

## Public Document Pack

### **SOUTH AREA COMMITTEE**

Chair: Councillor Amanda Taylor

Labour Spokesperson: Councillor Russ McPherson



## **AGENDA**

**To:** Councillors Taylor (Chair), Blackhurst (Vice-Chair), Sanders, Al Bander, Dryden, McPherson, Newbold, Stuart and Swanson

**Co-opted non-voting members:**

**County Councillors:** Carter, Heathcock and Shepherd

*Despatched: Wednesday, 3 November 2010*

**Date:** Thursday, 11 November 2010

**Time:** 7.30 pm

**Venue:** Horobin Room - Homerton College

**Contact:** Martin Whelan

**Direct Dial:** 01223 457012

## **INFORMATION FOR THE PUBLIC**

**The Open Forum section of the Agenda:** Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30 minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

***To ensure that your views are heard, please note that there are Question Slips for Members of the Public to complete.***

**Public speaking rules relating to planning applications:**

Anyone wishing to speak about one of these applications, may do so provided that they have made a representation in writing within the consultation period and have notified the Area Committee Manager shown at the top of the agenda **by 12 Noon on the day before the meeting** of the Area Committee.

Filming, recording and photography at council meetings is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Requests to film, record or photograph, whether from a media organisation or a member of the public, must be made to the democratic services manager at least three working days before the meeting.

## AGENDA

### 1 APOLOGIES FOR ABSENCE

### 2 MINUTES *(Pages 1 - 6)*

### 3 MATTERS AND ACTIONS ARISING FROM THE MINUTES

### 4 DECLARATIONS OF INTEREST

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 should be sought **before the meeting**.

### 5 OPEN FORUM

### 6 COMMUNITY ANNOUNCEMENTS

An opportunity for members of the committee to promote community and local events.

### 7 SAFER NEIGHBOURHOODS *(Pages 7 - 24)*

### 8 CAMBRIDGE COMMUNITY SAFETY PARTNERSHIP (CCSP) PLAN 2011-2014

### 9 ENVIRONMENTAL IMPROVEMENT PROGRAMME *(Pages 25 - 36)*

### 10 COMMUNITY DEVELOPMENT AND LEISURE GRANTS *(Pages 37 - 46)*

### 11 IMPROVE YOUR NEIGHBOURHOOD *(Pages 47 - 48)*

#### Planning Items

12a 10/0815/FUL - Queen Edith Public House, Wulfstan Way *(Pages 49 - 76)*

12b 10/0519/FUL - 115 - 117 Mowbray Road, Cambridge CB1 7SP *(Pages 77 - 102)*

12c 10/0764/FUL - 28 Panton Street *(Pages 103 - 122)*

12d 10/0319/CL2PD - 117 Mowbray Road *(Pages 123 - 138)*

12e 10/0561/FUL - 39 Shelford Road *(Pages 139 - 170)*

## 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 and Planning Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report. Any public representation received by the Department after 12 noon two business days before the relevant Committee meeting (e.g. by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

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

At the meeting public speakers at Committee 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.

### **To all members of the Public**

Any comments that you want to make about the way the Council is running Area Committees are very welcome. Please contact the Committee Manager listed at the top of this agenda or complete the forms supplied at the meeting.

If you would like to receive this agenda by e-mail, please contact the Committee Manager.

Additional information for public: City Council officers can also be emailed [firstname.lastname@cambridge.gov.uk](mailto:firstname.lastname@cambridge.gov.uk)

Information (including contact details) of the Members of the City Council can be found from this page:

<http://www.cambridge.gov.uk/ccm/navigation/about-the-council/councillors/>

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## **SOUTH AREA COMMITTEE**

9 September 2010

7.30 - 8.12 pm

**Present:** Councillors Taylor (Chair), Blackhurst (Vice-Chair), Sanders, McPherson, Newbold, Stuart and Swanson

### **Officers Present**

Environmental Improvement Manager – Andrew Preston

Principal Development Control Manager – Peter Carter

Committee Manager – Martin Whelan

### **10/42/SAC Apologies for Absence**

Apologies were received from City Councillors Al Bander, Dryden, Newbold and County Councillor Heathcock. Councillor Newbold arrived during item 10/48/SAC.

### **10/43/SAC Declarations of Interest**

There were no declarations of interest.

### **10/44/SAC Minutes of the meeting held on 8th July 2010**

The minutes of the meeting held on 8<sup>th</sup> July 2010 were approved as a true and accurate record of the meeting.

### **10/45/SAC Matters and Actions Arising from the Minutes**

There were no actions identified in the previous minutes.

### **10/46/SAC Open Forum**

There were no issues raised during the open forum.

### **10/47/SAC Environmental Improvement Projects**

The committee received a report from the Environmental Improvement Manager seeking a decision on whether to implement the Wulfstan Way Local Centre scheme subject to positive consultation at an estimated cost of £101,000. The committee were also advised that additional funding had been identified up to a total of £173k for the whole scheme, and that the entire scheme would be subject to approval at the Environment Scrutiny Committee on 5<sup>th</sup> October.

Members of the committee made the following comments;

1. It was agreed that additional cycling racks were not required. The Environmental Improvement Manager agreed to amend the proposals to reflect this.
2. Clarification was sought on the proposal for the tree outside of the Mace Shop. The Environmental Improvement Manager advised that it was proposed to replace the existing tree with a non-fruiting tree. In response it was recommended that planters, which could be updated seasonally, should replace the proposed tree. It was also agreed that the lighting outside of the Mace Shop should be reviewed due to the existing poor lighting in that area. The Environmental Improvement Manager agreed to amend the proposals to reflect this.
3. Disappointment was expressed that more consultation was required because any delay may affect the community event on 14<sup>th</sup> December, and it was questioned how much difference an additional round of consultation would make. The Environment Improvement Manager advised that not all traders/residents had attended the stakeholder meeting, but that members should guide him on the need for additional consultation. The committee asked officers to proceed subject to the outcome of the Environment Scrutiny Committee on 5<sup>th</sup> October.

4. A member of the public addressed the committee expressing concern and seeking clarification on a number of issues. These included parking provision, provision of benches and the potential for increased litter and anti social behaviour problems and changes to the paving and green spaces. Members agreed that these issues should be discussed outside of the meeting.
5. The Environmental Improvement Manager was invited to the community event in December, and it was noted that it was hoped that there could be noticeable progress by the time of that event.

## **Resolved**

- i. The committee resolved to implement the Wulfstan Way Local Centre Scheme at a cost of £101,000 subject to the Environment Scrutiny Committee on 5<sup>th</sup> October and the amendments suggested by the committee.

## **10/48/SAC Planning**

**7a** 10/0700/FUL - Erection of single storey dwelling at land to the rear of 71 Mill End Road.

The committee received an application for full planning permission. The application sought full planning permission for a 3-bedroom, single-storey dwelling.

The committee received representation in opposition to the application from Mr Martin Bacon. Mr Bacon was unable to attend so the Committee Manager read out a statement submitted in advance of the meeting on his behalf.

The representation covered the following issues;

- Issue 1: Loss of amenity and adverse impact on the character of the neighbourhood.
- Issue 2: Environmental and Wildlife impact
- Issue 3: "Garden grabbing"

The Applicant Agents (Lee Freer) addressed the committee in support of the application.

Councillor McPherson addressed the committee as a Ward Councillor in opposition to the application.

The Committee resolved by 4 votes to 1 to approve the application for the following reasons

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (or a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

- Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8; Cambridge Local Plan (2006): 3/4, 3/7, 3/10, 3/12, 5/1, 8/2, 8/6, 8/10;

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our

Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

2. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 09 November 2010 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, in accordance with the following policies, standards and proposals

- 3/7, 3/8, 5/14, 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010.



The meeting ended at 8.12 pm

**CHAIR**

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## Neighbourhood Profile Update Cambridge City South Neighbourhood

November 2010



**Inspector Steve Kerridge,  
Cambridge City Sector  
Commander**

**Lynda Kilkelly, Safer  
Communities Section  
Manager, Cambridge City  
Council**



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## 1. Introduction

### Aim

The aim of the Neighbourhood profile update is to provide an overview of action taken since the last reporting period, identify ongoing and emerging crime and disorder issues, and provide recommendations for future priorities and activity in order to facilitate effective policing and partnership working in the area.

The document should be used to inform multi-agency neighbourhood panel meetings and neighbourhood policing teams, so that issues can be identified, effectively prioritised and partnership problem solving activity undertaken.

### Methodology

This document was produced using the following data sources:

- Crime and Incident data from June 10 – September 10 and as a comparison data from February 10 – May 10 and June 09 – September 09.
- Information from the Neighbourhood Policing teams, October 10

## 2. Previous Priorities & Engagement Activity

### Previous Priorities

At the neighbourhood panel meeting on 8<sup>th</sup> July, the following issues were adopted as priorities. The tables below summarise action taken and the current situation regarding the priorities which were set:

<b>Anti-social Behaviour and Localised Neighbourhood Disorder - Tenby Close and Bliss Way, Cherry Hinton</b>	
<b>Objective</b>	<p>1. Reduce calls for service concerning anti-social behaviour and intimidating congregations at the location</p> <p>2. Increase trust and confidence in police and partner actions</p>
<b>Action Taken</b>	<p>During the period there have been 10 calls to police from Tenby Close. Of these, only 2 relate to rowdy / nuisance behaviour and the greater proportion of calls were in the early part of the period.</p> <p>In early September reports of youths congregating once again on consecutive nights in the stairwells was challenged through the attendance at key times of police staff. Whilst no criminal offences were revealed, these groups have been dispersed.</p> <p>A total of 60 hours of patrol time was dedicated to the reasonably small geographic locality during the period to seek to engage with residents and improve their confidence to report and work with police and partners. In addition, the local Special Constabulary have focused on the area as part of their contribution to tackling neighbourhood priorities, developing contacts in the area.</p> <p>Residents have not reported any incidents to the council other than an incident of graffiti. The ASB team continues to monitor the area and are contacting residents regularly.</p> <p>Bliss Way – residents have reported to the City Council’s ASB Team that it has been quieter of late. However, a disturbance was reported to the team at the beginning of October and the council are considering tenancy enforcement action against the perpetrator.</p>
<b>Current Situation</b>	<p>Currently instances of anti-social behaviour remain low in the area. Work by Police, City Homes and others have identified some vulnerable residents who have benefited from additional support.</p>

<b>Continue or Discharge?</b>	Discharge

<b>Tackling Anti-social Behaviour at Cambridge Chalk Pits - Cherry Hinton</b>	
<b>Objectives</b>	<p>This is a long-term issue that was accepted from the outset as not likely to be fully resolved during the period. Within the longer-term aim the short-term objectives were to seek to offer immediate respite for The Spinney school and local residents from anti-social behaviour associated with civil trespass.</p> <p>Notably:</p> <ol style="list-style-type: none"> <li>1. Prevention of access to the lake area</li> <li>2. To identify any persons found in or attempting to access the lake area</li> <li>3. To identify all land owners to seek prosecution for trespass as a deterrent</li> <li>4. To provide high visibility patrols in the area</li> <li>5. Liaise and advise School on security and preventative measures</li> <li>6. Reduce criminal damage and associated activity at the allotment gardens off Daws Lane</li> </ol>
<b>Action Taken</b>	<p>This is recognised as a seasonal issue and there have been very few issues of note since August. Land Agent January's agreed to receive information of all persons stopped by Police and other agencies during the period for consideration of prosecution for civil trespass. Police have not passed details for several weeks due to a significant reduction in incidents as anticipated.</p> <p>Only very early in the Summer period were local persons encountered trespassing. There is no obvious explanation why, but most persons stopped had attended the site from the Suffolk area. This is being explored.</p>

	Local officers have maintained contact with Spinney School, local residents and Councillors throughout.
<b>Current Situation</b>	The Spinney School are currently working on a bid to secure funds through a Safer City Grant to fund new fencing to help prevent access from the school and seek to prevent the anti-social behaviour and problems for adjacent residents.
<b>Continue or Discharge?</b>	Discharge

<b>Anti-social Behaviour in Paget Road / Foster Road, Trumpington</b>	
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. Reduce calls for service re. ASB to the area</li> <li>2. To secure prosecutions / alternative methods of disposal to acts of ASB where lawful, necessary and proportionate to do so</li> <li>3. To seek to increase community confidence and trust in the work of Police and partners</li> </ol>
<b>Action Taken</b>	<p>Patrols have identified a small group of local youths who appear to be connected to reports of anti-social behaviour in the recreation ground and adjacent residential area. Just over 200 hours of specific patrol time has been dedicated to this priority by local staff. This is in addition to patrolling by Police response teams during their duties and time spent engaging with those believed involved and their parents.</p> <p>An application for an ASBO for the suspected ring-leader following significant evidence collection by Police and the City Council was made to local Magistrates, but was unsuccessful.</p> <p>The process of seeking to gather evidence continues and Police will continue to look for opportunities to curb behaviour of the most persistent offenders through criminal or civil powers.</p> <p>There has been a reduction in the number of reports to the City Council's ASB Team and tenancy enforcement action has been taken against two residents known to be causing problems.</p>
<b>Current Situation</b>	<p>Reports of anti-social behaviour continue in the area and during the period a number of calls concerning vehicle-related nuisance and off-road trail bikes were received, believed to be exacerbated by access to the Guided Busway.</p> <p>Nightly patrols continue and it is recommended that this priority remains for the next period.</p>
<b>Continue or Discharge?</b>	Continue



## Engagement Activity

Engagement events permitting members of the public to meet the City South and other Cambridge City Neighbourhood Policing Teams are listed on the Constabulary's website.

They include monthly surgeries at Waitrose Trumpington, Addenbrooke's Hospital Concourse and Cherry Hinton Village Centre.

For more private matters, officers will be happy to arrange a meeting at your convenience or discuss matters via telephone.

For further details please visit [www.cambs.police.uk](http://www.cambs.police.uk) and look for the "My Neighbourhood" link or call 0345 456 456 4.

## An Introduction to Anti-Social Behaviour (ASB) in Cambridge City

It has been noted from recent Cambridge City Neighbourhood Panel Meetings that Anti-social behaviour (ASB) issues are at the forefront of public concern. To address these concerns, this document will now mainly focus on ASB issues and will aim to give greater detail of the problems faced in each ward. As a result, included in this document will be a breakdown of ASB types as well as a summary of the issues raised by the public when reporting incidents. A summary of emerging issues within crime will still be provided.

When an incident is reported, it is given a Closure Class which groups the incident under specific categories. The specific closure classes for those incidents defined as ASB are included in table.1

*Table.1 ASB Closure Class Definitions*

<b>ASB</b>	<b>Description</b>
<b>AS02.2</b>	<b>Street Drinking</b>
<b>AS03.1</b>	<b>Begging/Vagrancy</b>
<b>AS04.1</b>	<b>Prostitution related activity</b>
<b>AS05.1</b>	<b>Abandoned Vehicle (not stolen/obstruction)</b>
<b>AS05.2</b>	<b>Vehicle Nuisance/Inappropriate Veh use</b>
<b>AS06.0</b>	<b>Noise</b>
<b>AS07.1</b>	<b>Litter/Drugs Paraphernalia</b>
<b>AS07.2</b>	<b>Inappropriate - Use/Sale/Possession of Fireworks</b>
<b>AS07.5</b>	<b>Rowdy/Nuisance - Neighbours</b>
<b>AS07.6</b>	<b>Rowdy or Inconsiderate Behaviour</b>
<b>AS08.1</b>	<b>Hoax Call to Emergency Services</b>
<b>AS09.1</b>	<b>Animal Problems</b>
<b>AS10.1</b>	<b>Malicious/Nuisance communication</b>
<b>AS10.2</b>	<b>Regular caller - HIST INFO</b>
<b>AS11.1</b>	<b>Trespass</b>
<b>AS12.1</b>	<b>Prejudice Incident</b>

## 4. Emerging Issues

### Neighbourhood trends

Offence levels across City South have increased compared to the previous period and the same period last year with 648 offences in the last four months. Offences were high in June and July and decreased in August and September. Anti-social behaviour (ASB) incidents have also increased compared the previous period but decreased compared to the same period last year.

### Trumpington

- Total crime in Trumpington has increased compared to the previous period (251 offences vs. 217 offences) but remained stable in comparison to the previous year. The majority of this increase was due to increases in thefts from vehicles, cycle theft and criminal damage.
- Dwelling burglary offences have reduced to just five offences over the period compared to 12 in previous period and 11 in the same period last year.
- Burglary other offences have remained stable at 13 offences. The majority of these offences involved the breaking into of residential sheds/garages and cycles/tools being stolen from within.
- Violent crime offences have remained relatively stable at 39 offences. However, there have been four robberies of personal property. Two of there have targeted people on pedal cycles with the intention of stealing their bike.
- There has been an increase in thefts from vehicles in this period compared to the previous period going from 18 offences to 32 offences. The most common targeted property has been satellite navigation systems.
- Cycle theft offences have increased compared to the previous period (67 offences vs. 48 offences). Common locations for cycle theft offences were Bateman Street, Station Road and Hills Road.
- Criminal Damage has increased compared to the previous period and it at a similar level as the same period in the previous year.
- ASB incidents have increase slightly to 155 incidents compared to the previous period (146), but as with the criminal damage, has decreased compared to the same period in the previous year. The street with the most calls has been Foster Road with the cause being a combination of neighbour disputes and motorbikes/mini motos being ridden in an anti-social manner.

## City Services Data

- Between June and September 2010, there were 4 reports of abandoned vehicles in the ward, compared with 10 during the same period the previous year. Illegally parked notices were applied to 2 vehicles and the remaining vehicles were not on site following inspection. There were no specific hotspots during either period.
- Between June and September 2010, there 28 reports of flytipping within the ward, compared with 28 again during the same period the previous year. Hanover Court (4), Russell Court (4), 5 during the 2009 period, Anstey Way (3), 4 during the 2009 period, George IV Street and Hills Road (each with 3) were specific hotspots during the 2010 period. Additional hotspots during the same period last year were Hauxton Road (6) and Princess Court (4). There was sufficient evidence to issue a warning letter to a trade offender for one of the offences at Hills Road.
- Between June and September 2010, 34 derelict cycles were dealt with, compared with 31 during the same period the previous year. Hauxton Road Park & Ride (8), Kingfisher Way and Shelford Road (both with 4) and Hills Road and Porson Road (both 3) were the hotspots during this period. Long Road (6), Coronation Street (5) and Shelford Road (4) were the hotspots during the same period the previous year.
- Between June and September 2010, there were no needles reported in the ward, compared with one during the same period the previous year.

## Cherry Hinton

- Total crime in Cherry Hinton has increased compared to both the previous period (139 offences) and the same period last year (163 offences). Notable increases have been seen in other burglaries, violent crime, thefts from vehicles, cycle theft and criminal damage.
- Dwelling burglary offences have remained stable compared to the previous period (18 offences vs. 21 offences). However, other burglaries have doubled to 13. Six of these were targeted garages on Rothleigh Road on the same night.
- Violent crime offences have increased from 34 offences in the previous period to 41 offences in this period. Offence levels have remained stable compared to the same period last year when there were 38 offences.
- There were 20 thefts from vehicle offences in this period compared with 12 offences in the previous period and 10 offences in the same

period last year. Five of these offences involved the theft of number plates on different occasions at Toyota and Lexus on Norman Way.

- Criminal damage offences have continued to increase compared to the previous period (38 offences vs. 26 offences). The most common type of damage has been to vehicles, including scratched paintwork and smashed windows.
- ASB incidents have increased from 128 incidents in the previous period to 133 incidents in this period. 13 of the incidents occurred at Tesco. There have also been most calls about rowdy and inconsiderate behaviour on the High Street and Colville Road.

### **City Services Data**

- Between June and September 2010 there were 10 reports of abandoned vehicles in the ward, compared with 17 during the same period the previous year. This included 6 vehicles, which were later claimed by their owners, one, which was not on site following inspection and another vehicle, which was referred to the Council's Housing department. One case is currently pending further investigation.
- Between June and September 2010, there were 20 reports of flytipping within the ward, compared with 26 during the same period the previous year. Tenby Close (4) was a hotspot during the 2010 period. Arran Close (4) and Cherry Hinton Road and Colville Road (both with 3) were hotspots during the same period last year. There was sufficient evidence to issue warning letters to two domestic offenders for the offences at Tenby Close. One case is currently pending further investigation.
- Between June and September 2010, 11 derelict cycles were dealt with, compared with 18 during the same period the previous year. Glenmere Close (3) was a hotspot during the 2010 period, compared with Cherry Hinton Road and Harcombe Road (both with 3) during the same period the previous year.
- Between June and September 2010, 5 needles were reported in the ward compared with 0 during the same period the previous year. This related to a single report in one location in Cherry Hinton Road

### **Queen Ediths**

- Total crime has increased in Queen Edith compared to the previous period and the same period in the previous year. Increases have been seen in violent crime, vehicle crime and criminal damage.

- Violent crime has continued to increase with 44 offences compared to both the previous period and the same period in the previous year. Thirteen of these offences occurred at Addenbrookes hospital, seven of which relate to one incident when a male lashed out during psychotic episode.
- Theft from vehicle offences have almost doubled to 21 offences compared to both the previous period and the same period in the previous year. Four of the offences have been the theft of Mercedes badges, particularly in Kinnaird Way. Five of the offences occurred in Rathmore Close where a range of property has been stolen.
- Criminal Damage has increased compared to the previous period but has remained at a similar level as the previous year with 30 offences. There have been multiple offences of damage to vehicles on Hills Road, Gunhild Way, Queen Ediths Way and Hulatt Road.
- ASB incidents in Queen Edith have remained at a similar level compared to the previous period (123 incidents vs. 116 incidents) but a reduction on the previous year. There were 15 incidents at Addenbrookes Hospital, some of which refer to people being aggressive in A&E. Other common locations include Greenlands and Mowbray Road, with complaints about noise, and Gunhild Way, with incidents rowdy and nuisance behaviour.

