the historic fabric of the adjacent Listed Building, 10 Jesus Terrace.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site, situated between nos. 9 Elm Street and 10 Jesus Terrace, forms the bottom of the rear garden currently serving no.19 New Square. The site is garden land. There is a short length brick wall between the rear garden of no.19 and the front of 9 Elm Street. There is a single pear tree situated in the middle of the site which can be seen from Elm Street and the

neighbouring properties. To the rear, the site is closed off by a set of black stained timber gates which allow vehicular access to the rear garden area and a small 'hardstanding' area. The brick wall of no.20 New Square, which runs along the pavement edge to Jesus Terrace has been re-built in the recent past. The outbuilding to no.20 New Square has also been rebuilt and is a curtilage listed structure.

- 1.2 The site falls within the Conservation Area and therefore the Kite Conservation Area Appraisal is relevant. No.19 New Square is a Grade II Listed Building. No. 10 Jesus Terrace is also a Grade II Listed Building. The site is close to the City Centre, The Grafton Centre, and to Christ's Piece. The area is predominantly residential in character.

2.0 THE PROPOSAL

- 2.1 The full application proposes to erect a new 3-bedroom dwelling to the rear of no.19 New Square, and between nos. 9 Elm Street and 10 Jesus Terrace. The proposed dwelling would front onto, and be mainly accessed from, Elm Street. A new opening/gate would also be created along the existing wall on Jesus Terrace which would allow side access to the site, and to the rear of nos.19 and 20 New Square. This would be mainly for bins and cycle access.
- 2.2 The application has been amended to address concerns raised by Officers relating to the accuracy of the plans and impact on the adjacent Listed Building (10 Jesus Terrace). I have also requested a shadow diagram (received 10th September 2014), showing the impact on the neighbouring properties during the March/September equinoxes, and the June and December equinoxes at 9am, 12pm, 1pm, 2pm, 3pm, 4pm (Until December only), 5pm, and 6pm (for March, June and September). I attach this shadow study as Appendix 2.

3.0 SITE HISTORY

Reference	Description	Outcome
11/1297/LBC	Phased installation of secondary glazing to existing sash and casement windows of properties 1-48 New Square (excluding properties 26, 35, 43 and 44).	Approved.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12
		4/10 4/11 4/13
		5/1 5/14
		8/2 8/6
		10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning

	Document (February 2012)
	Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u>
	Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>
	Kite Area Conservation Area Appraisal (1996)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection. The application removes an existing off-street parking space, whilst the existing dwelling will retain full rights to Residents Permits. The proposal may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is

potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application. Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

If the Planning Authority is minded to issue a permission, conditions concerning the vehicular cross-over and a construction management plan are recommended.

Urban Design and Conservation Team

6.2 Original Comments

The principle of a new dwelling and its proposed material are supported as it will leave a suitable garden which will not compromise the setting of no. 19 New Square which is a listed building. However some of the detailing on the submitted plans is unclear.

Clarity is required as to the position of the new building. The new dwelling should not butt up to this listed building: the slate of the roof overhangs the side wall and may be compromised by the new building if it is too close. In addition the garden wall to no. 10 Jesus Terrace is buttressed along its length on the site of the new dwelling and therefore the new building should stand clear of this wall. Some of the submitted plans do show that there will be a gap between the existing listed building and the new property, others are not clear.

Should the application be approved, a condition should be imposed to ensure that the stability of the listed building (no. 10 Jesus Terrace) is monitored.

The proposal to access the rear of the property through a new gate in the boundary wall to no. 20 New Square is acceptable. The gate should be vertical timber.

There is some concern over the division of the garden between the existing outbuildings and no. 20 New Square. There was an approved consent in 2008 (08/1558/LBC) to rebuild this structure which had fallen into disrepair. The building is curtilage listed to no. 20 and therefore the introduction of a wall to form a division between the existing garden and the outbuilding to allow for a pathway to access the rear of no. 19 New Square and the new dwelling is not acceptable as it would lose its connection to the listed building. A demarcation in the ground or the introduction of a new path is all that could be supported.

The plans show the division of the outbuilding into two areas for bin and cycle storage for nos. 19 and 20 New Square. This may not be possible. Any proposed works to this outbuilding will require Listed Building Consent which may not be supported by the Conservation Team if it would alter its character.

Some clarification is required regarding the position of the new dwelling and the bin and cycle storage as proposed. Until these issues are appropriately dealt with, the application cannot be supported as it cannot be properly assessed how the application will impact on the adjacent listed building (no. 10 Jesus Terrace) and the curtilage listed out building to no. 20 New Square.

Comments on the amended plans:

The new plan (061 PL (21)02 B) shows that the proposed building will butt up against the existing buildings on either side of the plot. In addition a photograph has also been submitted as an example of how the roofing detail will work so that there is no potential for water or any other materials to get between the two buildings. The single storey element of the proposed building will have a new wall which will butt up to the garden wall of no. 10. This will remove the need for the buttresses which are currently supporting the wall on the side of the garden to no. 19 New Square. Provided that the roofing detail can be implemented successfully, the new building will not compromise the character or special interest of the listed building.

The area to the front garden of the proposed building will be required to show that there will be no additional non-porous

surfaces against the wall of no. 10 Jesus Terrace as this may be detrimental to the fabric of the listed building.

The removal of the proposals for the existing curtilage listed outbuilding is welcomed. However there is still no detail regarding the boundary treatment for no. 20 New Square. This should be submitted for written approval prior to the commencement of these works.

The application can now be supported. Provided the suggested conditions can be appropriately discharged, the proposal will not have a detrimental impact on the character or special interest of the listed buildings, nor the appearance of the conservation area. It therefore complies with policies 4/10 and 4/11 of the Cambridge Local Plan 2006.

Environmental Health Officer

- 6.3 No objection subject to the following conditions: contaminated land, dust, piling, waste.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- ☐ 10 Jesus Terrace
- ☐ 9 Elm Street
- ☐ 12, 13 Orchard Street
- ☐ 1 Pearson Court (on behalf of the Cambridge Cycling Campaign)

- 7.2 The representations can be summarised as follows:

- ☐ Impact on over-looking into Orchard Street and immediate neighbouring properties;
- ☐ Impact on the character of the Conservation Area. Infilling this gap could ruin the character and integrity of the area and the surrounding listed buildings. The double height window

on the side elevation is not at a scale in keeping with those in the surroundings;

- ☐ Concern about the construction process and impact on cyclists (including children) which use Elm Street regularly to get to school and work;
- ☐ Object to the side window over-looking 9 Elm Street;
- ☐ Concern about impact on structural stability during construction on 9 Elm Street;
- ☐ The development would lead to an unacceptable level of over-shadowing on 10 Jesus Terrace;
- ☐ New dwelling is crammed in and does not respect the setting of the Listed Building 10 Jesus Terrace;
- ☐ Concern about structural damage to 10 Jesus Terrace;
- ☐ No car parking provision;
- ☐ Concern about the new side access onto a very narrow footpath. If bins are placed here, there would be no room for pedestrians and mobility scooters/wheelchairs to pass.
- ☐ The proposal would add significantly to the existing problems of parking, noise and general disturbance;
- ☐ Concern about the 'bare brick' feature that would be against 10 Jesus Terrace. Concern about resultant noise and disturbance emanating through the 9" bricks between us;
- ☐ Concern about the single storey element of the proposal and impact on 10 Jesus Terrace.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Impact on the Conservation Area and Listed Building
4. Residential amenity
5. Refuse arrangements
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) is relevant; *“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”*. The site is considered to be a windfall site and situated within a residential area. The proposed dwelling would have a street frontage and its own separate curtilage. I therefore consider that the principle of development for a residential dwelling on this site, is acceptable.

8.3 Policy 3/10 of the Local Plan is also relevant. This policy seeks to ensure that proposed development to sub-divide existing residential plots meet the following criteria:

Residential development within the garden area or curtilage of existing properties will not be permitted if it will:

a. 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;

b. provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;

c. detract from the prevailing character and appearance of the area;

d. adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;

e. adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and

f. prejudice the comprehensive development of the wider area of which the site forms part.

8.4 I will explain the impacts of those highlighted from a-e in more detail in this report. However, in my view, on balance, I consider that the proposal meets the above policy criteria. With regard to criterion ‘f’, I do not consider that this proposal would

compromise the development of the wider area of which the site forms part as this is a single gap between two existing properties, with no other land around it. I therefore consider that the proposal meets this criteria.

- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.6 The area is predominantly residential in character, mainly of 2 storeys. The Georgian architecture of New Square and Jesus Terrace is quite formal. This part of Elm Street is less formal, in my view, and is formed by flat roof garage blocks belonging to the New Square properties and the rear facades/walls of the Orchard Street properties, most of which are Listed. Elm Street is relatively narrow and quite enclosing. 10 Jesus Terrace is a corner property and has been extended along the Jesus Terrace elevation. The property has a small enclosed courtyard garden, which is entirely hard landscaped. The boundary between 10 Jesus Terrace and the site is a high brick wall. It is important to also note that there is a difference in the ground level between 10 Jesus Terrace and the site so that the boundary brick wall appears taller when seen from 10 Jesus Terrace. I have asked the agent for further clarification on this issue and will report it on the Amendment sheet. No.9 Elm Street is a detached Victorian property. It is set back from the road with metal railings along the frontage.
- 8.7 The rear garden of no.19 New Square is long and rectangular. Half way down the garden is an old privy brick building which is in poor condition but still standing. This building would be rebuilt and would be contained within the grounds of the new dwelling, and serve as a cycle store. The garden is otherwise laid to lawn, with a small hardstanding area at the rear where a car could park.
- 8.8 The proposed dwelling would essentially fill the 'gap' between 9 Elm Street and 10 Jesus Terrace. The property would be 2 storeys in height, and reflect the architectural detailing of 9 Elm Street in terms of fenestration proportions, size, roof pitch and chimney design. The side elevation of the proposed dwelling would incorporate a large asymmetric window which would be

clear and provide light into a full height atrium, behind which would be the front bedrooms. This window would also allow views through the building so that people are able to see the brick work of No 10 Jesus Terrace through this window as a feature point when walking down Elm Street towards Jesus Terrace. This is an architectural detail which would contrast with the traditional character of adjacent properties. However, I consider that the window is a successful design feature which adds interest to the street and is supported.

8.9 The dwelling would stagger between the two neighbouring properties, so from Elm Street, the dwelling would be stepped back from 10 Jesus Terrace, but stepped forward of 9 Elm Street. To the rear, the proposed dwelling would have a two-storey wing which reflects the design of the two storey wing at no.9 Elm Street, and a single storey flat, parapet, roof element which would rise up to 3m in height and extend the width of the site. It is proposed that this flat roof would be sedum planted. In design terms, I consider that the approach is acceptable and would complement the historic architecture of the locality.

8.10 The external areas have been designed to provide the proposed dwelling with its own private amenity space to the rear. A smaller rear garden area would remain as part of no.19 New Square, which I consider is of an acceptable size, commensurate to the dwelling. There would be a distance of over 20m back-to-back between no.19 New Square and the rear of the proposed dwelling which I consider is an acceptable separating distance between residential properties in an urban setting. An opening, secured by a gate, would be created within the existing wall along Jesus Terrace which would allow access for the proposed dwelling and Nos.19 & 20 New square. There is an existing outbuilding, to the rear of 20 New Square, which is also a curtilage listed building. The outer flank wall of the outbuilding forms part of the boundary wall along Jesus Terrace. This outbuilding would remain and still form part of no.20 New Square. The new opening/access would be adjacent to the flank wall of the outbuilding. A new dividing internal wall would also be erected to the rear of no.20 New Square which would create an 'alley-way' access to the rear of nos.19 & 20 New Square and to the new dwelling. This access is to allow bins and cycles to enter and exit. I consider that the alteration in the internal configuration of the rear garden areas, is acceptable. The proposed gate within the existing wall would

not adversely affect the character of the area, in my view, subject to appropriate materials.

- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Impact on the Conservation Area and Listed Building

- 8.12 The Conservation Officer has raised no objections. The plans were amended to correct inaccuracies on the previous plans and to provide more details of how the proposed dwelling would face-up to the party wall of the adjacent dwellings. No.9 Elm Street is not a listed building or building of local interest. No.10 Jesus Lane is a Grade II Listed Building, which has been extended fairly recently. No.19 New Square is also a Grade II Listed building (as is no.20). The properties of Orchard Terrace, to the south, are also listed buildings. The locality, therefore, has historic significance.
- 8.13 I agree with the Conservation Officer's view, on the basis of the amended plans. I consider that the proposed dwelling would complement the historic character of the area, whilst respecting the integrity of the neighbouring listed properties. Furthermore, I consider that it is reasonable to append conditions to secure material samples, in order to achieve a high quality construction and to ensure that they are appropriate in context.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 4/10 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 The neighbours who would be most affected are those either side of the site. I consider that the impact on the host dwelling, no.19 New Square, would be low. Their outlook would change as they would be used to seeing a long green garden. However, I do not consider that it would change, detrimentally, as some of the New Square properties already look out onto other residential properties or other domestic buildings of some kind. I understand that residents of Orchard Terrace are also concerned about the change in character and their outlook. Orchard Terrace properties have very shallow gardens, and

therefore their outlook is dominated by other dwellings or the rather high wall running along Elm Street which forms their rear boundaries. I do not consider that the proposed dwelling would adversely harm their outlook, over and above the existing situation.

- 8.16 Turning to the impact on no.10 Jesus Terrace. The site is due west of 10 Jesus Terrace. The amenity space is comparably small for the size of property and is all hard landscaped with plants growing along the boundary walls. I visited the neighbour and was able to stand in the courtyard. It is an enclosed space. The agent has submitted shadow diagrams which show that the courtyard area is already overshadowed at various times throughout the year. The shadow diagrams indicate there will be some further over-shadowing of the courtyard area, as well as over the kitchen extension during the March and September equinoxes at 3pm through to 5pm. However, I have concluded, that, on balance, the impact would not be significant enough to warrant refusal of this application.
- 8.17 In terms of over-looking, there are two first floor level windows, to the rear, on the proposed dwelling. The nearest window to no. 10 Jesus Terrace, would serve a bathroom. This window could be obscurely glazed, and fixed shut to avoid any direct over-looking. There is also another window in the gable end second storey element, which would serve a bedroom. This window would be set further away and would only have an oblique angle of over-looking which would not be direct. I therefore consider that in terms of loss of privacy, 10 Jesus Terrace, would not be detrimentally affected. The windows at ground floor level (the bi-folding doors), would not cause any loss of privacy to either neighbours.
- 8.18 Turning to the impact on no.9 Elm Street. The site is due east of 9 Elm Street. The shadow diagrams indicate that additional over-shadowing to the front of the property occurs at 9am during the June Equinox, which then significantly lessens by midday and beyond. The diagram indicates that during the other equinoxes at the times specified, the impact of over-shadowing, would be low.

