



NORTH AREA COMMITTEE



AGENDA

To: City Councillors: Todd-Jones (Chair), Price (Vice Chair), Pitt, Tunnacliffe, Abbott, Austin, Bird, Gawthroe, O'Reilly, Perry, Sarris and M. Smart

County Councillors: Manning, Onasanya, Sales and Scutt

Dispatched: Tuesday, 19 August 2014

Date: Thursday, 28 August 2014

Time: 6.00 pm

Venue: Shirley Primary School, Nuffield Road, Cambridge CB4 1TF

Contact: Toni Birkin

Direct Dial: 01223 457013

PLANNING ITEMS

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST (PLANNING)

Members of the committee are asked to declare any interests in the items on the agenda. In the case of any doubt, the advice of the Head of Legal Services should be sought **before the meeting**.

3 MINUTES (PLANNING) (Pages 7 - 12)

To agree the minutes of the meeting of the 3 July 2014 as a correct record.

4 PLANNING ITEMS

The applications for planning permission listed below require determination. A report is attached with a plan showing the location of the relevant site. Detailed plans relating to the applications will be displayed at the meeting.

Planning Items

- 4a 14/0614/FUL - 38 Chesterton Hall Crescent (*Pages 23 - 34*)
- 4b 14/0518/FUL - Land Rear of 243, 245 & 247 Milton Road
(*Pages 35 - 60*)
- 4c 14/0890/FUL - 127 Milton Road
(*Pages 61 - 100*)
- 4d 14/0447/FUL - 192 Green End Road (*Pages 101 - 112*)
- 4e 14/0936/FUL- Garages 301-326 Hawkins Road
(*Pages 113 - 154*)

5 GENERAL ITEMS

- 5a PLANNING ENFORCEMENT REPORT: Citygate, Woodhead Drive, Cambridge (*Pages 155 - 170*)

Meeting Information

Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions 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 working 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 also available online 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 planning items and planning enforcement 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.

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 working 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. Recording is permitted at council meetings, which are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

Full details of the City Council's protocol on audio/visual recording and photography at meetings can be accessed via:

<http://democracy.cambridge.gov.uk/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=42096147&sch=doc&cat=13203&path=13020%2c13203>

Fire Alarm

In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.

Facilities for disabled people

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A loop system is available on request.

Meeting papers are available in large print and other formats on request prior to the meeting.

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Queries reports

on 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

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NORTH AREA COMMITTEE3 July 2014
6.00pm - 7.29 pm

Present: Councillors Todd-Jones (Chair), Price (Vice Chair), Tunnacliffe, Abbott, Austin, Bird, Gawthroe, O'Reilly, Perry and M. Smart

Officers Present:

Principal Planning Officer: Tony Collins

Committee Manager: Glenn Burgess

FOR THE INFORMATION OF THE COUNCIL**14/43/NAC Election of Chair and Vice Chair**

The Committee Manager took the Chair whilst the North Area Committee elected a Chair.

Councillor Perry proposed, and Councillor O'Reilly seconded, the nomination of Councillor Todd-Jones as Chair.

Resolved (unanimously) that Councillor Todd-Jones be Chair for the ensuing year.

Councillor Todd-Jones assumed the Chair from the Committee Manager at this point.

Councillor Gawthroe proposed, and Councillor Bird seconded, the nomination of Councillor Price as Vice Chair.

Resolved (nem con) that Councillor Price be Vice Chair for the ensuing year.

The meeting was chaired by the Vice Chair Councillor Price.

14/44/NAC Apologies for Absence

Apologies were received from Councillor Pitt and Councillor Sarris.

14/45/NAC Declarations of Interest (Planning)

No interests were declared.

14/46/NAC Minutes (Planning)

The minutes of the meeting held on 8 May 2014 were approved as a correct record and signed by the Chair.

14/47/NAC Planning Items**Re-ordering of the agenda**

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items.

However, for ease of the reader, these minutes will follow the order of the agenda.

14/48/NAC Planning Application - 7 Church Street - 14/0575/FUL

The Committee received an application for full planning permission.

The application sought the demolition of No.7 Church Street, garage and outbuildings and the erection of 4No. four bedroom dwellings with associated landscaping, access and parking arrangements.

The Committee received a representation in objection to the application from Ms Kazemi.

The representation covered the following issues:

- i. Development was inappropriate in a conservation area.
- ii. Loss of one of the first houses to be built after the Second World War.
- iii. Concerned over the felling of trees.
- iv. The development was too bulky and would result in overshadowing and a loss of light for neighbouring properties.
- v. Increased noise and disruption to the area.
- vi. Additional pressure on parking in the area.

vii. Loss of habitat for wildlife.

Mr Chris Senior addressed the Committee on behalf of the applicant and in support of the application.

Resolved (by 6 votes to 3) to grant the application for planning permission in accordance with officer recommendation, for the reasons set out in the officer report, subject to the conditions recommended by the officers.

14/49/NAC 14/0477/FUL – 1 The Grove - Planning Report

The Committee received an application for full planning permission.

The application sought approval for the erection of a dwelling (following demolition of existing single storey extension) and associated minor external works to the existing dwelling.

Mr Justin Bainton addressed the Committee on behalf of the applicant and in support of the application.

The Committee received a representation in objection to the application from Ms Pauline Onasanya.

The representation covered the following issues:

- i. Inappropriate development for the area.
- ii. Would result in the loss of residential gardens.
- iii. Increase in noise and disturbance.
- iv. Overcrowding.
- v. Increase in parking and traffic issues.

Resolved (by 6 votes to 1) to refuse the application for planning permission in accordance with officer recommendation, for the reasons set out in the officer report.

14/50/NAC 14/0493/FUL - 297 Histon Road - Planning Report

As the application sat on the boundary of two Area Committee Wards (Arbury and Castle) and residents from both Wards were consulted, the Delegation Scheme required that the application be determined by the Planning Committee.

14/51/NAC 14/0489/FUL - 21 Victoria Park - Planning Report

The Committee received an application for full planning permission.

The application sought approval for a single storey pitched roof extension to the rear of the property.

The Committee received a representation in objection to the application from Professor Owens.

The representation covered the following issues:

- i. Overdevelopment of the site.
- ii. Development dominant and overbearing.
- iii. Loss of light, ventilation and outlook for neighbouring properties.
- iv. Errors in the officer's report.
- v. Loss of residential amenity.
- vi. Detrimental effect on residential properties.

Mr David Lewis addressed the Committee on behalf of the applicant and in support of the application.

Resolved (unanimously) to grant the application for planning permission in accordance with officer recommendation, for the reasons set out in the officer report, subject to the conditions recommended by the officers – and the following additional condition:

Notwithstanding the approved drawings, no development shall take place until a revised ground floor plan, on which the set-back of the north wall of the extension from the common boundary with No.23 corresponds with the 100mm distance shown on the approved west elevation, has been submitted to, and approved in writing by, the local planning authority. Development shall take place only in accordance with the revised drawing submitted to discharge this

condition. Reason: In the interests of clarity, and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2006 policy 3/4)

14/52/NAC 21 BELVOIR ROAD - REQUEST FOR WITHDRAWAL OF ENFORCEMENT NOTICE

The Committee received a report requesting the withdrawal of an Enforcement Notice.

Resolved (unanimously) to withdraw the Enforcement Notice in accordance with officer recommendation, for the reasons set out in the officer report.

The meeting ended at 7.29 pm

CHAIR

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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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Application Number	14/0614/FUL	Agenda Item	
Date Received	23rd April 2014	Officer	Mr Sav Patel
Target Date	18th June 2014		
Ward	West Chesterton		
Site	38 Chesterton Hall Crescent Cambridge CB4 1AP		
Proposal	Retrospective change of use from C3(a) to C1 - provision of 3 bedroom bed & breakfast amenity		
Applicant	Mr Brian Corbett		
	38 Chesterton Hall Crescent Cambridge CB4 1AP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1) The use would not result in any external alterations to the dwellinghouse as such the visual appearance of the dwellinghouse would be maintained. 2) The proposal will not adversely affect residential properties. 3) To use would add to and strengthen the range of short-stay accommodation.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.38 is a large 6bed three storey well presented detached Victorian dwellinghouse located in a residential cul-de-sac off Chesterton Road. The built form of the area is characterised by large detached and semi-detached dwellings on generous sized plots.
- 1.2 No.38 was built by Robert Sayle for his daughter. Robert Sayle was a local entrepreneur who established a textile store in Cambridge which eventually became part of the John Lewis Partnership.

- 1.3 The site is not within a conservation area or the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The application seeks retrospective planning permission for change of use from C3 (a) dwellinghouse to C1 3bed “luxury boutique” bed and breakfast use. The manager’s flat is located on the top floor. 3 of the 6 bedrooms have been given over to the bed and breakfast use. No external signage has been installed.
- 2.2 The B&B use is a subsidiary use as the dwelling will remain as a family dwelling to the applicant.
- 2.3 The applicant has external bin and cycle storage to accommodate the use.
- 2.4 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
12/0240/FUL	3 traditional dormers to front roof slope of dwelling.	REFUSED (Allowed at Appeal)
11/0621/FUL	Installation of three traditional dormers to front roof slope of dwelling.	REFUSED
10/1006/FUL	Roof extension including raising of roof ridge height.	APPROVED

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions
(Annex A)

5.2 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
6/3 Tourist Accommodation
8/4 Walking and Cycling accessibility
8/6 Cycle parking

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 A plan of the parking layout needs to be provided to demonstrate four cars can park off street.
- 6.2 Following annotation of the layout plan to show the car parking layout by the applicant the highway officer was satisfied with the information.

Head of Refuse and Environment

- 6.3 No objections to the change of use.
- 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:

- 13 Chesterton Hall Crescent
- 15 Chesterton Hall Crescent
- 30 Chesterton Hall Crescent
- 31 Chesterton Hall Crescent
- 40 Chesterton Hall Crescent

7.2 The representations can be summarised as follows:

- The use would increase pressure on on-street car parking
- Unsuitable location for this use
- Highway and pedestrian safety
- Loss of privacy
- Increase in noise disturbance
- Outdoor signage

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. Context of site, design and external spaces
2. Residential amenity
3. Refuse arrangements
4. Highway safety
5. Car and cycle parking
6. Third party representations

Context of site, design and external spaces

8.2 The change of use of part of the dwellinghouse to accommodate a 3bedroom bed and breakfast does not include any external alterations other than to the car parking arrangements at the front of the dwelling. Otherwise, no external alterations to the elevations, and no signage to promote the use have been proposed. I am therefore satisfied that the use does not have a negative visual impact on the street scene or character of the area.

- 8.3 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

- 8.4 The use of the dwelling would not in my view materially affect the residential amenity of the surrounding residents. No additional openings have been created to accommodate the use that would cause an overlooking issue.
- 8.5 The intensification of the use would in my view be comparable with a family use in a 6bed dwellinghouse. The rooms that have been given over to the B&B use are double rooms and well presented. Therefore in my view, due to the scale of the use, there would be no material increase in the coming and going from the site compared to a 6 bed dwellinghouse, such that it would have an adverse impact on the setting and character of this residential context. It would be difficult to argue the use of this scale would have any adverse impact on the privacy of adjoining neighbours, particularly as no external alterations are proposed.
- 8.6 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.

Refuse Arrangements

- 8.7 The bin storage provision is located along the northern boundary of the site which has capacity to accommodate 4 wheelie bins. I do not consider the use would require any additional bins to be provided as there would be no material increase in waste handling/volume.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.9 The Highway Officer has not concerns with highway safety.

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

Car and Cycle Parking

- 8.11 The applicant has provided additional information to demonstrate that the site can accommodate at least 4 car parking spaces off street. There is also parking for two cars in front of the dwellinghouse. Notwithstanding this, the applicant encourages guests to travel to and from the site by alternative means such as bike or public transport, particularly as the site is located within walking distance of the city centre. The short term nature of the use suggests that guests are more than likely to be traveling light. Furthermore, the applicant expects the annual average occupation rate to be 50% to 65%, which would not in my view materially affect the existing car parking provision within Chesterton Hall Crescent or on pedestrian safety.
- 8.12 A dedicated, secure and covered cycle storage area for 6 bikes is located on the northern boundary of the site adjacent to the bins. This is considered to be an acceptable arrangement.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.14 I have addressed most of the concerns raised in the above section. However, I set out below my response to the issues that I've not addressed.

Outdoor signage

- 8.15 No outdoor signage is proposed. If the applicant were to apply for signage then this would need to be considered on its own merits.

9.0 CONCLUSION

- 9.1 The change of use to create a 3bed B&B within an existing 6bed family dwellinghouse is of a scale that would not in my view cause any significantly adverse issues on the residential amenity of the adjoining neighbours. The use is discreet and does not include any external alterations to the dwellinghouse.

There is also sufficient car parking off and on street (in front of dwellinghouse) to accommodate additional vehicle movements without affecting the existing on street provision.

- 9.2 The site is also located within walking distance of the city centre and has access to good public transport links.
- 9.3 The use would comply with policy 6/3 of the Local Plan as it would strengthen and diversifies the range of short stay accommodation in an accessible part of Cambridge.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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 car parking layout as shown on drawing no.766-26 shall be laid out and maintained accordingly free from obstruction and shall not be used for any purpose other than the parking or turning of vehicles, unless and until adequate, alternative parking and turning space is provided to the satisfaction of the local planning authority which is also to be given in writing.

Reason: To avoid obstruction of the surrounding streets and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

INFORMATIVE: The use hereby permitted does not give consent to any external signage which may have to be applied for under a separate application.

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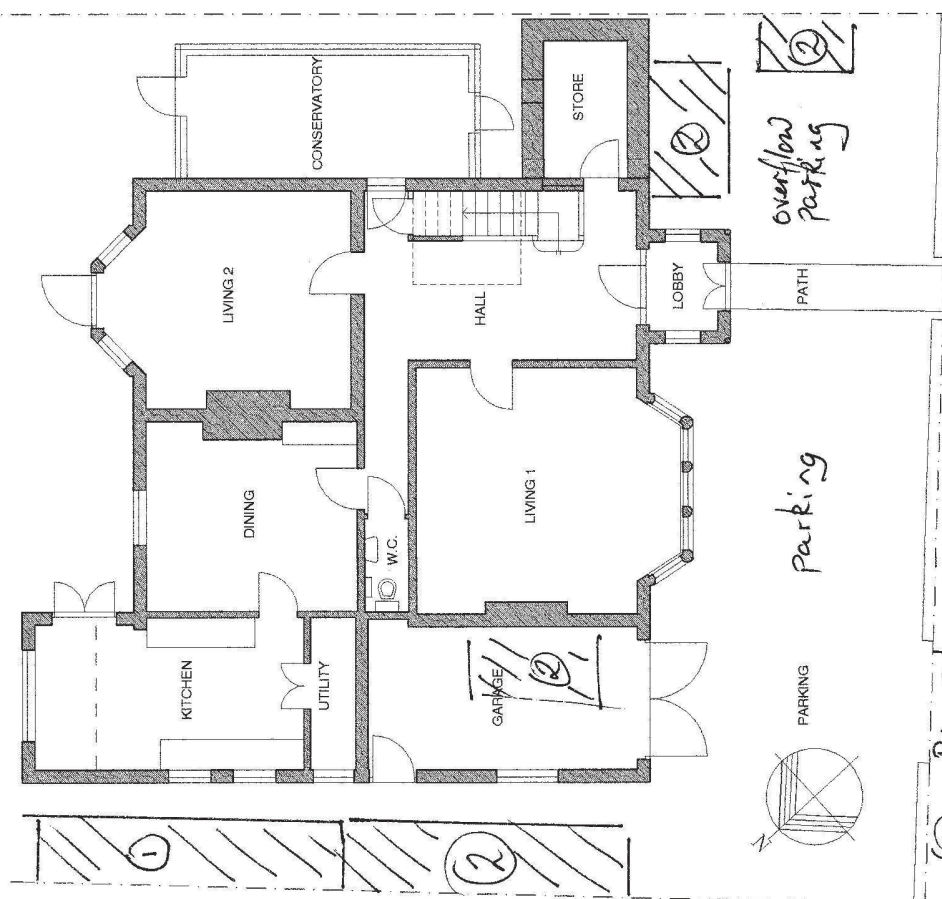
766-LOCATION PLAN