### City Services Data

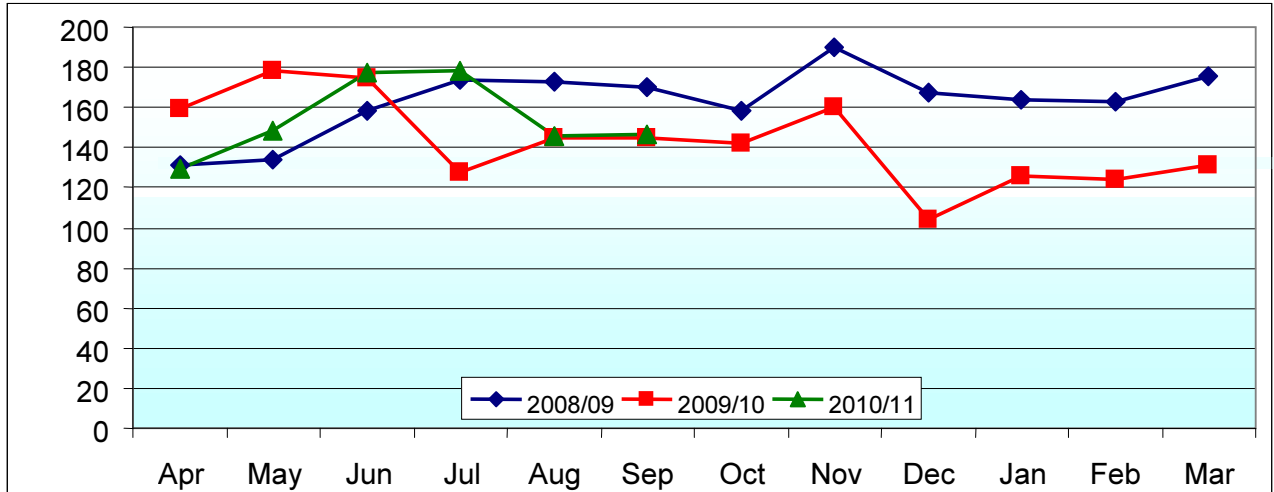
- Between June and September 2010, there were 8 reports of abandoned vehicles in the ward, compared with 5 during the same period last year. There were no specific hotspots during either period. Three vehicles were not on site following inspection and another, which has been removed and taken to a compound pending further action. In addition, a CLE26 notice was issued to an offender on behalf of the DVLA for not displaying road tax on a public highway and will result in a fine issued by the DVLA.
- Between June and September 2010, there were 16 reports of flytipping within the ward, compared with 9 during the same period the previous year. Wulfstan Way was a hotspot during the 2010 period with 7, compared with 3 during the same period last year. There were no further hotspots during either period. There was sufficient evidence to issue warning letters to 2 domestic offenders, one of which resulted from the offences at Wulfstan Way. One case is currently pending further investigation.
- Between June and September 2010, 11 derelict cycles were removed, compared with 29 during the same period last year. Babraham Road

Park & Ride (3, compared with 7 during the same period last year) was a hotspot as well as Wulfstan Way (also with 3) during the 2010 period. Other hotspots during the 2009 period were Hartington Grove and Hills Avenue (both with 6).

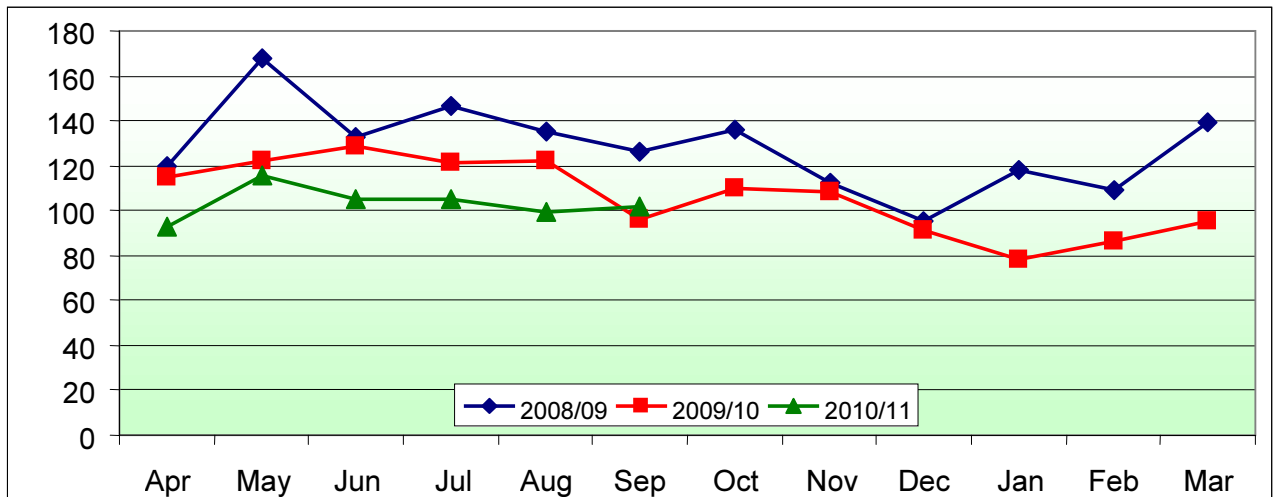
- Between June and September 2010, 2 needles were reported, compared with 0 during the same period the previous year and related to a single report in one location.

### 5. Current Crime and Incident Levels

#### Total Crime



#### Total ASB





**Current Crime and Incident Levels in Neighbourhood, by Ward**

			Dwell. Burg.	Other Burg.	Violent Crime	Robbery	Theft of Vehicle	Theft from Veh.	Cycle Theft	Theft from Shop	Criminal Damage	Other Crime	TOTAL CRIME	TOTAL ASB
N.Hood	City South	Jun 10 – Sep 10	41	37	124	4	13	73	130	15	94	117	648	411
		Feb 10 – May 10	47	33	103	5	2	41	92	28	61	120	532	390
		Jun 09 – Sep 09	38	40	95	7	8	50	124	9	97	125	593	468
SP Ward Page 21	Trumpington	Jun 10 – Sep 10	5	13	39	4	4	32	67	13	26	48	251	155
		Feb 10 – May 10	12	14	34	2	0	18	48	25	15	49	217	146
		Jun 09 – Sep 09	11	17	40	0	5	29	55	6	29	56	248	169
	Cherry Hinton	Jun 10 – Sep 10	18	13	41	0	3	20	31	2	38	31	197	133
		Feb 10 – May 10	21	6	34	2	0	12	13	2	26	23	139	128
		Jun 09 – Sep 09	12	7	38	4	2	10	17	3	37	33	163	145
	Queen Edith	Jun 10 – Sep 10	18	11	44	0	6	21	32	0	30	38	200	123
		Feb 10 – May 10	14	13	35	1	2	11	31	1	20	48	176	116
		Jun 09 – Sep 09	15	16	17	3	1	11	52	0	31	36	182	154

### ASB Incident Types in the City South Area Neighbourhood, by Ward

#### Please Note

Incident levels for each of the wards may not be consistent with the official figures that will be published by the Force and Home Office. This is because the data system used to draw the level of detail needed for the ASB type breakdown for this report may not contain precise locations due to the way incidents are reported e.g. ASB reported where ward boundaries lie could initially be recorded in the neighbouring ward but subsequently corrected.

The figures should only be used as a guide and not regarded as official statistics for publication.

			ABAN. VEH. (NOT SMV/OBSTRUCT)	ANIMAL PROBLEMS	BEGGING/VAGRANCY	HOAX CALL TO EMERGENCY SERVICE	MALICIOUS/NUIS. COMMUNICATION	NOISE	PREJUDICE INCIDENT	PROSTITUTION	ROWDY& INCONSIDERATE BEHAVIOUR.	ROW/NUIS. - NEIGHBOURS	ROW/NUIS - USE/SALE F/WORKS	VEH. RELATED NUIS/INAPP. VEH. USE	Grand Total
<b>N'Hood</b>	<b>City South</b>	<i>Jun 10 - Sep 10</i>	32	3	4	3	31	29	1	1	211	45	1	44	405
<b>Wards</b>	<b>Trumpington</b>	<i>Jun 10 - Sep 10</i>	15	1	2	1	11	6	0	1	79	16	0	18	150
	<b>Cherry Hinton</b>	<i>Jun 10 - Sep 10</i>	6	2	0	2	12	5	0	0	82	13	1	9	132
	<b>Queen Edith</b>	<i>Jun 10 - Sep 10</i>	11	0	2	0	8	18	1	0	50	16	0	17	123

## **6. Recommendations**

The following Neighbourhood Priorities are recommended for consideration:

- Tackling youth-related anti-social behaviour in Cherry Hinton High Street in the vicinity of Rectory Terrace
- Continuation of work to reduce youth related anti-social behaviour in Paget Road / Foster Road, Trumpington

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**Report** Environmental Projects Manager

**by:**

**To:** South Area Committee

11 November 2010

**Wards:** Trumpington, Queen Edith's, Cherry Hinton

## Environmental Improvement Programme Report

### 1.0 DECISION TO BE MADE: -

- ***Clarendon Road / Shaftesbury Road Area Traffic Issues***

*To decide what further action, if any, should be taken in relation to perceived traffic and parking issues in the Clarendon Street and Shaftesbury Road Area.*

### 2.0 Budget (See over)

**SOUTH AREA COMMITTEE**

*Environmental Improvements Programme 2010-2011*

**Total Budget Available to 31/3/11** **£255,586**

ADOPTED PROJECTS	COMPLETE	Total Spend Previous Years £	Forecast Spend 2010/11 £	TOTAL SCHEME COST £	Approved Budget £
Cherry Hinton High Street hanging baskets (2010)	✓	0	7,850	7,850	7,850
Cherry Hinton High Steet Verges	✓	577	39,423	40,000	40,000
Fisher's Lane Verge Parking		8	24,742	24,750	24,750
Wulfstan Way Local Centre		0	101,000	101,000	101,000
total cost to implement adopted projects			<b>173,015</b>		
<b>Uncommitted Budget</b>			<b>82,571</b>		
SCHEMES UNDER DEVELOPMENT*		Total Spend to Date £	Total Estimated Cost £		
Rectory Terrace - Cherry Hinton High St Shop Forecourt [SCHEME ON HOLD]		0	60,000		
total estimated cost of projects in development		0	60,000		
<b>Uncommitted Budget</b>			<b>22,571</b>		

\*Projects agreed by Cttee to be investigated, but no budget committed. Costs shown are estimated and will depend on detailed design and site investigation. N.B. The estimated costs shown above are merely given as a rough guide until the projects can be designed and costed.

## **2.0 Clarendon Road / Shaftesbury Road Area Traffic Issues**

### **2.1 Background**

At its meeting on 8<sup>th</sup> July 2010 the South Area Committee agreed to consult on a range of options regarding speed reduction on Clarendon and Shaftesbury Road.

### **2.2 Consultation**

A public consultation amongst all residents and other stakeholders in Clarendon Road, Shaftesbury Road, Fitzwilliam Road and the nearby businesses has been undertaken. The consultation documentation was also made available to residents of nearby new housing developments via the internet. The distributed documentation is shown in **Appendix A**.

### **2.3 Consultation Response Analysis**

Responses show that the majority of respondents believe that there are traffic and parking problems in the area, with the most problematic being speeding.

Strong support is evident for the suggestion that a letter be written to the management of all business premises in the area, requesting that they bring to the attention of their employees the need to drive at a safe speed in what is a residential area.

There is also strong support for the erection of flashing speed restriction reminder signs.

Significant support is evident for the speed limit to be reduced to 20mph.

There is a similar level of support for the suggestions that residents join the police Speedwatch scheme.

There is no clear majority for or against the installation of speed cushions.

A summary of the responses to the public consultation can be found in **Appendix B**.

A representation from the Chief Executive of the Cambridge University Press is reproduced in **Appendix C**.

## 2.4 Speed Survey Results

A speed survey was carried out on both Clarendon Road and Shaftesbury Road between 09:00 and 11:00 on 29<sup>th</sup> September 2010. A total of 104 cars had their speeds measured.

The results of this survey were as follows:

### ***Clarendon Road Southbound***

Average Speed of Vehicles - 19.4mph

Number of vehicles exceeding the speed limit - None

### ***Clarendon Road Northbound***

Average Speed of Vehicles - 26.1 mph

Number of vehicles exceeding the speed limit - None

### ***Shaftesbury Road Southbound***

Average Speed of Vehicles - 28.7mph

Number of vehicles exceeding the speed limit - 5 [37,36,31,31,31]

### ***Shaftesbury Road Northbound***

Average Speed of Vehicles - 24.7mph

Number of vehicles exceeding the speed limit - 2 [33,32]

## 2.5 Conclusion

Whilst the consultation results showed that the majority of respondents believe that there are traffic and parking problems in the area, with the most problematic being speeding, the speed survey results were to the contrary.

## 2.6 Funding

The introduction of a 20mph limit and the erection of an interactive sign are the only two measures that require funding if adopted by the Committee.

The 20mph limit could be funded by the Environmental Improvement Programme along with the capital cost of the speed actuated signs, however the cost of maintaining them would have to be agreed and funded by the County Council, estimated at £300 per year.



Approval of both proposals would also need to be sort from the County Council as the Highway authority.

Initial consultation with the Highway Authority has shown that the County Council would not fund any traffic calming measures based on the result of the speed survey. Funding the maintenance of any speed actuated restriction signs may therefore also be an issue.

The estimated cost of providing two speed actuated signs is **£10,000**. The introduction of a 20mph speed limit is estimated to cost **£12,000**.

## 2.7 Programme

If the Committee decides to progress these two measures, subject to the consent of the Highway Authority, it is anticipated that the works could be undertaken in early 2011.

### **Recommendations:**

- i) That the Residents' Association writes to the managements of all business premises in the area, requesting that they bring to the attention of their employees the need to drive at a safe speed in what is a residential area;*
- ii) Adopt the introduction of a 20mph speed limit in Clarendon Road, Shaftesbury Road and Fitzwilliam Road, at an estimated cost of **£12,000**, subject to the consent of the Highway Authority*
- iii) To consult with the Highway Authority to determine if consent would be given to the erection of two speed actuated restriction reminder signs at an estimated cost of **£10,000**, subject to the consent of the Highway Authority and their agreement to fund ongoing maintenance of the signs at an annual cost of **£300**.*

**Decision:** *Committee is asked to decide what further action should be taken in relation to perceived traffic and parking issues in the Clarendon Street / Shaftesbury Road Area.*

### **3.0 IMPLICATIONS**

(a) **Financial Implications**

The Environmental Improvements Programme is a rolling budget and is divided between the four Area Committees by percentage population.

A degree of flexibility can be implemented within the programme. It will be possible for Area Committees to 'save' some, or all, of their annual budget in order to accrue funds for larger projects.

(b) **Equal Opportunities Implications**

Covered as one of the assessment criteria

(c) **Environmental Implications**

The whole purpose of this programme is to bring about improvements in the environment

(d) **Community Safety Implications**

Covered as one of the assessment criteria

### **BACKGROUND PAPERS**

Appendix A - Consultation Document

Appendix B - Summary of response to Consultation

Appendix C - Letter from Cambridge University Press

Appendix D - EIP Eligibility Criteria

### **INSPECTION OF PAPERS**

To inspect or query the background paperwork or report, please contact .:

Andrew Preston, Environmental Projects Manager

**Telephone:** 01223 457271

**Email:** [andrew.preston@cambridge.gov.uk](mailto:andrew.preston@cambridge.gov.uk)

# APPENDIX A

## TRAFFIC PROBLEMS ? (... and how to solve them)

Local Councillors have received some complaints relating to traffic in your area. Residents have complained of vehicles being driven at excessive speed, and it would appear that there are two reasons for this.

During the working day the relatively wide, unobstructed roads seem to lead to speeding. Later in the day and at weekends, when the parking bays are mostly occupied, drivers try to get from one end of the road to the other at speed to avoid encountering an opposing vehicle.

Several approaches to dealing with these problems have been put forward.

Some residents have suggested that employees of the Cambridge University Press are the main speeding culprits, and suggest that the Residents' Association should write to the CUP to ask them to encourage their employees to keep to the speed limit when leaving their site.

Other residents suggest a flashing speed limit sign; (though this would need the consent of the Highway Authority).

It has also been suggested that there should be a lower speed limit; (though if the current 30mph limit is being ignored then a lower limit is also likely to be ineffective).

Another suggested option is for the Residents' Association to join the Police Speedwatch scheme, whereby residents are provided with equipment to check traffic speeds.

The installation of traffic calming measures has also been suggested. However, it would not be possible to install traffic calming in these roads using Give Ways or chicanes without a significant reduction in parking capacity.

The provision of some form of speed hump system could be considered, and it is anticipated that the use of speed cushions, (as illustrated overleaf), would be most likely to be approved by the Highway Authority. Speed cushions have been successfully used elsewhere in Cambridge, and are designed to be as cycle-friendly as possible. Using speed cushions, there would be no loss of parking capacity as parking on the cushions is permitted.

We would like to know your views so we have enclosed a reply-paid questionnaire. Please complete it and post it back to us **to arrive not later than 30/09/10**. The results of the public consultation will be reported to the South Area Committee.

If you have any questions, please telephone John Isherwood on 01223 - 457392 or e-mail [John.Isherwood@cambridge.gov.uk](mailto:John.Isherwood@cambridge.gov.uk)



### CLARENDON ROAD / SHAFTESBURY ROAD/ FITZWILLIAM ROAD TRAFFIC ISSUES

A Residents'  
Consultation

#### CLARENDON ROAD / SHAFTESBURY ROAD / FITZWILLIAM ROAD TRAFFIC CONSULTATION

*\* Please delete as appropriate.*

I **believe\*** / **do not believe\*** that there are traffic-related problems in this area.

*Please write below the nature of any problems; (ie. traffic speed, volume, parking, etc.)*

I **support\*** / **oppose\*** the idea of writing to the Cambridge University Press

I **support\*** / **oppose\*** the idea of erecting flashing speed limit signs

I **support\*** / **oppose\*** the idea of a lower speed limit

I **support\*** / **oppose\*** the idea of joining the Police Speedwatch scheme

I **support\*** / **oppose\*** the idea of installing traffic calming speed cushions

*Please write below any comments or alternative suggestions which you may wish to make*

**ADDRESS (road name only) :**

## APPENDIX B

### SUMMARY OF CONSULTATION RESPONSES

Number of questionnaires distributed : **60 approx.**

Number of questionnaires returned : **17**

*I believe that there are traffic-related problems in this area : **82%***

*I do not believe that there are traffic-related problems in this area : **18%***

The nature of any problems :-

*Traffic speed : 59%; Traffic volume : 18%; Parking : **12%**.*

*I support the idea of writing to the Cambridge University Press : **94%***

*I oppose the idea of writing to the Cambridge University Press : **6%***

*I support the idea of erecting flashing speed limit signs : **71%***

*I oppose\* the idea of erecting flashing speed limit signs : **24%***

*I support the idea of a lower speed limit : **65%***

*I oppose\* the idea of a lower speed limit : **29%***

*I support the idea of joining the Police Speedwatch scheme : **59%***

*I oppose the idea of joining the Police Speedwatch scheme : **35%***

*I support the idea of installing traffic calming speed cushions : **47%***

*I oppose\* the idea of installing traffic calming speed cushions : **47%***

## APPENDIX C

### Subject: Traffic calming in the Shaftesbury Road area

Dear Councillor Stuart and Councillor Blackhurst,

I understand that a proposal has been made that the South Area Committee should vote for funding for a traffic-calming study for the Shaftesbury/Fitzwilliam/Clarendon Roads area. If I may, I'd like to make a couple of comments on this. I do, of course, represent an interested party, as Cambridge University Press lies at the end of Shaftesbury Road.

I am unaware of the origins of the proposal, and would be grateful if you could let me know any specifics. I can, however, speculate (a) that the proposal is likely to have come from a local resident with an understandable concern about maintaining the calm atmosphere in the locality; (b) that it may relate to traffic noise; and (c) that it may relate to recent incidents in which cats were run over, in which regard I hasten to add that my sympathies go to the owners, not least because I have 4 cats in my own home.

With the above background, the points I would like to make are as follows:

1 Noisy traffic is likely to be attributable to HGVs and occasional motorcycles. Traffic calming will do little to silence motorcycles. As for HGVs, most of them will disappear when construction on the Kaleidoscope site has been completed, and the number of HGVs moving to and from Cambridge University Press (CUP) will decline further as the scale of our printing operations declines over the coming years.

2 The dimensions and nature of the road system in this area are not given to generating high speeds. By that, I mean that the length of each of the three roads in the area is really quite short; drivers have to contend with parked cars, narrow roadways, three site junctions, two car park exits, a school and a four-way junction at the bottom of Shaftesbury Road. In addition, the CUP site itself is already heavily traffic-calmed, so vehicles do not issue forth from there at high speeds. In summary, although there may well be occasional incidents of speeding vehicles, as there are everywhere, this is by no means a natural speedway or a particular problem area.

3 If calming measures were to take the form of speed bumps, it should be recognised that the constant braking and acceleration would add to both noise and pollution, rather than reducing them.

4 Alternatively, if calming measures were to take the form of road-narrowing or priority schemes, they would result in intolerable queueing to progress up and down the three roads and to turn into or out of Shaftesbury and Clarendon Roads at their junctions with Brooklands Avenue. These junctions are already a problem, and will become even more problematic when the Accordia and Kaleidoscope sites are completed and fully occupied.

5 It must be recognised that, for better or for worse, this area involves a mix of residential, commercial, industrial and educational properties, and that the traffic flow is both constant and necessary, especially in relation to one of the City's most important employers, CUP. This road network is not a bunny-run in the style of Storeys Way or Bateman Street, so traffic calming will do nothing to reduce traffic, but will impose considerable inconvenience and discomfort on users, will slow down traffic flows and increase consequential congestion on Brooklands Avenue, and will attract the increased road repair costs that invariably attend traffic-calmed roads (witness Bateman Street).