- 8.19 In terms of over-looking, I consider that the proposed dwelling would not cause significant harm to neighbour amenity. The window to the bedroom to the rear is set back and therefore any over-looking would not be significant.
- 8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.21 The future occupiers would enjoy a high quality living environment with adequate amenity space to the rear. The site is located close to the city centre and other local amenities such as schools and sports centres. I therefore consider that the amenity for future occupiers of the site is acceptable.
- 8.22 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12

Refuse Arrangements

- 8.23 Bin storage for the proposed dwelling would be to the rear, within the garden area, and close to the cycle store. The new access onto Jesus Terrace allows the bins to be taken out on collection days. Concern has been raised about the bins obstructing the narrow footpath on Jesus Terrace. There was evidence during my site visit that bins are generally grouped together in certain places within this locality. Residents then collect them after collection and bring them back to their property. I consider that a suitable arrangement can be achieved, to avoid the bins cluttering the streets. Access to bin storage has also been provided for 19 & 20 New Square, via the new gate.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.25 The proposal results in the loss of a car parking space that is currently associated with no.19 New Square. This is accessed via the timber gates from Elm Street. No car parking is proposed for the new dwelling. The site is sustainably located where the need for a private car, in my view, is not warranted, and alternative modes of transport should be encouraged. I therefore conclude that car parking provision is not required for this proposed development.
- 8.26 In terms of cycle parking, it is intended to re-build the old privy and use this for cycle storage for the proposed dwelling. I consider this is acceptable. I am also confident that adequate cycle parking can be achieved for 19 New Square. (Access is also given to no.20 New Square for cycles and bins).
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.28 I have addressed most of the concerns in my report. However, I will address those issues which have not been explained:

Impact on cyclists during construction – I have recommended a condition relating to construction hours (condition 10)

Side window over-looking front of 9 Elm Street – this relates to the feature window on the side elevation of the proposed dwelling. This feature allows light to penetrate through it and does not allow someone to stand up to it and look out of it. Furthermore, the window would over-look the front garden area of 9 Elm Street. However, front garden areas are not private areas and as such are already over-looked by the public. It would be unreasonable, in my view, to argue that this window would cause over-looking.

Concern about structural damage to listed building and 9 Elm Street – This falls outside of the planning remit. The means of construction is a Building Control matter. Any damage is a private civil matters between parties.

The proposed dwelling is too cramped in and does not respect the listed buildings – The Conservation Officer raises no objection to the proposed dwelling and its impact on the historic fabric of the adjacent listed building. I agree with this view.

The proposed dwelling would increase noise and disturbance in the locality – A condition is recommended to ensure that collections and deliveries during construction are restricted (condition 11). The addition of one dwelling on this site is unlikely to generate a significant amount of noise and disturbance to residents, and as such it is supported.

Concern about the ‘bare brick’ feature that would be against 10 Jesus Terrace. Concern about resultant noise and disturbance emanating through the 9” bricks – This is a detailed internal design feature and falls outside of the planning remit. Building Control has advised that suitable noise insulation between buildings would need to be resolved through a Building Control application. The agent has indicated that a secondary glazing screen, meeting Building Regulations, could be inserted to overcome this issue and provide the necessary noise insulation requirements.

Planning Obligation Strategy

Planning Obligations

8.29 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) 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 and relevant Supplementary Planning Documents. It is worth noting that if permission was granted, the site (land) will need to be registered first before a Title Plan from the Land Registry can be issued. I have been advised that this can take some time, and hence the request for a long term completion deadline for the Unilateral Undertaking. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.30 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 outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.31 The application proposes the erection of one, three-bedroom house. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714	1	714
4-bed	4	238	952		
Total					714

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538		
3-bed	3	269	807	1	807
4-bed	4	269	1076		
Total					807

Informal open space					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726	1	726
4-bed	4	242	968		
Total					726

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
Total					948

8.32 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

- 8.33 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£ per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	1	1882
4-bed	1882		
Total			1882

- 8.34 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.35 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£ per unit	Number of such units	Total £
House	75	1	75
Flat	150		
Total			75

- 8.36 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.37 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.38 For this application a monitoring fee of £257.60 is required to cover monitoring of Council obligations plus the County Council monitoring fee and the monitoring fee associated with the provision of public art.

Planning Obligations Conclusion

- 8.39 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 23rd January 2015 and 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

4. All new joinery shall be recessed at least 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

5. No new walls shall be constructed until the details of the roof/wall junctions, including eaves, fascias and soffits, wall/floor junctions and wall/wall junctions have been submitted to and agreed in writing by the local planning authority. This includes junctions between historic and new work. Construction of walls shall thereafter take place only in accordance with the approved details.

Reason: To avoid harm to the special interest of the adjacent listed building (Cambridge Local Plan 2006, policy 4/10)

6. Prior to the commencement of development, a system of monitoring the nearby listed building for movement during construction/excavation shall to be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of acceptable parameters, frequency and accuracy of measurements, location of monitoring points, etc.. Should movement outside the agreed parameters be detected, work on site will cease and the Local Planning Authority and structural engineers will be notified immediately. Thereafter the monitoring shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Listed Building (Cambridge Local Plan 2006, policy 4/10)

7. 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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. 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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

9. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

10. Except with the prior written agreement of the local planning authority 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)

11. Except with the prior written agreement of the local planning authority, 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)

12. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of adjacent neighbours (Cambridge Local Plan 2006, policy 4/13)

13. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

14. No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris

The works shall be completed in accordance with the approved details.

Reason: In the interests of highway safety (Cambridge Local Plan 2006, policy 8/2)

15. 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)

16. 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)

17. The window identified as having obscured glass on drawing number PL (21) 02 Rev B on the rear elevation at first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall be fixed shut in perpetuity, unless otherwise agreed in writing by the Local Planning Authority on a separate application.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

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

INFORMATIVE: The applicant is advised that where a proposal involves works on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building, the provisions of the Party Wall Act 1996 shall apply. The granting of planning permission does not override any obligation arising from this or other legislation.

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.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with 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 23rd January 2015, or if Committee determine that the application be refused against officer recommendation of approval, 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, community development facilities, waste facilities, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

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Application Number	14/0607/FUL	Agenda Item	
Date Received	23rd April 2014	Officer	Mr Amit Patel
Target Date	18th June 2014		
Ward	Romsey		
Site	Anglia Property Preservation 1 Great Eastern Street Cambridge CB1 3AB		
Proposal	Conversion and extension of existing frontage building from office to 1no. flat and 1 studio flat; and erection of 4 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure.		
Applicant	c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The impact on the neighbours is considered acceptable</p> <p>The impact on the Tree of Heaven is considered acceptable</p> <p>The proposal will not have an impact on highway safety</p>
RECOMMENDATION	APPROVAL

0.0 INTRODUCTION

- 0.1 This application is brought back before committee following the deferral of a decision at the previous committee because the relevant appeal decision was not available to members. The appeal decision is attached to this agenda.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 1 Great Eastern Street is a two-storey, end-of-terrace property, situated on the north-west side of Great Eastern Street, its curtilage extending about 32 metres from the street to the common boundary with the London – Kings Lynn railway line to the west. The site is irregular in shape, encompassing what

would, originally, have been the rear 17 metres of the garden of 3 Great Eastern Street, a dwelling that now stands in a plot that only extends about 15 metres back from the street. As a consequence the north boundary of the site, 1 Great Eastern Street, is a common boundary with both 3 and 5 Great Eastern Street.

- 1.2 The main building on the street frontage (the 'house'), which is currently used as offices for Anglia Property Preservation, has the typical L-shaped footprint of a house of the period, with a subsidiary 2-storey 'wing' at the rear, under a roof pitch 'shared' with the adjacent property; to the rear is a more recent flat roof single storey addition which is matched at the rear of No. 3. Separated away from the 'house', to the rear, there are a number of brick outbuildings, used for storage. These buildings are in a poor condition.
- 1.3 Although the railway line is directly to the west of the site, the surrounding area is primarily a residential hinterland to Mill Road, which is recognised in the Local Plan as a District Centre. Immediately south of the site, in the 25 metres between it and Mill Road, are a children's play area and a public car park.
- 1.4 There are no trees on the site itself, but a number of trees and shrubs on the Council owned site to the south, with some hard up to the boundary. The Root Protection Areas of these trees and shrubs on the boundary extend into the application site. None of the trees are the subject of a Tree Preservation Order (TPO), but all have the protection offered by the Conservation Area.
- 1.5 The site is within the Mill Road area of City of Cambridge Conservation Area 1 (Central)(extended 2011). The site does not fall within the Controlled Parking Zone

2.0 THE PROPOSAL

- 2.1 This application follows the refusal of an earlier scheme (ref. 11/0351/FUL). An appeal against this refusal was dismissed. The inspectors decision, which is a material consideration in the determination of this application. It is attached to this Agenda.

- 2.2 The Inspector ruled that the design of the building then proposed would not harm the character of the Conservation Area, and that the residential amenity of occupiers of no. 5 would not be harmed. However, he considered that the enclosing impact of the building on the garden of no.3, the absence of appropriate amenity space for future occupiers of the scheme, and the impact on the adjacent Tree of Heaven all meant the appeal should be dismissed. He also dismissed the appeal on the associated Conservation Area Consent application saying that in the absence of an acceptable scheme to replace, the loss of the existing outbuildings was not justified, despite the fact that they do not enhance the character of the Conservation Area.
- 2.3 The previous application had 6 units in the out building redevelopment. This revised scheme reduces the number of flats in the rear by two but maintains the conversion and extension to the house. The total number of units is 6 within this application.
- 2.4 The single-storey, flat roof element at the rear of the main building would be demolished and replaced with an element with a lean to roof which will not project to the rear of the existing extension or the extension to number 3. The main building would then be extended at the side, with a two-storey addition. This extension would sit 0.3m back from the front and rear elevation of the building, projecting out 2.8m from the side of the original building, providing additional accommodation and access to the first floor level. The extended building would be converted into two one-bed flats, with access to the rear courtyard and proposed units to the rear, and the ground floor flat taking access from the side passageway.
- 2.5 To the rear of the original building and connected to it, a covered bicycle and bin store is shown, which would now be set away by 2m from the common boundary with 3 Great Eastern Street.
- 2.6 To the west of the bicycle/bin store, a new, principally two-storey, building is proposed, which would provide two studio flats on each of the two floors. All of these flats would be dual aspect. The building would abut the common boundaries with the car park and 5 Great Eastern Street. Previously there was a single storey element along the common boundary with number 3 which has been omitted as part of this application.

- 2.7 The building would fill most of the space between the railway boundary and the front building, leaving a courtyard measuring 6m by 7.2m. The rear building is stepped so that:
- for the westernmost 6m, it is 6m by 6m at first floor and set back 4.5m from the boundary with the play area/car park space but is 10.5m deep at ground floor;
 - for the next 2.4m of the 'frontage' it is 7.9m deep and set back 2.6m from the boundary with the play area/car park space;
 - for the eastern 6.6m of the 'frontage' it extends across the full width of the site to the boundary with the play area/car park space; and
- 2.8 The application proposes that two trees and a shrub, which are situated on the adjacent play area/car park site, very close to the boundary, are removed to facilitate the development. The trees in question are:
- a Plum Tree, T2 which the tree survey advises is almost dead, in poor structural condition and with major deadwood, is considered to be a Category R tree (a category from British Standard 5837 – where trees are in such a condition that any existing value would be lost within 10 years and which should in the current context be removed for reasons of sound arboricultural management);
 - a Wild Cherry Tree, T6 which the tree survey advises is in poor, declining health, ivy covered, poor structural condition and is again considered to be a Category R tree.
- 2.9 This revised application differs from the dismissed appeal scheme:
1. The single-storey element along the common boundary with number 3 Great Eastern Street is removed;
 2. The main two storey rear building is set further away from the common boundary with number 3 by a further 2m, giving a 3m gap rather than the 1.3m gap in the dismissed appeal scheme
 3. The new bin and bike store is set in from the common boundary with number 3 by 2m;
 4. The roof over the existing two-storey wing is increased in height

5. The existing single-storey flat roof is to be a lean-to

2.10 The application is accompanied by the following supporting information:

- ☐ Planning, Design and Access Statement (Januarys and NRAP)
- ☐ Surface and Foul Water Drainage Strategy Statement and Plan (Gawn Associates)
- ☐ Foundation arrangement (Gawn Associates)
- ☐ Utilities statement
- ☐ Contamination Desktop Appraisal (Terragen Environmental).
- ☐ Sunlight Assessment (provided by NRAP).
- ☐ Noise Assessment (Cass Allen Associates)
- ☐ Tree Constraints Plan and Tree Protection Plan (David Brown Landscape Design)
- ☐ Site Waste Management Plan (included within the Design and Access Statement)
- ☐ Heritage Statement (included within the Design and Access Statement)

2.11 A Development Control Forum was requested, which had 33 signatures. The main issues were:

1. Overdevelopment of the site;
2. Impact on the character of the Conservation Area;
3. Sense of enclosure to the neighbours;
4. Visual impact in the choice of materials

The final minutes from the meeting will be added to the amendment sheet or distributed at Committee.

2.12 Shortly before the last Committee meeting amended plans were received. These plans showed the garden of number 3 Great Eastern Street being extended by 2m into the application site.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1234/CAC	Erection of 2no. flats (to replace frontage building); and 5 studio flats to the rear (following demolition of existing outbuildings), together with	Withdrawn

	associated infrastructure.	
	Conservation Area Consent:	
	Demolition of existing buildings.	
13/1233/FUL	Erection of 1no. flat and 1no. studio flat (to replace frontage building); and 5 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure.	Withdrawn
11/0865/CAC	Demolition of existing rear outbuildings.	Appeal Dismissed
11/0351/FUL	Change of use and side extension to the frontage building from an office to create 2no 1 bed flats; and erection of 6 studio apartments at the rear (following demolition of existing rear buildings), together with associated infrastructure.	Non determination – Appeal dismissed

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2006		3/1 3/4 3/7 3/8 3/12 3/14
		4/2 4/4 4/11 4/13
		5/1 5/2
		8/1 8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p>
Supplementary Planning Guidance	<p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Sustainable Design and Construction (2007)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and

the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan which are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal proposes no off street car parking. This will not have a significant impact upon highway safety but may do in terms of amenity. The proposal is acceptable subject to condition relating to reinstating the kerb.

Comments on amendment

There is no comment to make on the amendment. Previous comments still stand.

Head of Refuse and Environment

- 6.2 No objection in principle subject to conditions relating to construction hours, deliveries, piling, dust, noise insulation, waste and recycling and contaminated land. It is also recommended that an informative to the dust condition be added.

Comments on amendment

The proposal is still acceptable and the previous comments still stand.