SCALE 1:1250



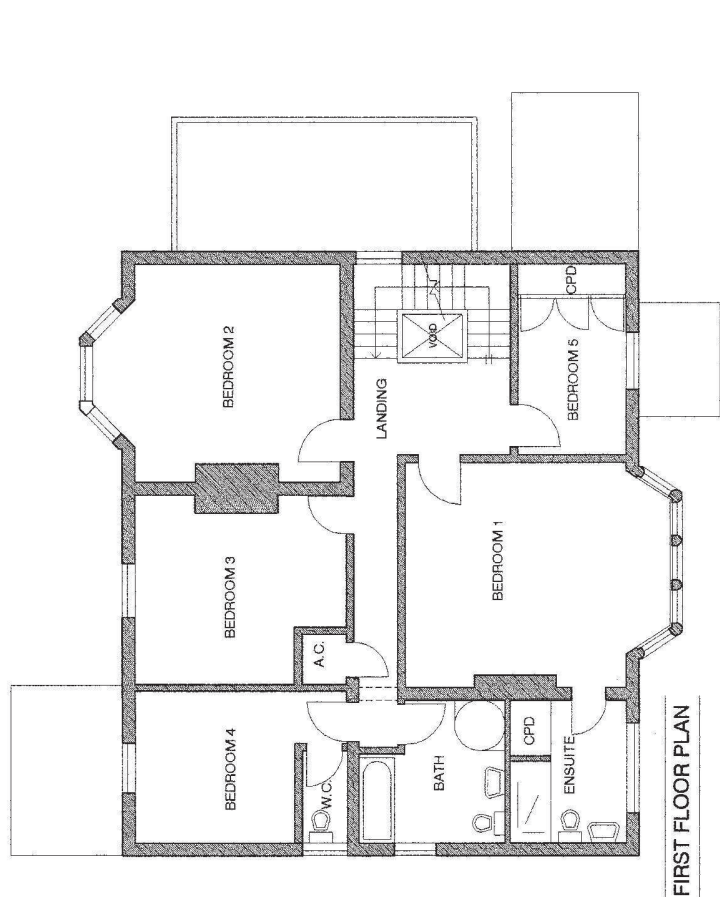
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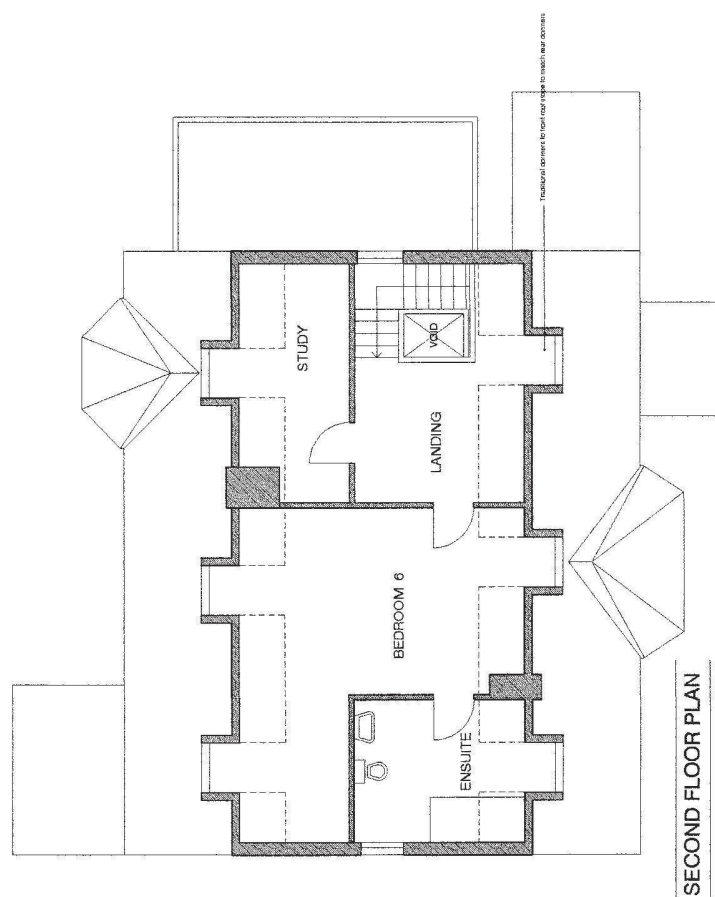


GROUND FLOOR PLAN

CHESTERTON HALL CRESCENT



FIRST FLOOR PLAN



SECOND FLOOR PLAN

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Application Number	14/0518/FUL	Agenda Item	
Date Received	8th April 2014	Officer	Mr Sav Patel
Target Date	3rd June 2014		
Ward	Kings Hedges		
Site	243, 245 And 247 Milton Road Cambridge CB4 1XQ		
Proposal	Erection of detached dwelling with associated garage on land to the rear of no.243, 245 and 247 Milton Road		
Applicant	Mr & Mrs Linstead, Cowie & Furness Nos 243, 245 & 247 Milton Road Cambridge CB4 1XQ		

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 contribute towards meeting the current housing needs; <input type="checkbox"/> The proposed development has been designed and laid out to complement the approved development and setting without have a detrimental impact on the amenity of the surrounding residents. <input type="checkbox"/> The proposal would make effective and more efficient use of this constrained site in terms of building layout, design and in terms of housing need;
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is back-land and is formed from land at the far end of the rear gardens of three properties which face Milton Road. Planning permission (12/1537/FUL) has already been

granted for 13 residential units on a back-land site adjoining the application site.

- 1.2 The area is characterised by low density, mainly detached two storey properties, set back from the highway on large plots. The plot depths are on average 80 metres front to back. Some of the rear gardens along Milton Road (for example 233, 229 and 283 Milton Road) have already been subdivided in a piecemeal fashion to accommodate new, back land dwellings. This is most prevalent on the application site side of Milton Road.
- 1.3 On the opposite side of Milton Road (south-east) is a consistent pattern of two storey semi-detached houses set back from the road.
- 1.4 To the north-west of the site are the two storey dwellings in Woodhead Drive and a three storey block of residential flats in Robert Jennings Close. To the north of the properties on Woodhead Drive is a recent residential development comprising two and three storey properties.

2.0 THE PROPOSAL

- 2.1 The proposal is for a detached, two storey residential dwelling with detached garage. The side elevation of the proposed dwelling would face the rear boundary of no.245 and 247 Milton Road and the rear elevation would face the side boundary of no.249. The garage would be located adjacent to the rear boundary of no.243 Milton Road
- 2.2 The design of the proposed dwelling is of a similar style to that of the dwellings approved on the adjoining site. The approved access (12/1537/FUL) is proposed to be used to provide access to the dwelling.
- 2.3 The application is accompanied by the following supporting information:
 1. Design Report
 2. Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.
 3. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
12/1537/FUL	Erection of 13 no. dwellings (following demolition of no. 235 Milton Road	APPROVED

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

5.2 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
3/10 Subdivision of existing plots
3/12 The design of new buildings

4/4 Trees

5/1 Housing provision

8/1 Spatial location of development
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*)

4/2 Protection of open space

5/14 Provision of community facilities through new development

8/5 Pedestrian and cycle network

8/7 Public transport accessibility

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highway)

6.1 No comments to make.

Landscape

6.2 Supportive subject to condition on hard and soft landscaping.

Head of Refuse and Environment

6.3 No objections in principle subject to condition on construction hours, piling and contaminated land.

Urban Design and Conservation team

6.4 Supports the scheme subject to conditions on materials and bin storage provision.

Streets and Open Spaces

6.5 Has concerns with the removal of T001 and T003. If garage cannot be built without loss of T001 then loss is acceptable provided replacement planting is accommodated. T003 does not appear to need to be removed to accommodate the proposal. Therefore should be retained by condition along with other trees shown for retention.

Fire and Rescue Services

- 6.6 No comments received to date. I shall update the amendment sheet.
- 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:

9 Robert Jennings Close
237a Milton Road
249 Milton Road
320 Milton Road

- 7.2 The representations can be summarised as follows:

- ☐ 12 trees to be removed which is not acceptable;
- ☐ Loss of natural habitat
- ☐ Overcrowding and fail to respect the context of the site
- ☐ Intensification of the vehicles leaving and entering the site
- ☐ Overshadowing, overlooking, and loss of privacy, and noise levels would increase;
- ☐ Construction noise and disturbance from the consented scheme;
- ☐ The proposed development should be subject to the conditions contained in planning permission 12/1537/FUL;
- ☐ Concerns with safety of access from Milton road;
- ☐ Impact from overlooking would reduce value of property;

- 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. Affordable Housing
3. Context of site, design and external spaces
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

- 8.2 The application site is located in a sustainable location due to its proximity to local shops and public transport and cycle links into the city centre. Windfall housing sites such as this are permitted by the Local Plan subject to the existing land uses and compatibility with adjoining uses.
- 8.3 The proposed development would complement the existing form and character of development in the area. There are also other examples of back land development along Milton Road, albeit on a smaller scale to that proposed here. Nevertheless, the principle of residential development on ancillary garden land on this side of Milton Road has been established.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4 and 5/1.

Affordable Housing

- 8.5 The approved scheme (12/1537/FUL) consisted of 13 residential units. The proposed scheme has been brought forward independently of the approved scheme due to issues of land ownership.
- 8.6 Nevertheless, the proposed unit would result in 14 residential dwellings in this back land location. The trigger for policy 5/5 is for 15 or more dwellings or on site areas over 0.5 hectares. The site area of the approved scheme was 0.49 hectares. The site area of the proposed dwelling site is 300sqm. The combination is 0.52 hectares which triggers the affordable housing policy. However, as previously mentioned the proposal scheme does not form part of the approved scheme even though it will physically link to it.

- 8.7 This back land location is in multiple ownership and some residents did not want to include their gardens in the development which resulted in the layout that was approved. The current application seeks to include one additional house on what is in my view the only possible other site that could be developed contiguous to the approved site. If a further application comes forward for effectively a 15th house on the development which is very unlikely we would have to consider that house on its own merits. We could not now argue that the 15th house triggers the need for affordable housing. This is because the potential need for affordable housing would have to be 'captured' at the stage when the residential scheme for 13 dwellings was approved (12/1537/FUL). This would have been by identifying other land in the s106 Agreement. Normally this would be other land in the applicant's ownership to avoid the effect of sub-division of sites and that would not have been appropriate here because there are multiple site owners.

Context of site, design and external spaces

- 8.8 The built form of the area is characterised by mainly two storey detached properties set back from the highway and on generous plots. Some of the existing properties adjacent to the application site; such as no.227 and 283, have subdivided their rear gardens to accommodate additional dwellings. Policy 3/10 (sub-division of existing plots) is specifically related to this form and type of development. It states that residential development within the garden area or curtilage of existing properties will not be permitted if it:
- a) has a significant adverse impact on the amenities of the neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure or noise nuisance;
 - b) provides inadequate amenity space for proposed and existing properties;
 - c) detracts from the prevailing character and appearance of the area;
 - d) adversely affects the setting of Listed Buildings etc.

- e) adversely affects trees, wildlife features or architectural features or local importance located within or close to the site;
- f) prejudice the comprehensive development of the wider area of which the site forms part.

8.9 Having assessed the proposal against the above criteria, only a), b), c) and e) are relevant, as the proposal would not affect the setting of a listed building and would not prejudice the comprehensive development of the wider area.

a) Policy 3/10 (a) – impact on residential amenity

8.10 The proposed dwelling has been laid out to appear as part of the previously approved scheme on this site. The side elevation of the proposed dwelling would be set off the southern boundary by 1.2 metres. The height of the side elevation of the proposed dwelling is approximately 8.5 metres. No bedroom windows are proposed in the side elevation facing towards the rear gardens of no.243, 245 and 247. However, a bathroom window is proposed which is to be obscure glazed. I have recommended that the window opening also be restricted to avoid overlooking.

8.11 In terms of the impact no.249 Milton Road, the rear elevation of the proposed house, which faces the rear section of garden serving no.249, would be located 10.2 metres from the common boundary between the two gardens. Given that the rear garden of no.249 stretches 80 metres, I do not consider that the position of the proposed house, overlooking a section of this garden 36 metres to the rear of the house would create an unacceptable loss and privacy. Therefore, I am satisfied that the impact on no.249 would not be significantly harmful on the residential amenity of the existing occupier.

8.12 The proposed development would also not have any significantly adverse impact on the residential amenity of any future resident in plot 10 of the approved scheme, as there are no principal windows in the side elevation of either dwelling (approved or proposed). I am satisfied that the proposed dwelling would be able to integrate into the site without having a significant adverse impact on the residential amenity of any future or existing residents.

b) Amenity space, access and car parking provision

8.13 The three dwellings are proposed to be subdivided to accommodate the new residential unit would retain a generous amount of garden space. No.243 would retain a 27 metres deep rear garden; no.245 would retain a 35 metre deep rear garden; and no.247 would retain a 35.4 metre deep rear garden. I therefore do not consider the proposal would adversely compromise the amount of private amenity space for the host dwellings.

8.14 The proposed dwelling would benefit would benefit from a 9 metre deep and 12.4 metre wide rear garden area which is considered to be an adequate amount of private amenity space for a detached family dwelling. I am therefore satisfied that the proposed dwelling would comply with this section of the policy.

c) Detracts from the prevailing character and appearance of the area;

8.15 The prevailing character of the area comprises a mix of post-war low density housing some of which have been subdivided to provide plots with back land housing, a new high density housing estate and three storey flat block developments. The built form of the immediate area is characterised by mainly two storey dwellings set back from the adjoining highway. However, there are also some examples of single storey bungalow type dwellings. Also, the recent housing development to the north of Woodhead Drive contains two and three storey housings. The overall character of the area is mixed in age and style.

8.16 The existing properties fronting Milton Road are of varied design and appearance, and the proposal picks up on the 1920/1930's suburban vernacular of Milton Road informed by the local palette of materials and details; tiled hipped roofs, facing brickwork, hung tiles, square bay windows, etc, but used in a more contemporary composition to create a distinctive environment.

8.17 The proposed dwelling has been designed in the same style as those in the approved scheme (12/1537/FUL). The applicant has employed the same architect to ensure the proposed

dwelling is in keeping with the approved housing development in this back land location.

- 8.18 The proposed dwelling has been designed to complement the style and character of the area by incorporating a traditional approach including pitched and hipped roofs and box bay windows. The Urban Design Officer supports the elevational treatment of the dwellings and considers the proposed scale and massing to accord with the prevailing height of surrounding residential development. I am therefore satisfied that the proposed dwelling would be in keeping with the

(d) – Listed Building

- 8.19 There are no Listed Buildings or a Buildings of Local Interest within close proximity to the site.

(e) – Loss of wildlife/trees

- 8.20 The proposal requires the removal of several trees/hedges from the site to accommodate the proposed dwelling. However, according to the applicant tree survey, all the trees proposed to be removed are Category C trees which are trees of low to moderate quality with life expectancy of at least 10 years or trees with stem diameters of less than 150mm. In total eight trees/hedges are proposed to be removed. These comprise the following; Macrocarpa; Leyland Cypress; Scots Pine; Wild Cherry; Yew; Goat Willow; Sycamore; and a Laburnum. The Tree Officer has recommended that trees T001 and T003 be retained. T001 is located within the rear garden of no.241. If the proposed garage would compromise its stability then replacement planting should be accommodated. The tree is not within the application site and therefore the applicant will need to seek an agreement from the landowner to remove it. Nevertheless, I agree with the Tree Officer that any trees that can be retained should be. I have therefore recommended a condition to require replacement planting if T001 and T003 are removed. Overall I am satisfied that loss of the trees (due to their surveyed condition) should not outweigh the benefits of a new dwelling.