6 Finally, any traffic calming measures in this area would set a crippling precedent for the rest of the City. Would anywhere be untouched?

I urge the Committee not to vote funding for this proposal.

Yours sincerely,

Stephen Bourne  
University Printer and Chief Executive  
Cambridge University Press  
University Printing House  
Shaftesbury Road  
Cambridge CB2 8BS



## APPENDIX D

### **ELIGIBILITY CRITERIA - as agreed by Executive Councillor (Environment) on 18 March 2003 with amendments agreed 22 March 2005**

The essential criteria for consideration of funding of Environmental Improvement works are:

- Schemes should have a direct, lasting and noticeable improvement to the appearance of a street or area.
- Schemes should be publicly visible and accessible.
- Schemes must have the owners consent if on private land – unless there are exceptional circumstances by which Area Committee may wish to act unilaterally and with full knowledge and responsibility for the implication of such action.
- Schemes must account for future maintenance costs.

Desirable criteria – potential schemes should be able to demonstrate some level of:

- Active involvement of local people.
- Benefit for a large number of people.
- 'Partnership' funding.
- Potential for inclusion of employment training opportunities.
- Ease and simplicity of implementation.
- Potential for meeting key policy objectives (e.g. improving community safety or contributing to equal opportunities).

Categories of scheme ineligible for funding:

- Where a readily available alternative source of funding is available.
- Revenue projects.
- Schemes that have already received Council funding (unless it can be clearly demonstrated that this would not be 'top up' funding).
- Works that the City or County Council are under an immediate obligation to carry out (e.g. repair of dangerous footways)
- Play areas (as there are other more appropriate sources of funding including S106 monies)

The following categories of work were agreed as being eligible for funding by the Area Committees:

- Works in areas of predominately council owned housing
- Works to construct lay-bys where a comprehensive scheme can be carried out which not only relieves parking problems but achieves environmental improvements.

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**Report by:** Cambridgeshire Community Foundation

**To:** Area Committee – South, 11<sup>th</sup> November 2010

**Wards:** Trumpington, Queen Edith's, Cherry Hinton

<b>Community Development Grants 2010-11</b>
---

## 1. Introduction

This report reminds members of the process for the allocation of Community Development and Leisure grants by Area Committees, confirms the funds available, seeks approval for applications which have been assessed and lists further applications which are still under review.

The application process has been managed by Cambridgeshire Community Foundation (CCF) from April 09. CCF advertise available funds; support potential applicants; assess applications; present recommendations to Area Committees; advise applicants of Area Committee decisions; make grant payments and seek feedback and monitoring from the funded projects. CCF does not therefore make decisions on the grants awarded from the Area Committee funds.

Following directions from the East Committee, all applications received by CCF from voluntary and community groups in South Area since 1 April 2010 are referred to in this report.

## 2. Recommendations

To consider the grant applications and agree recommendations detailed below.

<b>Community Development current applications.</b>			<b>Available: £5,150</b>		
<b>CCF ID</b>	<b>Group</b>	<b>Project</b>	<b>Requested £</b>	<b>Recommended from Area Committee Grants £</b>	<b>Offer from other CCF funds £</b>
WEB114491	Cherry Hinton Residents	to run a community Christmas event including Christmas tree and lights erected on the green in the centre of the village	630	630	0
2692	Denis Wilson Court Social Club	to fund the group's Christmas lunch	540	250	250
2676	Denis Wilson Court Social Club	to pay for a broadband connection which will allow the group to continue their computer class	315	315	0
<b>Total</b>			<b>1,485</b>	<b>1,195</b>	<b>250</b>
<b>Remaining</b>				<b>3,955</b>	

### 3. Background

The Executive Councillor has approved the following allocation of 10% of the total Community Development grants budget and 5% of the total Leisure grants budget for area committee grants. It has been calculated using population levels and is also weighted to give additional funds to areas of economic disadvantage as defined by the City Council's *Mapping poverty* research report.

<b>2010-11</b>						
<b>Area</b>	<b>Popul- ation</b>	<b>Mapping Poverty score</b>	<b>Combined score</b>	<b>Community Development £</b>	<b>Leisure £</b>	<b>Total £</b>
North	29%	40%	36.5%	17,200	4,570	21,770
East	29%	35%	32.8%	14,930	3,970	18,900
<b>South</b>	<b>21%</b>	<b>20%</b>	<b>20.4%</b>	<b>9,250</b>	<b>2,460</b>	<b>11,710</b>
West Central	21%	5%	10.3%	4,720	1,250	5,970
<b>Total</b>				<b>46,100</b>	<b>12,250</b>	<b>58,350</b>

### 4. South Area Committee 2010-11 Community Development applications

#### 4.1 Community Development spend to date: £4,100

<b>ID</b>	<b>Group</b>	<b>Project</b>	<b>AC Grant</b>
2296	Menelik Education	to fund pre-festival world music and culture activities across three events in three areas in Cambridge	450 (Chair's Action)
WEB9511	Trumpington Residents' Association	to erect a double sided community notice board for the high street	600
WEB5733a	Little Bunnies Mothers / Carers Playgroup	towards running a trip and purchasing a new world map rug	350
2315a	Trumpington Elderly Action Group	for running costs, holiday celebrations and auditor's fee.	335
WEB11512a	Hanover & Princess Court Residents Association	to fund the Community Christmas Event.	450
2401a	Denis Wilson Court Social Club	for a coach trip and lunch in St Ives	405
WEB10147b	2nd Cherry Hinton Guides	to buy camping equipment and to fund a Centenary guiding camp week in the summer	1,510
<b>Total</b>			<b>£4,100</b>
<b>Remaining</b>			<b>£5,150</b>

**4.2 Status of other applications from groups in South area received by CCF since 1 April 2010**

<b>CCF ID</b>	<b>Group</b>	<b>Project</b>	<b>Status</b>
2293	Denis Wilson Court Social Club	To cover the costs of a 'Celebration of Age' party.	Awarded £575
WEB10147a	2nd Cherry Hinton Guides	to buy camping equipment and to fund a Centenary guiding camp week in the summer	Awarded £2,000
WEB10207	Cambs County Council: South City Locality Youth Team	to purchase several resusci-dolls in varying ages (adult, child, baby) and bandages for First Aid training	Under review
WEB5733b	Little Bunnies Mothers / Carers Playgroup	towards running a trip and purchasing a new world map rug	Awarded £250
WEB11512b	Hanover & Princess Court Residents Association	to fund the Community Christmas Event	Awarded £450
2315b	Trumpington Elderly Action Group	for running costs, some holiday celebrations and auditor's fee	Awarded £300
2401b	Denis Wilson Court Social Club	for a coach trip and lunch in St Ives	Awarded £300
WEB16970	Normanhurst	to fund a Christmas Party for the residents and plants for the spring.	Under review by the City Council Community Initiatives programme.

**4.3 Grant application background information**

<b>South Area Committee 2010-11 grants</b>	<b>CCF ref WEB14491</b>
<b>Applicant: Cherry Hinton Residents</b>	<b>Ward(s) : Cherry Hinton</b>

## CAMBRIDGE CITY COUNCIL Agenda Item

**Purpose of group:** The Residents Association was formed in 1998 to improve the lives of local residents. Activities focus around meetings where members discuss the needs of residents and how they can deal with any issues. The group also arranges community events to bring local residents together.

**Project: to fund a Christmas community event, particularly the installation of a tree and lights.**

**Breakdown of costs:** Tree: £85, Electrician: £225, Hire of hall: £70, Brass Band: £150, Refreshments: £100

**Total cost: £630**

**Requested: £630**

**Expected benefits or outcomes as a result of funding as described by the applicant:** "Cherry Hinton does not have a community centre and so this is a rare opportunity for everyone in the village to come together and celebrate our community. It is wonderful to see young families and older residents come together and share a cup of tea and chat to their neighbours".

**Number of beneficiaries: 300**

**Background information:** This will be the 5th year the Association has run this event for the people of Cherry Hinton. Children from local schools sing carols and a brass band play. The Christmas lights will be turned on by the Mayor and Father Christmas, and following this, refreshments and more carols will be available. Last year more than 250 attended the event - across a wide age group.

**CCF Comments:** This is a constituted group but it does not have a formal Equal Opportunities Policy.

**Previous funding from this Area Committee:** £588 from City Council's Community Initiatives programme in 2009.

**CCF recommendation:** Award full sum requested

<b>South Area Committee 2010-11 grants</b>		<b>CCF ref 2692</b>
<b>Applicant:</b> Denis Wilson Court Social Club		<b>Ward(s) :</b> Trumpington
<b>Purpose of group:</b> To organise social events such as Bingo, lunches, teas and outings to places of interest by coach, including lunch, visits to Garden Centres etc. Easter and Christmas and New Year are also celebrated with seasonal food and entertainment.		
<b>Project:</b> for a lunch at The Dolphin restaurant in St Ives		
<b>Breakdown of costs:</b> Christmas lunch and travel at £18.50 per head		
<b>Total cost: £540.00</b>	<b>Requested: £540.00</b>	
<b>Expected benefits or outcomes as a result of funding as described by the applicant:</b> Lunch at a restaurant with transport by coach		
<b>Number of beneficiaries: 40</b>		
<b>Background information:</b> A very active group providing outings, social events, and a long running computer club. Many members of the group are are very elderly, some have diabilites and there are also veterans of WWII		
<b>CCF Comments:</b> This organisation is constituted and operates an Equal Opportunities and Vulnerable Adults policy. This trip would be a focal point for the 40 expected to attend, particularly as many members are at risk of isolation at Christmas with their family living far away.		
<b>Previous funding from this Area Committee:</b> £757 in 04/05 for computer equipment and software; £200 in 06/07 party to celebrate international day of older people; £328 in 06/07 broadband connection for residents association; £216 in 08/09 for broadband costs; £185 in 09/10 for broadband cost, £405 in 10/11 for a coach trip and lunch in St Ives.		
<b>CCF recommendation:</b> Award £250 from Area Committee, CCF will offer £250 and the group to invite those attending to make a modest contribution towards the cost of their lunch		

<b>South Area Committee 2010-11 grants</b>		<b>CCF ref 2767</b>
<b>Applicant:</b> Denis Wilson Court Social Club		<b>Ward(s) :</b> Trumpington
<b>Purpose of group:</b> as above		
<b>Project:</b> to pay for a broadband connection		
<b>Breakdown of costs:</b> Virgin Media Broadband at £26.25 per month for 12 months from December 2010 to November 2011.		
<b>Total cost:</b> £315	<b>Requested:</b> £315	
<b>Expected benefits or outcomes as a result of funding as described by the applicant:</b> "Extra mural studies" are so important to elderly people.		
<b>Number of beneficiaries:</b> 60		
<b>Background information:</b> as above		
<b>CCF Comments:</b> The computer club is an effective way for those in the sheltered housing scheme to remain active and aware of matters in the local community. Many of the residents report that they suffer loneliness and learning to use computers and having broadband allows them to stay connected with distant relatives. Without this funding, the computer club is at risk of not being able to continue.		
<b>Previous funding from this Area Committee:</b> as above		
<b>CCF recommendation:</b> Award £315		

**5. South Area Committee 2010-11 Leisure applications: none**

**5.1 Leisure 2010-11 spend to date: £0**

If the above recommendations are agreed, the following budget will be available for later applications

<b>2010-2011</b>	<b>Budget £</b>	<b>Allocated £</b>	<b>Remaining £</b>
Community Development	9,250	5295	3,955
Leisure	2,460	0	2,460
<b>Total</b>	<b>11,710</b>	<b>5,295</b>	<b>6,415</b>

**BACKGROUND PAPERS** and research used in the preparation of this report:

Grant applications.

Monitoring from previous grant awards

Telephone interview.

To inspect these documents contact Marion Branch on 01223 410535 or [marion@cambscf.org.uk](mailto:marion@cambscf.org.uk)



**Area Committee grant conditions**

Community development grants enable projects which provide services or activities to benefit people living in one of the four areas of Cambridge City. Priority will be give to projects that are aimed at those people whose opportunities are restricted by disability, low income or discrimination.

1. Funds may also be used to meet any needs specific to its area as determined by the area committee.
2. Each area committee may decide to reserve part of its budget for one or more of these purposes. Grants may be awarded for capital or revenue expenditure.
3. Applications will be invited from:
  - constituted voluntary and not-for-profit organisations.
  - groupings of local residents able to meet basic accountability requirements.
  - partnerships of constituted group(s) and local residents.

Statutory agencies (such as Parish Councils and Schools) and commercial ventures are not eligible to apply.

4. There is no upper limit on application or grant award levels.
5. Members will generally be asked to consider and decide on applications twice a year.
6. Grants may be made between meetings if the applicants can demonstrate that they are unable to wait for the next scheduled grants meeting. CCF will consult with the Chair and, where relevant, ward members. The full committee will be notified at the next appropriate meeting.
7. Grants from Area Committee will not generally be made retrospectively.
8. Grants will be publicised, administered and monitored by CCF.

Funds directly managed by CCF

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## SOUTH AREA Recommendations for New S106 Funded Projects

### 1.0 Background

The 'Improve your Neighbourhood' scheme was developed by Arts & Recreation as a process that gives members of the public an opportunity to suggest ideas for improving their existing recreation and open space facilities, or to suggest ideas for new facilities.

Project ideas are developed using S106 planning obligation funds and information on how the IYN process works is available through the City Council website - <http://www.cambridge.gov.uk/improveyourneighbourhood>

All ideas submitted are subject to a scoring process by representatives from six council sections. They must meet a minimum 30% of the required criterion in order to be recommended for potential development.

If an idea meets this standard then they are recommended as viable projects through Area Committees. Member supported ideas are added to a S106 project list and presented to scrutiny committee for potential adoption and further development.

### 2.0 Project Recommendations

Ward Councilors are asked to approve recommendations for new projects in their Area & Citywide.

#### **SOUTH Area Project Recommendations.**

1	Outside basketball court - Cherry Hinton.
2	Exercise equipment - To be installed along new perimeter path on Nightingale Road Recreation Ground to create a fitness trail. Or alternatively an "Adults' Playground" next to the childrens' playground.
3	Playground improvements - Holbrook Road Park Playground.
4	New play area - Hanover Court.
5	Play area refurbishment - Gunhild Close.
6	Improvements to skate/BMX provision - Cherry Hinton.
7	New skate/ BMX provision - Nightingale Rec.

#### **CITYWIDE Project Recommendations.**

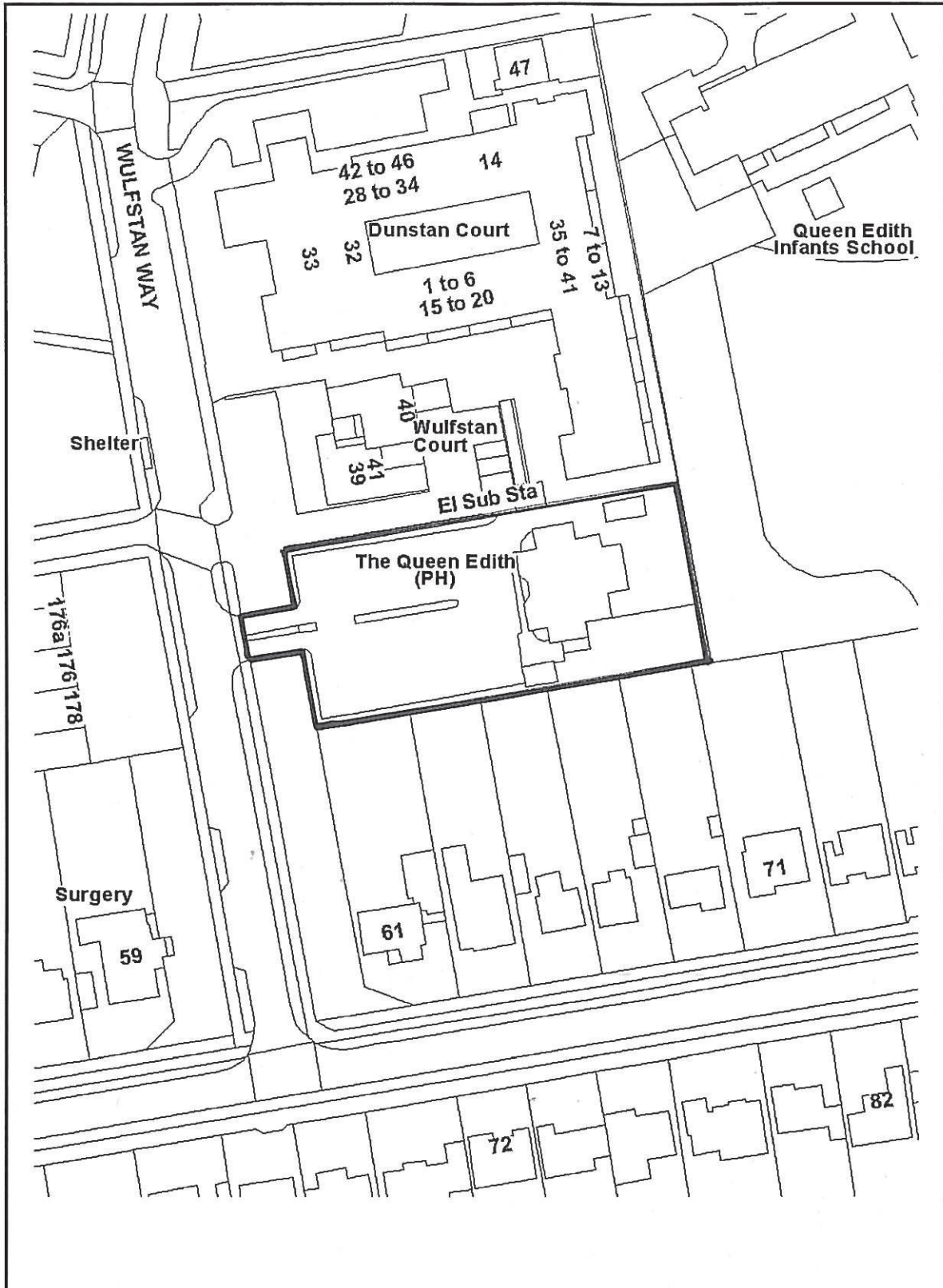
1	Joint facility upgrade Kelsey Kerridge & Parkside Pools - Conversion of part of top floor (unused open air area) of existing multistorey car park to provide additional changing room facilities at Kelsey Kerridge and multi use "Dry Land" training facility for Cambridge Dive Development Centre for use by dive squads and also for wider community for trampolining, gymnastic conditioning, general exercise use.
2	Sand beach volleyball court - in a public park.

3	Installation of Parkour outdoor sites - In response to Police reported incidences of youth jumping and climbing over properties in the City and the general lack of targeted over 16 youth provision. The sites would allow a 'safe' place to practice free running. Sites can be supervised or free-to-access depending upon design requirements and there would be a code of practice and qualification structure introduced for any formal provision.
4	Tree planting scheme - Jesus Green and Midsummer Common.
5	Cambridge climbing centre.

**SOUTH AREA & CITYWIDE Project ideas not recommended for s106 funding**

1	Covering for skate parks/ tennis courts/ football pitches - to provide covered play area for children in bad weather
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Contact-  
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Active Communities  
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Cambridge CB2 3AS  
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10/0815/FUL  
Queen Edith Public House Wulfstan Way Cambridge  
Cambridgeshire

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<b>Application Number</b>	10/0815/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th August 2010	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	5th October 2010		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Queen Edith Public House Wulfstan Way Cambridge Cambridgeshire CB1 8QN		
<b>Proposal</b>	Erection of 8 dwellings (following demolition of existing Public House).		
<b>Applicant</b>	Jubilee House Second Avenue Burton-on-Trent Staffordshire DE14 2WF		

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a rectangular parcel of land approximately 65 m (east-west) by 30m (north-south) that is separated from the Wulfstan Way carriageway by a distance of about 12.5m; it is on the east side of the street, about 55metres north of the junction of Wulfstan Way with Queen Edith's Way. A 7.0m wide access, divided into two by a narrow grass strip, links the two, with a grass verge/footpath/planted grass verge to the south of the access, and a grass verge/footpath and car parking area for other adjacent land, to the north.
- 1.2 At the back of the site is the Queen Edith Public House, a detached 2-storey building with a large single storey element to the front and side, set about 37m from the front of the site (50metres from the carriageway). On the north side of the building is an access to a domestic garage, to the south a brick shelter, and to the rear and in the southeast corner a domestic garden/play area. In front of the pub is a substantial area (approximately 37m x 29m) given over to car parking, down part of the centre of which is some tree planting. There is hedging along the south and north boundaries of the site and some scattered tree planting around the perimeter.