Urban Design and Conservation team

- 6.3 The proposed works would not be detrimental to the character and appearance of the Conservation Area and the use of materials will allow a distinct change between the rear and frontage house. The detailing is important but can be controlled by conditions.

Comments on amendment

The proposed amendments do not alter the previous comments.

Head of Streets and Open Spaces (Landscape Team)

- 6.4 The proposal creates more open space by moving the building and has responded to the issues regarding the Tree of Heaven. However the first floor still appears close to the tree. The proposal is acceptable subject to condition relating to landscaping.

Sustainable Drainage

- 6.5 The approach is acceptable in principle but there should be a site investigation and calculations for the system requirement and this could be controlled by condition. The design should be sized for a 1 in 30 year event and not 1 in 100 year flooding of buildings.

Arboriculture Team

- 6.6 The proposed scheme is acceptable subject to conditions. The scheme has addressed the concerns of the previous scheme and the conditions will safe guard the Tree of Heaven. The conditions proposed relate to tree protection, excavation and site visit.
- 6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- ☐ 2 Great Eastern Street
- ☐ 3 Great Eastern Street
- ☐ 5 Great Eastern Street
- ☐ 10 Great Eastern Street
- ☐ 12 Great Eastern Street
- ☐ 30 Great Eastern Street
- ☐ 55 Great Eastern Street
- ☐ 61 Great Eastern Street
- ☐ 74 Great Eastern Street

7.2 The representations can be summarised as follows:

Character

- ☐ The proposed building is out of character
- ☐ The view from the Mill Road bridge will be compromised
- ☐ Impact on trees
- ☐ The proposal increases the built development coverage of the site and significantly increases the built mass of the site. This is overdevelopment of a constrained site

Residential Amenity

- ☐ Noise from construction
- ☐ Dust from construction
- ☐ Deliveries will cause disturbance and disruption
- ☐ On bin collection day the bins block the pavement. The additional bins for the proposed development will exacerbate the situation
- ☐ Loss of privacy
- ☐ Overbearing sense of enclosure for neighbouring properties
- ☐ Loss of light

Traffic and parking

- ☐ Off-street car parking spaces should be provided. Parking is already difficult and this will exacerbate the problem
- ☐ The Transport Statement does not correlate with residents experience of parking on the street
- ☐ All new residents should not be eligible for parking permits

Comments on amendments

Address:

- ☐ 12 Great Eastern Street
- ☐ 55 Great Eastern Street

Comments:

- ☐ Danger to trees.
- ☐ The increase in garden space to number 3 does not overcome the problem of increase accommodation.
- ☐ The traffic concerns still stand

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces, and impact on the area
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Sustainable Drainage
7. Third party representations
8. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses.
- 8.3 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of non-residential buildings into self-contained dwellings will be permitted except where the likely impact on on-

street parking would be unacceptable; the living accommodation provided would be unsatisfactory; the proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

- 8.4 The site is within a residential area, and therefore I consider residential use here to be acceptable. In my opinion, the principle of development is acceptable and in accordance with policy 5/1 and part e) of policy 5/2 of the Cambridge Local Plan (2006). The other sections of policy 5/2 of the Local Plan will be discussed later on in this report.

Context of site, design and external spaces and impact on the area

- 8.5 The extension to the side of the original 'house' building would be set back from the Great Eastern Street frontage of the building. This will be similar in size and scale to the existing building except that it will be set back from the front and rear elevation of the frontage building. In my opinion, this will have a positive impact on the immediate area recognizing the 'corner' status of this building and presenting a 'face' towards Mill Road. It will not have a detrimental impact on the appearance of the street or the character of the area and the Council's Conservation Officers are of the opinion that the extension is appropriate in design and scale subject to conditions relating to external materials (2).
- 8.6 There have been third party objections regarding the character and context of the area. The Inspector noted in his decision on the previous scheme that the current buildings had limited value and added that the new building was acceptable as it allowed for the visual interest facing Mill Road and that the use of materials was acceptable as the building was not mimicking the frontage buildings along Great Eastern Street but its historical commercial use. The form and scale of the building have not changed significantly enough in this revised application to cause me to come to a different view. Great Eastern Street is of a relatively uniform character and design comprising mainly two-storey, Victorian, terrace houses. In my view this modern approach to a terrace form, given the rather different context, is appropriate and far from being out of character with the area,

would replace rather tired buildings and make a positive contribution to the character and appearance of the area.

- 8.7 The existing site, to the west of 1 and 3 contains outbuildings that vary in scale and height. On the common boundary with the railway land, is an outbuilding with north and south facing gables; the building is 4.3m high at the eaves and 5.8m high at the ridge. Attached to this building (by a link which falls from 3.1m on the common boundary with No. 5, to approximately 2.5m within the site), and abutting the common boundary with 5 Great Eastern Street, is a mono-pitched outbuilding, that stands 4.4m high on the common boundary, but falls to a height of approximately 3.9m within the site. Attached to this is a flat-roofed 'garage', approximately 2.2m high which abuts the common boundary with the rear of 3 Great Eastern Street and the common boundary of the 5 Great Eastern Street closest to the house on that property.
- 8.8 Currently, along the boundary with 5 Great Eastern Street there are buildings of between 3.1m and 4.4m in height, for a length of approximately 15.1m, leaving a 5.7m gap between the outbuilding along the boundary and the single-storey element at the rear of No.5. Along the rear boundary of 3 Great Eastern Street there is a building that is 2.2m in height. The building now proposed, like the existing outbuildings, will abut the common boundary with 5 Great Eastern Street, but it has been set off the boundary with number 3 boundary by 3m. In this revised scheme the rear single storey that was abutting the common boundary with number 3 has been omitted and the boundary treatment will be a 1.8m high wall on the southern and western boundaries of the curtilage of no.3.
- 8.9 The proposed building will have a single pitched roof. Along the common boundary with 5 Great Eastern Street, the building has been lowered slightly and would be 5m in height to the eaves rather than 5.2m but still remains 6.2m in height to the highest part, for a length of 6.5m and then tapers down by 100mm for another 2.5m and further reduces in height to 5.7m for 6m. This is a little lower than the northern gable of the existing outbuilding closest to the railway, but higher by about 650mm than the existing structures on this part of the common boundary. Along the garden boundary with number 3 the previous scheme had a proposed bin/bicycle store which was 700mm taller than the existing wall. This has now been omitted

and the scheme will only have a 1.8m high wall here. The amended scheme extends the courtyard boundary by 2m which will open the garden of number 3 up.

- 8.10 As the outbuildings exist, and have been standing there for a very long time, having buildings at the rear of this site is a part of the character of the area, and the view from the Mill Road Bridge. The outbuildings are of limited historical interest and the Conservation team has no objection to their removal if they are replaced with something of appropriate scale that will add to the area. I share the view that replacing these buildings with other buildings of a similar scale, is acceptable in principle and need not have a detrimental impact on the character or appearance of the Conservation Area. The new building is separate from the main house and therefore reads as a separate entity rather than as an extension, much as the existing buildings are. The ridge height of the new building would be lower than the ridge of the original 'house', and would not therefore dominate the streetscene of Great Eastern Street or detract from the main building. Set back as the proposal is from Mill Road and behind planting, I do not consider that the modest scale of the building will be intrusive in that street scene, but will make a positive contribution, framing the space.
- 8.11 Bricks will be used on the northern elevation and would also be used for the boundary wall. Additional reclaimed bricks may also be used. The side and rear elevations of 1 Great Eastern Street are painted white and to tie in with this, it is proposed that the southern elevation (the front elevation facing out towards the Mill Road) is also rendered white, framed with brickwork. The roof will be slate. The side extension to the main house will be rendered to match the existing building. To ensure that the materials used are appropriate, I recommend a condition (2) requiring that all brickwork is constructed using reclaimed bricks, and that samples of the render and roofing materials are submitted prior to works above ground level (condition 2).
- 8.12 The Landscape Architects have commented that the proposed amenity area is larger than the previous scheme but have concerns over how the area is to be lit. I agree. A condition to provide this additional information is required (11).
- 8.13 Subject to condition, in my opinion the proposal, in terms of its design and appearance and contextual relationship with

neighbouring buildings and the site, is a good solution which will make a positive contribution to the local area and the Conservation Area of which it is a part. The proposal is therefore compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11 and advice in National Planning Policy Framework (2012).

Residential Amenity

Environmental Health

- 8.14 Concerns have been raised regarding noise and disturbance from construction. The Environmental Health office^{3r} has raised no objection to the proposal subject to conditions relating to construction hours (3), deliveries (4), dust (7), piling (5), noise insulation (8), waste and recycling (9) and contaminated land (10). As the site is within close proximity to other residential occupiers construction activity has the potential to cause disturbance. I agree with the conditions suggested and recommend them. I also recommend condition (6) relating to site set up.

Impact on amenity of neighbouring occupiers

- 8.15 Due to the scale of the building, its positioning and the orientation of the buildings, it is my opinion that the only neighbouring properties likely to be affected by the physical mass of the proposal are 3 and 5 Great Eastern Street. The Inspector in the appeal decision accepted the shadowing and impact on number 5 Great Eastern Street. The Inspector stated that although the proposal increased in height slightly, the elevation of the rear building was pushed back away from the rear elevation of no.5 and was considered acceptable. The revised proposal is even further back, so the shadowing would be less significant than the appeal scheme and is therefore acceptable.
- 8.16 The new building will stand to the south of 5 Great Eastern Street and to the west of 3 Great Eastern Street, and there is therefore the potential for impact on these neighbours in terms of potential loss of light and outlook from the dwellings and their gardens, overshadowing and enclosure. However, in order to assess whether the new building would have a significant detrimental impact on the residential amenity of neighbouring

occupiers, the impact of this proposed building must be compared with the impact of the existing outbuildings on the site.

- 8.17 Revised shadow diagrams have been submitted as part of the application, which demonstrate that the existing outbuildings currently overshadow the rear gardens of 3 and 5 Great Eastern Street. On the boundary, at eaves level, the proposed building will be taller than the existing buildings in some places and lower in others. The submitted shadow diagrams show that the proposed building will cast slightly more shadow over the neighbouring gardens than the existing outbuildings, but not significantly more. This suggests that the proposed building will not have a significant detrimental impact on neighbours in terms of overshadowing, when compared with the current situation. The Inspector considered that there would be no detrimental impact to number 5 from the appeal scheme over and beyond the current situation and this scheme is similar so I consider that its impact will not be detrimental to this neighbour.
- 8.18 I do not consider that there will be any increase in loss of privacy to the neighbours as the windows facing these neighbours are at high level or ground floor level where there is an intervening boundary.
- 8.19 Careful assessment is required of the proposed building when seen from the gardens of 3 and 5 Great Eastern Street. Again, this needs to be compared with the current situation. In my opinion, the existing outbuildings are relatively dominant when seen from the neighbours' properties, especially when viewed from the garden of 3 Great Eastern street, which is shallow, most of the original garden having been incorporated into the application site in the past. This revised scheme has now omitted the single-storey cycle storage, increased the depth of this garden by a further 2m and two-storey building is set back further. I appreciate that the two storey form will be wider, and accept that the Inspector in coming to a view about the dismissed scheme felt that the outlook from the garden of number 3 should not be further eroded. I consider that the additional set back to the gable end, removing the bins and bike storage away from the boundary and increasing the size of the garden to number 3 will allow more light into this garden and open up views from the garden to overcome possible enclosing to number 3 and has overcome the concern and in my opinion,

the impact on the neighbours will not be significantly different from what is currently experienced, and not to a degree that would justify refusal of the application.

- 8.20 There is a slight increase on the roof over the existing two-storey element. However this will still remain lower than the existing roof height and any shadows cast will be over the flat roof of the existing extension at no.3. I do not think that this element will create a sense of enclosure to number 3 as this element will be difficult to see over the existing extension and any part you will see is set back from the garden area of number 3.
- 8.21 Concern has been raised about noise and disruption from the residents of the flats. Clearly there will be additional noise as the comings and goings from the site are likely to increase. However, the areas closest to the two neighbouring properties are circulation spaces where noise is likely to be less and where the spaces themselves can act to some degree as a buffer against activity in the rooms which are further away from neighbours. The open space is in a similar position with the garden space of nos. 3 and 5. In my opinion, there is not justifiable reason to refuse planning permission on these grounds.
- 8.22 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

Noise

- 8.23 Concerns about proximity of the railway has resulted in a noise report being submitted with the application. This identifies that the site falls within NEC B in both the daytime and at night. The Environmental Health Officer has explained that this would mean that some noise mitigation would be required. A noise mitigation strategy is requested by condition (condition 7).
- 8.24 However, the new building has been designed in order to mitigate against noise from the railway, which is directly to the west of the site. All of the flats in this building are dual aspect,

with openable windows on the southern elevation only. The noise level is likely to be reduced by the shielding of the building and garden walls, and it is therefore possible that the noise environment immediately outside the southern windows is within NEC A. This would mean that mitigation may not be required. The western elevation does include a window at ground floor and first floor level, which will provide light, but will be sealed shut.

- 8.25 The report does not assess noise in external amenity areas. However, as the amenity area is protected by the building, Environmental Health are confident an acceptable noise level can be achieved here.

Impact of the existing trees on the light entering the proposed building

- 8.26 With respect to the previous scheme the Inspector shared the Council's concerns that the spread of the trees on the boundary is such that they will limit daylight from entering the proposed studios flats in the new building. This might lead to future requests to prune or even fell the trees, which the Council would find it hard to resist if planning permission had been granted. The present scheme has reduced the number of units by two from the appeal scheme and this has allowed the units to have a dual aspect view. I consider that this overcomes the councils' and the Inspector's concerns about the tree. I recommend conditions (14 and 15) to ensure protection of the tree but I still await further comments from the City Council's Arboricultural Team, which will be reported to Committee.
- 8.27 Subject to conditions, in my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 3/14).

Refuse Arrangements

- 8.28 The submitted plans show that three chamberlain bins will be provided, and will be stored in a secure store situated between the converted building and new building. Environmental Health are satisfied that this should be sufficient for the volume of waste that will be generated by the development. However, the

management of the bins, including how they will be taken to the kerbside for collection, will need to be agreed by condition (condition 9).

- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.30 Appendix C (Car Parking Standards) states that no more than one car parking space can be provided for each dwelling. Part b) of policy 5/2 of the Cambridge Local Plan explains that the conversion of non-residential buildings into residential use will not be permitted if the impact on on-street parking would be unacceptable. The proposed development is to be car-free, and there are no off-street car parking spaces proposed. The site is not within the Controlled Parking Zone, and competition for on-street parking spaces is high.

