



EAST AREA COMMITTEE



AGENDA

To: City Councillors: Blencowe (Chair), Owers (Vice-Chair), Benstead, Brown, Hart, Herbert, Johnson, Marchant-Daisley, Moghadas, Pogonowski, Saunders and Smart

County Councillors: Bourke, Harrison, Sadiq and Sedgwick-Jell

Dispatched: Wednesday, 6 February 2013

Date: Thursday, 14 February 2013

Time: 7.00 pm

Venue: Dublin Suite - Cambridge United Football Club, R Costings Abbey Stadium, Newmarket Road, Cambridge, CB5 8LN

Contact: James Goddard

Direct Dial: 01223 457013

Exhibition Item

Please note that East Area Committee will not be discussing the Local Plan Exhibition as an agenda item. It will be a display / consultation item only

1 LOCAL PLAN EXHIBITION

An exhibition will be held prior to the start of the East Area Committee, which is open to members of the public and Councillors. The exhibition will be held between 5pm and 7pm, in the Dublin Suite at Cambridge United Football Club on Newmarket Road. The exhibition focuses on the next stage in preparing the new Local Plan, the Issues and Options 2 consultation, which is running from 7 January to 18 February 2013. The document is split into two parts.

Part one, 'Joint Consultation of Development Strategy and Site Options on the Edge of Cambridge', produced in partnership with South Cambridgeshire District Council, includes potential sites that could be

allocated for residential, employment or other uses in the Local Plan. It also includes site options for a community stadium. It builds upon the Issues and Options consultations that the councils have already undertaken and provides background information in relation to the housing and employment needs for the area as a whole, as well as outlining what that means for the future development strategy.

Part two, 'Site Options within Cambridge', includes sites options within the urban area for a range of uses, new residential car parking standards, cycle parking standards, residential space standards, and site designations which we would also like your views on. The site allocations focus on strategic sites that are considered central to the achievement of the development strategy for Cambridge, for example achievement of housing requirements or land for employment development. The designations include areas of protection, such as protected open space, and land-use designations such as local and district centres.

More information on the Local Plan Issues and Options consultation can be found on our webpage:

<http://www.cambridge.gov.uk/options2>

Main Agenda Items

2 APOLOGIES FOR ABSENCE

3 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**.

Minutes And Matters Arising

4 MINUTES *(Pages 1 - 12)*

To confirm the minutes of the meeting held on 10 January 2013. *(Pages 1 - 12)*

5 MATTERS & ACTIONS ARISING FROM THE MINUTES

Reference will be made to the Committee Action Sheet available under the 'Matters & Actions Arising From The Minutes' section of the previous

meeting agenda.

General agenda information can be accessed using the following hyperlink:

<http://democracy.cambridge.gov.uk/ieListMeetings.aspx?CommitteeId=147>

Open Forum: Turn Up And Have Your Say About Non-Agenda Items

6 OPEN FORUM

Refer to the 'Information for the Public' section for rules on speaking.

Planning Items

7 PLANNING APPLICATIONS *(Pages 13 - 22)*

The applications for planning permission listed below require determination. A report is attached with a plan showing the location of the relevant site. Detailed plans relating to the applications will be displayed at the meeting.
(Pages 13 - 22)

7a 12/1565/FUL- 1 Brothers Place *(Pages 23 - 38)*

7b 12/1558/FUL - Ryedale House, 40 Cambridge Place *(Pages 39 - 72)*

7c 12/1476/FUL - 30 Derwent Close *(Pages 73 - 92)*

7d 12/1621/FUL - 117 Vinery Road *(Pages 93 - 120)*

General Items

8 **12/0490/FUL - 25 CAMBRIDGE PLACE** *(Pages 121 - 130)*

The East Area Committee agenda is usually in the following order:

- Open Forum for public contributions
- Delegated decisions and issues that are of public concern, including further public contributions
- Planning Applications

Meeting Information

Open Forum

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.

Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

Members of the public who want to speak about an application on the agenda for this meeting may do so, if they have submitted a written representation within the consultation period relating to the application and notified the Committee Manager that they wish to speak by **12.00 noon on the working day before** the meeting.

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

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

Further information is also available online at

<http://www.cambridge.gov.uk/public/docs/Having%20your%20say%20at%20meetings.pdf>

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

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

Representations on Planning Applications

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

Submission of late information after the officer's report has been published is to be avoided. A written representation submitted to the Environment Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report.

Any public representation received by the Department after 12 noon two working days before the relevant Committee meeting (e.g. by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

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

Filming, recording and photography

The Council is committed to being open and transparent in the way it conducts its decision-making. Recording is permitted at council meetings, which are open to the

public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

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

www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203.

Fire Alarm

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

Facilities for disabled people

Level access is available at all Area Committee Venues.

A loop system is available on request.

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

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

Queries on reports

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

General Information

Information regarding committees, councilors and the democratic process is available at www.cambridge.gov.uk/democracy.

EAST AREA COMMITTEE

10 January 2013

7.10 - 8.55 pm

Present

Area Committee Members: Councillors Blencowe (Chair), Owers (Vice-Chair), Benstead, Brown, Hart, Herbert, Johnson, Marchant-Daisley, Moghadas, Pogonowski, Saunders and Smart

Area Committee Members: County Councillors Bourke and Sadiq

Councillors Pogonowski and Sadiq left after the vote on item 13/7/EAC

Officers:

Head of Community Development: Trevor Woollams

Principal Planning Officer: Tony Collins

Planning Officer: Amit Patel

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL**13/1/EAC Apologies For Absence**

Apologies were received from Councillor Sedgwick-Jell.

13/2/EAC Declarations Of Interest

Name	Item	Interest
Councillor Smart	13/6/EAC	Personal and prejudicial: Had given the go-ahead to housing listed in the Officer's report (housing scheme on the green off Stanesfield Road) as Executive Councillor for Housing. Withdrew from discussion on scout hut and did not vote on this decision
Councillor Brown	13/10/EACa	Personal: Director of Ravensworth Gardens Residents Association Ltd, an organisation that administers the

		car park opposite 142 Tenison Road.
Councillor Brown	13/10/EACa	Personal: Ravensworth Gardens Ltd car park leaseholder.

13/3/EAC Minutes

The minutes of the 29 November 2012 meeting were approved and signed as a correct record subject to the following amendments:

- (i) 12/62/EAC Declarations Of Interest: Councillor Herbert made a personal declaration of interest that he lived near both the Coleridge stops recommended for priority under 12/70/EAC New and Replacement Bus Shelter Programme.
- (ii) 12/66/EAC Open Forum: The Minutes stated "Dr Eva asked if cycle parking could be provided at all civic venues by 2013. This would encourage alternative transport methods to cars, and could help promote a healthier lifestyle. Dr Eva said he had originally raised this query at EAC 25 June 2012".

Text revised to say: "Dr Eva pointed out that there are currently no secure cycle stands at the River Lane Centre, pointed out how unsatisfactory this situation was given that the River Lane Centre is used as a Polling Station, and pointed out that he had raised this issue at the EAC of 25 June 2012 and had not had a satisfactory response. He then went on to say that he would like to see the EAC be ambitious in its provision of secure cycle stands.