- 1.3 To the north of the site is a detached building, set about 21 metres back from the Wulfstan Way carriageway, which accommodates a parade of 4 shops; an access to garages at the rear separates the application site from that building. To the north and east of that building, wrapping around it, is the very substantial 3-storey Dunstan Court care home complex, which comes to within 4 metres of the application site boundary. East of the application site are the Queen Edith's primary school playing fields within which, close to the common boundary, are some substantial trees. Along the southern boundary are the ends of rear gardens of houses in Queen Edith's Way.
- 1.4 The site does not fall within a Conservation Area.
- 1.5 The site falls within the Wulfstan Way Local Centre, which comprises only the two small staggered rows of shops with residential over, one on each side of the road and the public house and its grounds. There are Church Halls to the north, one on either side of the road, which are used by the public as well as the respective churches.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks consent for the demolition of the Queen Edith Public House and the erection of 8, three bedroom dwellings. The dwellings have 3 levels of accommodation, are 2 storey in height with an eaves level of 5.5m and an overall ridge height of 9.4m.
- 2.2 The dwellings are arranged as 2 pairs either side of a central access close to the front of the site; and a terrace of four, 2 pairs linked over a central pedestrian access at the rear. All houses have their front, principal elevations facing west, with car parking provided within an inner courtyard. The site is to be accessed through a central shared surface road to the inner courtyard.
- 2.3 The application is accompanied by the following supporting information:
1. Design and access Statement



### 3.0 SITE HISTORY

3.1 No history.

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area

rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **Planning Policy Statement 3 (PPS3): Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)
- 5.5 **Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)**: sets out the government's planning policies for economic development, which includes development in the B Use Classes (offices, industry and storage), public and community uses and main town centre uses. The policy guidance sets out plan-making policies and development management policies. The plan-making policies relate to using evidence to plan positively, planning for sustainable economic growth, planning for centres, planning for consumer choice and promoting competitive town centres, site selection and land assembly and car parking. The development management policies address the determination of planning applications, supporting evidence for planning applications, a sequential test and impact assessment for applications for town centre uses that are not in a centre and not in accordance with the Development Plan and their consideration, car parking and planning conditions.
- 5.6 **Planning Policy Guidance 13: Transport (2001)**: This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a

sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

- 5.7 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.8 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

**Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

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

5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

5.10 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/11 The design of external spaces

3/12 The design of new buildings

4/13 Pollution and amenity

5/1 Housing provision

5/11 Protection of community facilities

5/12 New community facilities

8/2 Transport impact  
8/6 Cycle parking

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  
5/14 Provision of community facilities through new development  
8/3 Mitigating measures (*transport*)  
10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

### 5.11 Supplementary Planning Documents

**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.

**(For applications received on or after 16 March 2010)**  
**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.

## 5.12 Material Considerations

### Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### City Wide Guidance

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

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

## 6.0 CONSULTATIONS

### Cambridge City Council (Planning Policy)

- 6.1 Policy EC13 of PPS4 should be applied as the Queen Edith Public House (PH) is located within the Wulfstan Way Local Centre. There are few public houses located close to the Queen Edith PH that could act as an alternative to the local community. There are no other public houses within 1km of the Queen Edith (para 5.9 of the Design & Access statement), and this would imply that it is capable of being an important service to the local community that provides for people's day-to-day needs.

The applicant needs to provide further information to demonstrate that they can meet criteria a. & b. of this policy, as currently they do not appear to be able to prove that this is not an important facility meeting people's day-to-day needs.

### **Cambridgeshire County Council (Transport)**

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

### **Head of Environmental Services**

- 6.3 No objections. The Council's standard contaminated land condition is considered necessary.

### **Cambridgeshire County Council (Education)**

- 6.4 The County Council's education requirement to be secured through a s106 agreement to any planning permission granted, would be as follows:

Assuming there is currently accommodation on the site, the net development is  $8 - 1 = 7$  units.

Pre-school education =  $7 \times £810 = £5670$

Primary education (Queen Edith's primary is currently full) =  $7 \times £1350 = £9450$

Secondary (Netherhall secondary has capacity to meet the needs of this development) = £0

Life Long learning =  $7 \times £160 = £1120$

### **Cambridgeshire County Council (Archaeology)**

- 6.5 There is potential for Iron Age remains. The imposition of a programme of archaeological work is considered necessary.
- 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 Councillor Amanda Taylor has commented on this application. The representation is set out below:

*Dear Myles and Sara,*

*There is a planning application to demolish the Queen Edith Pub on Wulfstan Way to replace it with housing and Peter Carter suggested I should ask your advice. The pub itself is not owned by the council although it is adjacent to a council parade of shops and opposite other council property. We own the forecourt, over which any vehicles would need to drive to get in, I think.*

*It is the only pub in our ward; I understand that much of Queen Edith's is governed by a temperance covenant.*

*Peter was saying that we failed to designate pubs as community resources in the Local Plan, but I am wondering whether we have any other policy that would assist us in retaining some sort of community provision on this site, even if the present pub cannot be saved?*

*Look forward to hearing from you.*

*Cllr Amanda J Taylor*

County Councillor Geoffrey Heathcock has commented on the application. The representation is set out below:

- Highly speculative application by Punch Taverns.
- The proposed soulless townhouses are wholly inappropriate and do not meet the legitimate need for affordable housing.
- Queen Edith has no discernable centre and to take away the only building which provides that role would be harmful to the immediate surrounds and wider area.
- No attempt to market the premises.

- 7.2 The owners/occupiers of the following addresses have made representations: The Queen Edith Pub, 36 Godwin Way, 5 Lambourne Road, 18 Chalk Grove, 59, 84 Glebe Road, 9 Cowper Road, 86 Jack Warren Green, 9 Willingham Road, 16, 42 Spalding Way, 54 Beaumont Road, 150 Cromwell Road, 57



Gloucester Avenue, Scunthorpe, 2 Worts Causeway, Sheltered Housing Officer, Shelford, 64 Netherhall Way, 527 Coldhams Lane, 8 Valerian Court, 145 Perne Road.

7.3 The representations can be summarised as follows:

*Objections in principle to the loss of the pub.*

- Too many pubs are closing down.
- The entire catchment for which it was originally designed will be without a licensed premises.
- The pub is a big part of the local community.
- No need for further housing in the area.
- It is ridiculous the Council are trying to build more and more housing making this lovely City even more packed.
- Excellent pub food and beer.
- The pub is a hub of the neighbourhood and great employer.
- We want and need the Queen Edith.
- The pub is an example of mid 20<sup>th</sup> Century pub architecture.
- The landlord has turned the pub around.

*Design Comments*

- The gardens are relatively small and face north east.

*Cambridge Past, Present and Future*

- Government Guidance in PPS 4 states that where a public house is located within a local centre the planning authority must take into account a public house's importance to the local community or economic base of the area.
- This is an important local centre within which the local authority is investing under its environmental improvements programme.
- Removal of the facility would downgrade the economic base.
- There is no other pub within 1km to provide for peoples 'day-to-day needs'.
- Current landlord has improved the pub.
- Pub has not been advertised for potential new landlords.

*Cambridge Branch of Campaign for Real Ale (CAMRA)*

- Loss of valuable community asset.
- The business is viable.
- No attempt has been made to market the premises.



- Another example of the pub company cashing in on Cambridge development value.

**In addition, a petition of 271 signatures has been received objecting to the loss of the pub in principle.**

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

8.3 The main focus of the representations received apposing the proposal, relate to the loss of the pub. Local Plan policy 5/12 seeks to protect existing community facilities in the city from redevelopment, although pubs are not defined as a 'community facility' which would otherwise fall within the scope of the policy. As such, the Cambridge Local Plan 2006 does not contain any policies which protects public houses.

8.4 Government guidance in Planning Policy Statement 4 (PPS4), which is a material consideration, does however make reference to community facilities and public houses. Policy EC13 is relevant to the determination of planning applications affecting shops and services in local centres and villages. It states that when assessing planning applications affecting shops, leisure uses including public houses or services in local centres local planning authorities should:

*a take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use*

*b refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs*

*c respond positively to planning applications for the conversion or extension of shops which are designed to improve their viability*

*d respond positively to planning applications for farm shops which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping*

8.5 Policy EC13 should be applied as the Queen Edith Public House is located within the Wulfstan Way Local Centre. There are few public houses located close to the Queen Edith public house that could act as an alternative to the local community. There are no other public houses within 1km of the Queen Edith, and this would imply that it is capable of being an important service to the local community that provides for people's day-to-day needs. The strength of objection and petition signed by 271 people illustrates that the pub is a valued facility.

8.6 Notwithstanding the above, in my view the premises does not have a longer term future. I think it unlikely that it would be viable to redevelop the site incorporating a new pub in this location. The building itself requires significant maintenance and investment to bring the premises up to a standard that the owners, Punch Taverns, consider necessary.

8.7 The applicant argues that the Queen Edith, like other public houses has been significantly hit by the downturn, the shift in the pub market and the smoking ban. The pub itself has a

limited offer which does not attract significant custom beyond it's local area. I recognise that it might be a worthy aspiration for every local area in the City to have a viable public house. However, in my view a pub is unlike other services, (for example a convenience store which is protected by policy), because consumer tastes and preferences are so very different. In my view, the spirit of the policy EC13 within PPS4 is aimed at protecting shops and services within rural villages, rather than a city suburb, where there are good transport links to other pubs.

8.8 I recognise that the Queen Edith falls within an identified local centre, which itself is benefiting from City Council Environmental Improvement initiatives. However, the Queen Edith sits deep into its plot and is peripheral to the local centre and is not its principal community focus. There are other buildings which perform that function such as St James's Church. It is unlikely in my view to significantly contribute to the economic base of the area, or cater for the majority of the local population's 'day to day needs'. Policy EC13 does not stipulate that the applicant would need to demonstrate viability of the premises through a marketing exercise. Furthermore, the expanse of car parking, is not only an inefficient use of the site, but also detracts from the character and appearance of the street scene an the local townscape.

8.9 On balance, I do not believe it would be reasonable for the Local Planning Authority to insist upon the retention of the Queen Edith, for which there is no Local Plan policy backing. The contribution to family housing in the locality and the aesthetic improvement redevelopment would bring, in my view outweighs the loss of the pub to the community.

### **Context of site, design and external spaces**

8.10 The key design issue relates to the design and layout of the scheme within the surrounding context.

8.11 The building layout utilises the full depth of the plot, and creates a new building frontage to Wulfstan Way. This is a positive response to the context of the site, which is a much more consistent with the adjacent terrace of the shops to the north which is much more consistent.

- 8.12 To the east of the site, the rear inner terrace would step only slightly forward of the building line of the southern wing of the nursing home, which I think is appropriate. There is adequate depth for a front to back relationship of buildings here because of the overall generous site depth. There would be 29m separating the rear terrace from the 4 semi detached dwellings fronting onto Wulfstan Way, which is an acceptable distance.
- 8.13 The building types which propose 3 levels of accommodation, with the top level in the roof are appropriate for the context of Queen Ediths Way, including the retirement bungalows opposite. The new dwellings would be set in from the site boundaries, and a distance back from the street, that would mean they would not be overly dominant in the street scene; Wulfstan Way as a suburban street, near the junction of the link road of Queen Ediths Way in which they would site comfortably.
- 8.14 In terms of external space, I recognise that the inner courtyard area contains a relatively high number of surface car parking spaces. I do feel however that there is adequate space for landscaping for this to be a varied, visually attractive space.
- 8.15 The site contains several large trees, particularly a beech, an ash and a lime to the Wulfstan Way frontage. The beech and ash do not have a long term future and are very close to the existing building and will be lost. However, the lime to the front of the site is to be retained, to the benefit of the street scene. To the east, the mature trees to the boundary of the school playing field will be unaffected by the proposed building layout. The relationship would not prejudice the trees in the long term.
- 8.16 The new dwellings all benefit from rear access to their generous garden areas. There is ample space within each garden for bicycle and refuse storage.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.18 The proposed design and layout will have some implications for the upper level flats to the shop terrace to the north, and the detached properties along Queen Ediths Way.
- 8.19 In terms of the flats to the north, while there would be some overlooking possible into the garden of plots 1 and 2, given the overall separation of some 16m, I do not believe this to be so harmful as to recommend refusal of the scheme.
- 8.20 To the south, there would be on average, over 30m separating the residential properties along Queen Ediths Way to the flank walls of the new dwellings. They would be visible, although there would not be any undue sense of enclosure created. Although there is some potential for looking across the ends of the rear gardens, I am of the view that the angle involved, the existing planting at the ends of the gardens, and the overall distance should not prejudice development proceeding.
- 8.21 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### Amenity for future occupiers of the site

- 8.22 The design and layout in the round, is relatively low density. There is therefore generous external spaces and are suitable for family occupation. 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 3/4, 3/7 and 3/12.

## **Refuse Arrangements**

- 8.23 The proposal integrates refuse facilities within the rear garden spaces of each new dwelling. Each property benefits from a separate side access for bins and they will be away from the public domain. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.24 The County Highways Authority have considered this scheme and do not consider there to be any significant adverse impact upon highway safety. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.25 The scheme provides car parking in accordance with adopted maximum standards and the rear terrace incorporates integral garages. There is ample external space for bicycle storage. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.26 The majority of the points raised have been adequately considered within the above report. The following issue has been raised:

*I understand that much of Queen Edith's is governed by a temperance covenant.*

I am unaware of a covenant governing the Queen Edith, although a private covenant would not be a material consideration in the determination of the planning application.

## **Planning Obligation Strategy**

- 8.27 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. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.28 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.

8.29 The application proposes the erection of 8 three-bedroom houses, A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
3-bed	3	238	714	8	5712
<b>Total</b>					<b>5712</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
3-bed	3	269	807	8	6456
<b>Total</b>					<b>6456</b>



<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
3-bed	3	242	726	8	5808
<b>Total</b>					<b>5808</b>

### Community Development

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	8	15056
4-bed	1882		
<b>Total</b>			<b>15056</b>

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 Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Waste

8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:



<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	8	1200
Flat	150		
<b>Total</b>			<b>1200</b>

8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

### 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 appendix 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.

8.35 In this case, 8 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education/primary education/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.

<b>Pre-school education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
2+- beds	2		810	8	5670
<b>Total</b>					<b>5670</b>

<b>Primary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
2+- beds	2		1350	8	9450
<b>Total</b>					<b>9450</b>

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
2+- beds	2		160	8	1120
<b>Total</b>					<b>1120</b>

8.36 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Conclusion

8.37 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 redevelopment of the Queen Edith public house is, on balance, acceptable. While I understand the concerns which have been raised, I do not feel that the public house provides so important a service to the local community or forms an integral part of the economic base of the area. I do not believe that its loss would materially adversely affect the local area's provision for people's day-to-day needs. In addition, I do not believe that it is well integrated into the local centre, being set so far back from Wulfstan Way. The design and layout of

the proposal is acceptable and would not unduly detract from neighbouring amenity. Approval is recommended.

## 10.0 RECOMMENDATION

**APPROVE subject to the satisfactory completion of the s106 agreement by 1 January 2011 and subject to the following conditions:**

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, Cambridge Local Plan 2006 policy 8/2.

4. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access.

Reason: In the interests of highway safety, Cambridge Local Plan 2006 policy 2006.

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

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

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

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

7. 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 thereafter be maintained unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity, Cambridge Local Plan policy 3/12.

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

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

9. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

10. 1. No work shall start on the application site (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until:

- a) A Tree Protection Plan, as defined in BS 5837:2005 "Trees in Relation to Construction - Recommendations", containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:

Arboricultural method statements for the precise location and erection of tree protection barriers and ground protection for all trees retained on, and adjacent to, the site, in order to establish Root Protection Areas and construction exclusion zones;

Arboricultural method statements for any special engineering operations within Root Protection Areas;

Arboricultural method statements for root pruning and root barrier installation; including specifications for root-barrier material; and root-soil back-fill;

Arboricultural method statement for any development facilitation pruning.

and,

- b) that there has been:

A pre-construction site meeting between the site agent, the developers chosen arboriculturalist, and the Council's delegated Arboricultural Officer.

All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.

All tree protection barriers and ground protection measures have been installed to the satisfaction of the Council's delegated Arboricultural Officer.

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

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

Reason: In the interests of making adequate protection for the retention of protected trees, Cambridge Local Plan policy 4/4.

### **Reasons for Approval**

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8, P9/9

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

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.

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**10/0519/FUL**  
**115 - 117 Mowbray Road Cambridge Cambridgeshire CB1 7SP**

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<b>Application Number</b>	10/0519/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd June 2010	<b>Officer</b>	Miss Amy Lack
<b>Target Date</b>	29th July 2010		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	115 - 117 Mowbray Road Cambridge Cambridgeshire CB1 7SP		
<b>Proposal</b>	Erection of 2 bungalows on land to the rear of 115 - 117 Mowbray Road.		
<b>Applicant</b>	Mr Edward Durrant 117 Mowbray Road Cambridge CB1 7SP		

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Located on the eastern side of the road 115 and 117 Mowbray Road are the northernmost two of a row of four, two storey, terrace dwellings. These are characteristic of the dwellings along Mowbray Road which, although part of the City Ring Road is also a residential street where two storey terrace and semi-detached properties predominate.
- 1.2 The application site relates to the rear gardens of 115 and 117 Mowbray Road fronting onto a spur of Hulatt Road which runs parallel to Mowbray Road. This end of Hulatt Road is an exception to the predominantly surrounding two storey residential in the area locating a cluster of terrace bungalows to the east and northeast.
- 1.3 The site is not allocated in the Cambridge Local Plan (2006) nor does it fall within a City of Cambridge Conservation Area. The site falls outside of the controlled parking zone (CPZ).

## 2.0 THE PROPOSAL

- 2.1 This application seeks permission for the erection of a pair of semi-detached bungalows in the rear gardens of 115 and 117 Mowbray Road fronting onto Hulatt Road. It follows a previously refused planning application reference 09/0204/FUL, dismissed at appeal, which proposed an asymmetrical pair of detached bungalows (though these would have appeared as a pair of semi-detached dwellings given a very small separation distance) of a scale and mass similar to what is proposed here.
- 2.2 Built on an 'L' shaped plan the semi-detached pair of bungalow dwellings sit back to back as a mirror-image of one another. The mass toward the front of the site accommodates an open-plan living room under a flat roof with a maximum height of approximately 2.6 metres. Previously this element was beneath a mono-pitched roof with a maximum ridge height of 3.2 metres falling to an eaves height of 2.5 metres. This element is linked, via a mono-pitched roof corridor with a maximum height of 2.6 metres falling to a height of 2 metres (previously flat roofed, 2.7 metres in height) which leads to a larger flat roofed mass to the rear which accommodates a bathroom and a bedroom.
- 2.3 One car parking space is proposed to the side of each dwelling behind a sideways sliding gate. Refuse and recycling storage and cycle parking is also proposed in this area.
- 2.4 The fundamental difference between this application and the previous one is the screening of the semi-detached pair from the street scene of Hulatt Road by finishing their eastern elevations with a close-boarded fence, setting this back from the highway by 0.8 metres and dropping the ground level into the site so the development is almost entirely screened by boundary fencing along all elevations.
- 2.5 The application is accompanied by a Design and Access Statement and has been submitted in conjunction with an application for a Lawful Development Certificate (S192) for erection of a 4m high garage to the rear and the creation of vehicular access onto Hulatt Road (Planning application reference 10/0319/CL2PD).

### 3.0 SITE HISTORY

Reference	Description	Outcome
10/0319/CL2P D	Application for Lawful Development Certificate (S192) for erection of a 4m high garage to rear and creation of vehicular access onto Hulatt Road.	Pending
09/0204/FUL	Erection of two bungalows.	REF Dismissed at appeal.

3.1 Planning application reference 09/0204/FUL proposed a similar development of two detached bungalows as mentioned above. This proposal was recommended for refusal by officers and refused by South Area Committee for five reasons concerning: Overdevelopment; Character and context; Highway Safety; Comprehensive development; and the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy. The decision notice was issued on 27 May 2009.

3.2 The applicant appealed against the City Council's refusal and this appeal was dismissed by the Inspector, concluding that the proposal would unacceptably detract from the character and appearance of the area. This was with particular regard to the impact of the proposal within the street scene of Hulatt Road; the proximity of the development to neighbouring gardens and lessening the quality these gardens; that they would detract from the character of the area at the rear of the neighbouring Mowbray Road houses; and when viewed from the immediately adjacent and host dwellings they would appear as a cramped and intrusive presence.

### 4.0 PUBLICITY

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

## **5.0 POLICY**

### **5.1 Central Government Advice**

#### **5.2 PPS1 Delivering Sustainable Development (2005):**

Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

#### **5.3 Planning Policy Statement 3: Housing (2006):**

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

**Planning Policy Statement 3 (PPS3): Housing** has been reissued with the following changes: the definition of previously



developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

5.4 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

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

5.6 **Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

5.7 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/11 The design of external spaces

3/10 Sub-division of existing plots

3/12 The design of new buildings

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

#### Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development

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

### 5.9 Supplementary Planning Documents

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

**(For applications received on or after 16 March 2010)**  
**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.

## 5.10 Material Considerations

### Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### City Wide Guidance

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

**Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)** Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 No objection on highway safety grounds. However, a 1.8 metres wide footway should be provided across the frontage of the site (the highway authority would be willing to adopt the footway in anticipation of further development on this frontage); car parking spaces must be a minimum 2.5 metres by 5 metres; the access must be hard paved for a distance of at least 6 metres from the

boundary with the public highway into the site.

- 6.2 Subject to these amendments to the proposed scheme, a condition requiring that the accesses be provided as shown on the drawings and standard highway informatives the proposal is not considered to have any significant impact upon the public highway.

### **Head of Environmental Services**

- 6.3 No objection in principle. Standard conditions regarding: hours of construction/demolition; on-site storage for waste and recycling; and hours of collections/deliveries should be imposed.
- 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 in objection:

- 75, Hulatt Road, Cambridge CB1 8TH
- 111, Mowbray Road, Cambridge CB1 7SP
- 191, Cambridge Road, Great Shelford, Cambridgeshire CB22 5JN

- 7.2 The representations can be summarised as follows:

- Why has this application been submitted again in conjunction with a garage, it all seem a bit dubious given one of the applicants works in the planning office;
- The additional residential dwellings accessing this section of Hulatt Road will create additional noise and disturbance to the already very busy and noisy turning and parking area, this is even more pertinent given that the majority of neighbouring occupiers are elderly and/or ill;
- The recent amendments to PPS3 now apply and has been changed to safeguard against development such as this;
- None of the reasons that the Inspector cited for refusing this application have been satisfactorily addressed;

- The development remains out of character with the prevailing pattern of development, mainly two storey semi-detached properties and this part of Mowbray road is characterised by large rear gardens;
- No similar backland developments along this part of Mowbray Road which will erode and be harmful to the character of the area;
- The proposed dwelling extends hard to the boundaries with limited amenity areas resulting in a cramped form of development; and
- If allowed this will set precedent for similar development along the 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, representations received, previous views of the Inspector and from my inspection of the site and the surroundings, I consider that the main issues are:

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) explains that provision is to be made for an increase of 12,500 dwellings over the period 1999-2016, and while it is recognised that most of these will be from larger sites within the urban area and urban extensions, development of additional residential units on sites such as this will be permitted subject to the existing land use and compatibility with adjoining uses, which is assessed in the sections below within the main body of the report.