(f) – Prejudice the comprehensive development of the wider area

- 8.21 The proposed dwelling would integrate into and form part of approved housing scheme. The proposed site area is land locked from all sides and therefore there are no further rear gardens available for development, which could be linked to from the application site. On this basis, the proposal would not prejudice the development of adjoining rear gardens for other properties along Milton Road. I am satisfied that the proposed development would represent comprehensive development of available land in this specific location. Nevertheless, each planning application is considered on its own merits.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Refuse Arrangements

- 8.23 The proposal includes a designated bin storage area located on the northern boundary. The proposed dwelling would be provided with three 240Ltr wheelie bins allocated for green waste, dry recyclable and residual waste. This is in accordance with the RECAP Waste Management Design Guide. This is a similar provision to the approved housing scheme. I am therefore satisfied with the proposed bin storage arrangement.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.25 The County Highways Officer is satisfied with the highway and access arrangements for the proposed development.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.27 The proposed dwelling includes two car parking spaces (including garage), which is in accordance with the Car Parking Standards.
- 8.28 The proposed development would also includes at least two secured cycle parking spaces within the garage. This would

reflect the requirements of the Cycle Parking Guide for New Developments.

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

Third Party Representations

- 8.30 I have addressed some of the concerns raised in the third party representations in the above section of this report. However, I set out below my response to the issues not addressed:

12 trees to be removed which is not acceptable;

- 8.31 Whilst the proposal dwelling would require the removal of several trees as they fall within its footprint, I have recommended a replacement planting condition for T001 and T003.

Loss of natural habitat;

- 8.32 The loss of habitat would not be significant enough to warrant the refusal of this application.

Overcrowding and fail to respect the context of the site;

- 8.33 The proposed development would maintain the low density character of the approved housing development and existing housing estate.

Intensification of the vehicles leaving and entering the site;

- 8.34 The addition of one extra dwelling would not in my view result in a material increase traffic generation such that it would have an adverse impact on the residential amenity. The County Highway Officer has also not raised any concerns with highway safety.

Overshadowing, overlooking, and loss of privacy, and noise levels would increase;

- 8.35 The additional dwelling has been designed and laid out to avoid creating any adverse issue on the residential amenity of the surrounding residents. The dwelling would be set a sufficient distance from the existing dwellings in Milton Road. No primary

or habitable windows are proposed in the side elevation which would face the rear gardens of the host dwellings. Whilst the rear elevation has bedroom windows at first floor level which would face the rear most garden aspect of no.249, I believe it would be difficult to argue this would have adverse impact on the privacy of the existing residents due to the depth of the rear gardens. I do not consider an additional dwelling would materially increase noise levels such that it would warrant refusal.

Construction noise and disturbance from the consented scheme;

- 8.36 Whilst construction can sometimes cause noise and disturbance, it is a temporary phase of development. I have recommended construction hours to mitigate the effects of construction on the surrounding residents.

The proposed development should be subject to the conditions contained in planning permission 12/1537/FUL;

- 8.37 Whilst the proposed development is an extension of the approved housing development, the scheme needs to be considered proportionally and conditions applied accordingly.

Concerns with safety of access from Milton road;

- 8.38 The County Highways Officer has not raised any concerns with highway safety.

Impact from overlooking would reduce value of property;

- 8.39 The effects of development on property values is not a material planning consideration.

Planning Obligation Strategy

Planning Obligations

- 8.40 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

- 8.41 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.
- 8.42 The application proposes the erection of one four-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		
4-bed	4	238	952	1	952
Total					952

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		
4-bed	4	269	1076	1	1076
Total					1076

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		
4-bed	4	242	968	1	968
Total					968

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		
4-bed	4	316	1264	1	1264
Total					1264

8.43 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

8.44 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		
4-bed	1882	1	1882
Total			1882

8.45 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

8.46 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

8.47 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.

Planning Obligations Conclusion

8.48 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.

8.49 The applicants have agreed to enter into a Unilateral Undertaking 'A' where payment of the obligation contributions is made up front. Therefore no monitoring fee is required.

9.0 CONCLUSION

9.1 The proposed development has been designed and laid out to match the existing housing estate, which would enable it to assimilate into the site without having an adverse impact on the residential amenity of the adjoining residents.

9.2 The proposed dwellinghouse within the city would make effective and efficient use of ancillary garden land and also contribute towards meeting the current housing needs for the City.

9.3 I consider the proposed scheme to be of high quality and believe it would have a positive impact on the character of the area in terms of its design and scale whilst contributing towards meeting the current housing needs. On this basis, the proposal is in accordance with policies 3/4, 3/10, 3/12 and 5/1 of the Cambridge Local Plan 2006.

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. 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 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)

4. 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)

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.

6. 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 avoid adverse effects of pollution (Cambridge Local Plan 2006 policy 4/13).

7. Prior to commencement, a site visit will be arranged with the retained arboriculturalist, developer and LPA Tree Officer to agree tree works and the location and specification of tree protection barriers and temporary ground protection.

The approved AMS and TPP (by Hayden's dated 24/01/2014) will be implemented throughout the development and 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.

8. No development shall take place until full dimensioned, technical 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 and boundary treatments; 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 to-scale, full, technical 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. All drawings should be developed using an up to date topographical survey as a base.

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)

9. The trees identified as T001 and T003 on drawing no.3851-D by Hayden's (Dated 21/01/14) shall be retained and appropriately protected during construction work unless details of suitable replacement tree planting, which include species, size and a planting schedule have been submitted to approved in writing by the Local Planning Authority. The replacement planting 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 trees on site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

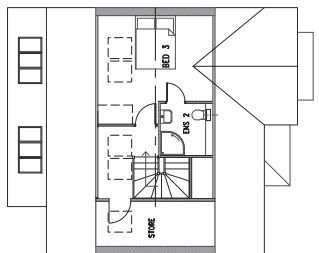
10. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another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

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

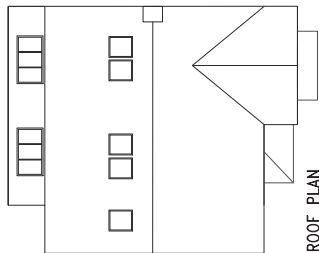
11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by 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)

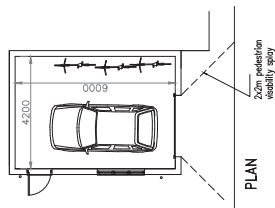
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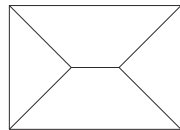
SECOND FLOOR



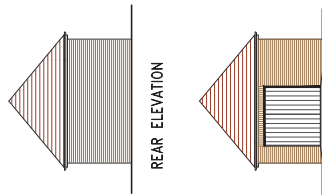
ROOF PLAN



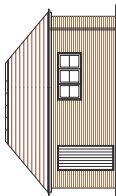
PLAN



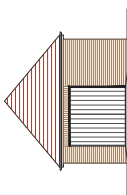
ROOF PLAN



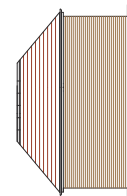
REAR ELEVATION



SIDE ELEVATION

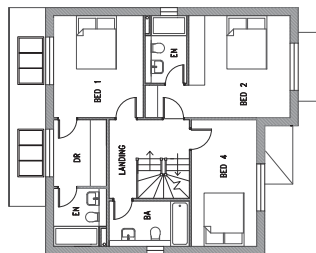


FRONT ELEVATION



SIDE ELEVATION

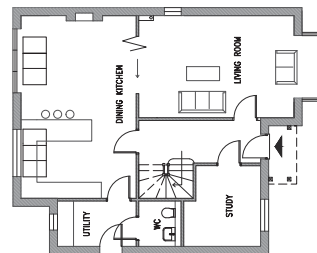
GARAGE DETAILS



FIRST FLOOR



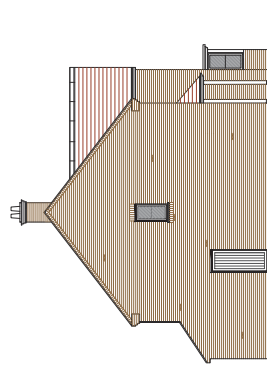
REAR ELEVATION



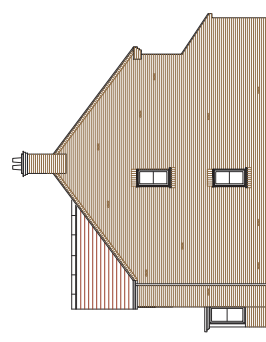
GROUND FLOOR



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION

MATERIALS.
WALLS:
BROWN FACING BRICKWORK.
ROOF:
RED FLAIN TILES.
WINDOWS:
PAINTED TIMBER

CLIENT

Mr & Mrs Linstead, Mrs Cowie,
and Mr & Mrs Furness

PROJECT

Proposed Dwelling, land to rear of
243 & 247 Milton Road,
Cambridge

TITLE

PROPOSED PLANS & ELEVATIONS

DRAWING STATUS

PLANNING

DRAWN

NP

CHECKED

SCALE

1:100 @ A1

DATE

FEB 2014

THE GALLERY
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T: 01223 3401803
F: 01223 3401808
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JOB NO.

047A

DRAWING NUMBER

PA-02

REV

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Application Number	14/0890/FUL	Agenda Item	
Date Received	3rd June 2014	Officer	Mr Amit Patel
Target Date	29th July 2014		
Ward	West Chesterton		
Site	Smiths Footwear 127 Milton Road Cambridge CB4 1XE		
Proposal	Erection of 4No 1 Bedroom Apartments		
Applicant	Mr MARK SMITH 55 THE VALLEY COMBERTON CB23 7DF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal will not have a detrimental impact upon the neighbours</p> <p>The proposal provides for adequate bins and bike storage</p> <p>The proposal has overcome the issues raised in the Appeal scheme</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a backland area on the northern side of Milton Road, to the rear of number 127. The site is accessed from a narrow L-shaped accessway adjacent to number 119 Milton Road.
- 1.2 To the north of the site at number 129 is the Co-op store, which has a rectangular footprint projecting some 26m deep into its plot. Directly to the north is a block of terraced properties, numbers 30 to 35 Mulberry Close. To the west of the site are rectangular curtilage plots serving the main block of premises fronting Milton Road. These are generally of a private, backland character and typically used for car parking and refuse storage and are subdivided by 2m boarded fencing.

- 1.3 The site is currently within the curtilage of the shop premises 'Smiths Footwear' at number 127 Milton Road. To the rear of the site there are 2 existing buildings which are single storey in height: a cobblers' workshop and an open sided car port/garage building abutting the northern boundary of the site.
- 1.4 The existing number 127 is an end of terrace 2 storey shop premises with a flat roof. The building has had a 2 storey rear extension with a pitched roof in later years. The entire ground floor of the existing number 127 is used for retail and storage premises. The first floor of number 127 is subdivided into 2 flats, both of which are accessed from a rear external metal staircase which connects a flat roof area at first floor level.
- 1.5 The site falls within a local centre as designated by the Cambridge Local Plan 2006. The site falls outside of the controlled parking zone. The site is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 This revised application seeks consent for the erection of a new building, which is detached from number 127 but is on a similar footprint to a previous single-storey outbuilding. The revised proposal is different from that refused permission under reference 09/0659/FUL (and on which an appeal was subsequently dismissed) in that the position of the building has changed and the amount of the accommodation has been reduced by 2 units to 4.
- 2.2 The new building contains 4 one bedroom flats over two levels of accommodation. Each flat is accessed via a central lobby area and staircase.
- 2.3 The scheme proposes a separate outbuilding to provide space for refuse and bicycle storage to the side of the new building, in the space between the external stairs serving the flats above the existing shop and new building. In addition, 1 car parking space is provided, and a much larger open space than shown in the refused scheme under 09/0659.
- 2.4 This is a totally different scheme to that previously refused. This is a separate building and located along the boundary with the Co-op service road. This is essentially a two-storey building with

the main out look across the back area of properties facing Milton Road and entrance from the Co-op side. There is a reduction in car parking to only 1 space and a much larger open amenity space.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Day and sun light study
3. Plans

2.6 Amended plans have been received which show the following revisions:

- ☐ There was a discrepancy between the floor plan and elevation facing Mulberry Close. The revised first floor plan now shows the window in this elevation has been removed and now correlates with the elevation.

3.0 SITE HISTORY

Reference	Description	Outcome
01/1043/FP	Change of use and conversion of cobbler's workshop to dwelling	Refused
C/02/0324	Change of use and conversion of cobbler's workshop to dwelling.	Approved (Not implemented, consent expired)
08/0384/FUL	Erection of 6 one bedroom apartments.	Withdrawn
08/1083/FUL	Erection of six one bedroom apartments.	Refused
09/0659/FUL	Erection of 6 one-bed apartments.	Refused – 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 3/10 3/11 3/12
		4/4
		5/1
		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>Community Infrastructure Levy</p> <p>Circular 11/95</p>
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

	Planning Obligation Strategy (March 2010)
Material Considerations	<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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No car parking space is made for the existing or proposed. This is unlikely to significantly impact upon the highway but may lead to impact on residential amenity in the surrounding area through increased completion for car parking.

Head of Refuse and Environment

- 6.2 No objection in principle subject to conditions relating to construction hours, collections and deliveries, piling, noise assessment, contaminated land and informative relating to dust

Head of Streets and Open Spaces (Trees)

- 6.3 No Arboriculture objections

Cambridgeshire Constabulary

- 6.4 Comments as previous. There is high cycle crime and the cycle storage needs to be secure.

Fire and Rescue

- 6.5 No comments received but will report on the amendment sheet or verbally.
- 6.6 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:

- ☐ 115c Milton Road
- ☐ 22 Mulberry Close
- ☐ 30 Mulberry Close
- ☐ 31 Mulberry Close
- ☐ 32 Mulberry Close
- ☐ 33 Mulberry Close
- ☐ 35 Mulberry Close
- ☐ 40 Mulberry Close

- 7.2 The representations can be summarised as follows:

- ☐ Recognises that there proposal has changed to mitigate some impacts.
- ☐ Loss of light
- ☐ Access road will be used more intensely and create safety issues
- ☐ Bins brought through Pye Alley and not taken in after
- ☐ Loss of privacy
- ☐ Increase in noise from the use
- ☐ Increased parking in Mulberry Close
- ☐ Construction Traffic has the potential to cause safety issues to other users

- ☐ Window in the first floor facing Mulberry Close
- ☐ Light pollution from the proposed building

The Mulberry Close Residents Association have also formally made representations which are summarised below:

- ☐ Neighbour Consultation by developer
- ☐ The design of Pye Alley results in a dangerous blind exist to the shops on Milton Road, which will result in an increase risk to pedestrians if the scheme is approved.
- ☐ Fire and Rescue have not commented
- ☐ No suitable access for disabled
- ☐ Refuse collection or pull distance
- ☐ Construction traffic and safety issues
- ☐ Additional demand for car parking will cause an issue
- ☐ Loss of light, sense of enclosure and overbearing to residents of Mulberry Close
- ☐ Light and noise pollution to the residents of Mulberry Close

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. Third party representations
8. Planning Obligation Strategy

Principle of Development

The acceptability of this scheme turns on whether the previous reasons for the dismissed appeal scheme have been suitably addressed. The inspector concluded that the application be refused for the following reasons:

- ☐ The effect of the proposal on the surrounding area
 - ☐ The impact of the proposal on the living conditions of nearby existing residential neighbours with reference to overlooking and privacy and on future occupiers living condition with regard to amenity space
- 8.2 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained in National Planning Policy Framework.
- 8.3 In principle, policy 3/10 of the Cambridge Local Plan 2006, permits proposals for the sub-division of existing plots to allow residential development in the garden area or curtilage of existing properties. Development of this nature will not be permitted however if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure, provide inadequate amenity space or vehicular access arrangements or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.
- 8.4 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.

Context of site, design and external spaces

- 8.5 The previous refused and dismissed scheme was different to the scheme proposed here. The proposal is for a detached building, accommodating 4 flats. The previous scheme filled the majority of the width of the rear garden and had an outlook towards properties facing Mulberry Close. The proposed building is located on the site where there was a single storey building, which has been demolished. The location is along the boundary with the adjacent access road serving the Co-op shop. The building now proposed has an out look across the rear areas of the neighbouring properties facing Milton Road.