Dr Eva suggested "The East Area Committee resolves that for buildings where there exists a community or civic interest we will ensure that all such buildings are made cycle-friendly by providing an adequate provision of free and safe cycle stands by December 2013".

Following discussion the following resolution was adopted instead:

The East Area Committee resolves that for buildings where there exists a community or civic interest we would strive to ensure that all such buildings are made cycle-friendly by providing an adequate provision of free and safe cycle stands by December 2013".

13/4/EAC Matters & Actions Arising From The Minutes

- (i) **12/66/EAC Open Forum “Action Point: Councilor Bourke to liaise with County Council Officers regarding measures to prevent waiting / loading / unloading vehicles on the footway of Mill Road. Also the issue of drop kerbs being parked on by heavy vehicles, which leads to damage.**

Councillors Blencowe and Smart to confirm if a loading ban is in place to restrict loading times in Mill Road.”

Councillors Bourke and Smart have been advised by the Highways Agency that a waiting / loading / unloading ban exists during peak traffic hours in Mill Road.

A response regarding the loading ban question was sent to Mr Wood (the questioner) and all members of the East Area Committee (EAC).

- (ii) **12/66/EAC Open Forum “Action Point: Councillor Smart to liaise with colleagues concerning the provision of cycle parking for civic buildings in future.”**

Councillor Smart said she had talked to Councillors Ward and Smith. Councillor Ward noted the request for cycle provision at Riverside, but observed the property was not owned by the Council.

Councillor Smith has reportedly agreed to add cycle rack provision to the list of criteria for choosing polling stations in the city centre, but fringe sites were a lower priority. Cycle rack provision would be one of a number of criteria and wouldn't be the deciding factor.

Councillor Johnson had liaised with Officers regarding cycle parking provision. He spoke with Clare Rankin (Cycling & Walking Officer) and Adele Dant from the Cambridge Housing Society (the organisation that owns the River Centre) regarding River Centre bike racks. Cambridge Housing Society will check land ownership of potential sites then look at funding sources and conditions.

Dr Eva met Councillor Johnson post 29 November 2012 to discuss suggestions.

- (iii) **12/66/EAC Open Forum “Action Point: Councilor Blencowe to ask City Council Chief Executive to invite Police and Crime**

Commissioner to meet Councillors and members of the public to discuss police priorities. Councillor Bick to be asked to follow up the issue through Scrutiny Committee if an open forum is not possible.”

Councilor Blencowe had suggested at the Area Chairs meeting that this be taken forward as an all-member briefing. The Safer Communities Section Manager and Councilor Bick proposed to meet the Police and Crime Commissioner on 10 January 2013 to discuss arrangements. The Police and Crime Commissioner attended West Area Committee on 10 January.

- (iv) **12/67/EAC Policing and Safer Neighbourhoods “Action Point: Councilor Blencowe to ask City Council Street Scene Officers to clarify needle drop figures in 29 November 2012 Officer report.”**

Ross Lewis (Service Delivery Support Officer) has confirmed needle drop figures reported at 29 November East Area Committee were correct.

- (v) **12/67/EAC Policing and Safer Neighbourhoods “Action Point: Lynda Kilkelly (Safer Communities Section Manager) to write a press release to raise public awareness of ‘Review of Street Based Anti-Social Behaviour’ report; and meeting between Safer Communities Officers, Councillors and stakeholders in January 2013.”**

Anti-social behaviour workshops are proposed for February and March 2013. Issues could also be raised in East Area Committee policing and safer neighbourhood agenda items.

- (vi) **12/68/EAC Devolved Decision-Making and Developer Contributions “Action Point: East Area Committee to ask the Executive Councillor for Arts, Sport and Public Places to supplement the East Area’s devolved funding for play provision with some city-wide funding in the event that the updated financial analysis in January 2013 does not identify an increase in funding available to the Area for this contribution type.”**

To be covered at a future East Area Committee.

- (vii) **12/68/EAC Devolved Decision-Making and Developer Contributions “Action Point: Trevor Woollams (Head of Community Development) to undertake an assessment of Cherry Trees Day Centre funding bid.”**

Project being considered at 10 January 2013 East Area Committee.

- (viii) **12/68/EAC Devolved Decision-Making and Developer Contributions “Action Point: Tim Wetherfield (Urban Growth Project Manager) to liaise post meeting with Councillor Blencowe regarding initial assessment of feasibility of projects identified as eligible for s106 funding in Appendix D of Officer’s report.**

Initial assessment on the feasibility of the identified S106 projects to be brought to March EAC meeting.”

To be covered at a future East Area Committee.

13/5/EAC Open Forum

- 1. Mr Brigham referred to the impact of changes to the nature reserve, cattle grazing, fencing and play area in the vicinity of Coldham’s Common; and the impact of these on the Common. Mr Brigham felt the piecemeal work demonstrated an absence of a management / conservation plan for the whole common.**

EAC supported Mr Brigham’s concerns and expressed support for a management plan for Coldham’s Common. It was suggested a management plan existed, but may need renewal.

Members of the public and EAC felt Coldham’s Common plus Stourbridge Common were attractive because of their ‘wild’ feel; achieved by not over managing the commons.

Members of the public and EAC felt Coldham’s Common and Stourbridge Common were important open spaces. Support was expressed for Friends of Coldham’s Common and Friends of Stourbridge Common as bodies to preserve the characters of the commons and aid management.

Members of the public felt Coldham's Common had too many boundaries between the Common, nature reserve and play areas. Boundaries in place were unsatisfactory and should be more in keeping with the character of different parts, particularly if more housing was proposed for the surrounding area. A holistic management plan would help manage the Common. Natural wooden materials for play equipment and fences would also be welcome.

Councillor Johnson observed a consultation was in progress regarding Coldham's Common and the play area on it.

Action Point: Councillor Moghadas and Alistair Wilson (Streets and Open Spaces Asset Manager) to enquire status of Coldham's Common Management Plan (ie if one exists) and if a new one is required to be produced.

Action Point: Councillor Moghadas to advise stakeholders of Management Plan status.

- 2. Dr Eva referred to environmental improvements along the entire length of Riverside between Stourbridge and Midsummer Commons. These were referred to East Area Committee 15 December 2011. Dr Eva asked for a progress update, specifically concerning houseboat moorings and land ownership issues affecting these.**

Councillor Pogonowski has spoken to the Streets and Open Spaces Asset Manager plus Andrew Preston (Project Delivery & Environment Manager). A mooring consultation will occur in January 2013. Environmental improvement work is expected to be undertaken after this, probably by summer 2013.

Councillor Blencowe said the land ownership issue had now been resolved.

- 3. Mr Green referred to concerns expressed by EAC and members of the public at previous meetings regarding anti-social behaviour linked to the sale of alcohol on Norfolk Street. He asked for EAC's comments on the Licensing Sub Committee's decision of 7 January 2013 to suspend rather than revoke the licence for Norfolk Street Newsagents (News & More), 92 Norfolk Street.**

Councillor Owers and Saunders sat on the Licensing Sub Committee and said a range of options were considered. The Sub Committee received conflicting testimony from the Police, witnesses and 39 representations on the merit of the licensee. The Sub Committee imposed 21 conditions and a one-month suspension of alcohol sales to break the habit of street drinkers going to the shop to buy alcohol.