8.3 Pertinent to this proposed backland development is PPS3, as re-issued earlier this year, since refusal of the previous application and submission of this fresh application. This has reclassified garden areas from 'Brownfield Land' to 'Greenfield Land' and addresses the issue of minimum density. In my view the change in the legislation means that this land should be regarded as 'Greenfield'; the consequence of that change is not to preclude development altogether but to reduce the priority for this land to be developed. Although the re-issued PPS3 seeks to resist 'garden-grabbing', the idea of subdivision of gardens is not always unacceptable and it is necessary also to consider the site in the light of Local Plan policy 3/4 context and to recognise the issue of avoiding excessive density. The re-issued PPS3 also seeks to create diverse and responsive built environments, and protect or re-establish the biodiversity of areas where practicable. The Local Plan already has another policy aimed at safeguarding the loss of garden land unreasonably, policy 3/10 *Sub-division of existing plots*. This policy advises that residential development within the garden area or curtilage of existing properties will not be permitted if it would;

- a. have a significant adverse impact upon the amenities of neighbouring properties, through loss of light, loss of privacy an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b. provide inadequate amenity space, or vehicular access arrangements and parking spaces of the proposed and existing properties;
- c. detract from the prevailing character and appearance of the area;
- d. adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e. adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and

- f. prejudice the comprehensive redevelopment of the wider area of which the site forms part.
- 8.4 In this case where the proposal does not adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site; and does not adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; only criteria a, b, c and f are relevant here. Considering the proposal in each case I will address the above listed criteria a, b, c and f in turn;
- a. the proposed dwellings are approximately 12.8 metres at their maximum depth, sited on a 13.7 metre deep plot, reduced by 1.3 metres in depth from the previous scheme. This sees the proposed dwellings offering a separation distance of 15.7 metres, measured at their closet point to existing dwellings 115 and 117 Mowbray Road, which is very slightly reduced compared to the previous scheme given the proposed dwellings are marginally greater in depth. The proposed units are only set 0.6 metres off the common boundary with these existing properties. I believe that the introduction of the semi-detached forms, with the footprint and mass detailed on the submitted plans, into the rear gardens of 115 and 117 Mowbray Road, would result in a significant impact upon the quality of this space and the amenity currently enjoyed by the occupiers of the existing dwellings. While I acknowledge the development is only single storey and levels have been dropped within the site to lessen its impact upon neighbouring residences I believe it would dominate this rear garden area, appearing cramped and incongruous and cause a material change and reduction in outlook. There would also be a significant loss of rear garden space to the existing properties which this proposal will sub-divide, whilst still usable, the quality of the space will be significantly eroded.
  - b. Given the dimensions of the proposed plot and the footprint of the dwellings proposed, I do not believe that it is possible, in terms of space, to provide adequate, usable, good quality external amenity space for the proposed dwellings. The required ancillary provision for cycle parking and refuse and recycling storage in addition to the onsite car parking seriously erode into this limited

space which will be exacerbated by the 'box-in' feeling created by the low level of the building and the high surrounding close-boarded fencing to all boundaries. I have read the justification for the layout in the Design and Access Statement, which argues that small affordable dwellings which offer on site parking and a small amount of easily maintained external amenity space are a welcome change from flats; however, while I agree with this argument in principle, I think the proposal fails to demonstrate that it can achieve this in even an acceptable let alone a successful way. The only space remaining as private outdoor amenity space is courtyard area to the side of each property. I believe all these aspects demonstrate the failure of the proposed development to recognise the constraints of the site.

- c. The introduction of a pair of dwellings into this rear garden area would detract from the prevailing character and appearance of the area. The site is currently a residential garden and although not of any particular merit to the character of the area given the high close boarded fence along the eastern boundary to Hulatt Road screens it from the outside of the site, it nonetheless serves to contribute to the open feel provided by the rear gardens to the dwellings along Mowbray Road. When viewed from Hulatt Road these gardens, all similar in size, provide a reasonable separation distance between the built form of Mowbray Road and Hulatt Road which along this section run parallel to one another. The erosion of this space by introducing a built form would detract from the prevailing character and appearance of the area and close down a space which currently has a feeling of openness, regardless of the efforts to 'hide' the development behind fencing as if it is not there. It will be clearly visible from neighbouring garden areas and upper floors of surrounding dwellings even if it is not at first obvious in the street scene.
  
- f. The development of this site in isolation from the rest of the rear garden plots to west of this section of Hulatt Road could seriously prejudice the comprehensive development of the rest of the immediate surrounding area. The application fails to demonstrate that the proposal would not pose a threat to achieving a comprehensive approach



should the adjacent plots come forward for development in the future and as such I do not believe that the benefits of two additional dwellings outweigh the potential to erode this area and result in a comprehensive pattern of development. However, the Inspector has also considered this application site with regard to the aspirations of this policy and whilst conceding that development in this location could inhibit comprehensive development of the area he did not see any indication of any proposals to redevelop this land and does not believe that the refusal of permission at this time on these grounds would be justified. As such I concede that the proposal does at this time prejudice comprehensive development.

- 8.5 While the principle of the development complies with policy 5/1 of the Cambridge Local Plan 2006 in that the surrounding area is primarily residential, which makes the acceptability of housing development here possible in theory, in practice, the site has a number of constraints, and I indicate below, that in my opinion, this proposal fails to respond to them satisfactorily. I stated in my report on the previous application on this site (09/0204/FUL) that the nature of this site, in terms of it sub-dividing the rear gardens of 115 and 117 Mowbray Road and the relationship with adjoining properties, that it is rendered unsuitable to accommodate new residential development. This remains my view. I also consider the proposal unacceptable, by failing to meet the tests of policy 3/10 of the Cambridge Local Plan (2006) with particular reference to criteria a, b, and c of the above mentioned policy and as such I recommend that application be refused.

### **Context of site, design and external spaces**

- 8.6 This proposal has gone to unconventional lengths to try and hide from the street scene of Hulatt Road. Where the previous application presented a pair of detached bungalow properties to the frontage of Hulatt Road which failed to reflect the very uniform character and the design of bungalows on the opposite side of Hulatt Road, this current application proposes close-boarded fencing along the length of the eastern boundary adjacent to Hulatt Road with two entrances to each dwelling concealed within the fencing. One to access a garage and one to access the dwelling house. By doing so, the impact of the proposal within this street scene is essentially neutral, and will

appear much unchanged from the existing situation where high garden fences demarcate the eastern boundaries of the rear gardens to the properties along Mowbray Road. However, while the buildings will be largely unseen from street level I still remain unconvinced, as I did with the previous scheme, that the development will have a positive impact upon its setting or the prevailing character of the immediate streetscape, but instead will appear out of keeping, heightened by their being the only buildings on this side of the street of Hulatt Road. I acknowledge the Inspector's concern that the buildings previously proposed would not reflect the character of the buildings in the vicinity being set within a run of back garden fencing and that the applicant has inventively tried to lessen the impact of their being there by retaining a fence treatment along this boundary in order to screen the dwellings from the street view. I have reservations about whether this can be built as shown and that elements (solar collectors, aerial, flues) will almost inevitably protrude above the fence in due course. Also, I believe this raises other concerns with regard to character. Such an arrangement means that the dwellings do not have a presence which should be commanded by their function as home. For the building to have to be screened to this extent in order to hide it entirely from the street I think demonstrates the inappropriateness of locating a significant residential mass in this location. Also, I do not consider this scheme to have overcome the Inspector's concerns with regard to massing of this scale in this rear garden area, still appearing cramped and incongruous.

- 8.7 The presence of the dwellings, occupying almost the width of two rear garden plots, will be obvious from neighbouring properties and their upper floors. The Inspector also commented on the view from the host dwellings and from those dwellings north and south in Mowbray Road. From here the proposed dwellings would appear as a cramped and intrusive presence that would unacceptably detract from the open character at the rear of houses. The Inspector also considered the proximity of the proposed dwellings to the neighbouring gardens likely to inhibit the use of those gardens.
- 8.8 The subdivision of the rear gardens to 115 and 117 Mowbray Road will reduce the area currently enjoyed by almost half. Whilst I consider this to result in a garden space uncharacteristic of the prevailing character of the area which is



contrary to policy 3/10 of the Cambridge Local Plan 2006, as mentioned above, the Inspector considered a similar distance demonstrated by the previous application and was satisfied that the amount of garden retained by the host dwellings would be sufficient to meet the reasonable needs of the occupiers of those houses, albeit the quality of these spaces and those adjacent gardens would be significantly eroded by the proposed bungalows in that they would further detract from the character of the area at the rear of the Mowbray Road houses.

8.9 The Inspector responded to the appellant's indication that a garden building built as 'permitted development' could be larger than the proposed bungalows which could have a similar, if not greater impact upon the character of the surrounding area. This was prior to the applicant submitting a Lawful Development Certificate to the local planning authority (planning reference 10/0319/CL2PD). The Inspector remarked that he considered it unlikely that such buildings would share the design approach of a dwelling and they would not result in separate occupation and activity or the domestic paraphernalia that would be associated with two independent dwellings and this argument did not persuade him that the proposal for two dwelling houses was acceptable.

8.10 Despite attempts to reduce the impact that the proposed dwellings will have upon the character of the street scene I consider this to have been achieved in a contrived and inadequate way, much like you would expect to screen a refuse store, not a dwelling. I have considered the views of the Inspector on the previous scheme and the amendments subsequently made in light of the Inspector's decision, and I still consider the proposal contrary with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

### **Residential Amenity**

8.11 The issue of residential amenity needs to be considered both from the perspective of the impact upon neighbouring residents/occupiers, but also in terms of the amenity the proposal would offer to prospective occupiers.

8.12 In order to safeguard the privacy of both the prospective and existing occupiers a 2metre high close boarded fence is proposed to demarcate the common boundaries with adjacent

neighbouring properties, in addition to this the ground level is dropped and given that the proposal is only single storey I do not consider there to be any opportunities for mutual overlooking. Greater opportunities will be afforded to the existing dwellings 115 and 117 Mowbray Road to overlook the proposed bungalows from the rear rooms on the upper floors, however I am confident that the proposed fencing will sufficiently screen the proposal site and such views will be very limited and not significantly compromise the privacy of prospective occupiers.

- 8.13 However, despite measures successfully protecting neighbouring properties from overlooking, I believe the presence of the proposed dwellings will create a very invasive relationship and permanent presence, as did the Inspector considering the previous scheme, at an extremely short distance from both 115 and 117 Mowbray Road, and to a lesser, but still significant degree, 113 and 119 Mowbray Road. I believe this relationship is a consequence of an attempt to try to site too much development on too small a plot. This in turn is likely to compromise the quality of life of the potential occupiers through lack of space. The required ancillary provisions for cycle storage, refuse and recycling store and the on-site car parking space all encroaching upon the small amount of usable external amenity space. However, the Inspector did not consider this as significant as he did the impact upon the neighbouring occupiers and the erosion upon the quality of their garden space. As such, I am of the opinion that the proposal fails to respect the residential amenity of its neighbours, or provide an attractive, high quality living environment and therefore consider it contrary Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Refuse Arrangements**

- 8.15 The submitted plans indicate refuse and recycling storage to the side of each dwelling within the proposed garage area also allocated for the on site parking of one car and one cycle. This arrangement further strengthens the argument above that the proposal represents an overdevelopment of the site for the manoeuvring of refuse to and from the street on collection days will be impeded by the parked car. However, despite this obstacle to the functionality of the site layout, I am satisfied that there is adequate space within the site as a whole to

accommodate the required number of wheelie bins and a bicycle should the garage not prove suitable. Accordingly I consider the proposal compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.16 The County Council's Highway Engineer who considered the application on behalf of the Highway Authority raises no objection towards the proposal on grounds of highway safety. This is subject to a 1.8 metres wide footway being provided across the frontage of the site, ensuring that the car parking spaces are a minimum 2.5 metres by 5 metres and that the access into the site from the boundary with the highway is hard paved for a distance of at least 6 metres.
- 8.17 1.8 metres does not appear to be achieved. If steps have to be provided down to the front door in the 'highway', it is certainly not possible. That said, the Inspector in his previous decision did not consider highway safety to be sufficient of an issue to justify refusal and, therefore, on balance I do not consider the impact on the highway solely to be in conflict with Cambridge Local Plan (2006) policy 8/2 to a degree that would justify refusal.

### **Car and Cycle Parking**

- 8.18 The provision of a single on-site car parking space is made for both dwellings in the garage which is also designated for the storage of refuse and recycling and cycle parking. The allocated on-site car parking for a single car falls within the maximum provision dictated by the City Council's Car Parking Standards (2004) as set out in Appendix C of the Cambridge Local Plan for a single bedroom dwelling located outside the Controlled Parking Zone. A sideways sliding opening entrance off the highway ensures that the door does not over-hang the public highway and as such no objection is raised by the County Council's Highway Engineer who considered the application on behalf of the Highway Authority. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/10.
- 8.19 The proposal is required to accommodate space for at least one cycle per dwelling to accord with the adopted Cycle Parking Standards (2004) as set out in Appendix D of the Cambridge

Local Plan (2006). While I consider there to be space on site to achieve this required provision (although this will erode the very limited amenity space shown) I do not think there is space in the garage for a car, a bicycle and the refuse storage, if a sliding garage door is installed. Parking in the spaces will be difficult. There is technically room on the site but only at the cost of already very limited amenity space. A condition could make the proposal compliant with the Council's supplementary planning guidance in the form of the Cycle Parking Standards (2004) and Cambridge Local Plan (2006) policy 8/6.

### **Third Party Representations**

8.20 I believe most of the issues raised by the third party representations received have been sufficiently addressed in the main body of the report.

8.21 I am aware that the applicant has been employed by the City Council, for a period of time on secondment from another authority. He is no longer working for the City Council, but his previous employment with the City Council is the reason that planning reference 10/0319/CL2PD, an application for a Lawful Development Certificate (S192) seeking confirmation that the erection of a 4m high garage does not require planning permission, (submitted in conjunction with this planning application), has come before Area Committee for decision. Both applications would have been considered by Committee even had there been no representations.

### **Planning Obligation Strategy**

8.22 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. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.23 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.

8.24 The application proposes the erection of two, one-bedroom dwellings. No residential units will be removed, so the net total of additional residential units is two. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the two new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
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	714.00
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>714.00</b>

<b>Indoor sports facilities</b>					
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	807.00
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>807.00</b>

<b>Informal open space</b>					
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	726.00
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>484.00</b>

<b>Provision for children and teenagers</b>					
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		
<b>Total</b>					<b>0</b>

8.25 A draft Unilateral Undertaking was sent to the applicant on 22<sup>nd</sup> June 2010. It has not been returned. In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and in accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

## Community Development

- 8.26 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:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	2	2512.00
2-bed	1256		
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>2512.00</b>

- 8.27 A draft Unilateral Undertaking was sent to the applicant on 22<sup>nd</sup> June 2010. It has not been returned. In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

## Waste

- 8.28 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:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	2	150.00
Flat	150		
<b>Total</b>			<b>150.00</b>



8.29 A draft Unilateral Undertaking was sent to the applicant on 22<sup>nd</sup> June 2010. It has not been returned. In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Conclusion

8.30 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 RECOMMENDATION**

9.1 Cramped and incongruous, the proposed development unacceptably detracts from the character and appearance of the area; impacts upon the quality of neighbouring rear gardens; and fails to secure the requirements of the Planning Obligation Strategy (2010). I recommend that the application be refused.

## **10.0 REFUSE for the following reason/s:**

1. The proposed development would unreasonably erode the existing rear garden space and create a visually intrusive and incongruous form. When viewed from the host dwellings and from neighbouring properties to the north and south in Mowbray Road they would appear as a cramped and intrusive presence that would unacceptably detract from the prevailing open character and appearance of the rear garden areas along this stretch of road, also impacting upon the quality of those rear gardens immediately adjacent to the development site. The proposed development therefore fails to positively enhance the townscape and fails to respond to the local context or recognise the constraints of the site. The development is contrary to policies 3/4 and 3/10 of the Cambridge Local Plan (2006) and advice provided by PPS1 Delivering Sustainable Development and PPS3 Housing.



2. The proposed development, because of the subdivision of the site to accommodate an additional two dwellings with associated requirements for car parking, cycle parking, bin storage and amenity space, in the rear gardens of 115 and 117 Mowbray Road, would result in a contrived and cramped development out of character with the surrounding area on this rear garden plot, which would not provide the attractive, high quality living environment that Local Plan policy 3/7 aspires to provide. This demonstrates a failure of the development to respond to the context of the site and its constraints and the development is therefore contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10 and advice provided by PPS1 Delivering Sustainable Development and PPS3 Housing.
3. The proposed development does not make appropriate provision for open space, community development and waste facilities in accordance with policies 3/7, 3/8, 3/12 and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003 and the Planning Obligation Strategy 2010 and Guidance for Interpretation and Implementation of Open Space Standards 2010.

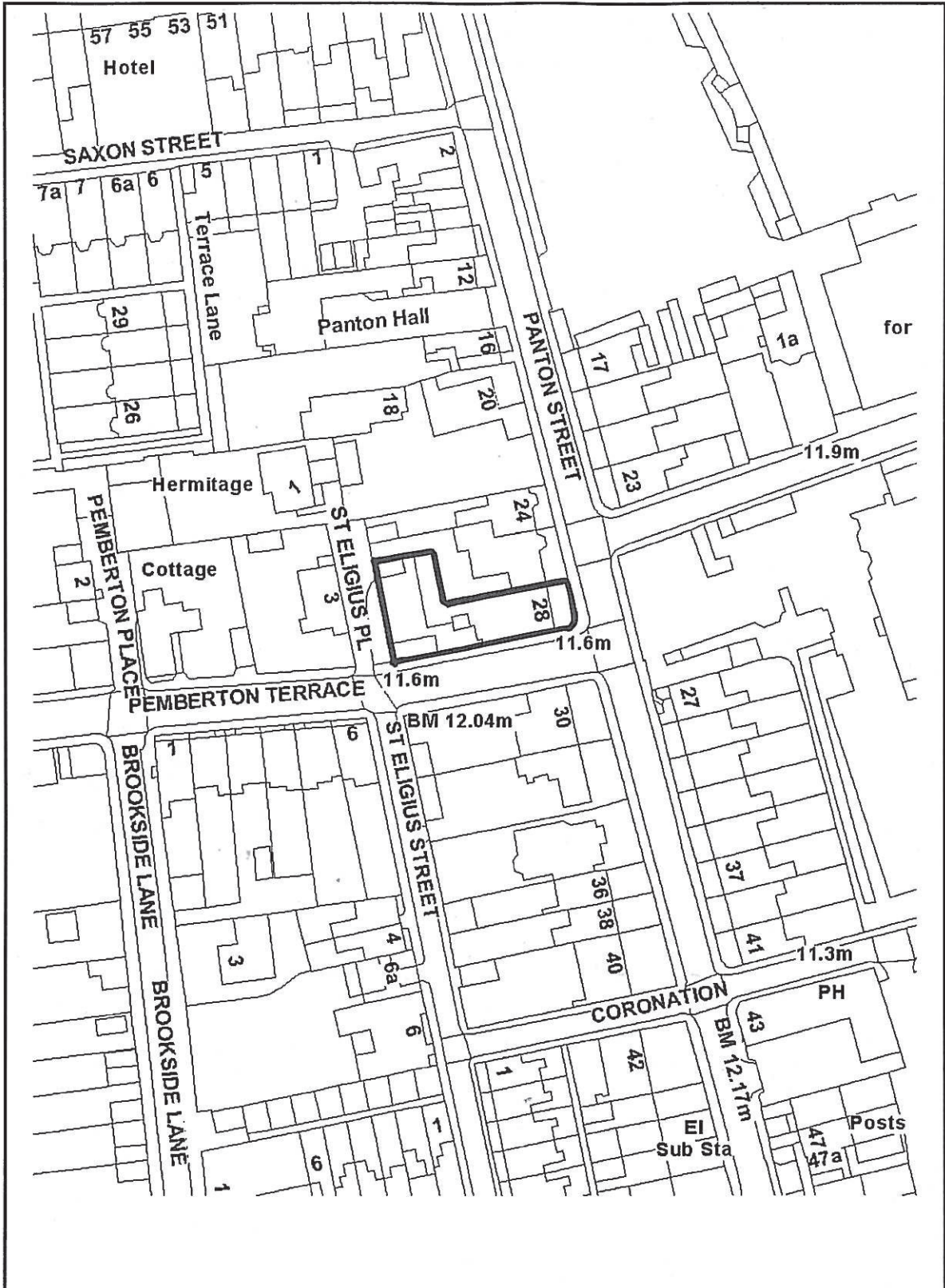
## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.

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10/0764/FUL  
 28 Panton Street Cambridge Cambridgeshire CB2 1HP

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<b>Application Number</b>	10/0764/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	29th July 2010	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	23rd September 2010		
<b>Ward</b>	Trumpington		
<b>Site</b>	28 Panton Street Cambridge Cambridgeshire CB2 1HP		
<b>Proposal</b>	Proposed change of use of one existing office building to Class B1(a) offices and D1 non-residential education (in the alternative).		
<b>Applicant</b>	C/O Agent Justin Bainton Januarys Chartered Surveyors York House Dukes Court 54-62 Newmarket Road Cambridge CB5 8DZ		

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is an L-shaped plot lying to the north of Pemberton Terrace. It is bounded to the east by Panton Street, and to the west by St Eligius Place, and the L-shaped footprint of the site surrounds the dwelling to the north (26 Panton Street) on two sides. The original building is a large brick-built three-storey house dating from the later part of the nineteenth century, set slightly back from the footway. Substantial extensions to the rear have subsequently been added. The rear garden contains a cycle shed and a garage, which opens on to St Eligius Place opposite No. 3. There is a side gate from the garden through the high brick wall which separates the curtilage from the footway on Pemberton Terrace.
- 1.2 The surrounding area is a mixture of private dwellings, former houses now used as student accommodation, and a substantial number of educational uses, including private and state schools, nurseries and private tutorial colleges

1.3 The site falls within the City of Cambridge Conservation Area No.1 (Central). The building is not listed, nor is it a Building of Local Interest. There are trees within and immediately adjacent to the site, but none is the subject of a tree preservation order at present. The site falls within the controlled parking zone.