- 8.6 The design of this building is similar in scale to residential buildings on Mulberry Close and subservient to the main building within the curtilage of 127 Milton Road. The proposal now also increases the amenity space that will serve existing and future occupiers and reduced car parking to 1 space. The Inspector in the 09/0659 appeal ruled that a backland building of this scale would fit into the general character of the area and I consider that this slightly smaller-scale scheme, albeit positioned differently is in keeping with the character of the area and will not visually dominate its surroundings.
- 8.7 In terms of the external spaces around the new building, the amended scheme now provides a much larger amenity space for the enjoyment of future occupiers and existing residents. There has been a reduction in the car parking and by re-positioning the new flats this has opened up the existing area for use as a communal garden. There is also an area to the side between the proposed building and existing flats which is an area for their bicycle and bin storage. I have addressed this issue further in my section on residential amenity.
- 8.8 The Co-op is single-storey and due to the position of the proposed building and the topography of the land, the proposal will be visible from the street at certain angles over the Co-op store but I consider that, being on the scale of a two-storey building, it will fit into the context and the back ground of Mulberry Close properties and therefore subject to the use of materials the proposal is acceptable.
- 8.9 Subject to conditions, 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

- 8.10 Policy 3/10 of the Cambridge Local Plan 2006 decrees that proposals that involve the subdivision of existing plots should not have a significant adverse impact upon the amenities of neighbouring properties.
- 8.11 The Environmental Health Team have considered the application. I agree with their advice. Being in a residential area there is a likelihood that construction activity has the potential to

impact upon the neighbours and therefore I have recommended conditions relating to construction hours (9), collections and deliveries (10), piling (11), noise assessment (12), contaminated land (13) and an informative relating to dust (14).

- 8.12 The highway authority has commented that there may be an impact on residential amenity through increased competition for car parking spaces. City Council policy supports low levels of car parking provision on sustainable sites. This site is close to public transport and cycle routes, and to local services, and in my view the car parking proposed is appropriate. Comments have also been received regarding additional noise and light pollution. The use is residential and the entrance and bins and bike stores are sufficiently far away from other properties to avoid disturbance to the adjacent neighbours. The reduction in use as car parking space will result in a reduction of noise and disturbance along the Mulberry Close boundaries. This is a residential use and there will be light spill from windows. I do not consider that this will be significantly different to the current situation and in my view it is acceptable.

Impact upon existing residential amenity

- 8.13 The development will result in a principal, front elevation, which accommodates two levels of accommodation facing southwards towards the rear gardens of 119 – 125 Milton Road. The area to the rear of these properties is generally used for car parking or covered with outbuildings. These gardens are already overlooked from the existing properties and I consider that on balance, the harm by way of direct overlooking is not significant enough to warrant refusal.
- 8.14 The proposed development is likely to have the greatest impact upon the rear of numbers 32, 33, 34 and 35 Mulberry Close. The first-floor flat in the northwest corner is the closest to the boundary with properties facing Mulberry Close. With respect to the overlooking concerns the Inspector raised in the appeal on 09/0965/FUL, to the properties facing Mulberry Close, this scheme is totally different. The main elevation windows do not directly face the gardens of Mulberry Close unlike the dismissed scheme, and a fin is added to the side of the windows to add further protection for neighbours. I do appreciate that there will be oblique views to the rear parts of the gardens of number 34

and 35 Mulberry Close at a distance of between 7.5m and 9m from the windows of the flat in the northwest corner. These areas are already overlooked by neighbours of Mulberry Close and I consider that the design and position of the building has overcome the concerns raised by the Inspector. This amended scheme significantly reduces the overlooking into neighbouring gardens.

- 8.15 There is a dining room window at ground floor but there would be no overlooking from this window as there is an intervening fence which would stop any direct overlooking to the rear gardens and properties of Mulberry Close.
- 8.16 The revised proposal is now for a building running north-west to south-east. It is closer to the common boundary with the properties on Mulberry Close but is not as wide as the dismissed scheme and reduced in height with a hipped roof. This scheme is 2.5m from the common boundary and beyond is a path serving the rear gardens of Mulberry Close and beyond that is the boundary. At its closest point the proposed building would be 3.6m from the boundary with the garden of number 34 Mulberry Close. The proposed building is sited south-east of the rear gardens. I have visited the site and note that the gardens are relatively small but there is mature planting along the rear boundary of the Mulberry Close gardens. The proposal will be visible through the planting but considering that there are still open views to the east and south I do not consider that there would be an unacceptable impact in terms of enclosure and visual domination.
- 8.17 The proposed building is 6.5m wide but 5m to the eaves and 7.5m to the ridge of the roof. The application includes a daylight study. There will be a limited loss of morning sunlight to the rear gardens of some of the Mulberry Close houses but I do not consider it significant enough to merit refusal.
- 8.18 Comments have been received regarding the impact through noise and disturbance. Although the proposal increases the amount of people living on the site, it reduces the extent of car parking, and therefore the proposed development is likely to reduce noise in this area to the rear of Mulberry Close. The main entrance to the proposed flats is on the north-east elevation and bin and bike storage would be sufficiently far away from the boundary with Mulberry Close curtilages. As the

use will be residential, I do not consider that the noise would be significantly different to the current situation. With respect to light pollution, there are other residential properties which will also emit light pollution and the addition of these units will not, in my opinion be significantly different to the existing situation.

Amenity of future occupiers

- 8.19 In terms of the level of amenity for future occupiers of the new building, the rear courtyard area was problematic in the dismissed scheme. The previous scheme had windows that were in close proximity to the new and existing building. This scheme, by setting the building away from the existing windows, preserves some privacy for future occupiers. The main central core which serves the flats is accessed from the north-east elevation. There will be no inter-looking between the existing windows and the windows of the proposed flats.
- 8.20 The occupiers of the ground floor flat have windows and doors directly facing and overlooking the proposed open space. Although these windows and doors will allow looking into the flats from the open space, I consider that in other similar flatted developments this situation occurs and a condition requiring a planted scheme to create a buffer would overcome the concern.
- 8.21 With regard to external amenity space provided, the proposed scheme provides a significantly larger communal space than the previously refused scheme. The future occupiers would have a sufficiently large garden to be acceptable and overcome the concerns the Inspector raised.
- 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, 3/7, 3/10 and 3/12.

Refuse Arrangements

- 8.23 This scheme accommodates a separate outbuilding for the storage of refuse and recycling for all the existing and new apartments. This building is relatively inconspicuous being located between the proposed and existing building. The bin storage outbuilding would also appear to be of a sufficient size for individual bins to be manoeuvred without taking all of the

bins out. There is no information about the waste management in terms of taking bins to kerb side and then bringing them in and I therefore recommend conditions for further details of waste management. (Condition 5 and 6).

- 8.24 In my view the proposal is therefore compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.25 Concerns have been raised from local residents in the locality regarding the safety of the L shaped accessway which serves the development. To clarify the status of this accessway, it is owned and maintained by the Mulberry Close Residents Association, although the applicant has enjoyed a right of access for many years to service the workshop premises. This revised scheme now only proposes car parking for one car and would therefore reduce the use of this accessway, a fact noted by the highway authority, which raises no highway safety concerns about the application. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.26 The highway authority raises some concerns regarding the loss of dedicated parking for the main business at number 127 Milton Road and the flats above. However, in light of the relatively central location of the site, close to a local centre, I do not consider that this would warrant refusal of the application.
- 8.27 The scheme can provide 10 bicycle parking spaces which would exceed the 4 spaces required within the adopted standards. The provision of a suitable covered storage outbuilding could be ensured through the imposition of a suitable planning condition (7). The plans show an area but more details relating to the stands, spacing and covering and security are required. Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.28 Third party comments have been addressed in the main body of the report above. The issues relating to loss of light, privacy,

increased noise, sense of enclosure and light pollution have been addressed in the section “Residential amenity”.

8.29 The issues relating to intensification of the use of Pye Alley, and parking in Mulberry Close have been addressed in the sections headed “Highway safety” and “Cycle and car parking”.

8.30 The clarification of the first-floor side window has been addressed with an amended plan.

8.31 The issues of fire safety and suitability for disabled access would be Building Control matters.

Planning Obligation Strategy

8.32 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

8.33 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.

- 8.34 The application proposes the erection of 4 one-bedroom flats, so the net total of additional residential units is four. 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	4	1428
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					1428

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		
4-bed	4	269	1076		
Total					1614

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		
4-bed	4	242	968		
Total					1452

8.35 The applicant is willing to enter into a section 106 agreement 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

8.36 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		
4-bed	1882		
Total			5024

8.37 The applicant is willing to enter into a section 106 agreement 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

8.38 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	4	600
Total			600

8.39 The applicant is willing to enter into a section 106 agreement 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

8.40 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.

8.41 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.

8.42 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 4 units therefore the necessary contribution towards HRC is £760.

- 8.43 The applicant is willing to enter into a section 106 agreement 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

- 8.44 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.
- 8.45 In this case, 4 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	4	640
2+- beds	2		160		
Total					640

- 8.46 The applicant is willing to enter into a section 106 agreement 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

- 8.47 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
- 8.48 For this application a monitoring fee of £505.90 is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

Planning Obligations Conclusion

- 8.49 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 amended proposal is totally different to the dismissed appeal scheme. As mentioned in the report above, I consider that the issues the Inspector had concerns over have been sufficiently addressed and the comments from third party addressed 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. 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 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)

4. 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)

5. Prior to the commencement of the use hereby permitted, the on-site storage facilities for waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements 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 (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

6. Prior to the use commencing a waste management plan shall be submitted and agreed in writing by the local planning authority. The waste management plan should show the route of the bins to kerb side and who shall be responsible for the bins to be taken to kerb side and brought back into their storage area.

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

7. No development shall commence until full details of facilities for the covered, secure parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The agreed facilities shall be provided in accordance with the approved details before use of the development commences.

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

8. 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)

9. 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)

10. 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)

11. 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 the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

12. Part A
Prior to the commencement of refurbishment/ development works a noise report that includes the provisions of British Standard (BS) 4142:1997, Method for rating industrial noise affecting mixed residential and industrial areas, which considers the impact of noise upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Part B

Following the submission of a noise report and prior to the commencement of refurbishment/ development works, 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) for protecting the residential units from noise from the neighbouring industrial use 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 prior to occupation of the residential units and shall not be altered without prior approval.

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

13. No development approved by this permission shall be COMMENCED 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 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 adjoining properties.
(Cambridge Local Plan 2006 policy 4/13)

INFORMATIVE: The demolition phase may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from:

'Council's Supplementary Planning Document 'Sustainable Design and Construction 2007':

https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.pdf

'Guidance on the assessment of dust from demolition and construction

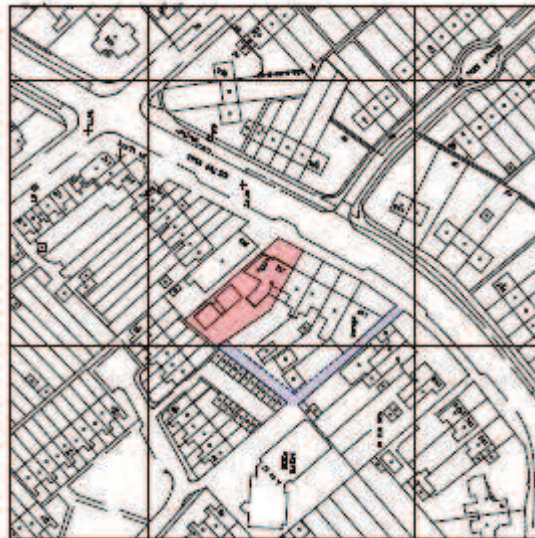
http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

'Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

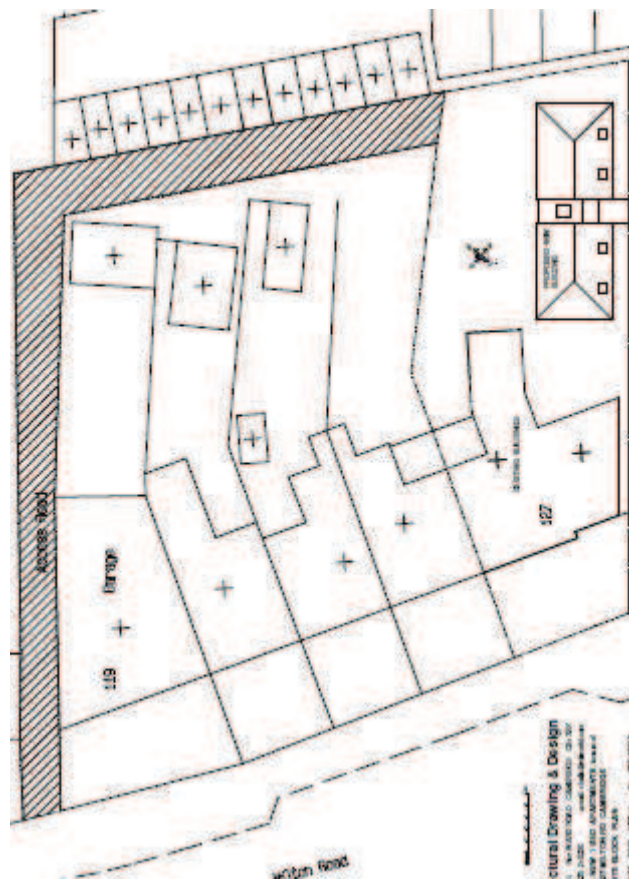
http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

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

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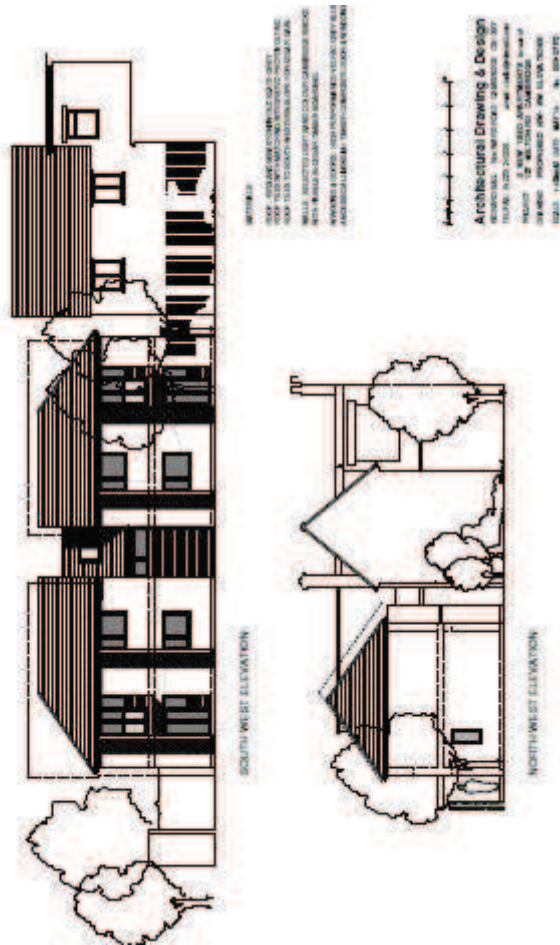
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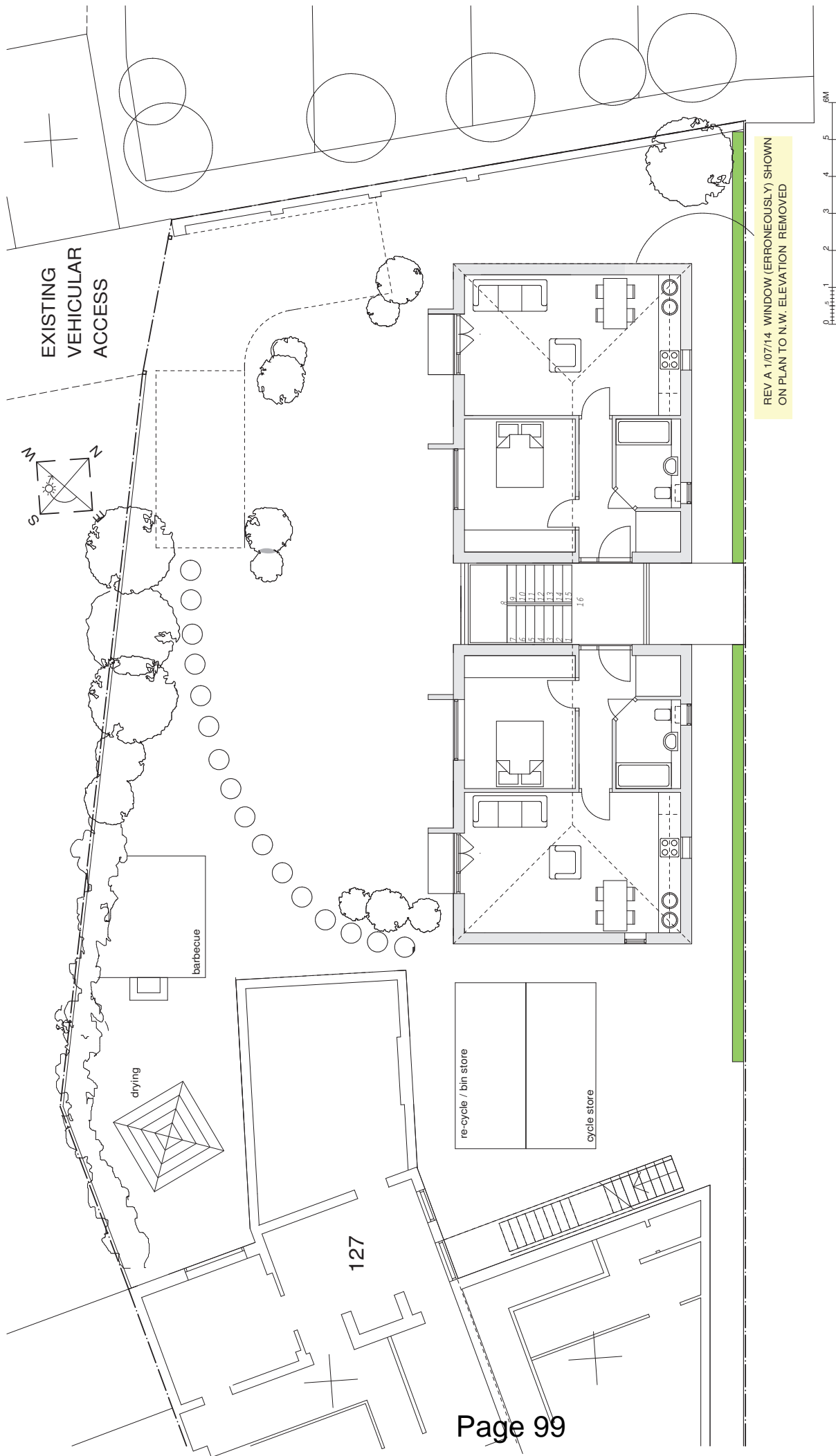
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Architectural Drawing & Design
 RICHARD BALL No1 WARD ROAD CAMBRIDGE CB1 3SY
 TEL/FAX: 01223 210226 email: r.ball@rntworld.com
 PROJECT 4 NEW 1 BED APARTMENTS to rear of 127 MILTON RD CAMBRIDGE
 DRAWING PROPOSED 1st FLOOR PLAN
 SCALE 1:100@A3 DATE MAY '14 NO: 309-06P2 A