- 8.31 In terms of the demand for on-street parking, this site is similar to a site on Campbell Street, which is a cul-de-sac almost directly opposite Great Eastern Street, on the opposite side of Mill Road. In March 2010 planning permission was refused for the conversion of 1A Campbell Street from offices to four studio flats (10/0054/FUL). This was a car free development, although there was space for one car to park off-street. The application was refused, as it was the Council's view that the development would provide unsatisfactory living accommodation. The lack of car parking was accepted. The application was taken to appeal and was allowed. In the appeal decision, the Inspector stated that:

It is likely that these units of accommodation will be attractive to residents willing to forego car ownership, and that the difficulties of parking in the area which have been drawn to my attention will reinforce this. I also note that there are facilities, including the City Centre, within walking or cycling distance. I conclude that whilst the concerns expressed are understandable, they do not justify the refusal of planning permission.

- 8.32 Like the Campbell Street site, the application site is close to the City Centre and local shops on Mill Road, and is close to public transport routes, including the railway station. There is a public car park directly to the south of the site, which includes a car

club car. Due to the site's location, and because of this appeal decision on a site close by, it is my opinion, that it would not be reasonable to refuse planning permission due to a lack of off-street car parking spaces.

8.33 Appendix D (Car parking Standards) maintains that at least one secure and covered bicycle parking space must be provided for each bedroom. For this development, this equates to eight spaces. Eight spaces are provided within the store, which meets the standards and is acceptable. The local highway engineer has not raised the issue of car parking as an issue subject to conditions relating to reinstatement of the kerb (11), encroachment (12) and informatives relating to works in highway (17) and utilities (18), which I agree with.

8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and part b) of policy 5/2.

Sustainable Drainage

8.35 The Sustainable Drainage officer has commented that the proposal is acceptable in principle but this has to be backed up with site specific data and recommended a condition to require on site investigations, infiltration rates and calculations for the sizing of the soakaways and attenuation required. I agree with the recommendation and recommend a condition (16).

8.36 In my opinion the proposal is acceptable and compliant with the Guidance in the National Planning Policy Framework (2012).

Third Party Representations

8.37 Most of the issues raised in the representations received have been addressed under the headings above. Those not yet addressed are the neighbour notification period and the belief that works on infrastructure have already commenced.

8.38 Neighbours and consultees were consulted in line with what is statutorily required. If any works have commenced which require planning permission (ie infrastructure works that are considered to be an engineering operation) they are carried out at the developers own risk and may be subject to enforcement action.

Planning Obligation Strategy

Planning Obligations

8.39 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) 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 and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.40 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 outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.41 The application proposes the erection of 5 studio and 1 one-bedroom flats. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for

children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	238	238	5	1190
1 bed	1.5	238	357	1	357
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					1547

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	269	269	5	1345
1 bed	1.5	269	403.50	1	403.50
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total					2151.50

Informal open space					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	242	242	5	1210
1 bed	1.5	242	363	1	363
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					1573

8.42 The applicants have shown their willingness to enter into a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge

Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

- 8.43 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	6	7536
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			7536

- 8.44 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.45 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	6	900
Total			900

- 8.46 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Household Recycling Centres

- 8.47 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.
- 8.48 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD.
- 8.49 For new development in Cambridge the relevant HRC is located at Milton. The following table sets out how the contribution per new dwelling has been calculated for the Milton HRC.

Notes for Milton	Infrastructure/households	Source
4 sites at £5.5 million	£22 million	Cost per site sourced from Mouchel Parkman indicative costs 2009
Total catchment (households)	115,793	WMT Recycling Centre catchment tables CCC mid 2009 dwelling figures
New households	24,273	CCC housing trajectory to 2025 as of December 2010
<u>Infrastructure costs</u> Total number of x New households in catchment households in catchment		
<u>£22 million</u> x 24,273 = £4,611,730 115,793		
Total Developer Contribution per household = £190		

The net gain is 6 therefore the necessary contribution towards HRC is £1140.

- 8.50 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012), I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

Education

- 8.51 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.52 In this case, 6 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	6	960
2+-beds	2		160		
Total					960

- 8.53 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.54 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and

non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

- 8.55 For this application a monitoring fee of **£685.38** is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

Planning Obligations Conclusion

- 8.56 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

The proposal is a revised scheme which reduces the number of units in the rear part from 6 to 4. The main issues raised by the previous scheme, dismissed at appeal: the impact on the Conservation Area, the Tree of Heaven and the amenity of occupiers at 3 Great eastern Street have been overcome in this application as the main rear two-storey building has been pushed back, the single-storey section adjacent to the number 3 has been removed and the foundation design seeks to protect the Tree of Heaven. Taking all this into account I consider the proposal is acceptable, subject to conditions and I recommend APPROVAL.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement and 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. Reclaimed bricks shall be used for all brickwork (other than rendered brickwork) unless agreed in writing by the Local Planning Authority. No above ground works shall commence until samples of all other materials to be used in the construction of the external surfaces of the development hereby permitted, including but not limited to, window details and surround, roof covering, metal work 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. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/14 and 4/11)

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

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

4. 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 on Mondays - Fridays between the hours of 0700 hrs and 0900 hrs or between the hours of 1600hrs and 1800hrs. On Saturdays 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. 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 to protect the amenity of these residential properties throughout the redevelopment. (Cambridge Local Plan 2006, policy 4/13)

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009. Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Reason: Due to the proximity of residential properties to this premises and to protect the amenity of these residential properties throughout the redevelopment. (Cambridge Local Plan 2006, policy 4/13)

6. 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)

7. No demolition / development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details unless the Local Planning Authority agrees to the variation of any details in advance and in writing.

Reason: To minimise the spread of dust in the interests of health and safety. (Cambridge Local Plan 2006, policy 4/13)

8. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 Guidance on sound Insulation and noise reduction for buildings. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/7 and 4/13)

9. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. 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: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 3/7)

10. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.
- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
 - (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
- No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).
- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
 - (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

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

Reason: To protect the amenity of the occupiers. (Cambridge Local Plan (2006) policy 3/14).

11. 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. 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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

12. The existing vehicular access shall, at no expense to the Highway Authority, be returned to normal footway with a full-faced kerb laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of the safe and efficient operation of the public highway. (Cambridge Local Plan (2006) policy 8/2).

13. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

Reason: In the interest of Highway Safety. (Cambridge Local Plan (2006) policy 8/2).

14. In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of two years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with British Standard 5837 and the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

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

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

16. Prior to the commencement of development full details of the sustainable drainage design including site investigations, infiltration rates and calculations for the sizing of the soakaways and attenuation shall be submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interest of flooding to the neighbouring occupiers. (National Planning Policy Framework (2012)).

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

INFORMATIVE: Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

INFORMATIVE: To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

‘Council’s Supplementary Planning Document ‘Sustainable Design and Construction 2007’:

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

‘Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

‘Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

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

INFORMATIVE: The applicant is reminded that the proposal may need Building Control application and recommend that you contact the Cambridge City Council Building Control on 01223 457200.

INFORMATIVE: The applicant is reminded that Party Wall agreement may be required for the works.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with 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 26th September 2014, or if Committee determine that the application be refused against officer recommendation of approval, 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, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

Application Number	14/0978/FUL	Agenda Item	
Date Received	20th June 2014	Officer	Miss Catherine Linford
Target Date	15th August 2014		
Ward	Market		
Site	Former Auckland Road Mental Health Centre Auckland Road Cambridge CB5 8DW		
Proposal	Erection of 4 semi-detached dwellings and 1 detached dwelling (following demolition of existing buildings), together with associated infrastructure.		
Applicant	c/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed houses are of a high quality, unusual design which have taken design references from the existing building on the site and would enhance the character and appearance of the Conservation Area; 2. The proposals would have a minimal impact on residential amenity; and 3. Adequate, car parking, cycle parking and bins storage is provided.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The former Auckland Road clinic site is a 'L-shaped' piece of land, with vehicular access from Auckland Road. Auckland Road is mixed in character and use, but is predominantly residential, consisting of terrace houses and flats. The site is

within City of Cambridge Conservation Area 1 (Central) and the Controlled Parking Zone (CPZ).

- 1.2 The site is surrounded by residential dwellings, with 1-6 Brunswick Cottages to the north, 10-14 and 16-27 Bailey Mews to the south; 18 Parsonage Street to the west; Midsummer Limes to the west and north; and 1-9 Bailey Mews to the east. Midsummer Common is to the north of the site, with the northern 'wing' of the site bordering it.
- 1.3 There are currently disused clinic buildings on the site: a Victorian former school building on the south-western end and 1940's clinic buildings on the north eastern part.
- 1.4 There are a number of trees on the site, including a Willow and Yew Tree on the frontage with Midsummer Common.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the erection of four semi-detached houses and one detached house following the demolition of all of the existing buildings.
- 2.2 The detached house would be situated between Midsummer Limes and 1-9 Bailey Mews on the Midsummer Common frontage. The proposed house would be three storeys in height with a mono-pitch roof, sloping down from the eastern side.
- 2.3 The semi-detached houses would be situated on the southern part of the site, between 1-6 Brunswick Cottages and 16-27 Bailey Mews. The proposed semi-detached houses would be two storeys in height, with barrel roofs.
- 2.4 The application is accompanied by the following supporting information:
 1. Planning, Design and Access Statement
 2. Heritage Statement
 3. Tree Survey
 4. Arboricultural Impact Statement

5. Ecology Statement
6. Transport Statement
7. Drainage Strategy
8. Contamination Assessment
9. Utilities Services Report
10. Shadow Survey

3.0 SITE HISTORY

Reference	Description	Outcome
C/94/0160	Demolition of existing boundary wall, cleansing block and bicycle shed (Conservation Area Consent)	A/C
C/94/0161	Construction of 2m high wall and installation of timber gates at rear of premises	A/C
10/0480/CAC	Demolition of derelict building on western boundary of the Clinic site	A/C
13/0435/FUL	Erection of five terraced townhouses and one detached dwelling following demolition of existing buildings, together with associated infrastructure.	REF
13/0436/CAC	Demolition of existing buildings	REF

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/8 3/11 3/12
		4/1 4/11
		5/1 5/11 5/14
		8/6 8/10
		10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p>
Supplementary Planning Guidance	<p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

	<u>Area Guidelines</u> Riverside and Stourbridge Common Area Conservation Area Appraisal (March 2012)
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5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 All single garages should have a minimum internal measurement of 6m x 3m with an opening of a minimum of 2.2m. Please show the dimensions on the drawings.
- 6.2 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwellings will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

- 6.3 Otherwise the proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions requested below into any permission that the Planning Authority is minded to grant in regard to this application.

Head of Streets and Open Spaces (Landscape Team)

- 6.4 Landscape would not normally support the felling of the willow or the yew tree currently on the edge of the site due to the trees fulfilling an important aspect of the Riverside and Stourbridge Conservation Area landscape setting. The appraisal for the conservation area states *“A backcloth of trees surrounds the open commons to the south, softening and at times hiding the built-up area beyond.”* The trees at the boundary of the proposed detached house site do just this and thus play an important role to the character of the conservation area. Agreements have been made regarding the trees, their felling and their replacement. We feel that adequate space has been left to accommodate two trees which can attain a stature which will continue to reinforce the conservation area’s landscape setting. It would be useful to have more information regarding species selection for these two important trees prior to a decision notice being issued.
- 6.5 The application is supported subject to conditions requiring a hard and soft landscaping scheme, landscape maintenance, and further details of the replacement tree.

Urban Design and Conservation team

- 6.6 The proposed application is supported in design terms. The proposals introduce a new building form in a part of the conservation area where there is no particular style which dominates. They will not detract from the traditional form of the BLI Brunswick Cottages and are therefore appropriate for this part of the conservation area.
- 6.7 The following amendments should be provided and could be submitted as part of the discharge of condition.
- ☐ Clarify the metal roof material, will this be standing seam?

- ☐ Introduce opaque glazing/modesty panels for the lower part of the windows on the west elevation of Units 1 & 2 and east elevation of Units 3 & 4;
- ☐ Introduce a hit & miss brick wall on the southern garden boundaries of Units 1 & 3 to improve surveillance and activity to the footpath.

Head of Environmental Services

- 6.8 Object due to unsatisfactory waste collection arrangements. If the application is to be recommended for approval conditions are required relating to construction demolition noise , construction hours, collections and deliveries, dust, contaminated land, and waste.

Cambridgeshire County Council (Archaeology)

- 6.9 In view of the presence of significant archaeological evidence in the vicinity of the site we consider that the development should be subject to a programme of archaeological investigation. This can be secured by condition.
- 6.10 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:
- ☐ Midsummer Limes, Auckland Road
 - ☐ 55 Auckland Road
 - ☐ 4 Bailey Mews
 - ☐ 9 Bailey Mews
 - ☐ 20 Bailey Mews
 - ☐ 5 Brunswick Cottages
 - ☐ 6 Brunswick Cottages
 - ☐ 102 High Street, Girton
 - ☐ 24 Parsonage Street
 - ☐ 26 Parsonage Street
 - ☐ 28 Parsonage Street
 - ☐ 18 The Paddock, Eaton Ford, St Neots

- ☐ Bailey Mews Management
- ☐ Brunswick and North Kite Residents Association

7.2 The representations can be summarised as follows:

- ☐ Timber cladding could become unsightly. Render would be preferred
- ☐ The barrel roofs should be tiled and not a reflective material
- ☐ A planted screen should be provided between the detached house and Midsummer Limes
- ☐ The willow tree should be retained
- ☐ The development should not go ahead until the Synagogue on Auckland Road has been completed, due to the disruption experienced
- ☐ The boundary wall between Brunswick Cottages and the site should be retained as it has historic significance
- ☐ Overlooking
- ☐ The detached house would be out of character
- ☐ Lack of parking
- ☐ Maintenance of the access road during and after construction
- ☐ Overdevelopment
- ☐ Overshadowing
- ☐ Opening up the access route to Parsonage Street would result in a rat run for burglars
- ☐ It is a shame to see the existing building disappear

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and impact on the Conservation Area
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking

7. Third party representations
8. Planning Obligation Strategy

Principle of Development

- 8.2 In order to facilitate the development, all of the buildings on the site will be demolished. These buildings were in use as a Mental Health Clinic, and therefore the proposal involves the loss of a community facility. Policy 5/11 of the Cambridge Local Plan (2006) states that development leading to the loss of community facilities will only be permitted if it can be demonstrated that a) the facility can be replaced to at least its existing level and quality within the new development; or b) the facility is to be relocated to another appropriate premises or site of similar accessibility for its users; or c) there is no longer a need within the local community for the facility or that the need can be adequately met at an alternative facility of similar accessibility for its users.
- 8.3 The Mental Health Service has relocated to Union House in Chesterton, approximately one mile from Auckland Road. This relocation took place because of a reorganisation of services and because Union House provides a superior standard of accommodation. In my opinion, the Mental Health Service has relocated to another appropriate premises with similar accessibility and therefore the proposal complies with part b) of policy 5/11 of the Local Plan.
- 8.4 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site is surrounded by residential properties and therefore, the use of the site for residential use is acceptable in principle.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/11 of the Cambridge Local Plan (2006).