## 2.0 THE PROPOSAL

2.1 The application seeks permission for use as Class B1(a) (office) or Class D1 (education) in the alternative. This would allow use for either purpose without further planning permission for ten years. At the end of that period, the use then current would become the sole lawful use. It is intended that the premises would be occupied by a private tutorial college, Mander Portman Woodward (MPW), in conjunction with their other premises on Brookside. The occupiers have indicated that they would not object to a condition limiting use to that specific user. The application states that MPW currently accepts up to 150 students on its Brookside site, and that it does not seek an increase in student numbers, but does require an annexe to accommodate specialist teaching facilities.

2.2 The application is accompanied by a Design and Access Statement.

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
72/0665	Change of use from offices to teaching	Withdrawn
86/0915	Continued use of lower ground floor for offices	Approved with conditions
98/0232	Change of use from offices (Class B1) to Education (Class D1)	Approved with conditions
99/0043	Variation of Condition 2 of 98/0232	Approved with conditions
00/0122	Variation of condition 1 of 99/0043 to allow educational (Class D1) use until 01.04.2010	Approved with conditions
10/0284	Variation of condition 1 of 99/0043 to allow educational (Class D1) use	Withdrawn

#### **4.0 PUBLICITY**

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

#### **5.0 POLICY**

##### **5.1 Central Government Advice**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)  
Planning Policy Statement 5: Planning for the Historic Environment (2010)  
Circular 11/95 – The Use of Conditions in Planning Permissions

##### **5.2 Cambridge Local Plan 2006**

3/4 Responding to context  
3/7 Creating successful places  
4/11 Conservation Areas  
4/13 Pollution and amenity  
5/3 Housing lost to other uses  
7/2 Selective management of the Economy  
7/11 Language schools  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking

#### **6.0 CONSULTATIONS**

##### **Cambridgeshire County Council (Engineering)**

6.1 No objection. Additional cycle storage required.



## **Historic Environment Manager**

6.2 No objection; no external alterations proposed, therefore little or no impact on the character and appearance of the Conservation Area.

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

### **7.0 REPRESENTATIONS**

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

24 Panton Street  
26 Panton Street  
1 St Eligius Place

7.2 The representations can be summarised as follows:

Increased noise and disturbance  
Increased traffic  
Too many educational uses in area already  
Cycle parking on street  
Students in St Eligius Place  
Rubbish  
MPW would not provide for a local need  
MPW will have more students in the building  
MPW will have a longer working day  
Perse Girls' use was sporadic, but MPW's will not be.  
MPW will use the site during school holiday periods  
The distance to MPW's main building on Brookside is greater than the distance to Perse Girls' site on the opposite side of the road  
Permanent permission for D1 use would open the site to use by any institution at an uncontrolled intensity  
Should revert to existing office use

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. Disabled access
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations

### **Principle of Development**

8.2 Consideration of this application requires a careful examination of the planning history, because it is complicated, and has given rise to some misunderstandings.

#### Planning history

8.3 Permission was granted for change of use of the application building from offices to education under reference 98/0232/FP. Apart from the requirement to commence use within 5 years, four conditions were imposed. These required:

2. Use for educational purposes to be 'only in conjunction with the main school site on Union Road'.
3. The size of the educational establishment not to exceed 550 pupils
4. Satisfactory noise insulation
5. Submission of internal layout plans

8.4 The permission was granted without any limit on the time for which the use could continue.

8.5 Subsequently, under reference 99/0043/VC, an application was made to vary Condition 2 of 98/0232.FP in two ways. Firstly, the words 'by the Perse School for Girls' were inserted before 'only in conjunction with...'. Secondly, the words 'for a limited period until 31<sup>st</sup> March 2009' were added at the end of the condition. I am unable to discover from existing documents why these

changes were sought, but it is clear that the time limit was inserted at the request of the applicant, and not the local planning authority. The permission was granted. In my view, there was no justification for these two changes, and they could not have been defended as in accordance with Circular 11/95. The reason given for the revised condition (which became Condition 1 of 99/0043/VC) was 'The use of this building as a separate educational establishment would not be acceptable because of the confined nature of the site, the building's position, and lack of parking or dropping-off facilities.' This is identical to the reason given for the original Condition 2 attached to 98/0232/FUL. In my view, the unsuitability of the site for use as a separate educational establishment is an adequate justification for the original condition attached to 98/0232/FP, but provides no justification for either of the variations made under 99/0043/VC.

- 8.6 The following year, under 00/0122/VC, permission to vary the condition was sought again, extending the 'limited period' for which educational use was permitted by one year, until 1<sup>st</sup> April 2010. This application was permitted, and as before, no reason was given to justify the time limit.
- 8.7 I summarise the key points from this planning history.
- 8.8 The Council's planning concerns about educational use on this site in 1998 were solely about the unsuitability of the building for use as a separate educational establishment (which was the reason for the condition limiting use to that in conjunction with the Perse Girls' main site), and the wish to avoid an overall increase in the intensity of educational use in the locality (the reason for the limit on total numbers at the 'parent' establishment imposed by Condition 3).
- 8.9 The original permission for educational use in 1998 did not impose a time limit on the continuation of that use. The time limit was subsequently added at the instigation of the applicants. No reason for making the use temporary was given at the time of the original permission under 98/0282, nor at the time of either of the variations under 99/0043 or 00/0122.
- 8.10 In my view, B1 office use ceased to be lawful on this site when the educational use permitted under 98/0282/FP commenced.

- 8.11 It is also my view that any contention that B1 use remains lawful is further undermined by the length of time during which D1 use has persisted (twelve years).
- 8.12 The current status of the site in terms of lawful use is problematic.
- 8.13 I turn now to the issue of the two proposed uses sought by this application.

#### Office use

- 8.14 Although it is extremely doubtful, in my view, that past permission for office use on this site remains valid, I do not consider that the use of the premises as offices would conflict with development plan policy. At some stage in the past, the building was clearly a dwelling. However, Policy EC10 of PPS4 advises that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Given the length of time since residential use took place, and the uncertainty about which use, if any, is lawful at the present time, it is my view that policy 5/3, which seeks a return to residential use of former houses subsequently lost to other uses, would not provide a sound or reasonable basis for refusing permission for office use, and that such a refusal would be in conflict with the advice in PPS4.
- 8.15 I acknowledge that office use might result in a greater number of adults travelling to and from the site each day than educational use, and that such employees might choose to use cars. However, in my view, the restrictions of the controlled parking zone, and the severe traffic congestion in this area at the beginning of the working day would be strong incentive to use means of transport other than the private car. I do not consider that transport impact would constitute a reason to refuse permission for office use.
- 8.16 Policy 7/2 of the Local Plan places restrictions on development for Class B1 use, including changes of use. To conform to this policy, any future Class B1 user would either have to be providing essential services to the city or the sub-region, or be an established use in the city. In my view a condition is necessary to ensure that in the event of a change to Class B1 use, such requirements are fulfilled.

8.17 Subject to such a condition, in my view, office use of the premises would be in accordance with Cambridge Local Plan (2006) policies 3/4, 7/2 and 8/2, and government guidance in PPS4.

#### Educational use

8.18 Permanent permission for educational use was granted for this site in 1998, and a time limit on this use was only subsequently added (unjustifiably in my view) at the request of applicants. The site has been in education use for twelve years. I acknowledge that the concentration of education uses in this area creates tensions, but I do not consider that this provides any basis for denying permission for a use which has been in place for a significant time and whose continuation was not initially limited by the local planning authority. I am not aware that the educational use of this specific site has given rise to any planning issues between 1998 and 2009.

8.19 Many neighbour concerns centre on the differences in the use of the building which would result from use by MPW, a private tutorial college, rather than the Perse Girls' School. These concerns can be summarized as follows.

MPW will have more students in the building  
MPW will have a longer working day  
Perse Girls' use was sporadic, but MPW's will not be.  
MPW will use the site during school holiday periods  
The distance to MPW's main building on Brookside is greater than the distance to Perse Girls' site on the opposite side of the road

8.20 The number of students using the building was not limited by previous permissions. The main concern in this respect appears to be in connection with noise. In my view, provided that noise insulation is sufficient, the possibility of more students being in the building is not a sufficient reason to refuse the application.

8.21 In my view, the different working hours of a private tutorial college are not a reason to refuse the application. The principle of educational use has been accepted on this site, and no restriction of hours has previously been sought or granted. I acknowledge that use by students late in the evening, or on

Saturday afternoons or Sundays would introduce activity into a residential area which is otherwise quieter at these times, and I recommend a condition to protect residents against such use. I do not consider that use up until 6pm is unreasonable; indeed the 6pm finish indicated in the Design and Access Statement may be helpful in staggering the exodus of students from the area at the end of the working day. I do not consider that it would be reasonable to limit education use to traditional school term times.

8.22 I do not agree with the view that the greater distance of MPW's main site from the application site makes the use unacceptable. Movement between this site and MPW's main site by foot or cycle would take only a few minutes. I do not consider that there is a danger that significant trips by car to drop students off or pick them up would be generated at this site, nor that staff trips to or from this site by car would result. The original permission under 98/0232/FP prohibited use as a separate educational establishment because the buildings and the site lacked facilities, including car parking space and drop-off space, to enable it to operate in this way. I remain of the view that while educational use on this site is appropriate, it should only be used as an annexe of a main site in the immediate vicinity, for these reasons. In my view, this does not require a condition limiting use to MPW, but it does require a condition restricting use to that in conjunction with a main educational site within the area bounded by Brookside, the Botanic Gardens, Hills Road and Lensfield Road.

8.23 I am also of the view that use of this site for educational use should not increase the level of overall educational activity in the area. (As I have indicated above in Paragraph 2.1, the application does not propose an increase in MPW's overall student numbers, but seeks to use this building for specialist teaching accommodation) At the time of the original permission a condition prohibited the Perse Girls' from increasing its overall student numbers as a result of using this site. I recommend a condition requiring any user to demonstrate to the satisfaction of the local planning authority that their overall roll in the neighbourhood has not increased as a result of the use of this building, and enabling the local planning authority to monitor this.

- 8.24 Use of this site for pre-school or primary children is not appropriate in my view, because even if it were as an annexe to another such institution, the children would have to be delivered to and collected from this site by parents, which might exacerbate congestion and pedestrian/vehicle conflicts. I recommend a condition to prevent use by children below Year 7.
- 8.25 The use of the site by a language school would conflict with policy 7/11 of the local plan, and I recommend a condition to prevent this.
- 8.26 Subject to the conditions I recommend, in my view, educational use of the premises would be in accordance with Cambridge Local Plan (2006) policies 3/4, and 8/2, and government guidance in PPS4.

### **Disabled access**

- 8.27 The building does not have inclusive access. The thresholds include steps, and there is no lift. Given the nature of the building, this situation is difficult to remedy. This does not involve a conflict with local plan policy. Future occupiers will be subject to other regulatory regimes and the provisions of the DDA.
- 8.28 In my opinion the proposal does not conflict with Cambridge Local Plan (2006) policy in respect of disabled access.

### **Residential Amenity**

- 8.29 The proposal, which involves no additions to the building, has no implications for neighbours' light, outlook, or privacy.
- 8.30 Representations from neighbours express serious concerns about the impact of continued educational use in terms of noise inside and outside the building, disturbance from flows of students, conflicts with cycle movements across the footway, discourteous behaviour such as sitting on front walls in the street, smoking, and rubbish.
- 8.31 I acknowledge these concerns, and I accept that occupation of the building by a private tutorial college would not replicate exactly the pattern or intensity of use which has prevailed

during Perse Girls' tenancy. However, I do not consider that neighbour amenity issues constitute a reason for refusal of the application, for the following reasons.

The application does not propose a level of activity markedly more noisy or disturbing than has previously taken place.

The size and configuration of the building place limits on the scale of educational use which could occur within it.

The principal rooms within the building with potential for student use are not adjacent to the neighbouring residential uses.

The rear garden of 26 Panton Street is largely screened from the outdoor space at 28 Panton Street by the toilet and staffroom block.

I recommend a condition requiring that MPW, or any future educational user, submit a management plan to the local planning authority, which addresses the issues of students congregating around the building, litter, smoking and inconsiderate use of cycles.

I recommend a condition to ensure adequate noise insulation.

As indicated above, I recommend conditions to prevent any activity on the site involving students during the evenings or at weekends.

In my view, many of the understandable concerns about the impact of educational use here (traffic congestion, rubbish, students sitting on front garden walls, inconsiderate cycle use) arise from the overall level of educational activity in the area, which will not be diminished by the refusal of this application. I am not convinced that the educational use of this specific site has significantly contributed to these problems, nor that it would do so if the application were to be approved.

8.32 I acknowledge that respondents have serious reservations about the impact on amenity of the educational use proposed. However, it is my view that many of these reservations can be



addressed by the conditions I recommended. I do not consider that any of the other reservations constitute a reasonable basis for refusing the application. In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that it is compliant with and Cambridge Local Plan (2006) policy 3/4.

### **Refuse Arrangements**

- 8.33 Provision for the storage of waste and recycling is not specified in the application. It seems likely that waste generation on the site will not be very different from what has been the case previously, but I acknowledge that the arrangements for its storage and handling may have to be different. There is, in my view, adequate space in the rear courtyard area to store bins, but I recommend a condition to ensure that this issue is properly addressed.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.35 The highway authority has raised no concerns about highway safety. I do not consider that use of the Pemberton Terrace gateway by students with cycles presents any greater threat to pedestrians than the use of this gateway in previous uses.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.37 One car parking space is provided within a garage, although this is currently used for storage. The application does not propose additional car parking. Government guidance and local plan policy both encourage a reduction in non-residential car parking space. In my view, office use in particular might lead to a desire for additional on-site car parking space, and this should be prevented by condition.
- 8.38 I concur with the advice of the highway authority that this application should be considered as a change of use (principally because it allows the possibility of office use, which I do not



consider to be the present lawful use). Since uses in the alternative are proposed, the Council's cycle parking standards require cycle parking provision to the higher of the levels required by the two uses. Office use of the floorspace in the building would require 17 spaces. On the basis that each of the teaching or study rooms might be occupied by eight students under educational use, I estimate that up to 48 students might be using the building. The cycle parking standards would therefore require 36 spaces. The application proposes 25. This is not adequate in my view, and I recommend a condition to ensure that the required total is provided in the courtyard.

8.39 Neighbours have raised concerns about possible conflicts between cyclists entering and leaving the site and other users of the footway. In my view, the narrowness of the entrance to the site from Pemberton Terrace will compel users to enter and exit in a cautious manner. I do not consider this issue to be a reason to refuse the application.

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

### **Third Party Representations**

8.41 I have addressed the issues raised under the headings of the principle of development, residential amenity, and highway safety.

## **9.0 CONCLUSION**

9.1 Applicants and objectors in this case both assume that the lawful use of this site is for Class B1 offices. I do not share this view, and I consider it more likely that if the site has an existing lawful use it is for Class D1 school use. However, I have considered the two proposed uses on their merits.

9.2 Representations on this application contend that permission for educational use on this site was only granted temporarily, and that this application is a 'backdoor' attempt to make such use permanent. In my view, neither of these assertions is correct. The original permission for educational use under 98/0232/FP was not temporary. The Council did not seek a time limit to that use, nor give any reason for such a time limit, either then, or at any subsequent time. The present application does not in any

way hide its intentions; it seeks the possibility of either office or educational use. I do not consider that there is any basis for requiring a further assessment through the planning process before either of these uses becomes the sole lawful use.

- 9.3 I acknowledge that neighbours have serious concerns about the proposed educational use, but I believe these can be sufficiently addressed by conditions which limit this site's use to that of an annexe to a nearby main site, prohibit occupation by a language school, exclude use by primary age children, prevent an overall intensification of educational use in the area, restrict student hours, and require the submission of a management plan to address the issues which neighbours fear may harm their residential amenity. Subject to such conditions, I do not consider that there is a basis in development plan policy for the refusal of this application.

## **10.0 RECOMMENDATION**

### **APPROVE, subject to the following conditions**

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

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

2. The Class D1 use hereby permitted shall be a school, college, or similar educational provider only, and shall not be a language school, nor any other use within Class D1.

Reason: use as a language school would be in conflict with local plan policy 7/12, which prohibits any new such use, and other uses within Class D1 would raise different planning issues which would need to be assessed through an application.

3. Class D1 educational use shall take place only as an annexe to a main educational site elsewhere within the area bounded by the centre lines of Brookside, Lensfield Road, and Hills Road, and the northern boundary of the University Botanic Gardens.

Reason: The application site is unsuitable, because of its configuration, lack of outdoor space, and absence of car parking or drop-off space, to operate as an independent educational institution. (Cambridge Local Plan 2006 policies 3/4, 3/7 and 8/2)

4. Any Class D1 school or college user of the site shall provide the local planning authority before occupation with an accurate record of its student numbers in this locality prior to any use of the application site. From the time of occupation, any user shall keep an accurate student roll for all its sites in the locality, including the application site, and shall make that information available to the local planning authority on demand. The total student roll of the user in the locality shall not increase by more than 10% during its use of the application site..

Reason: To avoid impacts on traffic and the character of the area from increased overall educational use. (Cambridge Local Plan 2006 policies 3/4 and 8/2)

5. Class D1 educational use on this site shall be restricted to students or pupils in Year 7 (or the equivalent year in any replacement classification by the Department for Education) or above only.

Reason: The site does not have suitable space for young children to be dropped off or collected. (Cambridge Local Plan 2006 policy 8/2)

6. No students or pupils shall use the building between the hours of 1900 and 0700 on weekdays, before 0700 or after 1330 on Saturdays, or at all on Sundays or public holidays.

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

7. No occupation for Class D1 educational use shall take place until a management plan for educational use which details the measures to be taken to address the following issues has been submitted to, and approved in writing by, the local planning authority.

- student arrival and departure
- student use of the site during breaks from study

- smoking
- courtesy to neighbours
- litter
- safe use and storage of cycles

The site shall be used only in accordance with the approved management plan, which shall not be altered without the written agreement of the local planning authority.

Reason: To prevent harm to the residential amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policy 3/4)

8. No occupation shall take place until details of arrangements for waste storage and collection have been submitted to and approved in writing by the local planning authority. Such arrangements shall be put in place before occupation and maintained thereafter.

Reason: To protect the residential amenity of neighbours and to ensure adequate management of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/7)

9. Occupation for Class B1 use shall be limited to organisations meeting the criteria set out in categories (a), (b), (c) and (d) of policy 7/2 of the Cambridge Local Plan 2006, or established bodies, as defined in that policy and its footnotes and associated text. No occupation for Class B1 use shall take place until the prospective occupier has submitted details of its activities, and received confirmation in writing from the local planning authority that these criteria are satisfied.

Reason: To ensure that any B1 user has an essential need for a Cambridge location, and hence balance the growth of the local economy with the protection of the environment. (Cambridge Local Plan 2006 policy 7/2)

10. No occupation in either Class B1 or Class D1 shall commence until details of facilities for the covered, secured 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 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)

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional car parking space shall be laid out on the site.

Reason: To avoid encouraging additional trips to and from the site by private car (Cambridge Local Plan 2006 policies 8/2 and 8/10)

12. No occupation in either use shall take place until details of sound insulation have been submitted to and approved in writing by, the local planning authority.

Reason: To ensure no unacceptable impact on the amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

### **Reasons for Approval**

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

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

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

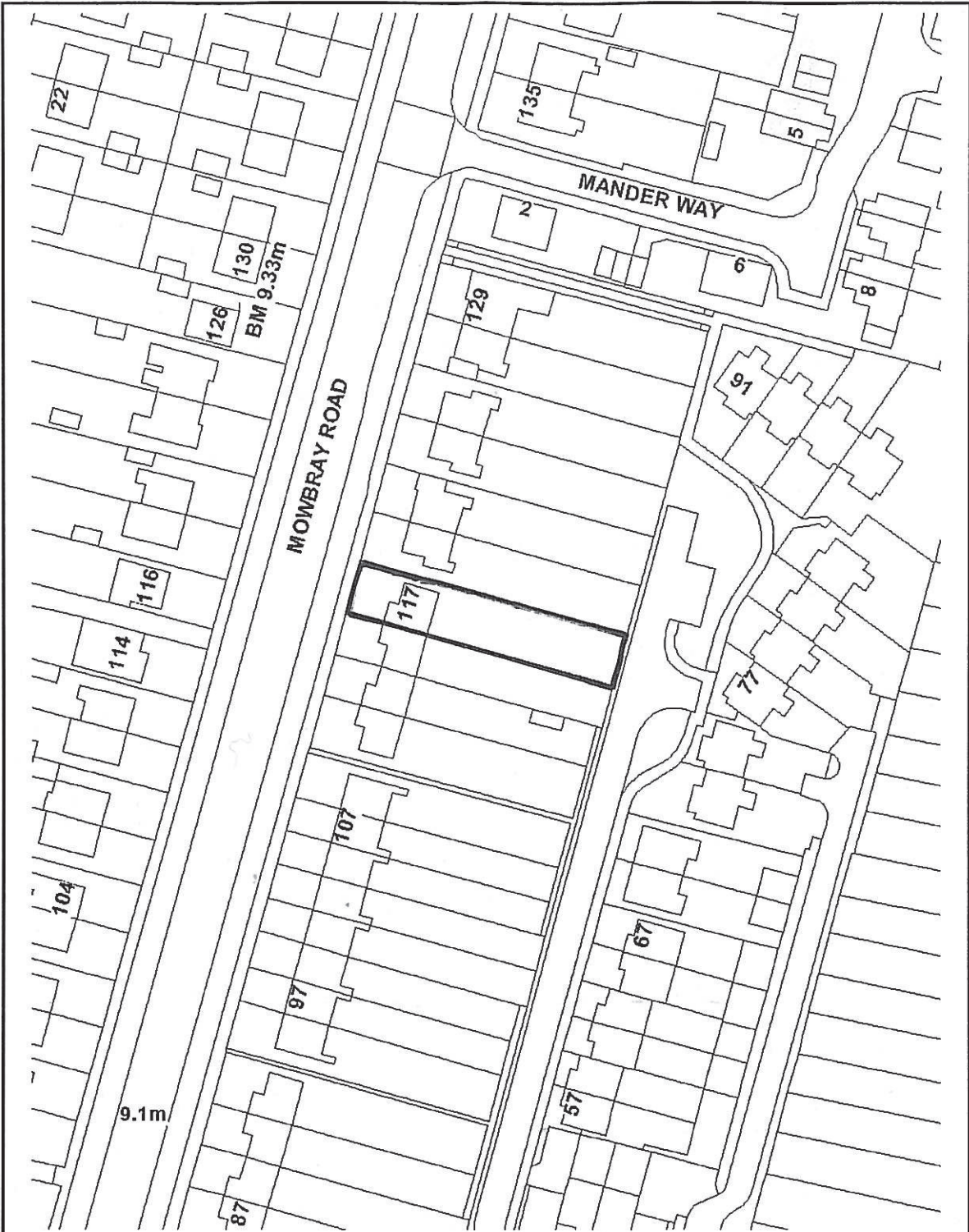
## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.