Many representations supported the licensee selling alcohol, so the Sub Committee imposed licence conditions and a suspension instead of revoking the licence, in response to concerns regarding the reported sale of alcohol to the intoxicated.

The Police would continue to monitor the Norfolk Street situation.

Councillor Brown had made a representation in support of the Police asking for a licence review. Councillor Brown also endorsed the Sub Committee's decision to support a popular local business and discourage street drinking. There was an option to review the licence again in future if required.

Councillor Marchant-Daisley said the review of 92 Norfolk Street was the first in the City for some time. Stringent conditions were imposed which served as a warning to licensees in general.

13/6/EAC East Area Capital Grants Programme

The Committee received a report from the Head of Community Development regarding the East Area Capital Grants Programme.

The report outlined an update of the East Area Capital Grants Programme. It set out project proposals regarding a new community facility on land off of Stanesfield Road, plus community facilities at the Cherry Trees Centre in St. Matthew's Street.

In response to Members' questions the Head of Community Development confirmed the following:

- (i) The new scout hut proposed in the application would be a welcome asset. One third of the land on-site would remain as open space. The rest of the site would contain around 9 new homes.

- (ii) The lease will set out conditions obliging the Scouts to hire out the premises to other groups.

Action Point: Head of Community Development to ask Planning / Housing Officer to advise Councillor Sadiq of planning application details regarding housing scheme on the land off Stanesfield Road.

The Chair decided that the recommendations highlighted in the Officer's report should be voted on and recorded separately:

The Committee **resolved by 11 votes to 0 with 1 abstention:**

- (i) To recommend to the Executive Councillor for Community Development and Health that a contribution of £100,000 towards a new community facility at Stanesfield Road, be approved from the East Area Capital Grants Programme.

Councillor Smart withdrew from the discussion for this item once it touched upon the housing scheme on the land off Stanesfield Road and did not participate in the decision making.

The Committee **resolved unanimously:**

- (ii) To recommend to the Executive Councillor for Community Development and Health that an award of £36,598 be made from the East Area Capital Grants Programme towards a grant to Age UK for improvements to the Cherry Trees Centre.
- (iii) To recommend to the Executive Councillor for Community Development and Health that he makes a further award to Age UK towards the improvements to the Cherry Trees Centre from the central developer contributions budget so that the total grant to Age UK will be £80,500.

13/7/EAC Meeting Dates 2013/14

The Committee discussed future arrangements and agreed to continue with the 6 week meeting cycle.

The Committee made the following comments in response to the report:

- (i) Suggested avoiding 14 February for future meetings where possible
- (ii) Suggested 5 September 2013 as an alternative to the indicative 29 August date, so only one meeting would be held in the summer holiday period.
- (iii) Suggested 9 January 2014 as an alternative to the indicative 8 January.

Meeting dates for 2013 / 2014 were agreed as follows:

6 June 2013, 25 July 2013, 5 September 2013, 17 October 2013, 28 November 2013, 9 January 2014, 27 February 2014 and 10 April 2014.

13/8/EAC East of England Plan

The Principal Planning Officer informed the Committee that the East of England Plan had been revoked, so references to it in planning reports should be ignored.

13/9/EAC Planning Applications

13/9/EACa 12/1395/FUL 19A Sturton Street

The Committee received an application for change of use.

The application sought approval for change of use of first floor premises (with separate ground floor entrance) from Class B1 business use to Class D1 (non-residential institutions) use and then back to Class B1 business (in the alternative) for use as consulting rooms to see clients by appointment only on a one by one basis.

The Committee:

Resolved (unanimously) to accept the officer recommendation to approve planning permission as per the agenda.

Reasons for Approval

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/11, 5/11, 5/12, 7/3 and 8/2
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.
3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

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

13/9/EACb 12/1169/FUL 2 Montreal Road

The Committee received an application for full planning permission.

The application sought approval for the demolition and rebuild of two flats.

The Chair said that he, the Principal Planning Officer and (application) Planning Officer had received a further representation via email in objection to the application from Ms Stiles. As the representation was received immediately prior to the Committee, and after the accepted deadline for late representations, it was not circulated to the Committee.

The Committee:

Resolved (unanimously) to accept the officer recommendation to approve planning permission as per the agenda.

Reasons for Approval

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

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

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.
3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

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

13/9/EACc 12/1203/FUL 5 Montreal Road

The application was withdrawn and therefore the Planning Officer recommended removing the item from the meeting agenda.

The Committee agreed not to consider the application.

13/10/EAC Enforcement Item

13/10/EACa 142 Tenison Road

The Committee received a report requesting authorisation to take formal enforcement action.

The report sought authority to serve an Enforcement Notice to address a breach of planning control, namely the unauthorised use of a House in Multiple Occupation as C1 hotel accommodation.

Site: 142 Tenison Road, Cambridge.

Breach: Unauthorised change of use of a House in Multiple Occupation (sui generis).

The Principal Planning Officer brought the report up to date by advising EAC that the Applicant had lodged an appeal with the Planning Inspector regarding the certificate of lawful use. The Principal Planning Officer suggested amending the recommendation so that enforcement action was not taken during the appeal process.

Councillor Herbert proposed an amendment to the Officer's recommendation that the period for compliance should be changed from 6 to 3 months from the date the notice comes into effect.

This amendment was **carried by 6 votes to 5**.

The Committee:

Resolved (unanimously) to accept the officer recommendation with amended 3 month compliance period that the Head of Legal Services be authorised to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act 1990 (as amended), for Material Change of Use from a C3 dwellinghouse to C1 hotel accommodation. Currently, it is expected that the enforcement notice would contain the wording set out in paragraphs 5.2 to 5.4 of this report (with such amendments as may later be requested by the Head of Legal Services).

The meeting ended at 8.55 pm

CHAIR

APPENDIX 1 – DEVELOPMENT PLAN POLICY, PLANNING GUIDANCE AND MATERIAL CONSIDERATIONS

1.0 Central Government Advice

1.1 National Planning Policy Framework (March 2012) – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

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

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

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

(b) directly related to the development; and

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

2.0 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

3.0 Cambridge Local Plan 2006

3/1 Sustainable development

3/3 Setting of the City

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/9 Watercourses and other bodies of water

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

3/13 Tall buildings and the skyline

3/14 Extending buildings

3/15 Shopfronts and signage

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

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

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

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

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

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

10/1 Infrastructure improvements

Planning Obligation Related Policies

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

4.0 **Supplementary Planning Documents**

- 4.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.
- 4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 4.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 4.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 4.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

- 4.6 **Old Press/Mill Lane Supplementary Planning Document (January 2010)** Guidance on the redevelopment of the Old Press/Mill Lane site.