Demolition of the existing buildings

- 8.6 The Heritage Statement, submitted as part of the application, explains that it is believed that the Victorian building on the southwestern end of the site was formerly part of an infant

school, with the rest of the school demolished in the 1920s. In the 1930s the school closed and the building became a clinic. In the 1960s the building was extensively extended.

- 8.7 The existing buildings have some interest which contributes to the character of the area, although the buildings are not readily seen from outside of the site due to the development that is around them. They are not listed or buildings of local interest. As the proposed scheme is considered to preserve and enhance the character and appearance of the Conservation Area, the loss of these buildings is supported. I recommend a condition requiring that the site is photographed (3).

Context of site, design and impact on the Conservation Area

- 8.8 The previous application was refused for the following reasons in relation to design:

Reason for refusal 1:

The introduction of a dwelling of this scale on the frontage of Midsummer Common with an angular, atypical roof design, and a largely blank side elevation, impinging on views from the west, eliminating the existing trees and leaving little space for replacements, would have a significant detrimental impact on views across and along the Common, eroding the quality of this frontage, which would be harmful to the character and appearance of the Conservation Area. For these reasons the proposals are in conflict with policies 3/4, 3/12, 4/4 and 4/11 of the Cambridge Local Plan (2006), and government guidance in Sections 7 and 12 of the National Planning Policy Framework 2012.

Reason for refusal 3:

The scheme would run parallel to Brunswick Cottages. It would be directly south, approximately 21m away from the main 2 storey rear line of the existing terrace. The height of the proposed terrace of 5 units would be 8.8m, the length would be unbroken at 36.5m, articulated only by first floor 800mm projecting bays with a consistent ridge line and minimal glazing. The combination of these factors would result in a very solid and uncompromising form which, when viewed from the rear

gardens and rear facing windows in Brunswick Cottages, would appear unduly dominant, significantly foreshortening and enclosing the existing outlook resulting in an ugly and blank elevation of poor design quality and would fail to recognize the existing amenity afforded to the residents of Brunswick Cottages. The scheme has therefore failed to respond appropriately to its context, would have a significantly negative impact on residential amenity and represent a poor and contrived design, contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Semi-detached houses: Units 1-4

- 8.9 The previous scheme (application ref 13/0435/FUL) was refused as the proposed three storey terrace of five townhouses located along the rear boundary with Brunswick cottages and Midsummer Limes in an east-west orientation would create a long unbroken wall of development, which would appear dominate and overbearing when viewed from the rear garden of the Brunswick Cottages and Bailey Mews (Nos. 16-27). The submitted scheme rotates the proposed dwellings by 90 degrees and reduces the number of units from five terrace town houses to four semi-detached houses.
- 8.10 The proposed design for the roofs of these units has taken its references from the 'Dutch' gable of the existing single storey building. The unusual form has enabled the proposed buildings to be kept low. The ridge height of previous scheme was approximately 8.4m. The submitted scheme reduces this to 6m and now sits below the ridge height of Brunswick Cottages. The proposed units are now two storeys in height with single storey side projections. In my opinion the proposed houses are of a high quality, unusual design which have taken design references from the existing building on the site. I consider them to be visually acceptable, and that the proposals satisfactorily address reason for refusal 3.

Detached house - Unit 5

- 8.11 The proposed detached house would face Midsummer Common, and the location of the dwelling has dictated the design of the building. The previous scheme (application ref: 13/0435/FUL) included a steep pointed roof form that would have appeared 'alien' given the traditional roof forms of

Midsummer Limes and Brunswick Cottages adjacent to the proposed house. The submitted scheme now proposes a conventional pitched roof and gable end fronting Midsummer Common, which is supported as it is my opinion that the scale of the proposed dwelling is a successful transition between Brunswick Cottage and Bailey Mews.

- 8.12 The front (north) elevation of Unit 5 has been setback approximately 6-7m from the site boundary, and is on a similar alignment with the front façade of Midsummer Limes and Brunswick Cottages (at ground floor level) and Bailey Mews (at first floor level), which has provided space for replacement tree planting.
- 8.13 Concern has been raised regarding the loss of the willow tree on the Midsummer Common frontage. The Landscape team would not normally support the felling of the willow tree or the yew tree (which is also proposed to be felled) as these trees are important to the character of Midsummer Common and the wider Conservation Area. However, in this case the Landscape team have taken the view that the trees should not be a constraint to development as long as an appropriate replacement is provided. This view has been taken because the tree has been categorised as a category B/C tree. Adequate space has been left to accommodate two trees which can attain a stature which will continue to reinforce the Conservation Area's landscape setting. A condition is recommended requiring further details of the species of the proposed replacement trees (9), along with a hard and soft landscaping scheme (7) and a landscape maintenance plan (8). In my opinion the proposals satisfactorily address reason for refusal 2.

Elevations and materials

- 8.14 It is proposed that all of the proposed dwellings would be built of a simple palette of materials including buff facing brick, metal roofs, timber cladding and composite metal/timber windows. The proposed curved roof forms of units 1-4 have been designed to be as low as possible and are reminiscent of the curved gables of the old Edwardian school buildings on the site. A traditional slate roof is proposed for Unit 5 given its proximity to Brunswick Cottages and Midsummer Limes. The Urban Design and Conservation team consider the proposed materials

to be acceptable. I note the representations received raising concerns about the materials proposed and recommend that materials samples are required by condition (4). Render is likely to be considered unacceptable but other options should be considered.

Boundary treatment

- 8.15 It is proposed that the garden boundaries will be brick around the perimeter of Units 1-4 with timber fencing used to subdivide the rear gardens. In the representations received it has been suggested that the boundary wall between the site, and the alleyway behind Brunswick Cottages should be retained as it has historic value. The applicant has explained that this wall is not in a good state of repair and there are trees growing into the wall. It may, therefore, not be possible to retain the wall. I recommend a condition requiring further details of the boundary treatment which should include the investigation of this option (5). It is proposed that the boundary wall between Units 1 and 3 and the access alleyway to Units 1-4 is demarcated with a wall. In order to improve surveillance, it is recommended that an alternative treatment is considered such as a hit and miss brick wall. Details of this can be secured by condition (5).
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Amenity of neighbouring occupiers

- 8.17 The neighbouring properties that would be impacted on by the proposed development are 1-6 Brunswick Cottages to the north; Midsummer Limes to the north and west; 1-9 Bailey Mews to the east; 16-27 Bailey Mews to the south, and Parsonage Street to the west.
- 8.18 The previous application was refused for the following reasons:

Reason for refusal 2:

The proposed detached dwelling would be positioned close to what is the front elevation of Midsummer Limes and by virtue of its height and design, would be overly dominant and enclose

this neighbouring property to an unacceptable degree. The proposals are therefore in conflict with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

Reason for refusal 3:

The scheme would run parallel to Brunswick Cottages. It would be directly south, approximately 21m away from the main 2 storey rear line of the existing terrace. The height of the proposed terrace of 5 units would be 8.8m, the length would be unbroken at 36.5m, articulated only by first floor 800mm projecting bays with a consistent ridge line and minimal glazing. The combination of these factors would result in a very solid and uncompromising form which, when viewed from the rear gardens and rear facing windows in Brunswick Cottages, would appear unduly dominant, significantly foreshortening and enclosing the existing outlook resulting in an ugly and blank elevation of poor design quality and would fail to recognize the existing amenity afforded to the residents of Brunswick Cottages. The scheme has therefore failed to respond appropriately to its context, would have a significantly negative impact on residential amenity and represent a poor and contrived design, contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Reason for refusal 4:

The proposed development would cast significant shadow over the rear gardens of Brunswick Cottages to the north, to the detriment of the amenities of the occupants of Brunswick Cottages. It would also be subject to significant overshadowing itself, from both Bailey Mews to the south and from its proposed form which is orientated to the south. In the absence of BRE assessments concerning shadow and daylighting, the application has failed to demonstrate that either the occupants of Brunswick Cottages or future occupants of the terraced houses would not be subject to harmful levels of overshadowing or light. As such, the proposed development would not provide a high quality living environment for future occupants and would fail to respond adequately to the constraints of the site and existing residential amenity and is contrary to Cambridge Local Plan policies 3/4, 3/7 and 3/14.

Reason for refusal 5:

The scheme would run parallel to 16-27 Bailey Mews, providing only 16m in separation distance between main building lines, with the rear courtyards and stairwells of the proposed dwellings coming considerably closer. The height of the proposed terrace of 5 units would be 8.8m, the length would be unbroken at 36.5m, interspersed with raised first floor terraces. The combination of these factors would result in a very uncompromising form which, when viewed from the ground floor units in the Mews, would appear unduly dominant, significantly foreshortening and enclosing the existing outlook. Furthermore, due to the proximity of bedroom and stairwell windows on the northern elevation of 16-27 Bailey Mews to proposed south facing windows and rear external amenity areas, including the first floor terraces, the proposal would result in an unacceptable loss privacy for existing occupants and poor levels of privacy for future residents. The scheme has therefore failed to respond appropriately to its context and would have a significantly negative impact on the residential amenity of existing occupiers and provide a poor level of amenity for future occupiers, contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Impact of Units 1-4 on Brunswick Cottages, 16-27 Bailey Mew, and 18 and 24 Parsonage Street

Overshadowing

- 8.19 The site is situated to the south of 1-6 Brunswick Cottages. The application is accompanied by a shadow study, which shows the shadow cast by the proposed development throughout the course of the day on the 21st of March, 21st June and 21st December. Existing shadow plans are not supplied with the application package, so I am unable to accurately assess the extent of additional shadow cast by the proposed development over and above the shadow cast by the existing building and Bailey Mews to the south.
- 8.20 However, given that the existing building is single storey, I assume overshadowing from this would be minimal. From the shadow plans put forward, it is also possible to distinguish the existing shadow line created by the ridge of Bailey Mews throughout the year.

8.21 The plans demonstrate that Bailey Mews does not, in terms of its shadow cast, impact on the rear gardens of Brunswick Cottages at any part of the day. The submitted shadow plans demonstrate that the overshadowing experienced by these neighbouring properties is caused by the existing boundary treatment and existing trees, and the proposed development does not exacerbate the existing situation. In my opinion, the proposed development satisfactorily addresses this part of reason for refusal 4.

Dominance and enclosure

8.22 The previous scheme introduced a continuous block of development which would have dominated the views from Bailey Mews and Brunswick Cottages. This application proposes semi-detached houses which have been orientated east west on the site, rather than north south. This has resulted in the introduction of substantial breaks in the built form which has greatly reduced the development's dominance. The proposed design of the dwellings also helps to reduce their impact as they have been kept low with interesting elevations. It is therefore my opinion that the proposed dwellings would not dominate or enclose these neighbouring properties to an unacceptable degree. In my opinion, the proposed development satisfactorily addresses this part of reason for refusal 5.

Overlooking

8.23 No windows are proposed on the side elevations of these dwellings, with the exception of a first floor window on the side elevation of unit 4, which would look towards Brunswick Cottages. It is proposed that this window is etched glass and I recommend a condition requiring details of this glazing, to ensure that no direct overlooking is possible from this window (6).

8.24 Windows are proposed on the front and rear elevations of Units 1-4, and whilst oblique views would be possible from these windows towards Bailey Mews and Brunswick Cottages, this would not warrant refusal of the application. The windows proposed on the front elevation of Unit 4 could provide direct views towards 24 Parsonage Street. However, in order to

mitigate against this the architects have introduced a sawtooth window to direct views away from this neighbouring house.

Impact of Unit 5 on Midsummer Limes and 1-9 Bailey Mews

- 8.25 The proposed detached house would stand to the west of 1-9 Bailey Mews. Due to the height of 1-9 Bailey Mews, and the positioning of the proposed house in line with 1-9 Bailey Mews, the proposed house will not overshadow, dominate, enclose or overlook this neighbouring building.
- 8.26 The proposed detached house would stand to the east of Midsummer Lime. Midsummer Limes is unusual as its front elevation is the eastern elevation, which faces out onto the part of the site where the proposed detached dwelling would stand. This eastern elevation includes a bay window.
- 8.27 The previous application was refused for the following reason:

The proposed detached dwelling would be positioned close to what is the front elevation of Midsummer Limes and by virtue of its height and design, would be overly dominant and enclose this neighbouring property to an unacceptable degree. The proposals are therefore in conflict with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

Overshadowing

- 8.28 The submitted shadow plans demonstrate that the proposed dwelling would cast shadow over the curtilage of Midsummer Limes at 9am. However, the shadow would not reach the house and it is therefore my opinion that the level of overshadowing would not be as significant as to warrant refusal of the application. I note the representation received from the owners/occupiers of Midsummer Limes and their concerns about the impact of the proposed timber cladding on light. I recommend a condition requiring samples of materials so that an appropriate material can be used for this element of the house (4).

Dominance and enclosure

- 8.29 The proposed house is the same height to the eaves as previously proposed and the same distance from the common

boundary, but it is set further back on the site than in the previous proposal, and now has an asymmetrical dual pitched roof rather than a mono pitch roof as previously proposed. In my opinion, the setting back of the proposed dwelling further into the site and the amendments to the roof design result in a building that it is far less dominant and obtrusive than previously proposed. The owners/occupiers of Midsummer Limes have requested that planting is added to the common boundary to soften its appearance and I recommend that details of this are required by condition (7).

Overlooking

- 8.30 Windows are proposed on the western elevation at ground floor level. One window wraps around the side and front of the proposed house, serving the living/dining room. Due to the positioning of this window, views from this window will mainly be directed towards the front garden of Midsummer Limes and Midsummer Common. However, in order to ensure that Midsummer Limes is not overlooked I recommend, a condition requiring the side portion of the window to be obscure glazed (10). The other window would serve the kitchen, with a separation distance of 8.8m between this window and Midsummer Limes. Views from this window would be blocked by the proposed cycle store to be positioned along the common boundary and therefore I do not have any significant concerns regarding overlooking from this window.

Noise and disturbance

- 8.31 It is not reasonable to prevent work commencing on site until a neighbouring development has been completed. To minimise the disturbance created I recommend conditions restricting contractor working hours (11), delivery hours (12), dust suppression (13) and construction noise (14)

Amenity for future occupiers of the site

- 8.32 The previous application was refused for the following reason:

Reason for refusal 4:

The proposed development would cast significant shadow over the rear gardens of Brunswick Cottages to the north, to the

detriment of the amenities of the occupants of Brunswick Cottages. It would also be subject to significant overshadowing itself, from both Bailey Mews to the south and from its proposed form which is orientated to the south. In the absence of BRE assessments concerning shadow and daylighting, the application has failed to demonstrate that either the occupants of Brunswick Cottages or future occupants of the terraced houses would not be subject to harmful levels of overshadowing or light. As such, the proposed development would not provide a high quality living environment for future occupants and would fail to respond adequately to the constraints of the site and existing residential amenity and is contrary to Cambridge Local Plan policies 3/4, 3/7 and 3/14.