The CO-OP

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Application Number	14/0447/FUL	Agenda Item	
Date Received	4th April 2014	Officer	Miss Catherine Linford
Target Date	30th May 2014		
Ward	East Chesterton		
Site	192 Green End Road Cambridge Cambridgeshire CB4 1RN		
Proposal	Change of use from motor bike show room to supermarket with cafe [without cooking facilities] and installation of air compressor unit (retrospective)		
Applicant	Mr T Rana 29 Radley House Gloucester Place London NW1 6DP 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 convenience store complies with policy 6/8 of the Cambridge Local Plan and is acceptable in principle; 2. Adequate cycle parking can be provided; and 3. The proposal is unlikely to have a detrimental impact on neighbouring occupiers, as long as noise from the plant is controlled.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 192 Green End Road is a two storey building situated on the southeastern side of Green Road, where the road bends. The ground floor of the building was most recently used as a

motorcycle dealership with flats on the first floor, accessed from an external staircase to the rear. The site is within a District/Local Centre and is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought to change the use of the ground floor of the building from a motorcycle dealership (sui generis) to a convenience store (A1). External plant is required, attached to the staircase at the rear of the building. This application is retrospective.

3.0 SITE HISTORY

Reference	Description	Outcome
11/0827/FUL	Proposed change of use to motorcycle dealership	A/C

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	3/1 3/4 6/7 6/8 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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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 A transport assessment is required to assess the impact the proposal would have on the highway network.

Head of Refuse and Environment

- 6.2 There is an ongoing noise complaint, relating to the plant at the rear of the shop. A noise assessment and mitigation strategy must be submitted prior to determination. Conditions are recommended relating to construction hours and the prohibiting of cooking on site.

- 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 Councillor Manning has commented on this application and objected on the grounds of the lack of a transport assessment. This objection has now been withdrawn.

- 7.2 The owners/occupiers of the following addresses have made representations objecting to the application:

- ☐ 15 Gainsborough Close
- ☐ 31 Hinton Road, Fulbourn (objection withdrawn)
- ☐ 1 Jars Court
- ☐ 9 Moore Close
- ☐ 1 Pearson Court, Milton
- ☐ 28 Pepys Court

- 7.3 The representations can be summarised as follows:

- ☐ Lack of cycle parking
- ☐ Noise from the plant

- 7.4 The owners/occupiers of the following addresses have made representations supporting the application:

- ☐ 119 High Street, East Chesterton

- 7.5 The representations can be summarised as follows:

- ☐ Good reuse of a building in a prominent location in the village

- 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 and design
3. Residential amenity

4. Car and cycle parking
5. Third party representations

Principle of Development

- 8.2 Policy 6/8 of the Cambridge Local Plan (2006) states that 'convenience shopping will only be permitted if: a) it is for smaller shops (up to 1400sqm net) in existing centres; b) it is a minor extension to an existing shop; c) it would replace existing provision in the locality; or d) it is part of mixed use areas including the Station Area and in the new urban extensions. 162 Green End Road is within a District/Local Centre and the proposed shop would be less than 1400sqm in size; and the proposals, therefore, comply with part a) of policy 6/8 of the Local Plan.
- 8.3 Policy 6/7 of the Cambridge Local Plan (2006) explains that 'additional development within classes A1, A2, A3, A4 and A5 will be permitted in District and Local Centres if it will serve the local community and is of an appropriate nature and scale to the centre. In my opinion, the proposals meet this criteria and the application, therefore, complies with policy 6/7 of the Local Plan.

Context of site and design

- 8.4 No external changes have been made to the building, with the exception of plant which has been fixed to the external staircase at the rear of the building. The plant is not visible from the street and it is my opinion that it does not have a significant detrimental visual impact.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/4.

Residential Amenity

- 8.6 The neighbouring properties that may potentially be impacted on by the proposals are the flats on the first floor of the building (Jars Court), the neighbouring houses to the northeast (178-190 Green End Road), and the neighbouring house to the southwest.
- 8.7 The flats on the first floor of the building (Jars Court) have been affected by noise from the plant fixed to the external staircase at

the rear, as this is positioned below windows, and an representation has been received raising this as an issue. It is important to ensure that the plant does not have a detrimental impact on the occupiers of 178-190 Green End Road, 196 Green End Road or the occupiers of the flats at Jars Court. Environmental Health have received complaints about the noise from the unit and have recommended that a noise assessment and mitigation strategy is provided prior to the determination of the planning application. This is awaited and the findings of this assessment will be reported on the Amendment Sheet along with the comments of Environmental Health.

- 8.8 The applicant has stated that no cooking will take place on the premises. If cooking was to take place a filtration system would be required, and, therefore, a condition is recommended prohibiting cooking on site, unless an odour abatement scheme is submitted (3).
- 8.9 Environmental Health have recommended a condition requiring the restriction of construction hours. As this application is retrospective this condition is unnecessary.
- 8.10 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.

Car and Cycle Parking

- 8.11 The Local Highway Authority has requested that a Transport Assessment is submitted to enable them to assess the impact on the highway network. This has been submitted by the applicant. Comments are awaited from highways, which will be reported on the Amendment Sheet.
- 8.12 There are 6 off street parking spaces available at the rear of the building. This is acceptable. It is proposed that cycle parking is provided at the front of the building and to ensure that this is adequate I recommend a condition requiring details (4).
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.14 The issues raised have been addressed above.

9.0 CONCLUSION

9.1 The proposals are considered to be acceptable and approval is thus recommended, subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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. Cooking on site is prohibited unless an odour abatement scheme has been submitted to and approved in writing by the Local Planning Authority prior to cooking taking place.

Reason: To protect neighbouring residents. (Cambridge Local Plan 2006, policy 4/13)

3. Within 28 days of the date of this permission 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 within 3 calendar months of the approval of the submitted details.

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

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Reference: OI691069
Centre coordinates: 546731 260203

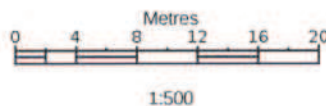
192, Green End Rd, Cambridge



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192, Green End Rd, Cambridge

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Centre coordinates: 546728 260204

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NORTH AREA COMMITTEE

28th August 2014

Application Number	14/0936/FUL	Agenda Item	
Date Received	12th June 2014	Officer	Miss Catherine Linford
Target Date	7th August 2014		
Ward	Kings Hedges		
Site	Garages 301 - 326 Hawkins Road Cambridge Cambridgeshire		
Proposal	Demolition of existing garages (26 No.) and erection of residential units, all of affordable tenure. The proposal shows 9 units in total. 3 No. 2 Bed houses, 2 No. 3 Bed houses and 4 No. 1 Bed flats, with associated car parking, and private and shared amenity space. This is as part of the Cambridge City Council Affordable Housing Framework.		
Applicant	Mr Colin Rickard 950 Capability Green Luton Bedfordshire LU1 3LU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development respects the character of the surrounding area; 2. The residential amenity of neighbouring properties is not significantly impacted upon; and 3. Car parking, cycle parking and refuse storage is successfully integrated into the scheme.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the southwestern side of Hawkins Road, to the rear of houses, and is currently occupied by garages.

- 1.2 The surrounding area is predominantly residential mainly consisting of two storey, terrace houses. The Grove Primary School is directly adjacent to the site to the southwest, and there is a right of way through the site to the school for the use of emergency vehicles. The site is accessed via an access road, which runs between 16 and 18 Hawkins Road. An Electricity Substation stands in the northeastern corner of the site.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the redevelopment of the site for affordable housing, which will be maintained by the City Council.

- 2.2 This is part of the City Council's new Council House building programme. Changes in the regulations mean that the Council can develop new housing, without having to hand the site over to a housing association to develop and manage, as has been the case in the past. The Council has been successful in securing grant funding from the Homes and Communities Agency (HCA). Allocated grant funding from the HCA will be spread across a number of sites and provide 146 new homes by the end of March 2015 (The 146 Programme). This scheme, along with 9 others has been granted Executive Councillor Approval to proceed.

- 2.3 The following dwellings would be provided:

4 x 1-bed flats
3 x 2-bed houses
2 x 3-bed houses

Plots 1-3: terrace of 2-bed houses

- 2.4 The terrace would be situated at the southeastern end of the site and would stand 1m from the southwestern boundary with the school; 3m from the northeastern boundary with Hawkins Road and 7.4m from the southeastern boundary. The proposed houses would be two storeys in height. Cycle and bin stores would be provided in the rear gardens.

Plots 4-7: 1-bed flats

- 2.5 This building would be two storeys in height and would stand in the centre of the site. The building would stand 5.6m from the northeastern boundary with Hawkins Road; and 3.6m from the southwestern boundary with the school. Single storey cycle/bin stores attached to the building would abut the common boundary with the school, with further cycle/bin stores attached to the building on the northwestern and southeastern ends.

Plots 8-9: semi-detached 3-bed houses

- 2.6 This pair of semi-detached houses would stand at the northwestern end of the site and would stand 5.8m from the northeastern boundary with Hawkins Road; 1.6m from the southwestern boundary with the school; and 8.8m from the northwestern boundary with Campkin Road. The proposed houses would be two storeys in height. Cycle and bin stores would be provided in the rear gardens.
- 2.7 Seven car parking spaces would be provided. Each dwelling would have an individual cycle and bins store.
- 2.8 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Waste Management Strategy
 3. Code Assessment
 4. 10% Planning Low or Zero Carbon Technology Feasibility Study
 5. Flood Risk Assessment
 6. Transport Statement
 7. Materials Schedule
 8. Incoming Services Appraisal
 9. Tree protection plan
 10. Soiltechnics Preliminary Investigations Report

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 Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12
		4/4
		5/1 5/4 5/12
		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
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)

Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Air Quality in Cambridge – Developers Guide (2008) The Cambridge Shopfront Design Guide (1997) Roof Extensions Design Guide (2003) Modelling the Costs of Affordable Housing (2006) Buildings of Local Interest (2005)
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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 that are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 Garages are not regarded as trip generators in themselves and so Corridor payments for 77 trips are triggered.
- 6.2 The loss of the garages and the provision of parking for the development at less than one space per dwelling, may result in an increase in parking demand 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.
- 6.3 The access width is narrow and the standard proposed would normally only be considered appropriate as a shared private drive serving no more than 5 houses as it is only suitable for two cars to pass, not a car and a service vehicle. On such an accessway pedestrians may feel intimidated by motor vehicles.
- 6.4 The layout within the site is unsuitable for adoption and the Highway Authority and cannot be improved to provide an adoptable highway to the Highway Authority's satisfaction. The developer must confirm that adoption will not be sought for the internal roadways.

Head of Refuse and Environment

- 6.5 No objection, subject to conditions relating to contaminated land, demolition/construction hours, piling, dust, demolition/construction deliveries/collections, and noise.

Head of Streets and Open Spaces (Landscape Team)

- 6.6 Conditions are recommended relating to a landscape plan, landscape implementation, landscape management plan, and boundary treatment

Urban Design and Conservation team

- 6.7 The proposed scheme is acceptable in design terms subject to the following amendments:
- ☐ Further narrowing of the road is needed to provide planting adjacent to the rear garden boundary of No.10-16 Hawkins Road (as per the rear garden boundary of No. 20-22), and;
 - ☐ A robust boundary treatment (e.g. a brick wall) is needed for the rear garden boundaries of Plots 1-3 and No. 2-16 Hawkins Road which front the public realm and car park.
 - ☐ Confirmation of the acceptability of the refuse collection and substation access needs to be provided.

Cambridgeshire County Council (Archaeology)

- 6.8 The site should be subject to a programme of archaeological investigation, which can be secured by condition.
- 6.9 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:
- ☐ 20 Hawkins Road
- 7.2 The representations can be summarised as follows:
- ☐ Plots 1-3 prevent rear vehicle access to 20 Hawkins Road
- 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 use and compatibility with adjoining land uses. The surrounding area is predominantly residential and I am, therefore, satisfied that the proposals comply with policy 5/1 of the Local Plan.

Context of site, design and external spaces

Scale and layout

8.3 The proposed site layout is considered to be acceptable. The proposed houses and block of flats are two storeys in height. This is the prevailing character of the area and is considered to be acceptable.

Elevations and materials

- 8.4 The proposed elevations and materials are similar to other recently approved City Council housing sites with buff facing brickwork, grey flat concrete roof tiles, and grey PVCu windows. The majority of the proposed materials are supported, and it is recommended that samples of all materials are required by condition (3).
- 8.5 The submitted elevations show three courses of projecting brickwork between the ground and first floors of both the houses

and flat block. This approach is supported and helps to articulate the elevations.

- 8.6 Timber boarding is shown on the front (northeast) elevation of the balconies associated with the first floor flat units (Plots 5 & 7) which prevents overlooking of the rear gardens of 10, 14 and 16 Hawkins Road. This approach is considered to be visually acceptable.