Eastern Gate Supplementary Planning Document (October 2011)

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

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

5.0 **Material Considerations**

Central Government Guidance

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

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

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

Includes the following statement:

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

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

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

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

5.3 City Wide Guidance

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

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

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

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

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

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

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

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

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

Cambridge City Council (2011) - Open Space and Recreation

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

The strategy:

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

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

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

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

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

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

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

Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012) - sets out in more detail how existing council policy can

be applied to proposals for tall buildings or those of significant massing in the city.

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

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

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

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

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

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

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

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

5.6 Area Guidelines

Cambridge City Council (2003)–Northern Corridor Area Transport Plan:

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

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

Cambridge City Council (2003)–Western Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual

development sites in the area should contribute towards a fulfilment of that transport infrastructure.

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

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

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

Jesus Green Conservation Plan (1998)
Parkers Piece Conservation Plan (2001)
Sheeps Green/Coe Fen Conservation Plan (2001)
Christs Pieces/New Square Conservation Plan (2001)

Historic open space guidance.

Hills Road Suburbs and Approaches Study (March 2012)
Long Road Suburbs and Approaches Study (March 2012)
Barton Road Suburbs and Approaches Study (March 2009)
Huntingdon Road Suburbs and Approaches Study (March 2009)
Madingley Road Suburbs and Approaches Study (March 2009)
Newmarket Road Suburbs and Approaches Study (October 2011)

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

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

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

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

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

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

EAST AREA COMMITTEE

Date: 14th February 2013

Application Number	12/1565/FUL	Agenda Item	
Date Received	11th December 2012	Officer	Mr John Evans
Target Date	5th February 2013		
Ward	Coleridge		
Site	1 Brothers Place Cambridge Cambridgeshire CB1 8BN		
Proposal Applicant	Dwellinghouse. Mr V Pascuzzi 395 Cherry Hinton Road Cambridge CB1 8DB		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The garden plot is suitable for subdivision. 2. No harm to the character and appearance of the existing terrace. 3. No adverse impact on the amenities of neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the northern side of Brothers Place and is formed from the side and rear garden of number 1 Brothers Place. To the east of the site is a communal access passage serving the terraced residential properties along Derwent Close.

- 1.2 The site is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 Permission is sought for the erection of a new two bedroom terraced dwelling house. The proposed dwelling is subservient to the main terrace giving the appearance of a 2 storey extension. The eaves level is set 1.2m below the main eaves of the terrace. The new dwelling has a width of 4.4m.
- 2.2 The proposed new terrace will be served with a rectangular rear garden area with a cycle and refuse store.
- 2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

No history.

4.0 PUBLICITY

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

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies,

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9

Cambridge Local Plan 2006	3/4 3/7 3/10 3/11 3/12 3/13 3/14 4/13 5/1 8/2 8/6 10/1
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Open Space and Recreation Strategy

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

6.1 The Highway Authority has no comment to make on this application.

Head of Environmental Services

6.2 No objections, land contamination condition required.

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

7.0 REPRESENTATIONS

7.1 Councillor Owers has commented on the application. I have set out his comments below:

I would like to call this into committee, in the event that you are minded to recommend approval.

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

55 Derwent Close
57 Derwent Close
59 Derwent Close

7.3 The representations can be summarised as follows:

Amenity

- Impact upon privacy of number 55 Derwent Close and encroach upon garden area.
- The new dwelling takes access from the private access track. This is not a right of Way.
- Permission will not be granted to use the access.

Parking

- Insufficient car parking in Brothers Place.

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 additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained within the National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

8.3 The NPPF declassifies garden land from the definition of brownfield land and such sites are no longer included within the Authority's five year housing land supply. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remain acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value gardens contribute to the City.

8.4 In principle, policy 3/10, allows for proposals involving the subdivision of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be

permitted however if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.

- 8.5 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the subdivision of the plot will not detract from the open character of the area. The principle of the development is acceptable and in accordance with Cambridge Local Plan 2006 policies 3/10 and 5/1.

Context of site, design and external spaces

- 8.6 The key design issue is the design and appearance of the dwelling in relation to the existing terrace and the surrounding context.
- 8.7 The garden plot to be subdivided is double the size of the adjoining terraces and can comfortably accommodate a new dwelling. The new curtilage which will be created will replicate the existing pattern of plots, which demonstrates that the development responds positively to the constraints of the site.
- 8.8 The subservient design of the terrace extension is logical, and will not detract from the character and appearance of the street scene. Suitable matching brickwork will ensure the extension complements the main terrace.
- 8.9 The plot lends itself to subdivision and will not be erosive to the open character of the area, and in my opinion is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The proposed new terrace will be visible from the rear garden of number 55 Derwent Close. Given the overall length of the garden of number 55 the new terrace will only impact on the

end section of the garden. I do not consider the visual impact so harmful as to justify refusal.

8.11 The car parking space serving the proposed new dwelling will not cause undue disturbance to the donor property, number 1 Brothers Place.

8.12 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 3/12.

Amenity for future occupiers of the site

8.13 The proposed house has a garden of comparable size to the adjoining terraces in Brothers Place. In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

8.14 The scheme integrates a refuse store in the rear garden. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

8.15 The proposed development provides one car parking space which accords with the Council's maximum standards.

8.16 Cycle parking is provided in a rear outbuilding. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.17 The representations received have been covered in the above report. The following issue has been raised:

The new dwelling takes access from the private access track. This is not a right of Way. Permission will not be granted to use the access.

The garden of the proposed house can be linked to the existing accessway. The right of future occupiers to use the access is a legal matter. Should access be denied through a private covenant, adequate refuse and cycle parking could be provided to the front of the proposed house.

Planning Obligation Strategy

Planning Obligations

- 8.18 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.

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

Open Space

- 8.19 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.

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £

studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
Total					476

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
Total					538

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	1	484
3-bed	3	242	726		
4-bed	4	242	968		
Total					484

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	1	632
3-bed	3	316	948		
4-bed	4	316	1264		
Total					632

8.20 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

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

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	1	1256
3-bed	1882		
4-bed	1882		
Total			1256

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

Waste

8.23 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats,

this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	1	150
Total			150

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

Monitoring

8.25 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

8.26 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 new terraced property will not detract from the character and appearance of the street scene or the amenities of neighbours. APPROVAL is recommended.

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

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

3. Except with the prior written agreement of the local planning authority 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: In the interests of neighbouring amenity, Cambridge Local Plan policy 4/13.

4. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

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

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

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

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

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

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

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

Reason: In the interests of amenity, Cambridge Local Plan 2006 policy 4/13.