- 8.33 The submitted shadow diagrams show that the rear gardens of Units 1-4 would be partially in shadow, but as this would affect only parts of the gardens I consider this to be acceptable, and that the proposals satisfactorily address this part of reason for refusal 4.
- 8.34 Units 1 & 2 and 3 & 4 are located approximately 14m from one another. Given this limited back-to-back separation distance I recommend that opaque glazing is introduced to the lower portion of the bedroom windows on the west elevation of Units 1 & 2 and east elevation of Units 3 & 4. This can be secured by condition (10).
- 8.35 A Geotechnical and Contamination Assessment Report has been submitted as part of the application. Environmental Health require further information and this can be secured by condition (15).
- 8.36 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.37 It is proposed that each of the houses has an individual bin store on plot. On bin collection days residents would be responsible for bringing their bins to the bin collection point,

which would be situated behind plot 5 within the car parking area.

- 8.38 Environmental Health have commented on the application, and whilst the bin storage proposed is acceptable, the bin collection process is not considered to be appropriate. The distance to the bin collection point for some residents is excessive as it should be no more than 25m and the distance for refuse and recycling collection staff should be reduced as much as possible. In my opinion the concerns raised are not insurmountable and refusing the application for this reason could not be justified. There is sufficient space on site to position the bin collection point elsewhere, such as adjacent to the bin store for Bailey Mews, which would reduce the distance for residents and collection staff. I recommend that details of the bin collection point are required by condition (16).
- 8.39 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.40 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006), states that in a Controlled Parking Zone (CPZ) one car parking space must be provided for each new dwelling. The proposed detached house would have a garage and a further six car parking spaces would be provided. This meets the standards and is therefore acceptable in principle. From the representations received, I understand that there are concerns regarding the number of car parking spaces provided. However, as the site is in a highly sustainable location, close to the City Centre and public transport routes I do not consider it necessary or reasonable to insist that a greater number of car parking spaces are provided. Due to the concerns raised regarding the position of the bin collection point and my suggested condition it will be necessary to redesign the parking layout. I therefore recommend a condition requiring details of this (16).
- 8.41 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that at least three secure and covered cycle parking spaces must be provided for each dwelling. It is proposed that cycle stores will be provided for each dwelling on plot. This meets the standards and is acceptable.

- 8.42 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.43 Most of the third party representations have been dealt with in the preceding paragraphs.

Maintenance of the access road during and after construction

- 8.44 This is a civil matter and is not a planning consideration.

Opening up the access route to Parsonage Street would result in a rat run for burglars

- 8.45 This is not proposed.

Planning Obligation Strategy

Planning Obligations

- 8.46 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

- 8.47 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) 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 and relevant Supplementary Planning Documents. The

proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.48 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 outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.49 The application proposes the erection of three four-bedroom houses, one three-bedroom house, and one two-bedroom house. A house or flat is assumed to accommodate one person for each bedroom. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	1	476
3-bed	3	238	714	1	714
4-bed	4	238	952	3	2856
Total					4046

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	1	538
3-bed	3	269	807	1	807
4-bed	4	269	1076	3	3228
Total					4573

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	1	484
3-bed	3	242	726	1	726
4-bed	4	242	968	3	2904
Total					4114

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	1	632
3-bed	3	316	948	1	948
4-bed	4	316	1264	3	3792
Total					5372

8.50 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge Local Plan

(2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

- 8.51 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	1	1256
3-bed	1882	1	1882
4-bed	1882	3	5646
Total			8784

- 8.52 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.53 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	5	375
Flat	150		
Total			375

8.54 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Household Recycling Centres

8.55 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.

8.56 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD.

8.57 For new development in Cambridge the relevant HRC is located at Milton. The following table sets out how the contribution per new dwelling has been calculated for the Milton HRC.

Notes for Milton	Infrastructure/households	Source
4 sites at £5.5 million	£22 million	Cost per site sourced from Mouchel Parkman indicative costs 2009
Total catchment (households)	115,793	WMT Recycling Centre catchment tables CCC mid 2009 dwelling figures
New households	24,273	CCC housing trajectory to 2025 as of December 2010
<u>Infrastructure costs</u> Total number of households in catchment x New households in catchment		
<u>£22 million</u> x 24,273 = £4,611,730 115,793		
Total Developer Contribution per household = £190		

The net gain is five therefore the necessary contribution towards HRC is £950.

- 8.58 Subject to the completion of a S106 planning obligation to secure the requirements of the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012), I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

Education

- 8.59 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.60 In this case, five additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education, primary education, secondary education, and lifelong learning. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		810	5	4050
Total					4050

Primary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		1350	5	6750
Total					6750

Secondary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		1520	5	7600
Total					7600

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+- beds	2		160	5	
Total					800

8.61 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

8.62 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

- 8.63 For this application a monitoring fee of £2370.70 is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

Planning Obligations Conclusion

- 8.64 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 In my opinion the proposed dwellings are of a high quality, unusual design which have taken design references from the existing building on the site and would enhance the character and appearance of the Conservation Area. The application satisfactorily addresses the previous reasons for refusal and is therefore recommended for approval.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 31st December 2014 and 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No development shall take place until a full photographic record and survey by measured drawing and salvage of samples has been made depicting the exterior and interior of the building (including any parts to be demolished) and a copy deposited with each of the following organisations: the Cambridgeshire Collection of the Central Library, Lion Yard, Cambridge; the County Archive, Shire Hall, Castle Hill, Cambridge, and the local planning authority. The precise number and nature of the photographs, drawings and samples to be taken is to be agreed in advance with the local planning authority and the format in which they are to be displayed and titled is to be agreed with the local planning authority before the deposit is made.

Reason: to foster understanding of the building's importance in the national and Cambridge context, and to ensure proper recording of any aspects of the building's special interest which are to be lost or altered. (Cambridge Local Plan 2006, policy 4/10)

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

5. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

6. Prior to installation, full details of the etched glass window at first floor level on the side elevation of Unit 4 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent overlooking. (Cambridge Local Plan 2006, policy 3/7)

7. 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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. 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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

9. Prior to planting, full details of the replacement trees on the Midsummer Common frontage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure they are visually acceptable. (Cambridge Local Plan 2006, policy 4/11)

10. The side portion of the wraparound window on the ground floor of Unit 5, and the lower portion of the first floor windows on the rear elevations of Units 1-4 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

11. Except with the prior written agreement of the local planning authority 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)

12. Except with the prior written agreement of the local planning authority, 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)

13. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

14. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

15. No development approved by this permission shall be COMMENCED (excluding demolition) prior to a contaminated land assessment and associated remedial strategy, being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

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

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

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

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs d), e) and f).

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

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

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial

sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 4/13).

16. Prior to occupation full details of the bin collection point and a revised parking layout shall be submitted to and approved in writing by the Local Planning Authority. Bin collection space and car parking shall be implemented according to the approved layout and retained thereafter.

Reason: To ensure that waste can be collected. (Cambridge Local Plan 2006, policy 3/12)

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with 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 31st December 2014, or if Committee determine that the application be refused against officer recommendation of approval, 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, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

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Application Number	14/1123/FUL	Agenda Item	
Date Received	9th July 2014	Officer	Miss Catherine Linford
Target Date	3rd September 2014		
Ward	Trumpington		
Site	21-25 Fitzwilliam Road Cambridge CB2 8BN		
Proposal	Fourth floor extension to the existing building and a four storey rear extension to create one three bedroom flat and four one bedroom flats.		
Applicant	Mr G Wieland Pynes House Chapel Street Duxford CB224RJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The revised scheme addresses the reasons for refusal of the previous very similar scheme.</p> <p>The development will have a positive impact on the conservation area.</p> <p>The development will deliver additional dwellings in an accessible location and mitigation measures to address the impact of the development are capable of being secured via a s106 Agreement.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 21-25 Fitzwilliam Road is a three storey, flat roofed block of flats situated on the northern side of Fitzwilliam Road. The surrounding area is predominantly residential consisting of flats, and two and three storey houses. The site is within a Conservation Area and the Controlled Parking Zone (CPZ).

2.0 THE PROPOSAL

2.1 Full planning permission is sought for a fourth floor extension to the existing building, and a four storey rear extension to create one additional three bedroom flat and four additional one bedroom flats.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement

2.3 The application follows on from a previous scheme for the same nature of development (application ref. 13/1541/FUL) which was refused under officer delegated powers in April this year. (It should be noted that the description of development in that case was given as a third floor extension and three storey rear extension which is not accurate). The reasons for refusal were as follows:

1 The proposed mansard roof would be an alien form in the streetscene which would not improve the appearance of the building and would neither preserve nor enhance the character or appearance of the Conservation Area. The proposals are therefore in conflict with policies 3/4 and 4/11 of the Cambridge Local Plan (2006)

2 The proposed three storey rear extension would be visible from Fitzwilliam Road and Shaftesbury Road and would appear as one long block of development. This is an unacceptable form in the Conservation Area and would be detrimental to its character and appearance. The proposals are therefore in conflict with policies 3/4 and 4/11 of the Cambridge Local Plan (2006).

3 Metal cladding is not widely used in the Conservation Area, and the proposed aluminium cladding to the front elevation of the building would therefore be out of character with the Conservation Area and would be visually detrimental. The proposals are therefore contrary to policies 3/4 and 4/11 of the Cambridge Local Plan (2006).

4 The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.

This decision is a significant material consideration in the determination of the current application.

- 2.4 The current application includes the following revisions which have been made to address the reasons for refusal:

The mansard roof form has been changed to a straight sided extension. The materials have been clarified.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1542/FUL	Demolition of a flat roofed garage block in order to improve car parking	A/C
13/1541/FUL	Third floor extension to existing building and three storey rear extension to create a further 1x 3 bed flats and 4x 1 bed flats	Refused

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/8 3/12 3/14 4/4 4/11 5/1 5/14 8/6 8/10 10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) Cambridge City Council (2011) - Open Space and Recreation Strategy

	Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Cambridge City Council (2002)–Southern Corridor Area Transport Plan: Brooklands Avenue Conservation Area Appraisal (2013)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site (either existing or new) will not qualify for Residents' Permits (other than visitor permits) within the existing Residents Parking Schemes operating on surrounding streets.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions relating to construction hours, construction delivery hours, piling and waste storage/access for refuse vehicles.

Urban Design and Conservation team

- 6.3 A previous application, 13/1541/FUL was not supported by the Conservation Team due to its detrimental effect on the character and appearance of the conservation area. The principle of the additions is supported. The concern is the materials that will be used to update and extend the building.

The existing colour palette for the building contrasts negatively with other buildings within the conservation area. In order to enable this building to fit within the local context, the materials for the cladding and the new extension need to be determined before the works commence. In this way, all the materials and the colour palette will be established and there should be a general improvement to the building as a whole. For example the use of white UPVC doors on the fourth floor to access the proposed terrace may not work well with the proposed zinc cladding to the roof. It will also be important to get a brick that works well with the existing orange/yellow building for the extensions.

Provided that an appropriate palette of materials can be agreed for the extensions to this property and its refurbishment, the proposals will not be detrimental to the character or appearance of the conservation area. The application conforms to policy 4/11 of the Cambridge Local Plan 2006.

Arboricultural Officer

- 6.4 The Arboricultural Officer made the following comments in relation to the previous application:

There is a substantial tree to the rear of the site that is protected by a TPO which will be significantly impacted on by the proposal. Crown reduction of 2m is required to the tree to allow construction of the new building. This will further unbalance the tree crown and impact on the tree's amenity contribution. Once built there will be significant pressure to reduce the tree further

and even remove it as it will continue to grow towards the new flats and block windows. In addition the development will breach the tree's RPA significantly.

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

7.0 REPRESENTATIONS

- 7.1 The owner/occupiers of the following address have made a representation:

□ 378 Glenalmond Avenue

- 7.2 The representation can be summarised as follows:

□ There are ongoing developments in the area and residents should have some 'development free time'

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. This is a predominantly residential area and it is therefore my opinion that additional dwellings here would be compatible with the existing land use and adjoining

land uses. There was no objection in principle to the previous application for the same development on the site.

- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.4 The existing block of flats dates from the 1960s and is constructed in a yellow/brown brick and has a flat, felt roof. The windows are casement and there are some large fixed panes in the building. To the rear of the building there is a graveled open space with a large mature tree, which is the subject of a Tree Protection Order (TPO). This is a car parking area for the residents of 21-25 Fitzwilliam Road and the residents of 15 Fitzwilliam Road. It is proposed that the building is increased in height by one storey; that a four storey extension is added to the rear; and that the front elevation is altered by replacement windows and aluminum cladding.
- 8.5 The principle of an additional floor is acceptable as there are a number of taller buildings close to the application site. However, the acceptability of an additional floor is wholly dependent on the design of the additional floor. The existing building is an anomaly in the streetscene and is surrounded by Victorian villas on Shaftesbury Road, Victorian townhouses on Fitzwilliam Road and the contemporary flat roofed development, Kaleidoscope, opposite the site on Fitzwilliam Road. Whilst the surrounding area is largely mixed in terms of design, the previously proposed mansard roof was considered to be alien in the streetscene as no other buildings in the immediate locality have mansard roofs. This element of the scheme has been revised and the straight-sided roof extension would improve the appearance of the building and would enhance the conservation area. The Conservation Officer shares this view.
- 8.6 The proposed aluminum cladding to the front elevation has been clarified in this application and the Conservation Officer is of the view that, subject to detailed conditions it would enhance the character of the Conservation Area.
- 8.7 The principle of some form of rear extension is acceptable. The previously refused scheme was considered to present a long

block of development visible from both Fitzwilliam Road and Shaftesbury Road which would be detrimental to the conservation area. The current scheme is of the same depth, height and mass, however now that the materials have been clarified and the fourth floor extension revised the Conservation Officer has raised no objections on these grounds. In my view the extension will be visible but will not have such an adverse impact on the visual amenity of the conservation area as to justify a recommendation of refusal.

- 8.8 At the rear of the site, with the car park, there is a substantial tree, which is the subject of a Tree Protection Order (TPO). This tree would be significantly impacted on by the proposals. To allow for the construction of the proposed extensions to the building, the crown of the tree would need to be reduced by 2m. This would unbalance the tree crown and impact on the tree's amenity contribution to the area. Once the extension is built, the tree would continue to grow towards the new flats and block windows, and it is likely that there would be significant pressure to reduce the tree further and even remove it. The proposed development would also breach the tree's Root Protection Area significantly. The submitted Tree Protection Plan states that the foundation would be 'no-dig' but given the need to match the ground levels, the City Council's Arboricultural Officer has advised that a no-dig foundation may not be appropriate.
- 8.9 Although the development could potentially impact on the protected tree this was not the basis for a refusal of planning permission for the earlier scheme which would have had the same impact. I am of the view that appropriate protection can be afforded to the tree and have recommended conditions to secure the submission and approval of foundation details and protection measures for the tree (conditions 11 and 12).
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/4. I have recommended the conditions suggested by the Conservation Officer (conditions 7, 8, 9 and 10).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The neighbouring properties that may potentially be impacted on by the proposals are 5 Shaftesbury Road to the west and 15 Fitzwilliam Road to the east.