Landscape and amenity space

- 8.7 The general approach to private amenity space is supported with approximately 7-9m deep gardens proposed for the houses and 3.7m x 8m rear gardens for the ground floor flat units. Balconies (1.7 x 2.7m) are proposed for the first floor flat units and provide private amenity space for these units.
- 8.8 The rear garden boundaries of No. 2-16 Hawkins Road are currently secured by the back wall of the garages. It is proposed that a 1.8m high close boarded fence is provided along the boundaries. In my opinion, a more robust boundary treatment is needed and I recommend that details are required by condition (4).
- 8.9 Where it passes in front of the block of flats, the internal access road would be 4m in width. This would discourage ad hoc parking. In order to soften the appearance of the boundary it is my view that planning should be provided here. I recommend that a Planting Scheme and Implementation Plan are required by condition (5 and 6).
- 8.10 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

Impact on 2-24 Hawkins Road

- 8.11 The proposed dwellings would be situated to the southwest of the neighbouring houses on Hawkins Road. The submitted shadow diagrams demonstrate that generally the shadows cast by the proposed buildings do not reach the Hawkins Road

houses. The exceptions to this are December at noon and June at 6pm. In my view, this is not significant as it is likely that the rear gardens of the houses on Hawkins Road are already overshadowed by the existing garages and the impact of the proposed buildings is unlikely to be significantly worse than this. Windows are proposed on the northeastern (front) elevation of the block of flats and balconies are proposed on the sides of the building. The balconies include opaque screen, and there would be no potential for overlooking from these balconies. The building would stand 5.6m from the common boundary with Hawkins Road, and 23m from the houses. Due to this separation distance it is my opinion that the neighbouring houses on Hawkins Road would not be overlooked to an unacceptable degree.

Impact on 155-159 Campkin Road

- 8.12 The proposed 3-bed houses (plots 8 and 9) would be situated directly to the southeast of the neighbouring houses on Campkin Road. The submitted shadow diagrams demonstrate that generally the shadows cast by the proposed houses do not reach the Campkin Road houses with the exception of March/September at 8am. In my opinion, the overshadowing would not be significantly worse than the existing situation and I consider it to be acceptable, on balance. Windows are proposed on the rear elevations of the houses, which would be 8.8m from the common boundary and 22.4m from the houses. Due to this separation distance it is my opinion that the neighbouring houses on Hawkins Road would not be overlooked to an unacceptable degree.
- 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.

Disturbance from construction

- 8.14 Due to proximity to residential properties Environmental Health have recommended conditions to control demolition and construction hours (7), deliveries and collections (8) and dust suppression (9). Piling can create significant noise disturbance and it is recommended that if this is required a methodology and noise assessment is required by condition (10).

Amenity for future occupiers of the site

- 8.15 There is an existing electrical substation on the site which will remain. Substations can produce very low frequency tonal humming, which may cause disturbance and it is therefore recommended that a noise report and noise insulation scheme is required by condition (11).
- 8.16 The application includes a Preliminary Investigation Report relating to contaminated land. This report identifies that there is potential for contamination on the site and I, therefore, recommend that further investigation is required by condition (12).
- 8.17 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

- 8.18 A Waste Strategy has been provided as part of the application, which is considered to be satisfactory.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

Car parking

- 8.20 It is proposed that car parking spaces are allocated for each of the houses and the ground floor flat units. The first floor flats would not be provided with a car parking space. Some of the proposed car parking is placed further from the relevant units than I would wish. This is a result of the constrained site layout and whilst not ideal is generally acceptable.

Cycle parking

- 8.21 It is proposed that each dwelling would have an individual store, with the stores for the houses situated in the rear gardens and

the stores for the flats attached to the building. This approach is acceptable. I recommend that details are submitted by condition (13).

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

Third party representations

Plots 1-3 prevent rear vehicle access to 20 Hawkins Road

- 8.23 The application site is private land, and access from the site to neighbouring properties is not a planning consideration.

Planning Obligation Strategy

Planning Obligations

- 8.24 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

- 8.25 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.
- 8.26 The application proposes the erection of two three-bedroom houses, three two-bedroom flats and four one-bedroom flats. The net total of additional residential units is nine. 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	4	1428
2-bed	2	238	476	3	1428
3-bed	3	238	714	2	1428
4-bed	4	238	952		
Total					4284

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	1614
3-bed	3	269	807	2	1614
4-bed	4	269	1076		
Total					4842

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	1452
3-bed	3	242	726	2	1452
4-bed	4	242	968		
Total					4356

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	1896
3-bed	3	316	948	2	1896
4-bed	4	316	1264		
Total					3792

8.27 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

- 8.28 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	3768
3-bed	1882	2	3764
4-bed	1882		
Total			12556

- 8.29 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

- 8.30 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	4	600
Total			975

- 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 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Household Recycling Centres

- 8.32 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.
- 8.33 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. However, as this development is 100% affordable housing the County does not require contributions to be paid.

Education

- 8.34 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. As this development is 100% affordable housing the County does not require contributions to be paid.

Transport

- 8.35 The Highway Authority has made an assessment of the proposal, on which the following assessment of expected additional trips and contributions is based.

Northern Corridor Area Transport Plan				
Existing daily trips (all modes)	Predicted future daily trips (all modes)	Total net additional trips	Contribution per trip	Total £
0	77	77	£399 (NCATP)	30723

- 8.36 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.

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 £1540.25 is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

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 The proposed scheme will provide much needed Council housing. In my opinion, the proposal respects the character of the surrounding area and would have a minimal impact on neighbouring residents. The application is, therefore, recommended for approval, subject to conditions and the completion of a S106 agreement.

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. 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 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)

4. 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)

5. 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)

6. 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)

7. 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)

8. 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)

9. 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)

10. 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 nearby properties. (Cambridge Local Plan 2006, policy 4/13)

11. Part A

Prior to the commencement of development a noise report prepared in accordance with the provisions of British Standard (BS) 4142:1997, Method for rating industrial noise affecting mixed residential and industrial areas, that considers the impact of the potential noise from the existing electrical substation upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Part B

Following the submission of a BS 4142:1997 noise report and prior to the commencement of refurbishment/development works, 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) for protecting the residential units from noise from the neighbouring industrial use shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. These levels shall be achieved with ventilation meeting both the background and summer cooling requirements. 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 nearby properties. (Cambridge Local Plan 2006, policy 4/13)

12. No development approved by this permission shall be COMMENCED 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 Local Planning Authority 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 future occupiers. (Cambridge Local Plan 2006, policy 4/13)

13. 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)

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 30th November, 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):

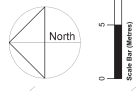
The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, transport mitigation measures, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 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, the Northern Corridor Area Transport Plan 2003, and Cambridgeshire and Peterborough Waste Partnership

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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- Notes:
1. All operations to be verified on site by GENERAL.
 2. The site is to be used for the purpose of the development and no other use is to be permitted.
 3. The site is to be used for the purpose of the development and no other use is to be permitted.
 4. The site is to be used for the purpose of the development and no other use is to be permitted.
 5. The site is to be used for the purpose of the development and no other use is to be permitted.
 6. The site is to be used for the purpose of the development and no other use is to be permitted.



PLANNING			
No.	Revised	Date	By
1			
2			
3			
4			
5			
6			

Saunders Boston
Keepmoat
110 Newmarket Road
Cambridge CB3 9ET
Tel: 01223 367733
Email: info@saundersboston.co.uk

Site Location Plan	
Sheet	Date
1:250 at A1 1:500 at A3	03.06.14
Number	Author
1338_P_L_01	NDMG
Revised	

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SCHEDULE

- Affordable Units
- 3 No 2B4P Houses (75sqm)
- 2 No 3B5P Houses (89sqm)
- 2 No 1B2P Flats (66sqm)
- 2 No 1B2P Flats (50sqm)

TOTAL UNITS 9No

- KEY
- Site Boundary
 - Allocated parking spaces
 - Private Greenspace
 - Public Greenspace
 - Trees to be retained
 - Trees to be removed
 - Proposed Trees
 - Proposed planting
 - New rotary dryer
 - Block Paving (Type A)
 - Block Paving (Type B)
 - Raised Surface
 - 600 x 600 Concrete paving slabs
 - pedestrian paths in back gardens from patio to sheds
 - Grass Crates

PLANNING

Saunders Boston
Keepmoat
Hawkins Road, Cambridge

Proposed Site Plan

Scale: 1:200 at A1 1:400 at A3

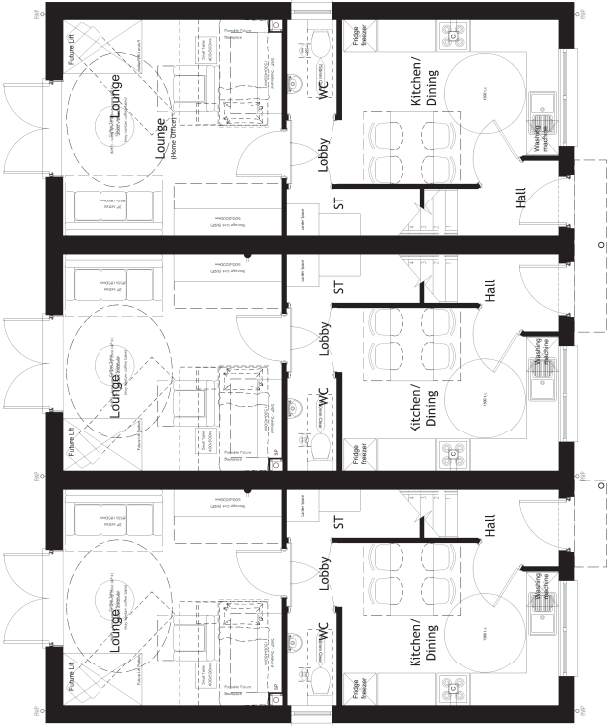
Number: 1338_P_L_02

Revision: C

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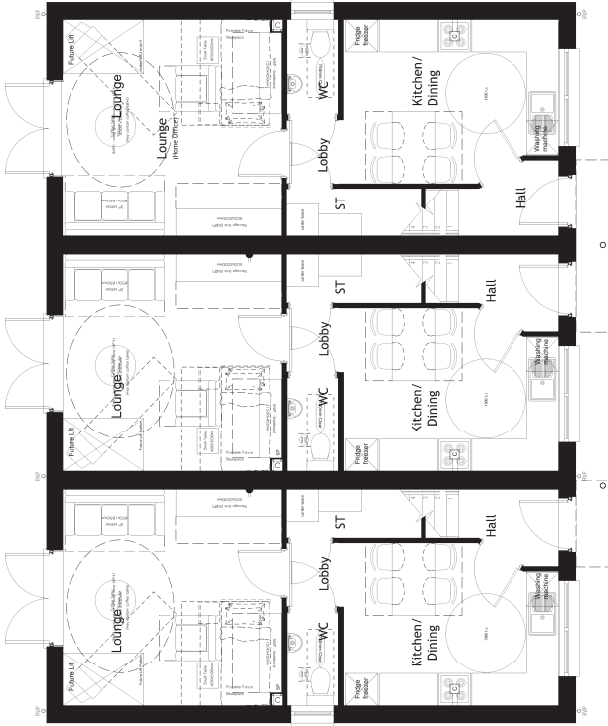
Plots 1-3

Area of Plots 1, 2 & 3
= 75 sqm



First Floor Plan

Plot 1 Plot 2 Plot 3

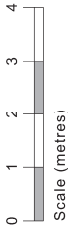


Ground Floor Plan

- Notes:
1. All alterations to be verified on site by GENERAL CONTRACTOR and approved by the relevant authority prior to commencing work.
 2. Drainage shall be as indicated.
 3. Work to be signed off by the relevant authority.
 4. This drawing and related specifications are for use only in the above context.
 5. The drawing is for information only and does not constitute a contract.
 6. Drainage has not been surveyed and all pipe locations are approximate. All pipe locations are indicated.




Proposed Site Plan
1:500 @ A1, 1:1000 @ A3



Scale (metres)

No.	Revised	Date	Rev.	Auth.
1				

PLANNING

 **Saunders Boston**
Keepmoat
Hawkins Road, Cambridge
CB3 9JQ
01223 367733
info@saundersboston.co.uk

Plot 1 - 3 Floor Plans

Scale: 1:500 at A1, 1:1000 at A3

Number: 1398_P_001

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Plots 1-3

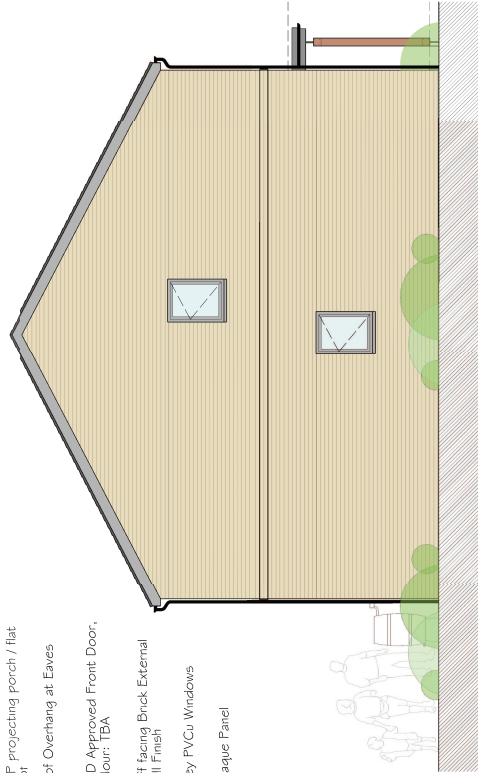


Elevation AA



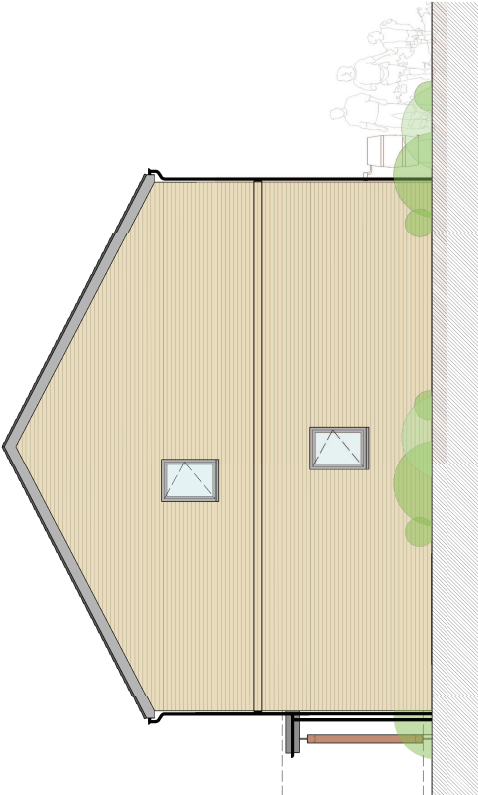
Elevation CC

- Potential for PVPs
- Flat Concrete Roof Tiles, Colour Grey
- Grey fascia and Barge Boards with Black PVCu Drainage & Guttering
- GBP projecting porch / flat roof
- Roof Overhang at Eaves
- SBD Approved Front Door, Colour: TBA
- Buff facing Brick External Wall Finish
- Grey PVCu Windows
- Opaque Panel



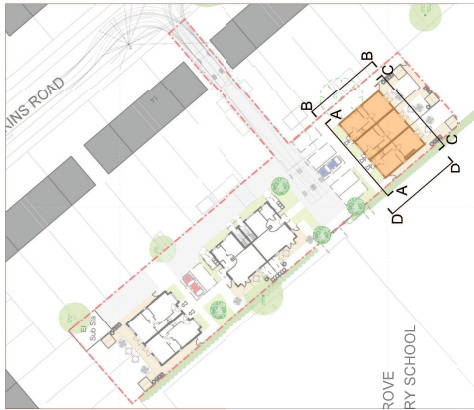
Elevation BB

- Flat Concrete Roof Tiles, Colour Grey
- Grey fascia and Barge Boards with Black PVCu Drainage & Guttering
- Roof Overhang at Eaves
- Grey PVCu Windows
- Buff facing Brick External Wall Finish

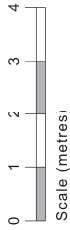


Elevation DD


- | No. | Notes |
|-----|--|
| 1. | All elevations to be verified on site by GENERAL CONTRACTOR prior to construction. |
| 2. | Drainage shall be as indicated on the accompanying drawings. |
| 3. | Drainage shall be as indicated on the accompanying drawings. |
| 4. | Drainage shall be as indicated on the accompanying drawings. |
| 5. | Drainage shall be as indicated on the accompanying drawings. |
| 6. | Drainage shall be as indicated on the accompanying drawings. |



Proposed Site Plan
1:500 @ A1, 1:1000 @ A3



Scale (metres)