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

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

Reasons for Approval

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

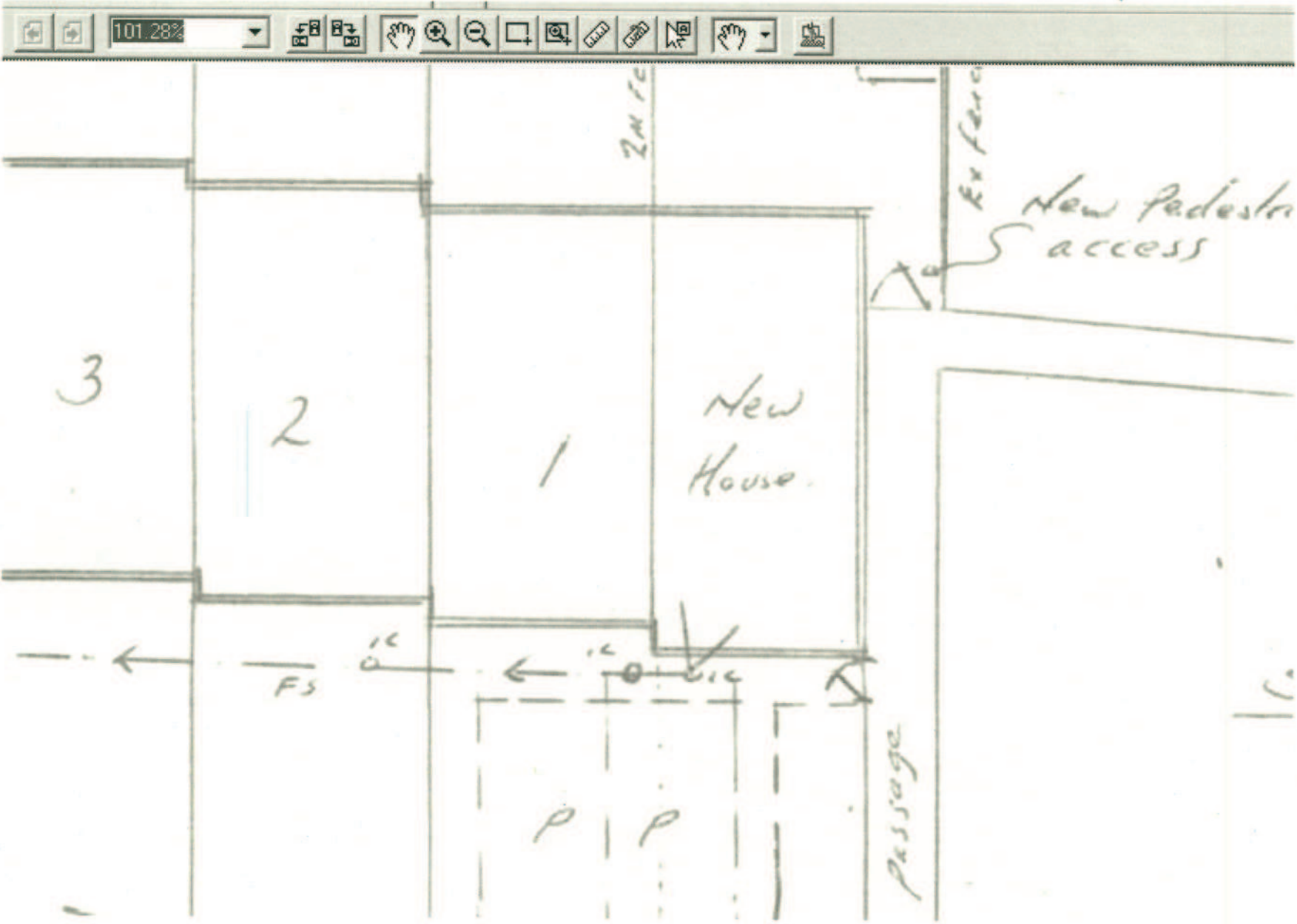
Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8

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

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.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

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

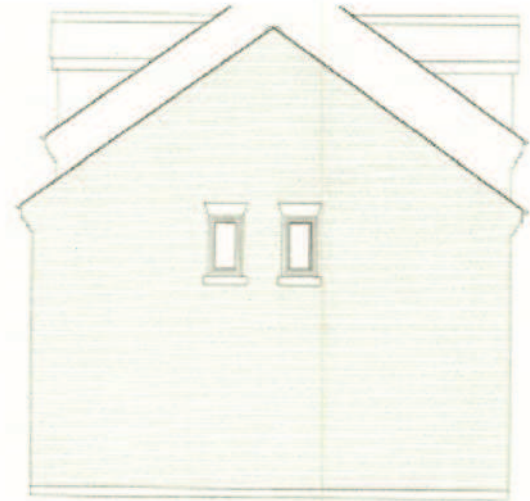




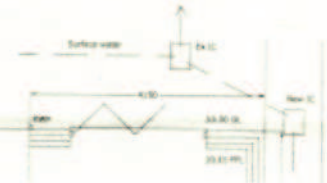
Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation



Application Number	12/1558/FUL	Agenda Item	
Date Received	10th December 2012	Officer	Ms Lorna Gilbert
Target Date	4th February 2013		
Ward	Petersfield		
Site	Ryedale House 40 Cambridge Place Cambridge Cambridgeshire CB2 1NS		
Proposal	Conversion of existing buildings to form 4no 1 bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear.		
Applicant	Ryedale House 40 Cambridge Place Cambridge Cambridgeshire CB2 1NS		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1) The principle of converting the building into residential use is considered acceptable. 2) The use of the premises for residential purposes would not adversely harm the amenities of neighbouring properties. 3) The scheme provides adequate refuse and bicycle parking provision.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 40 Cambridge Place is a building, which was most recently in commercial use, which is attached to another commercial building. The building is two storeys in height, where it abuts the neighbouring building, dropping down to a single storey in height. The building has an asymmetrical roof, with a dormer

on the south-western side. Cambridge Place is mixed in character, with commercial and residential uses. The site lies within City of Cambridge Conservation Area 1 (Central).

- 1.2 The building is being used as a warehouse/store for architectural ironmongery.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought to change the use of the building to residential to provide four one-bedroom flats. The dormer window to the side would be extended and part of the building, at the rear, would be demolished. Refuse and cycle storage would be provided at the rear of the building.

- 2.2 New first floor window openings would be formed on the north elevation.

- 2.3 The current planning application follows on from a similar planning application reference 12/0260/FUL for the conversion of the building to form 4no 1bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear. This was refused at committee for two reasons. One of these was because proposed development did not make appropriate financial contributions and the other was:

- In the absence of a noise report to demonstrate the impact of the noise generated by the adjacent use, Bodyworks Dance Studio, on the living conditions of future occupants and mitigation measures to ensure that internal and external noise environment for future residents will be acceptable in terms of residential amenity, the development is contrary to policies 4/13 and 5/2 of Cambridge Local Plan 2006.

- 2.4 Following concerns expressed by the environmental health team on the present application, amended drawings have been submitted, reconfiguring the flats so that bedrooms are to the rear of the building, with living rooms facing out on to Cambridge Place.