Impact on 5 Shaftesbury Road

- 8.12 5 Shaftesbury Road is a large detached villa, which is in B1a) (office) Use which has been the subject of a successful application for change of use to education use (Stephen Perse Sixth Form College). This building had been extended on its southern side, with the extension standing adjacent to part of 21-25 Fitzwilliam Road, 5m from the common boundary. The extension has windows in the rear (eastern) elevation, which are obscure glazed.
- 8.13 The common boundary between 5 Shaftesbury Avenue is angled, and the proposed rear extension to the building would stand between 0.7m and 2m from the common boundary adjacent to the extension to 5 Shaftesbury Road.
- 8.14 Due to the orientation of the buildings, the proposed rear extension and additional storey within the mansard roof would cast shadow over 5 Shaftesbury Road in the afternoon. However, considering this neighbouring building is in commercial/educational use, and that the open plan office space is also lit by windows in the western and southern elevations, on balance, it is my opinion, that the impact of overshadowing is not so significant that it would warrant refusal of planning permission. Due to the separation distance between the buildings it is my view that the proposal would not be excessively dominant.
- 8.15 Windows are proposed in the western elevation of the proposed rear extension, and it is proposed that windows are also added to the western elevation of the existing building. The windows in the existing building would look out towards an open area of the 5 Shaftesbury Road site, and would serve bedrooms. As the neighbouring building is in commercial/educational use, it is my opinion that any overlooking would not impact on the users of No. 5 to such a degree as to warrant refusal of the

application. The proposed windows in the rear extension would serve the stairwell and bathrooms. The windows on the eastern elevation of the extension to No. 5 are obscure glazed and there is therefore no potential for interlooking. Given the intended use of the rooms that these windows serve in the proposed extension, it is my view that it would be reasonable to insist that these windows are obscure glazed which would address any potential overlooking impact (condition 13).

Impact on 15 Fitzwilliam Road

- 8.16 21-25 Fitzwilliam Road and 15 Fitzwilliam Road stand 4.6m apart, on either side of a driveway which leads to a shared parking area between the two buildings. Due to the orientation of the buildings, the proposed rear extension would cast shadow over the car parking area to the rear of 15 Fitzwilliam Road in the morning, and the proposed additional storey within the roof would cast shadow over 15 Fitzwilliam Road in the morning. In my opinion, the loss of light created by the additional storey would not be significant enough to warrant refusal of the application. The extension to the rear would overshadow the car park and this would not have a detrimental impact on residential amenity, in my view. In my opinion, neither the additional storey nor the rear extension would be overly dominant.
- 8.17 There are existing windows on the eastern elevation of 21-25 Fitzwilliam Road. The windows in the eastern elevation of the proposed rear extension, serving bedrooms, kitchens and living rooms would have views into the communal parking area, which would not have any impact on residential amenity.
- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7. I have recommended the conditions suggested by the Environmental Health Officer relating to the construction phase of the development (conditions 3, 4 and 5)

Amenity for future occupiers of the site

- 8.19 The development will provide good quality accommodation in an accessible location and I consider that in this respect it is

compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

Refuse Arrangements

- 8.20 The submitted plans indicate that only two refuse bins at the rear of the building are to be provided. The Council operates a three stream waste and recycling system and the number of bins shown would not be sufficient. Although the submitted details are not acceptable, I am satisfied that there is room on the site to accommodate sufficient bin storage in an acceptable location. I have recommended a condition to secure waste bin provision and collection arrangements (condition 7).
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

Car Parking

- 8.22 As a result of the proposed rear extension, three car parking spaces would be lost within the car park at the rear. Five car parking spaces would be available for the occupants of the building, which would contain eight flats in total. The site is within the Controlled Parking Zone (CPZ) and Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that a maximum of 10 off-street car parking spaces could be provided for the building. The Local Highway Authority has explained that the residents would not qualify for residents parking permits. Considering the sites proximity to the City Centre, public transport routes and the railway station it is my opinion that the proposed number of car parking spaces is justified and would not put pressure on the demand for on-street parking spaces. I have recommended the informative requested by the highway engineer.

Cycle Parking

- 8.23 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that at least one secure covered cycle parking space must be provided for each bedroom. This equates to sixteen spaces for the building. Twenty spaces are proposed, which is acceptable.

- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.25 I appreciate that a lot of development is ongoing in this area and sympathise with the effect this has on local residents but it is not a material planning consideration.

Planning Obligation Strategy

Planning Obligations

- 8.26 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) 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 and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.27 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial

contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

- 8.28 The application proposes the erection of four one-bedroom flats and one three-bedroom flats. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	£
studio	1	238	238		
1 bed	1.5	238	357	4	1428
2-bed	2	238	476		
3-bed	3	238	714	1	714
4-bed	4	238	952		
Total					2142

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	4	1614
2-bed	2	269	538		
3-bed	3	269	807	1	807
4-bed	4	269	1076		
Total					2421

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	4	1452
2-bed	2	242	484		
3-bed	3	242	726	1	726
4-bed	4	242	968		
Total					2178

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0	4	0
2-bed	2	316	632		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
Total					948

8.29 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	4	5024
2-bed	1256		
3-bed	1882	1	1882
4-bed	1882		
Total			6906

- 8.31 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	5	750
Total			750

- 8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Household Recycling Centres

- 8.34 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and

require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.

8.35 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD.

8.36 For new development in Cambridge the relevant HRC is located at Milton. The following table sets out how the contribution per new dwelling has been calculated for the Milton HRC.

Notes for Milton	Infrastructure/households	Source
4 sites at £5.5 million	£22 million	Cost per site sourced from Mouchel Parkman indicative costs 2009
Total catchment (households)	115,793	WMT Recycling Centre catchment tables CCC mid 2009 dwelling figures
New households	24,273	CCC housing trajectory to 2025 as of December 2010

<u>Infrastructure costs</u>		
Total number of households in catchment	x New households in catchment	
<u>£22 million</u> 115,793	x 24,273	= £4,611,730
Total Developer Contribution per household = £190		

The net gain is five flats therefore the necessary contribution towards HRC is £950.

- 8.37 Subject to the completion of a S106 planning obligation to secure the requirements of the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012), I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

Education

- 8.38 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.39 In this case, five additional residential units are created. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	4	0
2+-beds	2		810	1	810
Total					810

Primary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	4	0
2+-beds	2		1350	1	1350
Total					1350

Secondary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	4	0
2+-beds	2		1520	1	1520
Total					1520

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	4	640
2+-beds	2		160	1	160
Total					800

8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.41 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.42 For this application a monitoring fee of £1039 is required to cover monitoring of Council obligations plus the County Council monitoring fee and the monitoring fee associated with the provision of public art.

Planning Obligations Conclusion

- 8.43 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 In my opinion, the revisions that have been made to the fourth floor extension and the clarification that has been provided in relation to the use of external materials have addressed the reasons for refusal of the previous scheme. The applicants are willing to enter into a s106 Agreement to secure mitigation measures which address the fourth reason for refusal. The application is recommended for approval.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 31 December 2014 and 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

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

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

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

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

6. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point. 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 amenity of the residents of the development. (Cambridge Local Plan 2006 policy 4/13)

7. Before starting any works, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing of the bricks and the cladding for the walls. These shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/14 and 4/11)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policies 3/14 and 4/11)

9. All new joinery shall be recessed at least 75mm back from the face of the wall. The means of finishing of the reveal shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policies 3/14 and 4/11)

10. Prior to the installation of any non-timber windows and doors, full details including samples of materials showing profiles, cross-sections, surface finishes, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policies 3/14 and 4/11)

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

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/4)

12. Prior to commencement of development full details of the foundations and a methodology to ensure that the construction of the development will not be harmful to the protected tree on the site shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/4)

13. The windows on the west elevation at ground/first/second/third floor level serving bathrooms and stairwells shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use of the extension and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14).

INFORMATIVE: The residents of the site, whether in existing or the proposed residential units will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets

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

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). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with 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 31 December 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason:

The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 and 10/1, the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010 and

Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

Application Number	11/0776/FUL	Agenda Item	
Date Received	11th July 2011	Officer	Mr John Evans
Target Date	5th September 2011		
Ward	West Chesterton		
Site	Land To Rear Of 43 - 59 Elizabeth Way Cambridge Cambridgeshire CB4 1DB		
Proposal	Construction of five new family homes on land to the rear of 43-59 Elizabeth Way following the demolition of number 57 Elizabeth Way and existing outbuilding.		
Applicant	3A Abbeygate Street Bury St Edmonds Suffolk IP33 1UL		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is an irregular shaped backland area of land, some 0.20 hectares in area, situated on the western side of Elizabeth Way. Elizabeth Way forms part of the Cambridge ring road, the A1134, and is characterised by detached and semi detached residential properties, many of which are houses in multiple occupation (HMO's). The site has been formed by the gradual acquisition and consolidation of various garden plots of the residential properties along Elizabeth Way and Montague Road.
- 1.2 The site would take access from Elizabeth Way, through a new access created by the demolition of the existing number 57 Elizabeth Way, the southern half of a pair of semi-detached houses. The new flank wall of 59 Elizabeth Way will be 'made good' to its new flank wall, which will be rendered and stand adjacent to the proposed access.
- 1.3 To the west of the application site is the currently vacant development land in Sandy Lane, which has approval for residential development. The western boundary of the application site would be adjacent to where a terrace of

townhouses of a Victorian character has been approved. This previous approval on the adjoining Sandy Lane development site has been implemented through site drainage works, but works have yet to commence.

- 1.4 To the west of 51 Elizabeth Way, and within what is now the application site (previously the garden of 51 Elizabeth Way), is a rectangular outbuilding. It is substantial in size in relation to other outbuildings and appears to be used for storage purposes. The outbuilding is not illustrated on the submitted plans, and I have assumed that it would be demolished to accommodate the car parking and turning area of the proposed development.
- 1.5 The site is not within a Conservation Area, although it is adjacent to the De Freville Conservation Area, the boundary of which is defined by the common boundary of the site with the rear gardens of Montague Road.
- 1.6 There are no Protected Trees on the site.

2.0 THE PROPOSAL

- 2.1 This application seeks consent for the erection of three 5 bedroom dwellings and two 4 bedroom dwellings. Plots 1 and 2 are orientated with their front elevation facing the main access to the east. Plots 3 to 5 are sited at right angles, with their principle elevations facing north west. Plots 1, 2 and 5 are 10.2m in width, have an eaves height of 5.4m with an overall ridge height of 8.8m. Plots 3 and 4 are similar in design and appearance, with a width of 13.1m, an eaves height of 5.2m and an overall ridge height of 8.9m.
- 2.2 The houses are to be constructed in a buff brick and have projecting bay window features with stone cills and lintels.
- 2.3 The application involves the demolition of number 57 Elizabeth Way, (and outbuilding) and the making good of number 59 Elizabeth Way. The application proposes hard and soft landscaping landscaping to the new accessway.
- 2.4 Refuse and bicycle storage is to be accommodated within the rear garden of each new dwelling.

2.5 The application is accompanied by the following supporting information:

1. Design and access Statement
2. Planning Statement
3. Site Waste Management Plan
4. Transport Statement

3.0 SITE HISTORY

Sandy

Lane site

Reference

C/03/0406

Description

Erection of 18No. 4 and 5 bedroom dwellings following demolition of existing workshops.

Outcome

Refused, allowed at appeal

03/01241/F
P

Erection of five dwelling houses

Approved

08/0915/FU
L

Provision of two mews style two storey apartments, parking, bin and bike stores.

Approved

Application site

10/1071/FU
L

Development of 3 storey building with basement to provide student accommodation comprising 44 bedrooms (39 student rooms, 4 mobility assisted rooms and 1 warden room) following demolition of no. 57 Elizabeth Way.

Withdrawn

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

5.2 Planning Policy Statement 1: Delivering Sustainable Development (2005): Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Planning Policy Statement 3: Housing (2006): Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **Planning Policy Statement 3: Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)
- 5.5 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.
- 5.6 **Planning Policy Guidance 13: 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.

- 5.7 **Planning Policy Statement 22: Renewable Energy (2004):** Provides policy advice to promote and encourage the development of renewable energy sources. Local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, location requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- 5.8 **Planning Policy Guidance 24 - Planning and Noise (1994):** States at paragraph 12, that planning authorities should consider carefully whether new noise-sensitive development would be incompatible with existing activities. At paragraph 13, a number of mitigation measures are suggested which could be introduced to control the source of, or limit exposure to, noise.
- 5.9 **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.
- 5.10 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.11 **East of England Plan 2008**

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

5.12 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

5.13 Cambridge Local Plan 2006

3/1 Sustainable development

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

4/4 Trees

4/11 Conservation Areas

4/13 Pollution and amenity

5/1 Housing provision

5/4 Loss of housing

8/2 Transport impact

8/4 Walking and Cycling accessibility

8/6 Cycle parking

8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places

3/8 Open space and recreation provision through new development

3/12 The Design of New Buildings (*waste and recycling*)

5/14 Provision of community facilities through new development

8/3 Mitigating measures (*transport*)

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public art*)

5.14 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.

Cambridge City Council (March 2010) – Planning Obligation Strategy: provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

Cambridge City Council (January 2010) - Public Art: This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

5.15 Material Considerations

Draft National Planning Policy Framework (July 2011)

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be 'yes', except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

City Wide Guidance

Cambridge City Wildlife Sites Register (2005) – Details of the City and County Wildlife Sites.

Strategic Flood Risk Assessment (2005) – Study assessing the risk of flooding in Cambridge.

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 Open Space Standards Guidance for Interpretation and Implementation (2010) Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

Cycle Parking Guide for New Residential Developments (2010) – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

Area Guidelines

Cambridge City Council (2002)–Eastern 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.

De Freville Conservation Area Appraisal (2009) An assessment about what is special about the De Freville Estate and environs.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

6.1 No objections in principle.

- The accessway should be a minimum of 5m wide for the first 10m of the carriageway
- The access should be provided with splays to allow turning.
- 5 houses is the accepted maximum that can be served off a shared private drive; more would normally be served by a public highway or private road.
- Dimensions for the car parking spaces must be shown.