PLANNING			
			
Saunders Boston			
Keepmoat			
110 Newmarket Road			
Cambridge CB3 9ET			
Tel: 01223 367733			
Email: info@saundersboston.co.uk			
Job: Hawkins Road, Cambridge			
Drawn: Plots 1 - 3 Elevations			
Scale: 1:50 at A1 1:100 at A3			
Number: 1398_P_201			
Revision: LG ND/MG			

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Plots 4-7

First Floor Plan

Plot 5 (56 sqm)

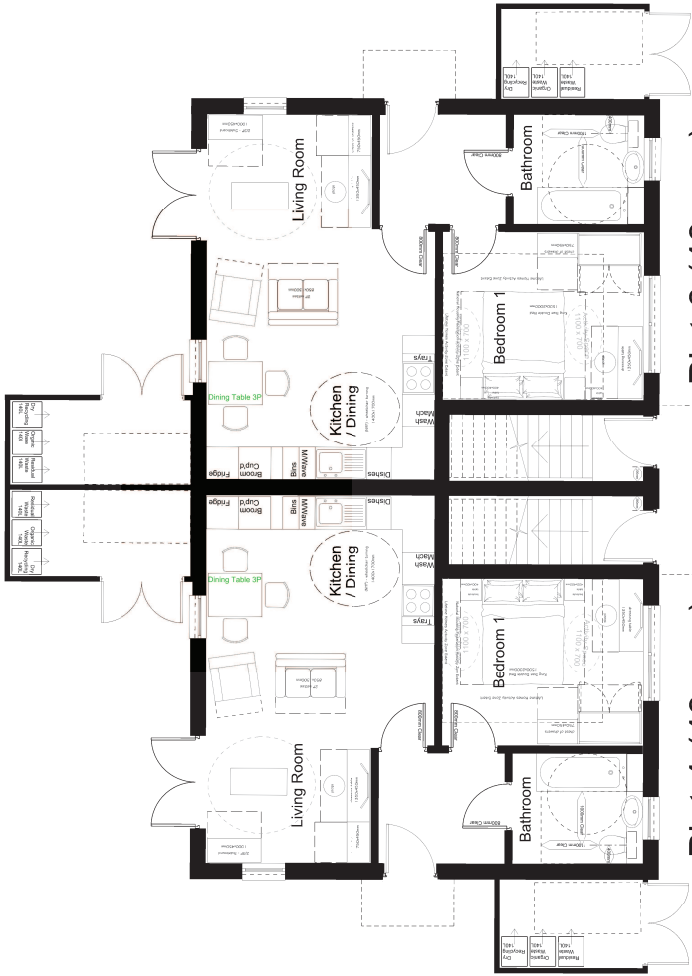
Plot 7 (56 sqm)



Ground Floor Plan

Plot 4 (49 sqm)

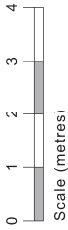
Plot 6 (49 sqm)



- Notes:
1. All alterations to be verified on site by GENERAL CONTRACTOR.
 2. The location of the alterations prior to commencing work shall be marked on the existing drawings.
 3. Work to be carried out shall be marked on the drawings.
 4. This drawing and related specifications are for use only in the above context.
 5. The drawings are to be used as a guide only. All dimensions shall be taken from the drawings.
 6. Drawings have not been surveyed and all dimensions are approximate.




Proposed Site Plan
1:500 @ A1, 1:1000 @ A3



Scale (metres)

No.	Revised	Date	CD	Auth

PLANNING

 **Saunders Boston**
Keepmoat

1100 Newmarket Road
Barnsley S70 2JN
0114 2020 387733
info@saundersboston.co.uk

Client
Keepmoat

Address
Hawkins Road, Cambridge

Plots 4 - 7 Floor Plans

Scale
1:500 at A1 1:100 at A3

Number
1338_P_002

Revision
LG NDWG

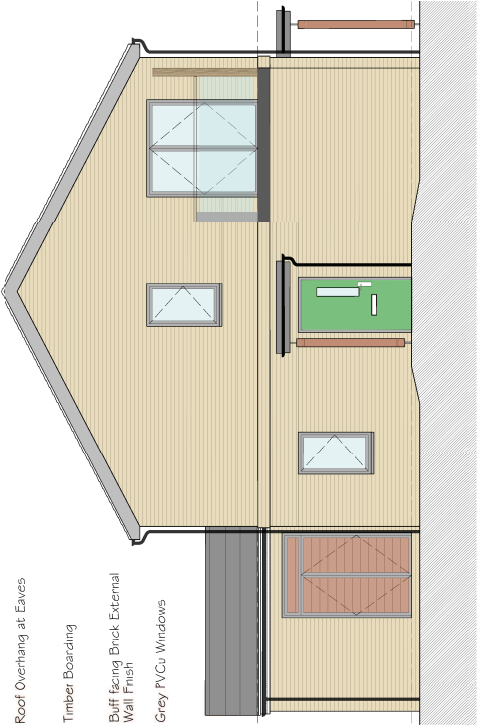
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Plots 4-7



Elevation AA

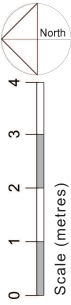
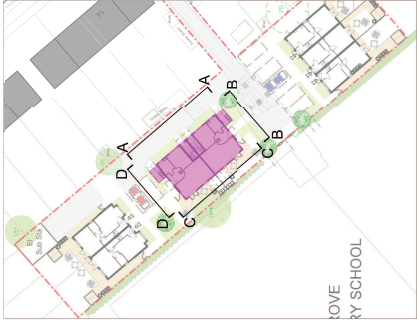
Elevation BB



Elevation CC

Elevation DD

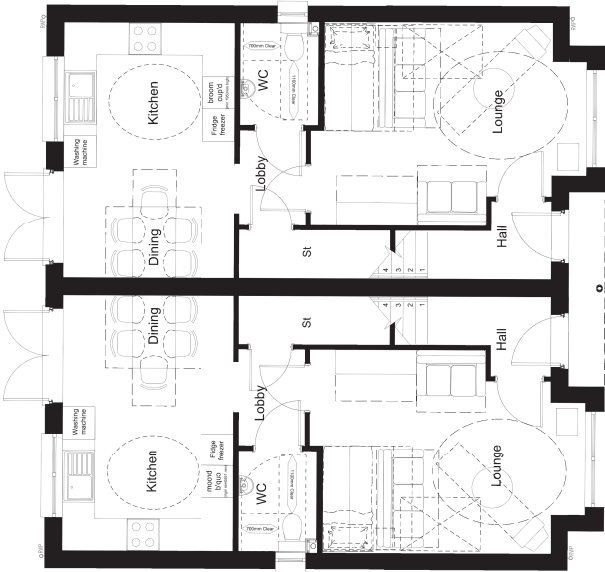
- Notes:
1. All elevations to be verified on site by GENERAL CONTRACTOR.
 2. The elevation of the roofline shall be confirmed by the GENERAL CONTRACTOR.
 3. The elevation of the roofline shall be confirmed by the GENERAL CONTRACTOR.
 4. The elevation of the roofline shall be confirmed by the GENERAL CONTRACTOR.
 5. The elevation of the roofline shall be confirmed by the GENERAL CONTRACTOR.
 6. The elevation of the roofline shall be confirmed by the GENERAL CONTRACTOR.



Scale (metres)
Proposed Site Plan
1:500 @ A1, 1:1000 @ A3

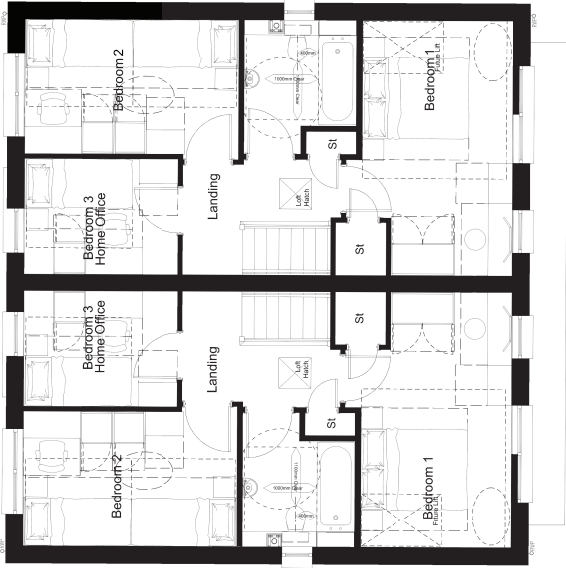
No.	Revisions	Date	By	Auth.
PLANNING				
 Saunders Boston				
1108 Newmarket Road Cambridge CB5 8RU Tel: 01223 367733 Email: info@saundersboston.co.uk				
Keepmoat				
1108 Newmarket Road, Cambridge				
Plots 4 - 7 Elevations - Sheet 2				
Scale: 1:500 at A1, 1:100 at A3				
Number: 1338_P_202				
Revision: 1				

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Plot 8 (89 sqm) Plot 9 (89 sqm)

Ground Floor Plan

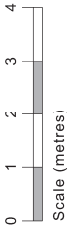


First Floor Plan

- Notes:
1. All operations to be verified on site by GENERAL CONTRACTOR and approved by the relevant authority prior to commencing work.
 2. Drainage shall be as indicated.
 3. Work to be signed off by the relevant authority.
 4. This drawing and related specifications are for use only in the above context.
 5. The drawing is for the use of the contractor and is not to be used for any other purpose.
 6. Drainage has not been surveyed and all pipe locations are approximate.



Proposed Site Plan
1:500 @ A1, 1:1000 @ A3



Scale (metres)

No.	Revisions	Date	CD	Auth
PLANNING				
				
Saunders Boston				
Keepmoat				
Hawkins Road, Cambridge				
Plots 8 - 9 Floor Plans				
1:500 at A1 1:100 at A3				
Number 1338_P_003				

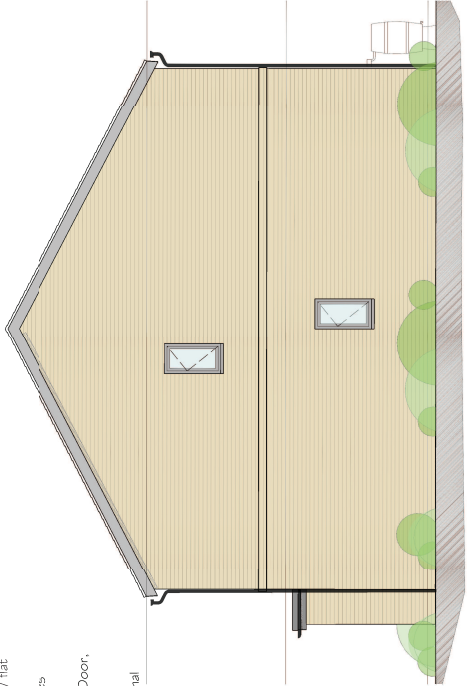
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Plots 8-9

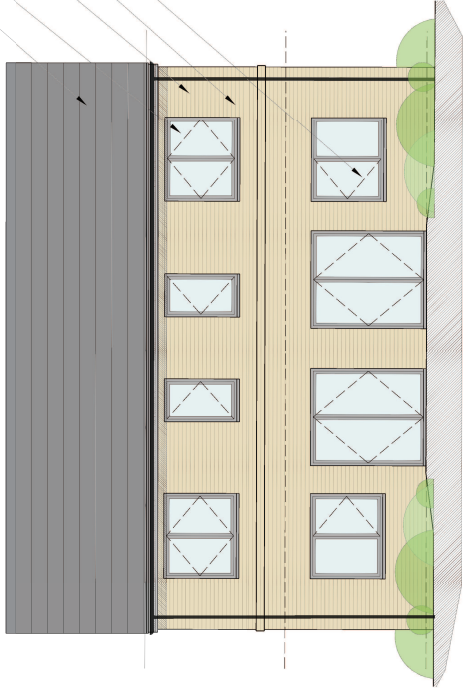


- Potential for PV/Ps
- Flat Concrete Roof Tiles, Colour: Grey
- Grey fascia and Barge Boards with Black PVCu Drainage & Guttering
- GRP projecting porch / flat roof
- Roof Overhang at Eaves
- SBD Approved Front Door, Colour: TBA
- Buff facing Brick External Wall Finish
- Grey PVCu Windows

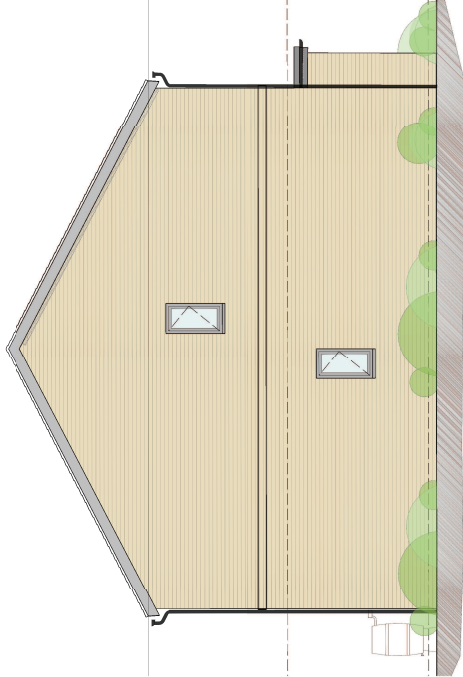
Elevation AA



Elevation BB

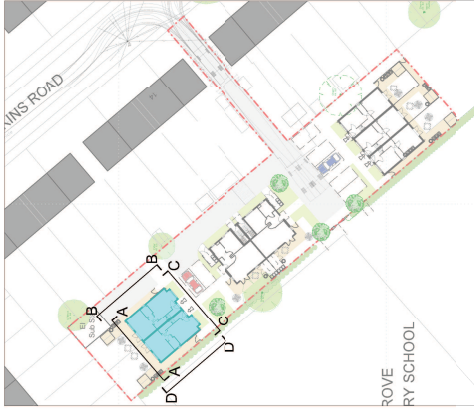


Elevation CC

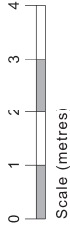


Elevation DD

- Notes:
- All elevations to be verified on site by GENERAL CONTRACTOR. The architect is not responsible for the accuracy of the measurements prior to commencing construction. The architect is not responsible for the accuracy of the measurements prior to commencing construction.
 - Drainage shall be as indicated.
 - Work to be done shall be as indicated.
 - Any work to be done shall be as indicated.
 - This drawing and related specifications are for use only in the above context.
 - The drawings are to be used for construction only. The drawings are to be used for construction only.
 - Drainage has not been surveyed and all pipe locations are as shown. Please ensure drainage is as indicated.



Proposed Site Plan
1:500 @ A1, 1:1000 @ A3



Scale (metres)

No.	Revisions	Date	By	Auth.
PLANNING				
Saunders Boston				
Keepmoat				
1100 Newmarket Road				
Cambridge CB3 9ET				
01223 367733				
info@saundersboston.co.uk				
Saunders Boston				
Keepmoat				
Hawkins Road, Cambridge				
Plots 8 - 9 Elevations				
1:500 at A1 1:100 at A3				
1398_P_203				
1398_P_203				

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: North Area Committee DATE: 28/08/14

WARD: Kings Hedges

PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT

Citygate, Woodhead Drive, Cambridge Breach of Planning Condition (Enforcement reference: CE/5854)

SUMMARY	<p>A planning enforcement investigation has identified a breach of condition, namely the failure to complete the brick boundary wall which is required by condition 14 of 10/0367/FUL.</p> <p>The failure to complete the wall is unacceptable because it fails to protect the amenity of the occupiers of 56 Robert Jennings Close.</p>
RECOMMENDATION	<p>That enforcement action be authorised in respect of the breach of planning condition.</p>

1 INTRODUCTION

This report seeks authority to serve an Enforcement Notice to address the Breach of Condition 14 of 10/0367/FUL which requires a brick boundary wall of a minimum height of 1.8 metres on the boundary with 56 Robert Jennings Close. See Appendix A for site plan.

2 PLANNING HISTORY

See Appendix B for relevant planning history.

3 BACKGROUND / TIMELINE OF ENFORCEMENT INVESTIGATION

- 3.1 In November 2010 planning approval 10/0367/FUL was granted for Erection of four one bed and four two bed flats and works to parking area at Citygate, Woodhead Drive, Cambridge.
- 3.2 The approval of 10/0367/FUL was subject to a number of conditions. Condition 14 of 10/0367/FUL states:

Notwithstanding the details shown on the approved plans and unless otherwise agreed in writing by the local planning authority, the boundary treatment to the rear of the building hereby approved on the boundary with 56 Robert Jennings Close shall take the form of a brick boundary wall of a minimum height of 1.8 metres.