- 2.5 The application is accompanied by the following supporting information:

1. Design and Statement
2. Glazing Acoustic Specification

3.0 SITE HISTORY

Recent history:

Reference	Description	Outcome
12/0260/FUL	Conversion of existing buildings to form 4no 1bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear.	Refused 12.9.12

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/6 3/7 3/14 5/1 5/2 7/3 8/6 8/10 10/1

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework March 2012</p> <p>Circular 11/95</p> <p>Community Infrastructure Levy Regulations 2010</p>
<p>Supplementary Planning Documents</p>	<p>Sustainable Design and Construction</p> <p>Waste Management Design Guide</p> <p>Planning Obligation Strategy</p>
<p>Material Considerations</p>	<p><u>Central Government:</u></p> <p>Letter from Secretary of State for Communities and Local Government (27 May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p>
	<p><u>Citywide:</u></p> <p>Cambridge and Milton Surface Water Management Plan</p> <p>Open Space and Recreation Strategy</p> <p>Balanced and Mixed Communities – A Good Practice Guide</p> <p>Cycle Parking Guide for New Residential Developments</p>
	<p><u>Area Guidelines:</u></p> <p>Conservation Area Appraisal:</p> <p>The New Town and Glisson Road Conservation Area Appraisal</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Removal of a business use would be seen a benefit. Some additional information is required. Location would support car-free development. Conditions and informatives sought. Future residents would not qualify for residents' parking permits.

Cambridge City Council (Environmental Services)

Noise

- 6.2 Further information on noise from the dance studio is required if the application is to proceed with the current layout.

Contaminated Land

- 6.3 The site is currently occupied by a warehouse and is adjacent to a former depot. Contaminated land condition required.

Housing Standards

- 6.4 There should be means for cooling during hot summer weather, either by natural ventilation or by air conditioning. Natural daylight penetration to the rear rooms of all flats could be restricted. To prevent problems with traffic and other outside noise, double, secondary or triple glazing and lobbies to external doors my be necessary. However where double or triple glazing is provided to protect occupiers from noise, there must be adequate alternative provision for ventilation.

Waste Strategy

- 6.5 Content with the distances for residents to take their waste to bins and with the distance for collection staff to move bins.

Cambridge City Council (Conservation Officer)

- 6.6 This application is supported.

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

7.0 REPRESENTATIONS

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

- Cambridge Performing Arts at Bodyworks Company
- 15, 40, 47 Cambridge Place
- (Chair GTARA) 23 Glisson Road
- 19, 21 Glisson Road

- 7.2 The representations objecting can be summarised as follows:

Principle of development

- Not in accordance with the NPPF definition of sustainability.
- Overdevelopment.
- Not family housing.

Amenity of neighbours

- Upwards extension will impact on Glisson Road gardens.
- Loss of privacy.
- Windows overlooking dance studio compromise the safety of the young people.
- Visual domination of Glisson Road gardens.
- Restrict light in dance studio.

Amenity of future occupiers

- Loud music from Bodyworks will cause flat occupants distress.
- Rear courtyards will cause noise to reverberate.
- Screens to dance studio unsatisfactory.
- Living conditions will be dark, airless and noisy.

Car Parking

- Insufficient car parking provision.

Other issues

- Party wall replacement unclear.
- Section 106 obligations will not benefit the new or existing local developments.

7.3 The representations objecting can be summarised as follows:

- In line with the calm tranquil area of Cambridge Place.

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 Policy 7/3 of Local Plan (2006) states that development, including changes of use, that results in loss of floorspace within Use Classes B1(c), B2 and B8 will not be permitted where the site is identified on the Proposals Map as a protected industrial/storage space. Development, including changes of use, that results in a loss of floorspace within Use Classes B1(c), B2 and B8 elsewhere in the City will only be permitted if:

- a) There is sufficient supply of such floorspace in the City to meet the demand and/or vacancy rates are high; and either

- b) The proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or
 - c) The continuation of industrial or storage uses will be harmful to the environment or amenity of the area; or
 - d) The loss of a small proportion of industrial or storage floorspace would facilitate the redevelopment and continuation of industrial and storage use on a greater part of the site; or
 - e) Redevelopment for mixed use or residential development would be more appropriate.
- 8.3 Cambridge Place is a narrow road and is not a suitable street for an industrial or storage business. The road is not ideal for servicing an industrial business as it would be difficult to manoeuvre large vehicles along it. There are a number of residential units along Cambridge Place, which would be disturbed by an industrial use. In my opinion, residential use is a far more appropriate use than industrial.
- 8.4 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. Although there are commercial premises on Cambridge Place, there are residential properties, and it is my opinion that residential use would be compatible with adjoining land uses.
- 8.5 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of non-residential buildings into self-contained dwellings will be permitted except where:
- a) The residential property has a floorspace of less than 110m²;
 - b) The likely impact upon on-street parking would be unacceptable;
 - c) The living accommodation provided would be unsatisfactory;
 - d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
 - e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

- 8.6 Part a) of policy 5/2 of the Local Plan does not relate to this application as the building is not currently in residential use. The other sections of this policy will be discussed later on in this report.
- 8.7 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 7/3 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.8 Currently at the front of the building, on Cambridge Place, there are a number of full-length windows and an entrance door. The fenestration on this front elevation will be altered. At ground floor level, one of the full height windows would be replaced with a door, to provide access to one of the ground floor flats, with the other ground floor flat accessed from the existing entrance door. Windows would be added at first floor level, to serve the first floor flats.
- 8.9 At the side of the building there is a dormer window, which will be extended. Currently, the dormer window appears as two 'stacked' dormers – one that runs along the length of the roof; and another below this. The dormer would be enlarged so that it would appear as two rows of glass running along the length of the roof, with a larger 'box-like' dormer on the south-western side.
- 8.10 At the rear, the single storey workshop, WC and two storey lift shaft and office would be demolished, with the two storey office space replaced with a part single-storey part two storey element providing a cycle store at ground floor level, and a store for one of the first floor flats at first floor level. The remaining space would become courtyards for the use of the ground floor flats.
- 8.11 In my opinion, these alterations are in keeping with the building and would be visually acceptable.
- 8.12 Adjacent to the building there is a car park, which does not fall within the application site but is in the applicant's control. Concern has been raised that in the future this land could be developed, and therefore the proposal should take this into consideration. In my opinion, the proposed change of use,

extension to the dormer and alterations to the building would not prejudice the development of the adjacent land. The neighbouring site would be more overlooked than it currently is, but it is my view that this would not necessarily prevent the site from being developed in the future.

- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Residential amenity

Impact on amenity of neighbouring occupiers

Noise and disturbance

- 8.14 The occupiers of the residential properties on Cambridge Place (and the wider area to a lesser extent) will be affected by noise and disturbance in the construction period. Construction works are always disturbing, but in order to reduce the impact on these neighbours I recommend that the hours of construction are restricted (condition 2). As Cambridge Place is narrow, I also recommend a condition restricting delivery hours so that they avoid rush hour (condition 3), and I also recommend a condition requiring details of the contractors working arrangements (condition 4).
- 8.15 The first floor flats would be accessed from the side of the building, and the cycle and bin stores would also be at the side of the building. There may be noise associated with the comings and goings from this entrance, but in my opinion this would be minimal.

Car parking

- 8.16 Concern has been raised that only one car parking space is proposed, and the future residents will not be able to apply for parking permits. I understand the concern raised regarding residents blocking the road with their cars or parking on neighbouring streets without permits. However, paragraph 39 of the National Planning Policy Framework (NPPF) states, in relation to parking standards, that Local Planning Authorities should take into account the accessibility of the development, and the availability of and opportunities for public transport. Cambridge Place is close to the City Centre, the railway station

and bus routes, and as it is in such a sustainable location, I see no reason to insist that off-street parking spaces are provided.