Head of Environmental Services

6.2 No objections in principle.

- Construction related conditions recommended.
- The Scientific Team have commented that as the site borders a large area occupied historically by a builders yard a contaminated land condition is required.

Historic Environment Manager

6.3 The proposed houses appear to have taken their references from the Victorian/Edwardian properties in the De Freville area. However, as the layout as submitted is not typical of that era,

and the site is accessed from Elizabeth Way where the properties are of a different style, it may not be the most appropriate form. If this style of building is accepted, the designs are of appropriate proportions and detail provided that good quality materials are used.

The garages do not appear to be big enough for modern family cars. The width on plan measure 2.2m. which looks to be too narrow, especially when other items may also be stored in them resulting in areas difficult to access and use appropriately. With the size of the garages, and their separation from the houses, there may be a propensity for the owners to park in the road outside their property which could be detrimental to the character of the area. What is the proposed landscaping to the front of the houses? Will it be used to discourage owners from parking directly in front of their property?

What is the proposed boundary treatment between each plot and the surrounding properties?

Conclusion

The demolition of 57 Elizabeth Way to give access to this site is not supported as it will imbalance the streetscene. The land should be accessed from Sandy Lane and the buildings should be incorporated into a revised scheme for that site.

The style of the buildings may be appropriate subject to appropriate materials and details, a good brick, natural slate for the roofs, timber windows and doors.

Cambridgeshire County Council Education

- 6.4 Contributions required towards education provision.

Cambridgeshire County Council Archaeology

- 6.5 The site lies in an area of high archaeological importance near to the 17th century Chesterton Hall and St Andrew's Church. Site investigations are required.

6.6 Cambridge City Council Landscape Team

We generally support the concept of a residential scheme on

this site, however we do require further design resolution in the interests of high quality development. We would therefore suggest that the following matters need to be addressed before this application can be fully considered.

The arrival experience of entering this site requires further consideration of the following three points.

- The proposal to literally to 'chop in half' Numbers 57 & 59, and leave the new exposed façade of No. 57 blank is not acceptable. In the interests of improving the street scene of Elizabeth Way this façade needs to be activated with windows and if possible a door.
- The proposed site plan needs to be realistic about the proposed tree and shrub planting either side of the driveway. Whilst planting along the driveway is supported, given the proximity of the houses either side, the species choice needs to be carefully considered.
- We would suggest one of the front bays of either Unit 1 or 2 should align with the centre of the driveway in order to address and contribute to the street scene of Elizabeth Way.
- Landscape conditions recommended.

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

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations: 168a Chesterton Road, 53/55 Elizabeth Way, Murfits Patch Sandy Lane,

7.2 The representations can be summarised as follows:

Design comments

- The proposed development is a vast improvement compared with the previous application for student accommodation and blends in well with the surroundings.
- No objections in principle.

Amenity comments

- The proposed access will cause a negative impact upon the amenities of number 53/55 Elizabeth Way.
- Number 59 will suffer maximum disruption from noise, fumes and vibration.
- Student accommodation next to number 53/55 already erodes their quality of life.

Highways concerns

- The proposed access of Elizabeth Way gives some concern. The access off Sandy Lane has been lobbied for closure for many years.
- Why is the developer not using Sandy Lane for access?
- The removal of number 59, a perfectly sound house is totally unacceptable.
- Access through the adjoining site to the west would allow child friendly access avoiding Elizabeth Way.
- The long standing policy of not allowing new accesses onto Elizabeth Way should not be relaxed.

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

8.0 ASSESSMENT

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

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

Principle of Development

- 8.2 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 The revised PPS3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. Following several recent appeal decisions the Council has drafted an advice note on development affecting private gardens (June 2011). The key points from these changes are; a) more intensive development within residential curtilages remains possible; b) because residential gardens lie outside the 'previously developed land' which is a priority for development, any proposal to use garden land must be fully justified and explained, and c) considerable weight should be given to the 'open aspect' of residential gardens when assessing proposals against policies 3/4, 3/10 and 3/12.
- 8.4 The site has been formed by the gradual acquisition of gardens of the residential properties that front onto Elizabeth Way and has been sub divided as a separate land parcel for some years. In principle, policy 3/10, allows for proposals involving the sub-division of existing plots in the garden area or curtilage of existing dwellings. Such proposals will not be permitted where: a) there is 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; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms a part. The scheme represents a 'windfall' development and would not

prejudice the larger approved scheme to the West. The character and amenity sections of policy 3/10 are considered in the relevant subsections below.

- 8.5 Local Plan policy 3/6 seeks to ensure co-coordinated development of a site or part of a site in order to safeguard future development. The wider Sandy Lane development site has the benefit of an implemented planning permission, with construction expected to begin in the spring 2011. As such, this site is a standalone, 'windfall' proposal from land assembled from the garden plots along Elizabeth Way. While it is regrettable this proposal does not enjoy any access connections with the adjacent scheme, given the planning status and timing of this application, it is acceptable.
- 8.6 In my opinion, the principle of development is acceptable in accordance with policies 3/6, 3/10 and 5/1 of the Cambridge Local Plan 2006 and advice in Planning Policy Statement 3 (2010).

Context of site, design and external spaces

- 8.7 The key design issue is the design and appearance of the proposed dwellings within their setting.
- 8.8 Local Plan policy 3/12 states that new buildings should have a positive impact on their setting in terms of location on the site, height, scale, form, materials, detailing and wider townscape views. The proposed dwellings occupy 5 subdivided plots and are orientated in a logical fashion. The front elevations of plots 1 and 2, which will be partially visible from Elizabeth Way, will provide a positive, attractive frontage to the development and provide surveillance to the accessway. I note comments from the Landscape Team and Conservation Team that it would be more appropriate to align a single house in the centre of the driveway, to give a better visual connection, and to engender a sense of discovery for passers by. In my view the proposed layout of plots 1 and 2 with their staggered siting, articulation and detailing, would successfully fulfil this aspiration in a different way.
- 8.9 Car parking has been positioned to minimise its prominence and will not dominate the inner street scene. I note concerns from the Council's Conservation Officer that the layout of the

buildings is not typical of the era. Clearly, this 'windfall' site, which does not have a street frontage, does not lend itself to the more regimented, grid plan of the De Freville Conservation Area. This notwithstanding, the relatively low density of the scheme results in a layout and plot size which is in character with the layout of adjacent streets. The revised PPS3 removes minimum densities, and on this basis I consider the relatively low density of the proposed development acceptable.

- 8.10 The scale and mass of the buildings is consistent with the approved dwellings on the adjacent site to the west. Whereas the previous application for student accommodation proposed a modern contrasting design, the continuation of traditional pitched roof dwellings is a more successful approach in this location. Plots 1 and 2 have a similar eaves line with the future development to the immediate west. The height and scale of the proposed houses would not in my view compete with the domestic 2 storey Elizabeth Way frontage or the taller proposed townhouses within the unimplemented development to the west.
- 8.11 The site is immediately adjacent to the De Freville Conservation Area, so an assessment of the impact upon its character, appearance and setting is also necessary. This site is landlocked and requires the removal of the existing number 57 Elizabeth Way to gain access. There will be limited views of the dwellings from outside of the site, but no completely open aspects. The buildings will be visible in glimpsing views between houses along Montague Road, but I do not consider that the character, appearance or setting of the Conservation Area as a Designated Heritage Asset will be significantly adversely affected.
- 8.12 The demolition of 57 Elizabeth Way, which is half of a pair of semi-detached dwellings is of some concern. While I recognise that the environmental quality and character of Elizabeth Way is already adversely affected by the heavy traffic associated with what is part of the City Ring Road, nonetheless the removal of number 59 needs to be carefully considered. Following my site visit I recognise that the gap created will be most apparent when viewed head on and the void is likely to merge with other buildings from more oblique views further along the street. I also note the applicants willingness to create a high quality hard landscaping scheme and as such, I do not consider the harm to be so great as to justify refusal.

- 8.13 In terms of detailing, the dwellings have taken appropriate positive references from the Victorian and Edwardian properties in the DeFreville Area. This is through the use of square and canted front bay features, arched door surround detailing, sash windows, traditional cill and lintel details and natural slate roofs. I do not agree with the Council's Conservation Officer that because the accessway is from Elizabeth Way, the proposed architecture may not be the most appropriate form. The residential properties along Elizabeth Way have no overriding character; in contrast the proposed development will positively contribute to local distinctiveness drawing from the qualities of the adjacent Conservation Area, a principle of Local Plan policy 3/12 and Government Guidance contained within in PPS1.
- 8.14 With regard to external spaces, the Council's landscape officer raises some concerns with the arrangement of car parking. I do not agree that the location of car parking suggests an overdevelopment of the site. The irregular dimensions of the site has required a more bespoke solution. However, the 5 car parking spaces provided closely relate to each house they serve and do not dominate the new street scene. I do not consider the proposed position of the car port for plot number 5 unacceptable within the curtilage of plot number 2. I do recognise that careful consideration is required on the package of landscaping, including the retention of trees, which can be ensured through the imposition of suitable planning conditions.
- 8.15 In my opinion the development would be an acceptable subdivision of what was previously garden land. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.16 The proposed development will have some impact upon the occupants of number 53/55 Elizabeth Way and number 59 Elizabeth Way, through general comings and goings of future occupiers of the new dwellings. The previous application for 44 student bedrooms was considered to result in acute noise disturbance for the current occupiers of number 53/55 and 59 Elizabeth Way. However the impact of the 5 family homes is in

my view, very different. The estimated trip numbers would be greatly reduced from 176 from the 2 previously proposed student blocks to just 42, which in my view would not create significant noise and disturbance for residential properties either side of the access.

- 8.17 There is likely to be some overlooking from the upper floor windows of plot 2 and plot 5, upon the nearest gardens of the proposed town houses to the west. However, given the overall distance of 11m from plot 2 to the western boundary, and given that plot 5 does not directly overlook the end dwelling of the adjacent proposal, I do not consider the harm so significant as to recommend refusal.
- 8.18 The residential properties along Montague Road are separated by approximately 25m (at the closest point) from the rear 2 storey south elevation of the proposed plot 5. The properties along Montague Road are elevated on slightly higher ground than the application site which will mean the proposed buildings will appear less of an imposition. The first floor of plot 5 has a false window and the relatively small upper floor windows of plots 3 and 4 are over 30m from the rear elevation of the houses along Montague Road. I do not consider the proposed houses in plots 3 to 5 to result in any material overlooking or visual impact.
- 8.19 To the east, number 53/55 Elizabeth Way will experience some overlooking from the upper floor bedroom of plot 2. However, given the overall distance of some 29m from the rear of number 53/55 and 14m to the western boundary of their garden, I do not consider the harm to be so great as to justify refusal.
- 8.20 In my opinion the proposal does not adequately respect the residential amenity of its neighbours and the constraints of the site and I consider that it is not compliant with Cambridge Local Plan (2006) policies 3/4 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.21 The proposed development will provide a good level of amenity for future occupiers. Garden sizes are very generous by current standards, some of which are larger in size than the residential properties along Montague Road. The gardens can adequately provide a suitable outbuilding for refuse and bicycles, which can

be ensured through the imposition of a suitable planning condition. The bay windows will be desirable features improving natural daylight in each house.

- 8.22 In my opinion the proposal does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 7/7.

Refuse Arrangements

- 8.23 Refuse storage is provided within the generous rear gardens of each dwelling. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.24 The County Council Highways Authority has considered this scheme and do not object to the proposed access onto Elizabeth Way. It is recognised that in the past policy sought to prevent new accesses onto what is a relatively congested City ring road. The likely vehicle traffic movements are not considered to be so significant as to be detrimental to highway safety. I am advised that the revised *Manual for Streets* has a more relaxed position on creating new accesses onto main roads such as Elizabeth Way. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 The scheme provides 5 car parking spaces which would accord with adopted standards. The applicant has provided revised plans showing the internal dimensions of each garage outbuilding, which are adequate in size. This addresses those concerns raised by the Council's Conservation Officer.
- 8.26 Bicycle parking can be provided in a suitable outbuilding to the rear of each dwelling. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Disabled access

- 8.27 The scheme will be compliant with Part M of the Building Regulations. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Planning Obligations

- 8.28 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.29 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 outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

- 8.30 The application proposes the erection of 5 four/five-bedroom houses,. One residential unit would be removed, so the net total of additional residential units is 4. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
5-bed	4	238	952	4	3,808
Total					3,808

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
5-bed	4	269	1076	4	4,304
Total					4,304

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
5-bed	4	242	968	3,872	3,872
Total					3,872

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
5-bed	4	316	1264	4	5056
Total					5056

- 8.31 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

- 8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
5-bed	1882	4	7528
Total			7528

- 8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.34 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	5	300
Flat	150		
Total			300

- 8.35 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Education

- 8.36 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.37 In this case, 5 (or 4 net) additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for primary education and lifelong learning. Contributions are therefore required on the following basis.

Pre-school education

No contribution required. The County have confirmed sufficient capacity.

Primary education

Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		1350	5	5400
Total					5400

Secondary education

No contribution required. The County have confirmed sufficient capacity.

Life-long learning

Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+- beds	2		160	5	640
Total					640

- 8.38 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Planning Obligations Conclusion

- 8.39 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 This revised residential scheme for 5 dwelling houses positively responds to the constraints of the site. The overall quantum of development and the resultant comings and goings would not significantly adversely affect the amenities enjoyed by number 53/55 and 59 Elizabeth Way. Approval is recommended.

10.0 RECOMMENDATION

Approve, subject to the association S106 Agreement by 1 December 2011 and subject to the following conditions:

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

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

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

4. 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)

5. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.
 - (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
 - (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
 - (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

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

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

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

6. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

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

7. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 – 1:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

8. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

9. 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)

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

Reason: To ensure appropriate provision for the storage of refuse. (Cambridge Local Plan 2006 policy 3/12)

11. All joinery [window frames] is to be recessed at least 50 / 75mm back from the face of the wall / facade. The means of finishing of the reveal is to be submitted to and approved in writing by the Local Planning Authority.

In the interests of maintaining and improving the character and appearance of the area, Cambridge Local Plan policy 3/12.

12. Prior to occupation of the dwellings hereby approved, full details of both hard and soft landscape works to the public realm to be 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)

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

Reason: To ensure 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)

14. 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)

15. 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)

16. Prior to the commencement of development, details of the making good to the flank elevation of number 59 Elizabeth Way, shall be submitted to and approved in writing to the Local Planning Authority.

Reason: In the interests of maintaining the character and appearance of the street scene, Cambridge Local Plan 2006 policy 3/4.

Reasons for Approval

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

East of England plan 2008: ENV6, ENV7

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/6, 3/7, 3/8, 3/10, 3/11, 3/12, 4/4, 4/11, /13, 5/1, 5/4, 5/14, 8/2, 8/4, 8/6, 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 details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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



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Land To Rear Of 43 - 59 Elizabeth Way Cambridge