Reason - To protect the amenity currently enjoyed by the occupiers of 56 Robert Jennings Close. (Cambridge Local Plan policies 3/4 and 3/12).

- 3.3 In June 2012 Planning Enforcement were notified of a concern that the developer did not intend to build a brick wall along the boundary of 56 Robert Jennings Close as required by condition 14 of 10/0367/FUL.
- 3.4 In October 2012 officers noted that the development at Citygate was substantially complete. The brick wall required by condition 14 had not been constructed.
- 3.5 In November 2012 officers contacted the agent for the application regarding the failure to construct the wall and were advised that he had asked the case officer for the application whether it would be acceptable to construct a fence in place of the wall.
- 3.6 On 5 December 2012 a letter was sent to the agent for the application advising that a fence would not be an acceptable boundary treatment to satisfy condition 14.
- 3.7 In December 2012 the agent for the application lodged a complaint with the Independent Complaints Investigator (ICI) regarding the delay in dealing with the application to discharge the conditions attached to 10/0367/FUL. The agent advised officers that he

considered that Condition 14 is unenforceable because it does not include any time scale for the erection and completion of the wall. The agent advised that he wished to wait for the ICI response before submitting an application to remove or vary condition 14. The ICI response to the agent's complaint was sent on 8 February 2013.

- 3.8 On 26 February 2013 an application to vary condition 14 of 10/0367/FUL to allow for a wooden fence as the boundary treatment was submitted for consideration, reference 13/0262/S73.
- 3.9 On 24 April 2013 application 13/0262/S73 was refused under delegated authority, the reason for the refusal was:

The purpose of condition 14 of planning permission 10/0367/FUL is to protect the neighbouring property, 56 Robert Jennings Close, from noise and air pollution experienced from the neighbouring car park. The proposed close-boarded fence would not achieve this aim to the same degree and therefore the proposal is unacceptable as it does not comply with policies 3/7 or 4/13 of the Cambridge Local Plan (2006)

- 3.10 On 3 June 2013 an appeal against the refusal of 13/0262/S73 was lodged with the Planning Inspectorate. The Planning Inspectorate dismissed the appeal on 17 October 2013.

Paragraph 10 of the Inspector's decision states:

'The appellant considers condition 14 to be unenforceable because it does not state when the wall needs to be erected or how long it should be. However, I find condition 14 to be precise and satisfactory in this regard – it clearly states that the wall should be erected along the boundary with No. 56 Robert Jennings Close and as a condition imposed on the development, it needs to be discharged as part of the development.'

A copy of the Inspector's decision can be found in Appendix C.

- 3.11 Following receipt of the Inspectorate decision, the agent for the application continued to raise queries regarding both the requirements and the enforceability of condition 14 of 10/0367/FUL.
- 3.12 A solicitor from Legal Services has reviewed the planning history of the site and advised that Cambridge City Council is fully justified in

starting enforcement proceedings for failure to comply with Condition 14 of 10/0367/FUL.

- 3.13 On 10 June 2014 the agent for the application advised that work on building the brick boundary wall was due to start and that it would take up to four days to complete.
- 3.14 On 18 June 2014 a photograph provided by the agent confirmed that half of the required boundary wall had been built but in brick and the remainder of the boundary with 56 Robert Jennings Close had a wooden fence.
- 3.15 The agent for the application has been advised repeatedly that the Council considers the condition relating to the brick wall to be both necessary and enforceable and that failure to comply with the condition could result in enforcement action being initiated. The agent and the owner have been advised that members are considering this report today and have been made aware of their speaking rights.

4 ASSESSMENT AGAINST PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS

- 4.1 The National Planning Policy Framework states:

‘Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

- 4.2 National Planning Policy Guidance states:

Para 17b-003: ‘There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.’

- 4.3 Enforcement is a discretionary power and the Committee should take into account the planning history, the details of the breaches of planning control and the other relevant facts set out in this report.
- 4.4 The breach of condition at Citygate has not been ongoing for ten years and so this breach of planning control is not immune from enforcement action.
- 4.5 Officers investigating the breach of planning control and setting out their recommendations have been mindful of and complied with the Planning Investigation Service Policy and the City Council's Enforcement Concordat.
- 4.6 Consideration should be given to the Human Rights Act 2000 and to the Equalities Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as being relevant considerations. The Council must also have regard to its public sector equality duty (PSED) under S.149 of the Equalities Act. The duty is to have due regard to the need (in discharging its functions) to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing, minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Officers do not consider that the recommendation in this report would have a disproportionate impact on any protected characteristic.

Officers consider that the service of an enforcement notice with a reasonable period for compliance would be lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies and that human rights and equalities considerations do not outweigh the reasons for proceeding with planning enforcement in this instance.

4.7 An Enforcement Notice carries with it a right of appeal to the Planning Inspectorate and the Inspectorate have the power to vary the Notice to amend the steps to comply.

4.8 Assessment against Cambridge Local Plan 2006:

In order to issue an Enforcement Notice there must be sound planning reasons to justify taking such action. The full implementation of the brick boundary wall is considered necessary to protect the amenity of the occupiers of 56 Robert Jennings Close in line with Cambridge Local Plan policies 3/4 and 3/12 and the guidance provided by the NPPF 2012.

5 RECOMMENDATIONS

5.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of the Breach of Condition, specifying the steps to comply and the period for compliance set out in paragraphs 5.2 to 5.3, for the reasons contained in paragraph 5.4.

(ii) To authorise the Head of Planning (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.

(iii) To delegate authority to the Head of Planning (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of non-compliance with the enforcement notice.

5.2 Steps to comply

Complete the construction of the brick wall along the whole of the boundary with 56 Robert Jennings Close to comply with condition 14 of 10/0367/FUL.

5.3 Period for compliance

Within 28 days of the date that the Notice comes into effect.

5.4 Statement of Reasons for inclusion on the Notice:

It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has failed to comply with planning condition 14 of approval 10/0367/FUL relating to boundary treatment.

The failure to comply with condition 14 of 10/0367/FUL has a detrimental effect on the amenity of the occupants of 56 Robert Jennings Close and the full implementation of the brick boundary wall is in line with Cambridge Local Plan policies 3/4 and 3/12 and the guidance provided by the NPPF 2012.

Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

Consideration has been given to the Human Rights Act 2000 and to the duty under Section 149 of the Equalities Act 2010. Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) have been taken into consideration. It is not considered that the service of an enforcement notice would have a disproportionate impact on any protected characteristic pursuant to the Equalities Act 2010.

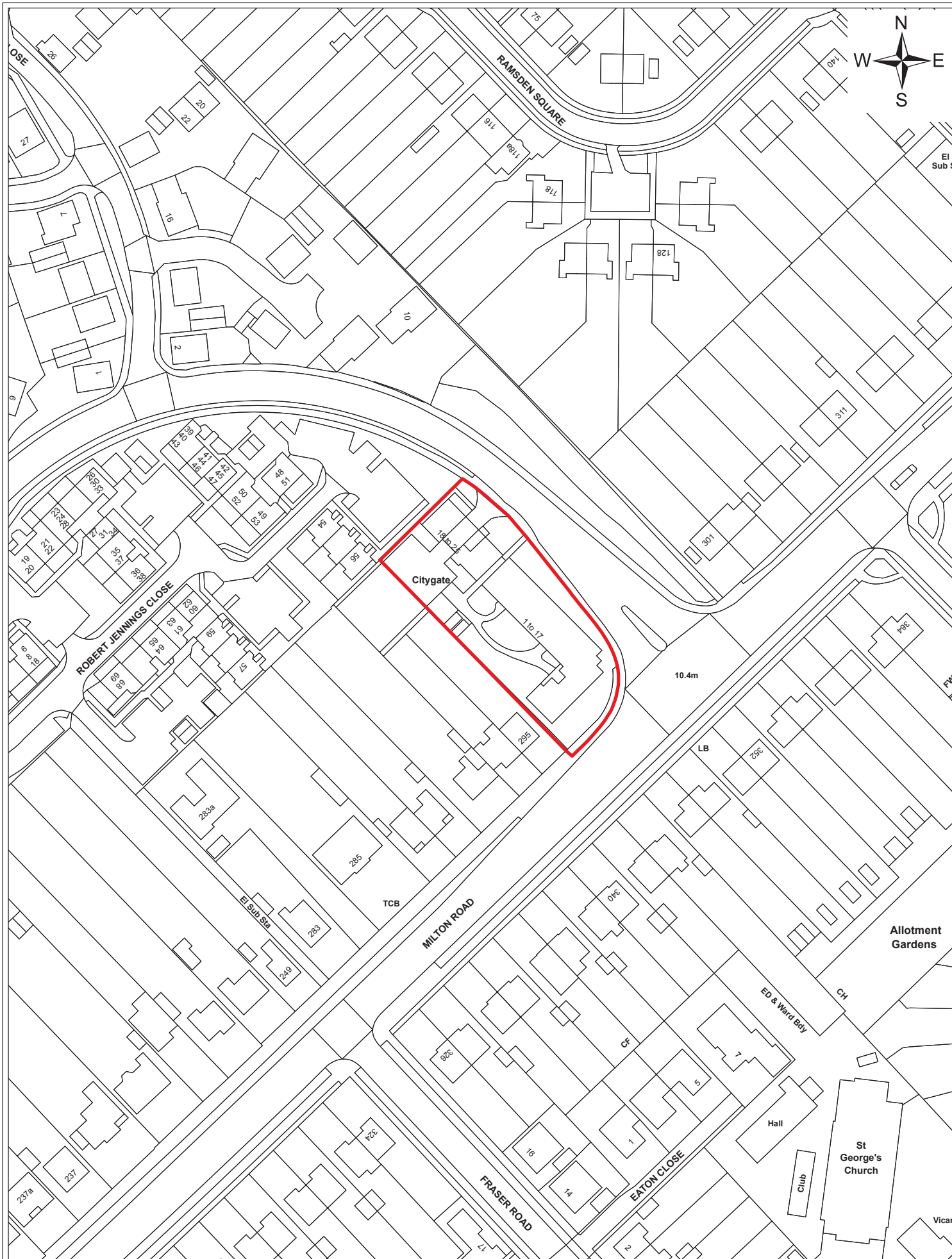
The Council consider that the service of an enforcement notice with a reasonable period for compliance is lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to protect the character of local street scenes, the City of Cambridge Conservation Area No.1 (Central) and the city as a whole.

BACKGROUND PAPERS: None

APPENDICES

Appendix A	Site Plan
Appendix B	Planning History
Appendix C	Planning Inspectorate decision

The contact officers for queries on the report is Debs Jeakins on ext 7163.



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PROPERTY HISTORY:

Site Address: Citygate Woodhead Drive Cambridge Cambridgeshire CB4 1YL

PLANNING HISTORY

10/0367/FUL - Erection of four one bed and four two bed flats and works to parking area.

Status: PERMITTED

18th November 2010

13/0262/S73 - Proposed removal of Condition 14 of Planning Permission 10/0367/FUL in relation to the rear boundary treatment next to 56 Robert Jennings Close.

Status: REFUSED

23rd April 2013.

Appeal Ref: APP/Q0505/A/13/2199140 – Appeal against refusal of 13/01262/S73 to remove Condition 14 of 10/0367/FUL in relation to the rear boundary treatment next to 56 Robert Jennings Close.

Status: DISMISSED

17 October 2013



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Appeal Decision

Site visit made on 20 September 2013

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 17 October 2013

Appeal Ref: APP/Q0505/A/13/2199140

Citygate, Woodhead Drive, Cambridge, CB4 1YL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by City Gate Ltd against the decision of Cambridge City Council.
 - The application Ref 13/0262/S73, dated 22 February 2013, was refused by notice dated 23 April 2013.
 - The application sought planning permission for erection of four one bed and four two bed flats and works to parking area without complying with a condition attached to planning permission Ref 10/0367/FUL, dated 15 November 2010.
 - The condition in dispute is No 14 which states that: Notwithstanding the details shown on the approved plans and unless otherwise agreed in writing by the local planning authority, the boundary treatment to the rear of the building hereby approved on the boundary with 56 Robert Jennings Close shall take the form of a brick boundary wall of a minimum height of 1.8 metres.
 - The reason given for the condition is: To protect the amenity currently enjoyed by the occupiers of 56 Robert Jennings Close (Cambridge Local Plan policies 3/4 and 3/12).
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Decision

1. The appeal is dismissed.

Procedural Matters

1. The site the subject of this appeal was granted planning permission for a residential development in 2010¹. During my site visit I noted that that development appeared to have been largely completed. This appeal relates to the treatment of the site's boundary with that of a neighbouring dwelling.

Main Issue

2. The main issue in this case is whether the condition imposed is reasonable and necessary in the interests of the living conditions of the occupiers of No. 56 Robert Jennings Close, with regards to noise, disturbance and pollution.

Reasons

3. The appeal site is located near to the junction of Milton Road and Woodhead Drive. The site is within a mainly residential area, comprising a range of

¹ Ref 10/0367/FUL.

dwelling types in two and three storey buildings. Trees, gardens and attractive boundary treatments, including brick walls along Woodhead Road, afford the area a green, spacious and attractive character.

4. Part of the site lies immediately adjacent to No. 56 Robert Jennings Close, a two storey semi detached property. Consequently, Citygate's parking area is next to No. 56. I noted during my site visit that, due to this immediate proximity, activities within the appeal site have the potential to impact significantly on the living conditions of the occupiers of No. 56.
5. The appellant, in support of its case, considers that the approved landscape plan, which illustrates a timber fence, boundary hedgerow and low planting "between the car park and the neighbouring property" provides sufficient protection against noise and pollution. However, no detailed information is provided to demonstrate that a timber fence affords the same, or greater, levels of protection against noise and disturbance, and pollution, as would a tall brick wall. By their very nature, I consider that timber fences are likely to be less substantial than brick walls and therefore, less able to protect from such harm.
6. Given the above and in the absence of any substantive evidence to demonstrate otherwise, I find that the removal of condition No. 14 would result in greater noise and disturbance, and pollution, to the rear of No. 56 than would be the case if a 1.8 metre high brick wall was built, as per the condition. Whilst the appellant, in support of its case, suggests that any noise and disturbance will be lessened as a result of cars in the car park moving slowly, I find that there would still be noise resulting from the movement of cars. Furthermore, I consider that there would also be noise resulting from, for example, the opening and closing of car doors, or from car radios, and that these factors would not be reduced as a result of cars moving slowly.
7. Taking the above into account, I find that non-compliance with condition 14 would result in inappropriate noise and disturbance and pollution, to the harm of the living conditions of the occupiers of No. 56 Robert Jennings Close. This would be contrary to Local Plan policies 5/7 and 4/13, which together amongst other things, seek to protect amenity.
8. Consequently, I find that condition 14 is reasonable and satisfies the tests in Circular 11/95: The Use of Planning Conditions.

Other Matters

9. The appellant, in support of its case, suggests that the condition the subject of this appeal is not necessary as it repeats provisions in another condition regarding landscaping. However, condition 14 is distinctive from condition 4 in that it sets out a specific requirement. All of the conditions imposed on the planning permission need to be addressed and the fulfilment of one condition does not mean that another should be disregarded, or considered unnecessary.
10. The appellant, also in support of its case, considers condition 14 to be unenforceable because it does not state when the wall needs to be erected or how long it should be. However, I find condition 14 to be precise and satisfactory in this regard – it clearly states that the wall should be erected along the boundary with No. 56 Robert Jennings Close and as a condition

imposed on the development, it needs to be discharged as part of the development.

11. The appellant, in support of its case, considers that condition 14 places an unjustifiable financial burden on it as the cost of erecting a wall is more expensive than a timber fence. I find that brick walls are likely to be more expensive than timber fences because they are more substantial. I have found that is the substantial nature of the wall required by condition 14 which would protect the neighbouring occupiers from harm.
12. Whilst I note that some general background noise is to be expected in the surrounding area and that some nearby developments have timber fences – just as some have brick walls. These are not factors which would justify non-compliance with condition 14.

N McGurk

INSPECTOR

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