- 8.17 An appeal was allowed at 25 Cambridge Place for the change of use of offices to form 3 x studios and 2 x one bedroom flats. No on-site parking was included for this scheme. The Inspector found this to be acceptable because of the size of the units, its highly accessible location and because the site falls within a controlled parking zone. I therefore consider the provision of one car parking space to be acceptable for the proposed scheme.

Impact on 21, 23, 25-29 Glisson Road, and 44 Cambridge Place

- 8.18 The existing dormer window allows oblique views towards the rear of 21 and 23 Glisson Road, but at a distance as there is a void in front of the windows. The extension of the dormer, and the replacement of the mezzanine floor with a complete floor, will mean that oblique views towards the rear of 21 and 23 Glisson Road will be more likely. However, in my opinion, as the views would be oblique, they would not be significant or harmful enough to justify refusal of the application.
- 8.19 Concern has been raised by a neighbour with respect to overlooking of and loss of light to the Bodyworks, 25-29 Glisson Road. Drawing 11/1312/05 shows the proposed screening of part of the first floor windows of the Dance Studio. The areas where obscure screens are suggested would be fixed to a metal frame, unless the Dance Studio gives consent to fit this off their wall. The reordering of the rooms in the proposed flats means the bedrooms would be located at the rear. These rooms are less likely to be used when the dance classes takes place. I do not consider the screening proposed to be essential unless the Dance Studio wishes the screening to be installed. The Bodyworks building is located to the southeast of the proposal. It is considered that the scale and position of the extensions would not cause an unreasonable loss of light to this neighbour. There is a large tree between the properties that would provide shading.
- 8.20 No.44 Cambridge Place has a blank flank wall facing the application site. It is considered the proposed dormer for the first floor flat would not lead to an unreasonable loss of privacy

to this property or garden because of its positioning and distance of 16m between the properties.

- 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 and part b) of policy 5/2.

Impact on amenity of future occupiers of the site

- 8.22 Local Plan policy 5/2 states that conversions of non-residential buildings will be permitted except where the living accommodation provided will be unsatisfactory. I recognise that the proposed dwellings are relatively small in size, but I feel that they provide a satisfactory level of amenity for future occupiers.

Living accommodation

- 8.23 Concern has been raised that the proposed flats will be dark due to the taller dance studio building behind it on Glisson Road. All four of the proposed flats have a lot of glazing, which will make them as light as possible, and the enlarged dormer window will increase the light at first floor level. In my opinion, the flats will not be so dark as to warrant refusal of the application, and the living accommodation proposed is satisfactory. Environmental Health have not raised concerns about light or living conditions.
- 8.24 Third party comments have been raised about the ventilation of the flats if the windows need to be shut to reduce noise levels. An amended floor plan was received that rearranges the rooms so the living areas and kitchen are located at the front of the property. These front windows would not face the BodyWorks dance studios. It is considered that these front windows are far enough away to be able to be opened without noise levels being excessive. Ventilation measures are proposed in the rooms at the rear of the building. It is considered there would be acceptable levels of ventilation within the flats.
- 8.25 The proposed one bedroom flats offer modest sized accommodation. Cambridge Place is a cul-de-sac that is within walking distance from the town centre and railway station. This

type and size of accommodation is likely to be in demand in this location.

Noise and disturbance

- 8.26 The previous planning application reference 12/0260/FUL involved the conversion of the property into four x one bedroom flats with first floor dormer side extension and part demolition at the rear. This application was heard at East Area Committees in June and September 2012. One of the reasons for its refusal at committee was due to the absence of a noise report to demonstrate the impact of the noise generated by the adjacent use, Bodyworks Dance Studio, on the living conditions of future occupants and mitigation measures to ensure that the internal and external noise environment for future residents would be acceptable in terms of residential amenity.
- 8.27 There have been recent improvements to the acoustic insulation of the dance studio. However, they did not cover studio 3, which is adjacent to the development site. Therefore noise from the dance studio still needs to be assessed in terms of its impact.
- 8.28 A Glazing Acoustic Specification was submitted as part of the current application. This was reviewed by Environmental Services.
- 8.29 The BodyWorks classes finish at 9.00pm weekdays and the building is vacated by 9.30pm. Bodyworks closes to the public at 3.00pm Saturdays and it does not open on Sundays or Bank Holidays. Environmental Services raised concerns with the original layout of the flats, where the living rooms were located to the rear and bedrooms at the front. They recommended they be reconfigured so the bedrooms are at the rear and living rooms to the front to overcome noise concerns. The flats proposed are all one bedroom and are designed for adults without children. Adults are unlikely to go to bed before 9.00pm. The living rooms at the front of the units would offer quiet leisure space in the evenings.
- 8.30 The measured data given in the report suggests the noise levels in the courtyards may exceed the levels recommended in BS 8233:1999. Environmental Services have concerns with

noise levels if the courtyards are to be used as private amenity space. They have suggested they could be used for storage. The two proposed courtyards measure 2.3m wide by 5.3m in length and 2.3m wide by 5m in length. They are accessed through the bedroom. The courtyards would be overlooked by the first floor flats and be enclosed by the three storey high BodyWorks dance studios building to the southeast and the two storey application site building to the north. The flats are one-bedroom flats and are not designed as family units. Planning permission (reference 12/0490/FUL) at 25 Cambridge Place was granted on appeal in December 2012, for the change of use from offices (class B1) to form 3 x studios and 2 x one-bedroom flats. This approved scheme did not include private amenity space for the flats.

- 8.31 I argue that the proposed courtyards would fail to offer quality private amenity space due to their size, overshadowing from surrounding buildings, lack of privacy and the sense of enclosure. In my opinion the courtyard areas are not considered appropriate for use as private amenity space. A lack of private amenity space is considered acceptable for one bedroom flats in this location as a similar scheme at 25 Cambridge Place was allowed on appeal.
- 8.32 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) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

- 8.33 A bin store is proposed at the rear of the building and this is considered to be acceptable.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and part d) of policy 5/2.

Car and Cycle Parking

- 8.35 Car parking is assessed under the heading 'Residential Amenity' above.

- 8.36 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that one secure, covered cycle parking space must be provided for each one-bedroom flat, which in this case would equate to four spaces in total. Four cycle parking spaces are proposed within a cycle store at the rear of the building. This meets the standards and is therefore acceptable.
- 8.37 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 part d) of policy 5/2

Third Party Representations

The proposal will not provide family housing, which Cambridge needs

- 8.38 The Local Planning Authority must assess the acceptability of what is proposed, and there is no policy basis to refuse the application because it proposes one-bedroom flats rather than family houses.
- 8.39 The proposal involves for four separate residential flats. There is no specific request for these to be used as student accommodation. I consider there is no need to include a condition in relation to the occupancy.

The S106 will not benefit the local development

- 8.40 The financial contributions requested are in line with The Planning Obligation Strategy (2010). They would contribute towards the cost of the provision of services and facilities created through the new development.