**10/0319/CL2PD**  
**117 Mowbray Road Cambridge Cambridgeshire CB1 7SP**

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<b>Application Number</b>	10/0319/CL2PD	<b>Agenda Item</b>	
<b>Date Received</b>	8th April 2010	<b>Officer</b>	Mr Wayne Viles
<b>Target Date</b>	3rd June 2010		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	117 Mowbray Road Cambridge Cambridgeshire CB1 7SP		
<b>Proposal</b>	Application for Lawful Development Certificate (S192) for erection of a 4m high garage to rear and creation of vehicular access onto Hulatt Road.		
<b>Applicant</b>	Mr Edward Durrant 117 Mowbray Road Cambridge Cambridgeshire CB1 7SP		

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**This application is brought to Committee because the applicant has recently worked in the City Council Development Control team, on secondment from another planning authority.**

### **Site Description and Area Context**

- 1.1 117 Mowbray Road is a 1950's semi-detached, two-storey dwellinghouse, standing on the east side of Mowbray Road which, although an urban primary road and part of the City Ring Road, is also a residential street. 117 Mowbray Road is the northernmost house in a terrace of four, semi-detached dwellings the design of which shares much in common with other houses in the street.
- 1.2 The house stands in a rectangular plot a little over 8 metres wide and 44 metres long, that is, almost, on an east-west axis. At the western end of the plot is Mowbray Road; at the eastern end of the plot is the carriageway of a cul-de-sac 'spur' of Hulatt Road that runs parallel to Mowbray Road and which is separated from the garden only by a close-boarded fence. To the north and south are the gardens of neighbouring properties. At the northern end of this spur of Hulatt Road is an exception to the predominantly

two storey residential dwellings in the surrounding area, with a cluster of terraced bungalows to the east and northeast of the end of the cul-de-sac.

- 1.3 The site is not allocated in the Cambridge Local Plan (2006) nor does it fall with in a City of Cambridge Conservation Area.

## 2.0 Description of Application

- 2.1 This is an application for a Certificate of Lawfulness for the “erection of a 4metre high garage to the rear of 117 Mowbray Road and creation of a vehicular access onto Hulatt Road”.
- 2.2 The proposed building is a single-storey domestic garage that would be set 2 metres away from each side boundary, 2 metres back from the common boundary with Hulatt Road and 16 metres from the rear of the existing house 117 Mowbray Road. This would make the building a little over 4m wide and about 14metres long, with an eaves height of 2.4m and a ridge height of 4m; it would allowing sufficient space to accommodate two cars parked nose to tail and accommodate a small workshop/storage space about 3.6m square. The outbuilding will be constructed of facing bricks with a tiled roof.

The following evidence supports the application:

Drawing numbers 2A, 3A and 4A supported by a Planning Statement.

The application is made under Section 192 of the Town and Country Planning Act 1990.

## 3.0 Site History

Reference	Description	Outcome
09/0204	Erection of two bungalows in curtilage of 115 and 117 Mowbray Road	Refused. Appeal Dismissed
10/0519	Erection of two bungalows in curtilage of 115 and 117 Mowbray Road	Pending

## 4.0 Assessment

- 4.1 This is an application made under S192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for the erection of a single storey garage and creation of a vehicular access onto Hulatt Road. The applicant seeks to demonstrate that the proposed works constitute development not requiring planning permission as set out in Class E of Part 1 (the garage) and Class B of Part 2 (the formation, laying out construction of a means of access to a highway which is not a classified or trunk road) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 'The Order'. Copies of the relevant Classes of 'The Order' are attached as an Appendix to this report.

### The Garage

- 4.2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 addresses, 'Development within the curtilage of a dwellinghouse'.

Class E of Part 1 sets out that:

“The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas”,

constitutes permitted development, but then goes on to explain that development is not permitted in a number of specific circumstances. A building used as has been suggested here, for a garage and storage space would reasonably be considered as “...a building ... required for a purpose incidental to the enjoyment of the dwellinghouse as such...,” and the broad principle is therefore established. That having been done it is then necessary to consider the specific circumstances where development is not permitted; those circumstances are set out below in italics, with the officer response to each specific case below.

**E.1** Development is not permitted by Class E if—

*(a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the*

*curtilage (excluding the ground area of the original dwellinghouse);*

Although the applicants plans, particularly plan 2A, do not as would have been helpful show a full site plan with all buildings enclosures and containers marked, the proposed overall site is about 44m x 8.4m (396.6sqm); the house as extended has a footprint of about 50sqm leaving (396.6 – 50sqm) 346.6 sqm 'open'. Other existing buildings, enclosures and containers cover about 20 sq metres, which together with the proposal (14m x 4.3m = 60sqm), means in all approximately 80 sqm of 346.6sqm will be covered = rather less than 23%. The proposal does not therefore exceed the 50 % tolerance;

*(b)any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;*

Advice is given that there will only be one principal elevation on a house and that in most cases it will be that part of the house fronting the main highway serving the house, the one that sets the postcode. Given that definition, the principal elevation in this circumstance will be that facing Mowbray Road, and what is proposed would not be forward of a wall forming the principal elevation of the original dwellinghouse.

*(c)the building would have more than one storey;*

What is proposed would not have more than one storey.

*(d)the height of the building, enclosure or container would exceed—*

*(i)4 metres in the case of a building with a dual-pitched roof,*

*(ii)2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or*

*(iii)3 metres in any other case;*

The submitted plans show a dual-pitch roof the height of which would not exceed 4 metres; the submitted drawings show that no part of the proposed building would be within 2 metres of any boundary of the curtilage of the dwelling house.

*(e)the height of the eaves of the building would exceed 2.5 metres;*

The submitted plans show the eaves of the building would not exceed 2.5 metres.

*(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;*

The building would not be situated within the curtilage of a listed building;

*(g) it would include the construction or provision of a veranda, balcony or raised platform; (h) it relates to a dwelling or a microwave antenna; or*

*(i) the capacity of the container would exceed 3,500 litres*

The building would not include the construction of a veranda, balcony or raised platform; does not relate to a dwelling or microwave antenna; nor propose a container with a volume exceeding 3500 litres.

**E.2** *Precludes or further limits permitted development rights in this Class for any land within the curtilage of the dwellinghouse which is within—*

*(a) a World Heritage Site,*

*(b) a National Park,*

*(c) an area of outstanding natural beauty, or*

*(d) the Broads,*

None of these constraints apply to this application

**E.3** *Precludes or further limits permitted development rights in this Class for any land within the curtilage of the dwellinghouse which is article 1(5) land.*

Article 1(5) land includes land in Conservation Areas; the site is not within Article 1(5) land.

4.3 Although the text in the Planning Statement accompanying the application suggests that existing outbuildings will be removed, as the accompanying plans do not show or dimension the relevant structures, the assessment of the floor area of the site covered has been made assuming their retention, even in those circumstances the tolerance is not exceeded.

4.4 Having considered all the tests of Class E of Part 1 of 'The Order',

I am of the opinion that provided the building is erected in accordance with the submitted drawings regarding its height and location and is required for a purpose incidental to the enjoyment of the dwellinghouse as such, the proposal constitutes permitted development.

The creation of a Vehicular Crossing.

- 4.5 Class B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) addresses, “The formation, laying out and construction of a means of access to a highway which is not a trunk or classified road, where that access is required in connection with development permitted by any Class in this Schedule” – except for permitted development dealing with the erection, construction, maintenance, improvement or alteration of a gate, wall or other means of enclosure.)
- 4.6 The laying out and construction of a means of access to a highway is in this case required in connection with the permitted development of the garage/storage building addressed in paragraphs 4.2 to 4.4 above. As the assessment of that building is accepted as demonstrating that it does constitute permitted development, Class B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) is the appropriate part of the legislation. As Hulatt Road is not a trunk or classified road I am of the opinion that the laying out and construction of the means of access to a highway also constitutes permitted development.

## **5.0 Conclusions**

- 5.1 Based on the evidence supplied in the plans accompanying the application and the planning statement, it is concluded that the proposed outbuilding will constitute permitted development under Class E of Part 1 (the garage/store) and Class B of Part 2 (the formation, laying out construction of a means of access to a highway which is not a classified or trunk road) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development)(Amendment)(No 2) (England) Order 2008 and accordingly such works do not require specific planning permission and would be lawful for planning purposes.

## **6.0 Recommendation**

- 6.1 That a Certificate of Lawfulness be granted under Section 192 of the Town and Country Planning Act 1990 (as amended) for the erection of a single storey domestic garage and store within the rear garden of 117 Mowbray Road and for the formation, laying out and construction of a means of access to a highway, Hulatt Road, which is not a classified or trunk road, to serve the said single storey domestic garage and store.

## **Decision**

1. It appears to the Local Planning Authority that the proposed outbuilding will not be erected forward of the principal elevation fronting a highway. The maximum height of the roof of the outbuilding will not exceed 4 metres in height and the eaves height will not be over 2.5 metres in height. No part of the outbuilding will lie within 2 metres of any boundary of the curtilage of the dwellinghouse and the ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse - but including that proposed) will not exceed more than 50% of the garden area. The proposed use of the outbuilding will be for domestic use as a garage and garden store and will not be used as a dwelling.



In respect of the creation of a vehicular access onto Hulatt Road, it appears to the Local Planning Authority that the proposed access is required in connection with development permitted by another Class in this schedule (the garage/store that is permitted development under Class E of Part 1). It is accepted that Hulatt Road is not a trunk road or classified road.

For these reasons it is considered that the proposed outbuilding will fall within the tolerance limits set under Classes E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(No 2) (England) Order 2008 and that the vehicular access onto Hulatt Road is permitted development under Class B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended and both will therefore be lawful for planning purposes.

### **FIRST SCHEDULE**

The erection of a single storey domestic garage and store within the rear garden of the curtilage and the creation of a vehicular access onto Hulatt Road

### **SECOND SCHEDULE**

117 Mowbray Road, Cambridge, as identified outlined in RED on the location plan attached to this Certificate.



## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.

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Extracts from  
the General  
Permitted  
Development Order <sup>Class D</sup>  
Permitted development

Appendix to  
10/0319

D. The erection or construction of a porch outside any external door of a dwellinghouse.

**Development not permitted**

D.1 Development is not permitted by Class D if—

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;
- (b) any part of the structure would be more than 3 metres above ground level; or
- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

**Class E**

**Permitted development**

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

**Development not permitted**

E.1 Development is not permitted by Class E if—

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one storey;
- (d) the height of the building, enclosure or container would exceed—
  - (i) 4 metres in the case of a building with a dual-pitched roof,
  - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
  - (iii) 3 metres in any other case;
- (e) the height of the eaves of the building would exceed 2.5 metres;
- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (g) it would include the construction or provision of a veranda, balcony or raised platform;
- (h) it relates to a dwelling or a microwave antenna; or
- (i) the capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) a World Heritage Site,

- (b) a National Park,
- (c) an area of outstanding natural beauty, or
- (d) the Broads.

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

#### **Interpretation of Class E**

**E.4** For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

### **Class F**

#### **Permitted development**

**F.** Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

#### **Conditions**

**F.1** Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

### **Class G**

#### **Permitted development**

**G.** The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

#### **Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—



PART 2

MINOR OPERATIONS

Class A

Permitted development  
Development not permitted

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

A.1 Development is not permitted by Class A if—

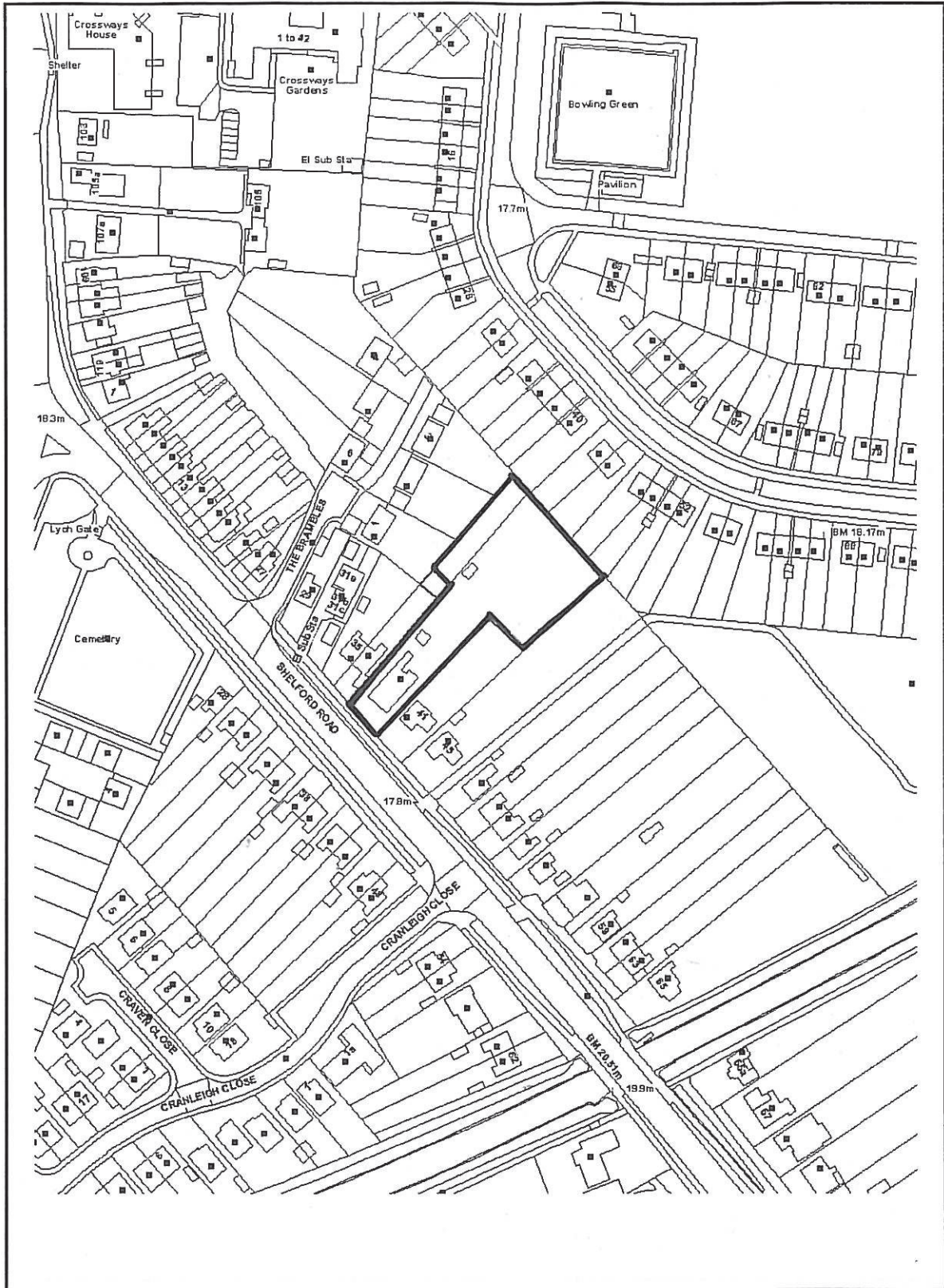
- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Class B

Permitted development

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

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**10/0561/FUL**  
**39 Shelford Road Cambridge Cambridgeshire CB2 9LZ**

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<b>Application Number</b>	10/0561/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th June 2010	<b>Officer</b>	Mr James D'Arcy
<b>Target Date</b>	10th August 2010		
<b>Ward</b>	Trumpington		
<b>Site</b>	39 Shelford Road Cambridge Cambridgeshire CB2 9LZ		
<b>Proposal</b>	Erection of three new four-bed dwellings (following demolition of existing single storey dwelling) (re-submission of application reference 10/0215/FUL).		
<b>Applicant</b>	Mr Brian Tyler The Granary 13 Royston Road Harston Cambridge CB22 7NH		

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 39 Shelford Road lies on the northern side of Shelford Road, in fairly close proximity to the southern boundary of Cambridge City. This application for full planning permission relates to the curtilage of No. 39 Shelford Road and a portion of land that previously formed part of the rear gardens of Nos. 37 and 41 Shelford Road, adjacent. The plot, therefore, is effectively 'T' shaped, and extends to the southeast and northwest, wrapping around the existing rear gardens of Nos. 37 and 41, adjacent. The plot is quite large, measuring just over 90 metres in depth, and towards the rear it is over 40 metres in width.
- 1.2 The existing property at 39 Shelford Road is a fairly large, hipped roof bungalow that has been considerably extended to the rear. It has a vehicular access to its northwestern side. Boundary treatments on site are varied, but include mature hedging and a line of substantial leylandii trees to the northeast. There are a number of trees on site and in close proximity to the site but located within adjacent gardens. The form and character of dwellings along the northern side of

Shelford Road is varied and a mix of both ages and styles.

- 1.3 Planning permission has previously been granted for the demolition of the existing bungalow at the front of the site and its replacement with a detached, two-storey dwellinghouse, located to the northwest side of the resulting plot, plus the erection of two bungalows to the rear (reference planning permissions C/02/0038/OP, C/06/1393/REM, & 07/0598/FUL).
- 1.4 The site is not located within a designated Conservation Area and the site falls outside the controlled parking zone (CPZ).

## **2.0 THE PROPOSAL**

- 2.1 This application seeks full planning permission for the erection of 3 dwellings following the demolition of the existing bungalow, and broadly relates to revisions with regard to siting, footprint and design of the previous planning permissions for the site, specifically, reserved matters planning permission reference C/06/1393/REM, and Full Planning permission reference 07/0598/FUL which repositioned dwellings within the site to take into account the impact upon neighbouring amenity and the character of the area. Both of these applications are considered to have satisfactorily addressed the key constraints of this site. As such, whilst this application must be considered on its own merits, the previous planning permissions are significant material considerations in its determination.
- 2.2 The key differences between this scheme and the approved scheme (reference 07/0598/FUL) are as follows:

There is a reduction in the heights (measured at ridge) on the single storey dwellings to the rear, of 0.8 and 0.3m respectively, although Plot 1 retains the same height as that previously approved. Eaves heights are to remain unchanged.

Plot 1 and 2 have an increased floorspace and plot 3 features a slight (2sqm) reduction in floorspace.

The proposed garages serving the new dwellings have also been repositioned in relation to the prior approval, locating them closer to the boundaries of the site.

Further detailed design changes are set out in the assessment

paragraphs found below.

This application is a resubmission, of the withdrawn application 10/0215/FUL, which was necessary because of an alteration to the “red line” site plan, following a query about to the accuracy of the original application site boundaries. Otherwise, the application is identical. The paragraphs below therefore have similarities to what was put before Committee previously, but also account for changes in advice , particularly with regard to the re-issued PPS3.

2.3 The application is accompanied by the following supporting information:

1. Design and access statement
2. Arboricultural statement
3. Plans and elevations

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>A/C, REF, W/D</b>
C/87/1034	Outline application for the erection of 2 no. detached bungalows.	Appeal dismissed
C/01/0916/OP	Erection of 5 dwellings, demolition of existing dwelling on frontage and creation of a new vehicular access.	REF
C/02/0038/OP	Erection of 3 dwellings, demolition of existing dwelling on frontage and creation of new vehicular access.	A/C
C/02/0869/OP	Erection of 4 no. detached dwellings, demolition of existing dwelling and creation of new vehicular access.	REF Appeal dismissed
C/04/1041/OP	Erection of 2 no. bungalows.	REF
C/06/1393/REM	Erection of 3 dwellings following the demolition of the existing bungalow.	A/C
07/0598/FUL	Erection of three dwellings following the demolition of the existing bungalow (revised scheme)	A/C

10/0215/FUL	Erection of 3 four-bed dwellings (following demolition of existing dwelling).	Withdrawn following decision of Committee to approve, because of inaccurate boundary plan
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#### 4.0 PUBLICITY

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

#### 5.0 POLICY

##### 5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3 (PPS 3) Housing** (reissued 2010): Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves

choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

The updated PPS3 (June 1020) reclassifies private residential gardens from previously developed or brownfield land to greenfield land. This does not, however, mean that garden land cannot be developed under any circumstances. At the present time, national policy does not preclude the development of private gardens, but garden land is now not considered to be brownfield land and is not, therefore, of the same priority for development as was the case previously. Proposals for the development of garden land will continue to be assessed against Policy 3/10 of the Cambridge Local Plan (2006) relating to the subdivision of plots.

- 5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including World Heritage Sites, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not

designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

5.6 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

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

5.8 **Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

5.9 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places  
3/11 The design of external spaces  
3/12 The design of new buildings  
4/4 Trees  
4/13 Pollution and amenity  
5/1 Housing provision  
8/6 Cycle parking  
8/10 Off-street car parking

#### Planning Obligation Related Policies

3/8 Open space and recreation provision through new development  
5/14 Provision of community facilities through new development  
10/1 Infrastructure improvements

### 5.10 Supplementary Planning Documents

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

**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.

#### 5.11 **Material Considerations**

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

### 6.0 **CONSULTATIONS**

#### **Cambridgeshire County Council (Engineering)**

- 6.1 The footway and verge crossing must comply with the Highway Authority's specification for such works, rather than that proposed by the applicant. Informatives also recommended.

#### **Head of Environmental Services**

- 6.2 No objection in principle, subject to a condition regarding traffic related noise.

#### **Arboricultural Section**

- 6.3 No comment received.

#### **Cambridgeshire County Council (Archaeology)**

- 6.4 The site has been subject to prior investigation, and as such in this instance no further action is required.

#### **Cambridge City Council Access Officer**

- 6.5 No comments received. Comments on prior applications relating to the need for level access.
- 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 owner/occupier of the following address has made representations:

48 Foster Road

7.2 The representations can be summarised as follows:

The design and layout of the three blocks looks acceptable. Concerns focus on retention and long term maintenance on the north-east boundary of plots 2 and 3, which needs to be managed. A recommendation of a maximum height of 8-10 feet is suggested and would best be done before development commences. Left alone it will unduly dominate the houses to the north in Foster Road.

7.3 Although no comment has been received on this occasion, at the time of the last application there was a letter from 1 The Brambles, which was mislaid and therefore only reported on the amendment sheet, as follows:

¶ A further letter not reported on the agenda has been received from 1 The Brambles, objecting to the planning application. The grounds for objecting focus on the planning document accompanying the application and argue that:

- a) the size increase of 7% (it is reported in the accompanying Design and Access Statement that the internal area of the buildings increases by 7%) is inaccurate – it should be 11% and that is very significant.
- b) the previous permission stipulated that there should no dormers or dormer windows in upper floor levels or the roof slopes of the bungalows – to protect the amenity of neighbours. The application has four doors and one window facing west, none obscure glazed previously any windows facing in this direction were obscure glazed. This is considered to be in breach of policies 3/10 and 3/12 of the Local Plan.
- c) The current plan does not demonstrate storage of bicycles as the previous proposal did.
- d) The pre-application correspondence contains incorrect information regarding the proposed location of the garages;
- e) there is concern about the re-positioning of trees closer to the boundaries which will damage trees in adjacent gardens; and

- f) surface water run off into the main sewer is not acceptable to Anglian Water and will cause problems like those experienced at Cambourne.

The misleading and inaccurate information means the application should be refused. 『

- 7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file. Any further representations will be referred to on the amendment sheet.

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) supports the provision of extra housing within the City and states that windfalls are an essential component of future housing provision in the City.
- 8.3 The principle of the development of this site has already been established by the granting of prior outline and full planning permission. As such, this is a material planning consideration. The updated PPS3 (June 1020) reclassification of private residential gardens from previously developed or brownfield land to greenfield land is however, also a material consideration. This does not, however, mean that garden land cannot be developed under any circumstances. At the present time, national policy does not preclude the development of private gardens, but garden land is now not considered to be brownfield land and is not, therefore, of the same priority for

development as was the case previously. Proposals for the development of garden land will continue to be assessed against Policy 3/10 of the Cambridge Local Plan (2006) relating to the subdivision of plots. Furthermore, given that the density would remain the same as those permissions, then I have no concerns in that regard, given that previously higher densities have been refused on this site.

- 8.4 In my opinion, and notwithstanding the new guidance about the status of garden land, the broad principle of development is acceptable and in accordance with policy 5/1, but must be considered in the light of the re-issued PPS 3 - Housing and other policies of the Local Plan 2006, including policy 3/10 which addresses the subdivision of gardens.

Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) - have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) - provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) - detract from the prevailing character and appearance of the area;
- d) - adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) - adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) - prejudice the comprehensive development of the wider area of which the site forms part.

- 8.5 These six elements are not uniformly relevant to this site. I do not think that the development of this site would prejudice the comprehensive development of the wider area of which the site forms part, and it would not prejudice the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site; on that basis I consider neither d) or f) to be

relevant here. The other parts of this policy will be discussed later on in the report.

- 8.6 The key considerations in the determination of this planning application are whether the revised siting of the two bungalows to the rear, the modifications to the scale, footprint and design raise issues that significantly and detrimentally impact upon the character, appearance of the site and street scene, and whether as a result of these changes, there are adverse impacts upon the amenity of the occupiers of adjacent residential properties.

### **Context of site, design and external spaces**

- 8.7 In terms of the siting, design, external appearance and scale of the proposed dwellings, the main differences are noted as:-

#### **Plot 1**

- 8.8 Plot 1 retains the same design as previously approved, although it is positioned approximately 0.3 metres closer to the boundary with number 37 Shelford Road. There is also a reduction in depth of approximately 0.2 metres at the rear of the property (the single storey element).

#### **Plot 2**

- 8.9 Plot 2 is subject to a larger amount of visual alterations. The front elevation (southwest) now features two gables, with a centrally located front entrance. The building is moved 1m further away from the western boundary than the building previously approved. It is now 17.8m in width, in comparison with 14metres of the same elevation on the previous approval. The ridge height of the roof is reduced by 0.8 metres, and this reduction in height is exaggerated by the increased width and change in design.
- 8.10 The northwest elevation (side) remains largely consistent in depth with the prior approval, but has an increased ridge height in the stepped element to the rear of the building of 0.7m. This however is again offset by the reduction in overall height by 0.8 metres. The building is also repositioned 1.4 metres further away from the rear boundary of the site.

8.11 The extended side and rear elevations echo the above in terms of distances from boundaries, and reduction in ridge heights. There are no rooflights or velux windows proposed on this building, although there are floor to ceiling windows/doors on the rear elevation, located centrally and on the northern projecting element.

### **Plot 3**

8.12 With regard to plot 3, various fenestration changes are proposed at ground floor level. These do not unduly alter the character of the proposal, and are consistent with the design of Plot 2. The footprint of the dwelling would reduce from 22.25 metres in width (measured along the front elevation) to 16.2 metres, and its depth (measured along the north west elevation) from 19.5 metres to 18.6 metres. The building is also moved 3.1 metres further from the rear of the plot in comparison with the previous approval. The maximum previous height of the building is also reduced by 0.3 metres, which is emphasized with the double gable frontage which is consistent with the dwelling on Plot 2.

8.13 In terms of siting, both the proposed bungalows would migrate south on the plot from the previously approved scheme. Whilst there is still only a relatively small area to the side of the proposed dwellings (eastern and western boundaries), which would make effective boundary planting difficult, it would not preclude other types of boundary treatment and the slightly increased spacing will allow for increased scope in terms of boundary treatment solutions. The amenity impacts of this siting will be discussed in the section on amenity below. As such, these changes in themselves are not so significant or detrimental in design, massing, or siting terms to warrant a recommendation of refusal.

8.14 Whilst the proposed dwellings are larger than those found in the immediate locality, given the location of development significantly to the rear of Nos. 37 to 41 Shelford Road (67 metres), and the lack of ability to see either dwelling in full from the street scene, the overall scale is not significantly harmful or such as to warrant a recommendation of refusal on the grounds of form, character or scale.

- 8.15 In terms of the size of retained gardens and external amenity areas, plot 1 would retain a garden measuring some 9.8 metres in width and 15 metres in length from the rear, albeit inclusive of the garage space. Plot 2 would have a private rear garden of over 22 metres in width and over 14 metres in length, and plot 3 would have a rear garden width of over 22 metres and 12 metres in depth. All of the dwellings would be framed with soft landscaping and include a degree of front garden space, (in the form of ‘courtyards’ to the bungalows), thereby demonstrating that this is not an overdevelopment of the site as each dwelling is framed by its own distinct garden and green amenity area, as well as providing external hardstanding areas.
- 8.16 Each dwelling has its own bicycle and bin storage areas that forms an integral part of the proposals. All properties are to be served by dedicated garages, encompassing cycle storage also. As such, whilst not contained within the envelope of the main buildings, this helps to prevent the proliferation of further structures on site.
- 8.17 I am of the opinion that the location, accessibility, simple design and roof arrangement of the proposed bike and car storage areas is complementary to the other development on this site and is of a scale that does not introduce any visual harm or have any wider adverse amenity impacts upon residents of the adjoining residential properties. No adverse comment or objection has been made in this regard by Environmental Health. I am of the opinion that the scale, height and location of all of the detached garages is such that they do not overbear or have any significant visual or amenity upon the character of the site, the wider street scene or upon the amenities of nearby residential occupiers.
- 8.18 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

### **Disabled access**

- 8.19 The Council’s Access Officer has made suggestions regarding flat thresholds and outward opening toilet doors. Given that such requirements are not within the remit of this planning application and are more directly related to Building Regulations, it is considered pertinent to add an informative request that such matters be discussed with the Access

Officer.

8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

8.21 I am of the opinion that none of these revisions to siting, fenestration, or ridge height would introduce a significant or detrimental impact over and above the previously approved scheme, and will represent a reduction in impact upon the visual amenity of neighbours.

8.22 The previous planning permission removed permitted development rights for habitable accommodation in the roof space of the bungalows, and the insertion of roof lights and windows in the upper floor levels of both the bungalows and replacement dwelling fronting Shelford Road. This would ensure that there would be no overlooking of the garden areas or private amenity areas of adjacent residential properties whatsoever. Similar conditions have also been recommended for this proposal.

8.23 The proposed bungalow on plot 3 would be sited over 43 metres from the rear of Nos. 41 and 45 Shelford Road, as well as being to the north/north-east of those dwellings. Given this significant distance and relationship, this dwelling would not overshadow, visually dominate or enclose the rear or gardens of those properties.

8.24 The bungalows would also be sited over 30 metres from the rear of the properties fronting onto Foster Road to the northeast. As such, given the relatively low height of the proposed buildings, and that the main body of the two bungalows slope away from the rear of their gardens, I am of the opinion that this area would not be unduly overshadowed or enclosed by these properties.

8.25 The proposed larger bungalow on plot 2 would be sited over 23 metres to the rear of Nos. 1 and 2 The Brambles. With a suitable scheme of boundary treatment (as proposed by condition), I am of the opinion that due to the low eaves, only the roof line would be visible over such a boundary. Whilst something may be visible, this does not necessarily equate to



introducing significant visual harm. Given that the roof pitch would slope away from the rear of the dwellings and their garden area, and combined with their orientation and height, I consider that the development is unlikely to overshadow or overbear this space more than the previously approved scheme. With a large area of intervening garden, the reduction in proximity to the common boundary by 2 metres is not considered to be materially significant.

- 8.26 The rear projecting element of Plot 1 would be set some 4 metres off the boundary with No. 37 to the northwest, and despite its length, I consider that the proposal is set far enough off that boundary to not result in any significant sense of enclosure or overshadowing compared to the previously approved scheme(s). Only one window is proposed at upper floor level, and this would be in the northwest (side) elevation facing No. 37, serving a proposed bathroom. A condition has been recommended so that it would be fitted with obscure glazing and fixed shut to protect the residential amenity of the adjacent occupiers.
- 8.27 Environmental Health have requested a condition limiting the hours of operation during construction to mitigate these impacts to an acceptable level upon the residential amenity of neighbouring occupiers. I have added this to my recommendation.
- 8.28 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12 and 4/13.

### **Refuse Arrangements**

- 8.29 The application makes provision for 3no. waste storage (wheelie bins) for each dwelling proposed. This is considered to be a fully acceptable location for these storage areas, and no adverse comment in this regard has been made by the Environmental Health section. Therefore, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.



## **Highway Safety**

- 8.30 Both the type of access (a shared surface) and its width, location and general layout within the plot remain consistent with the previously approved scheme. The Local Highway Authority have been consulted as part of the application process, and other than suggesting a number of standard informatives, have raised no specific objections or concerns, other than that the footway crossing and verge must comply with their specification for such works, not those that form part of this application. Given that it is considered reasonable and necessary to secure such provision via a planning condition, I do not consider that there is a such a significant or adverse potential impact upon highway safety, such as to warrant refusal on those grounds.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.32 The provision of bicycle and car parking is very similar to the previously approved scheme, ref 07/0598/FUL. The proposed double garages for each property satisfy the requirements for car parking, with the courtyard areas to the front of the bungalows providing an additional space for visitors.
- 8.33 Each garage indicates secure storage for two cycles, which is broadly compliant with the requirements for cycle storage.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 8/6 and 8/10.

## **Third Party Representations**

- 8.35 I am of the opinion that the majority of the issues raised by third party representations have been fully considered in the text above. The one area where I retain doubts about the proposal is the issue of the siting of the two garages for plots 2 and 3. While I understand the wish of the applicant to have them sited close to the flank boundary and I am content that they will not cause an amenity problem in terms of overlooking or overshadowing or loss of light in those positions I have greater concern about the siting in relation to trees outside the site and

the potential implications for the roots of trees on neighbouring properties. However, subject to another condition to require the siting to be agreed with the council I think this matter can be adequately safeguarded. I Subject to conditions relating to boundary treatments I consider that the comments raised regarding the neighbouring hedges can be sufficiently addressed.

### **Planning Obligation Strategy**

8.36 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.

8.37 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. The proposed development triggers the requirement for the following community infrastructure:

#### **Open Space**

8.38 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.

8.39 The application proposes the erection of 1 four-bedroom houses, and 2 four-bedroom bungalows. One residential unit would be removed, so the net total of additional residential units is one. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
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	3	2142
<b>Total</b>					<b>2142</b>

<b>Indoor sports facilities</b>					
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	3	2421
<b>Total</b>					<b>2421</b>

<b>Informal open space</b>					
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	3	2178
<b>Total</b>					<b>2178</b>

<b>Provision for children and teenagers</b>					
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	3	2884
<b>Total</b>					<b>2884</b>

8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

#### Community Development

8.41 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:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882		
4-bed	1882	2	3764
<b>Total</b>			<b>3764</b>

8.42 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Waste

8.43 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:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	3	150
Flat	150		
<b>Total</b>			<b>150</b>

8.44 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

## **Planning Obligation - Conclusion**

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

## **10.0 RECOMMENDATION**

### **1. APPROVE subject to the satisfactory completion of the s106 agreement by 31 May 2010 and subject to the following conditions:**

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

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

2. 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 and that this aspect of the development is delivered in a sustainable manner. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

4. 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

5. The building shall not be occupied until the area identified on the approved plans for car parking has been drained and surfaced in accordance with details submitted to and approved by the local planning authority in writing and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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)

6. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been submitted to and approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the satisfactory implementation of tree planting in the interests of visual amenity. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/7, 3/11, and 4/4)

7. Prior to the commencement of development, details of the method of all hardstanding and drive construction on site, as well as details of the foundation construction of the dwellings and garages hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such details shall take into account the Root Protection Areas (as defined by BS5837:2005 Trees in relation to construction : clause 5) of the trees on site, as well as the conifers in the rear gardens of 41 Shelford Road and 2 The Brambles whose roots systems are likely to extend into the property. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory protection of the existing trees in the interests of visual amenity, and to minimise any future impacts upon the new dwellings due to the proximity to those trees. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/7, 3/11, and 4/4)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the two bungalows hereby permitted (plots 2 and 3) may not contain any habitable accommodation above ground floor level in the roof space.

Reason: To protect the amenity of adjoining residential occupiers. (Cambridge Local Plan 2006 policies 3/10 and 3/12)



9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be constructed in the upper floor levels or roofslopes of the bungalows or replacement dwelling hereby permitted.

Reason: To protect the amenity of adjoining residential occupiers. (Cambridge Local Plan 2006 policies 3/10 and 3/12)

10. Notwithstanding the approved plans, full details of the footway and verge crossing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved plans.

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

11. No demolition or 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 safeguard the amenity of neighbouring residents in accordance with the requirements of Cambridge Local Plan 2006 policy 4/13

12. 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 thereafter be maintained unless alternative arrangements are agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and in accordance with the requirements of Cambridge Local Plan 2006 policy 4/13.

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

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

14. Part A

Prior to the commencement of refurbishment/ development works a noise report prepared in accordance with the provisions of PPG 24 'Planning and Noise,' that considers the impact of noise on the Shelford Road façades upon the proposed development shall be submitted in writing for consideration by the local planning authority

#### Part B

Following the submission of a PPG 24 noise report and prior to the commencement of refurbishment/ development works, a noise insulation scheme having regard to acoustic ventilation, (complying with the background, purge and summer cooling requirements of Approved Document F), 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 as a result of the proximity of the bedrooms/living rooms to the high ambient noise levels on the Shelford Road façades (dominated by traffic and vehicle noise), 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.' 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 safeguard the amenity of neighbouring properties in accordance with the requirements of Cambridge Local Plan 2006 policy 4/13.

15. Notwithstanding the position of the proposed garages for plots 2 and 3 shown on the submitted drawings, that siting is not agreed and the development of the garages for the two bungalows to the rear of the plot may not proceed without the prior written agreement of the Local Planning Authority regarding the siting of the said garages, their proposed foundations and a report on the implications of the foundations for nearby trees.

Reason: To safeguard the nearby trees outside the site (Cambridge Local Plan 2006 policy 4/4).

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

**INFORMATIVE:** The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

**INFORMATIVE:** The developer should contact the Highway Authority, or it's Agent, to arrange construction of any works within, or disturbance of, or interference with, the Public Highway, and that all costs associated with such works shall be borne by the Developer; and an informative to the effect that the Developer will neither be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connexion; and an informative to the effect that no window nor door will be allowed to open over a highway, and no foundation nor footing for the structure will be allowed to encroach under the Public Highway.

## Reasons for Approval

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

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

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

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

**2. Unless prior agreement has been obtained from the Head of Development Services, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31 December 2010 it is recommended that the application be refused for the following reason**

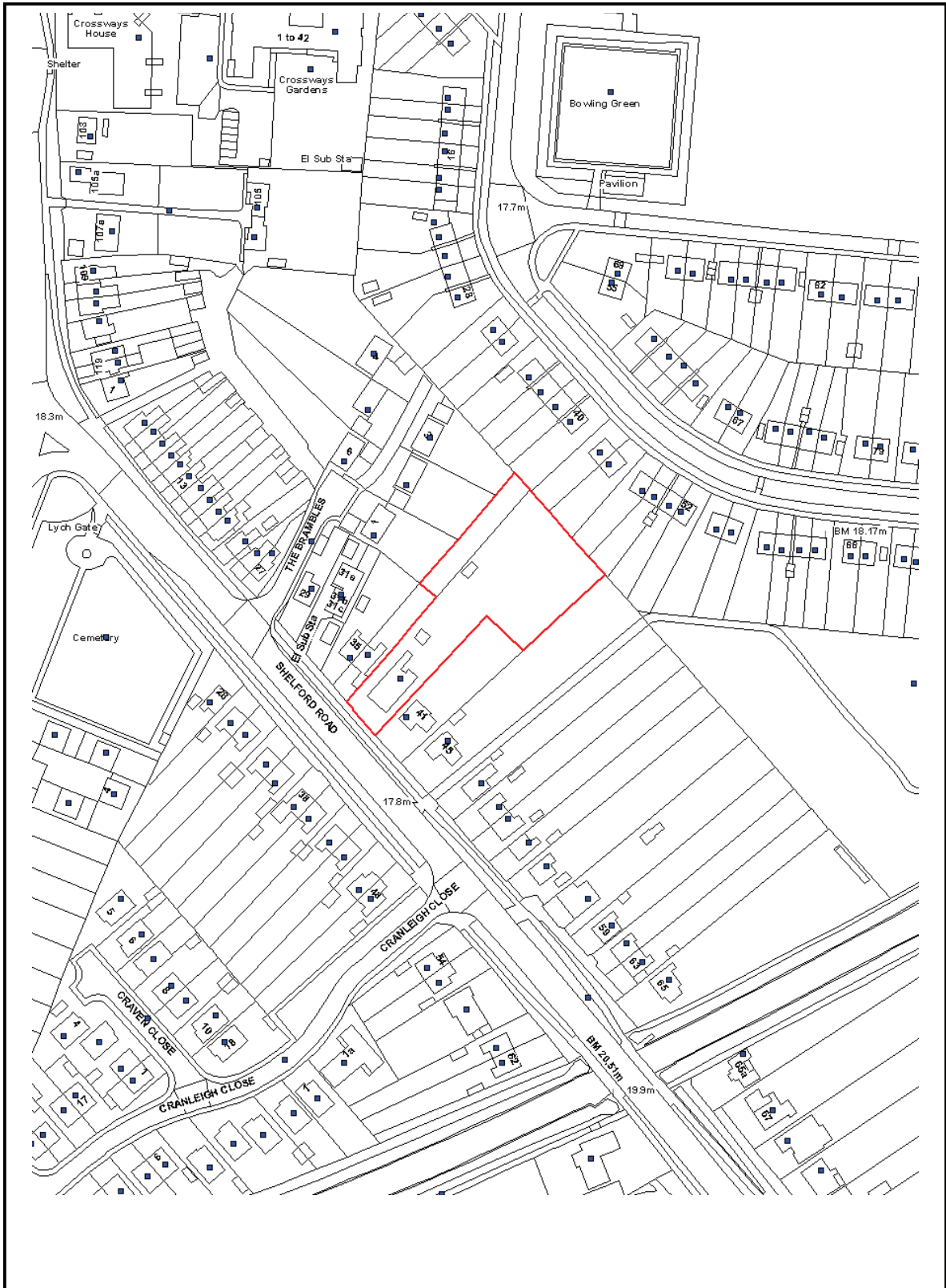
The proposed development does not make appropriate provision for indoor and outdoor sports facilities, informal open space and provision for children and teenagers, community facilities and waste and recycling containers in accordance with policies 3/8, 5/14, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



**10/0561/FUL**  
**39 Shelford Road Cambridge Cambridgeshire CB2 9LZ**