Demolition of a party wall

- 8.41 A condition can be attached for details of any new boundary treatment to ensure any replacement party wall is of an acceptable standard.

Planning Obligation Strategy

Planning Obligations

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

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

(b) directly related to the development; and

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

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

Open Space

8.43 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.

8.44 The application proposes the erection of four one-bedroom flats. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to

accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	4	1428
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					1428

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	4	1614
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total					1614

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	4	1452
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					1452

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0

1 bed	1.5	0	0	0	0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264		
Total					0

- 8.45 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010).

Community Development

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

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	4	5024
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			5024

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

Waste

8. 48 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	4	600
Total			600

8. 49 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Education

8. 50 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
8. 51 In this case, four additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for lifelong learning. Contributions are not required for pre-school education, primary education and

secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	4	640
2+- beds	2		160		
Total					640

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

Strategic Waste Infrastructure

- 8.53 The County Council have requested a Strategic Waste Infrastructure Contribution because the site is in the catchment area for Milton Household Recycling Centre, for which contributions are sought in line with Cambridgeshire County Council's guidance.

Strategic waste infrastructure					
Type of unit			£per unit	Number of such units	Total £
1 bed			190	4	760
Total					760

Monitoring

- 8.54 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

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

9.0 CONCLUSION

- 9.1 In my opinion, the proposed change of use is appropriate and the proposed alterations to the building would have no detrimental impact on the appearance of the building or the street. It is my view that, subject to conditions, the proposal would provide satisfactory living accommodation and would not have a significant impact on neighbouring occupiers. The submission of information on noise has adequately addressed the previous reason for refusal on this site. I therefore recommend that the application is approved, subject to conditions and the completion of the S106 agreement.

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

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

3. Except with the prior 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 neighbouring residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Local Plan (2006).

4. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
 - i) contractors access arrangements for vehicles, plant and personnel,
 - ii) contractors site storage area/compound,
 - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
 - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

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

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

5. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

6. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.
- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
 - (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
- No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).
- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
 - (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

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

Reason: to protect the health and amenity of future occupiers and to accord with policy 4/13 of the Local Plan 2006.

INFORMATIVE: The Councils document Developers Guide to Contaminated Land in Cambridge provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Councils website on <http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-andnuisance/land-pollution.en>.

Hard copies can also be provided upon request.

INFORMATIVE: The Council has produced a guidance to provide information to developers on waste and recycling provision which can be accessed from the City Council website via the following link:- <http://www.cambridge.gov.uk/ccm/content/planning-and-building-control/waste-and-recyclingprovision-information-for-developers.en>

1. APPROVE subject to the satisfactory completion of the s106 agreement by 14th March 2013 and subject to the following conditions and reasons for approval:

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 14th March 2013, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

The proposed development does not make appropriate provision for public open space, community development facilities, life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14 and 10/1, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.

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

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.



NEALE ASSOCIATES
Chartered Architects

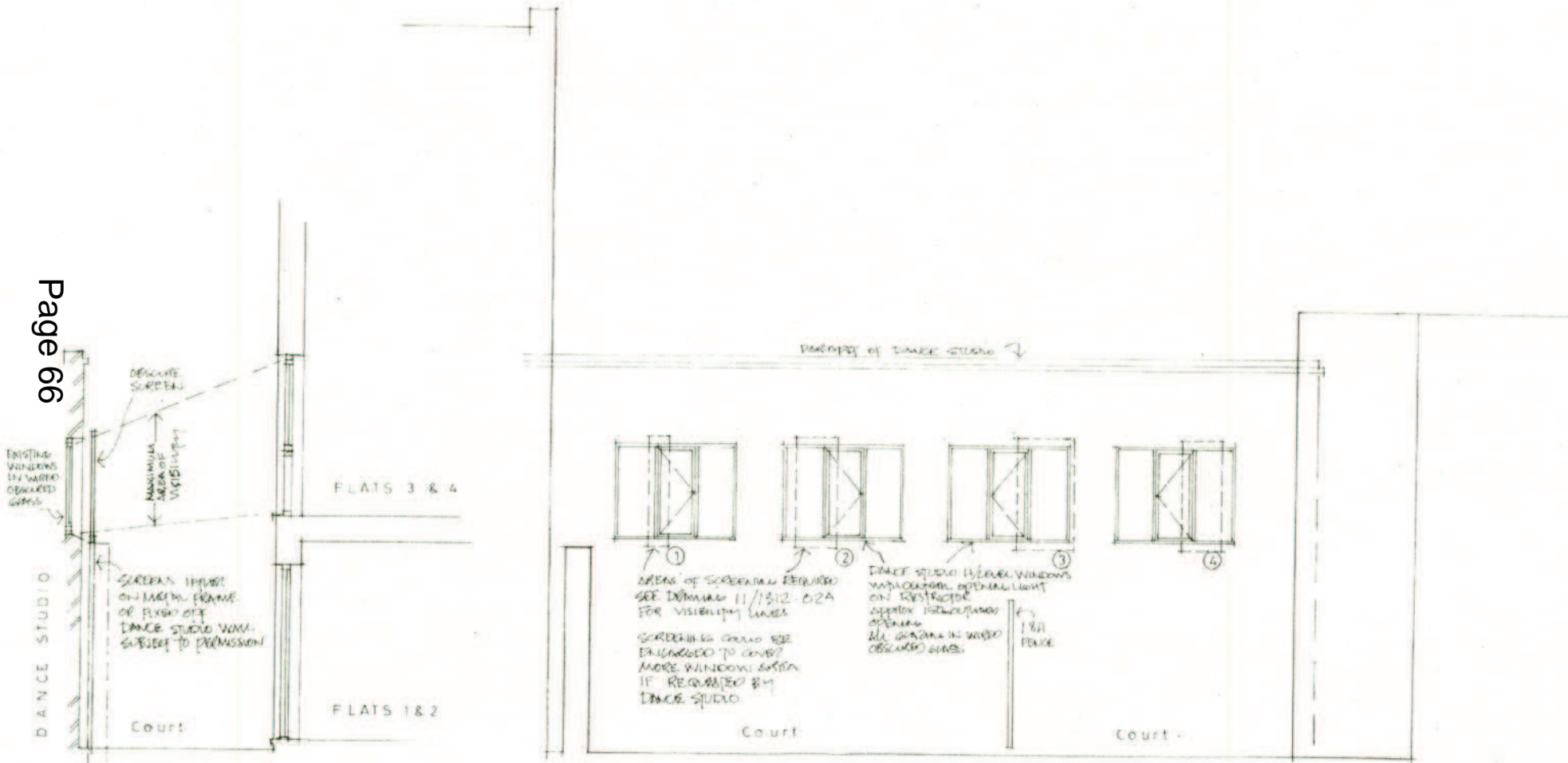
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Client H DRAKE
Project 40-42 CAMBRIDGE PLACE
Drawing LOCATION & BLOCK PLAN

Date Jan 12
Scale 1:500/1:1250@A3
Dwg. No 12/1312/01

THE TRAM SHED, East Road, Cambridge. CBI IBG

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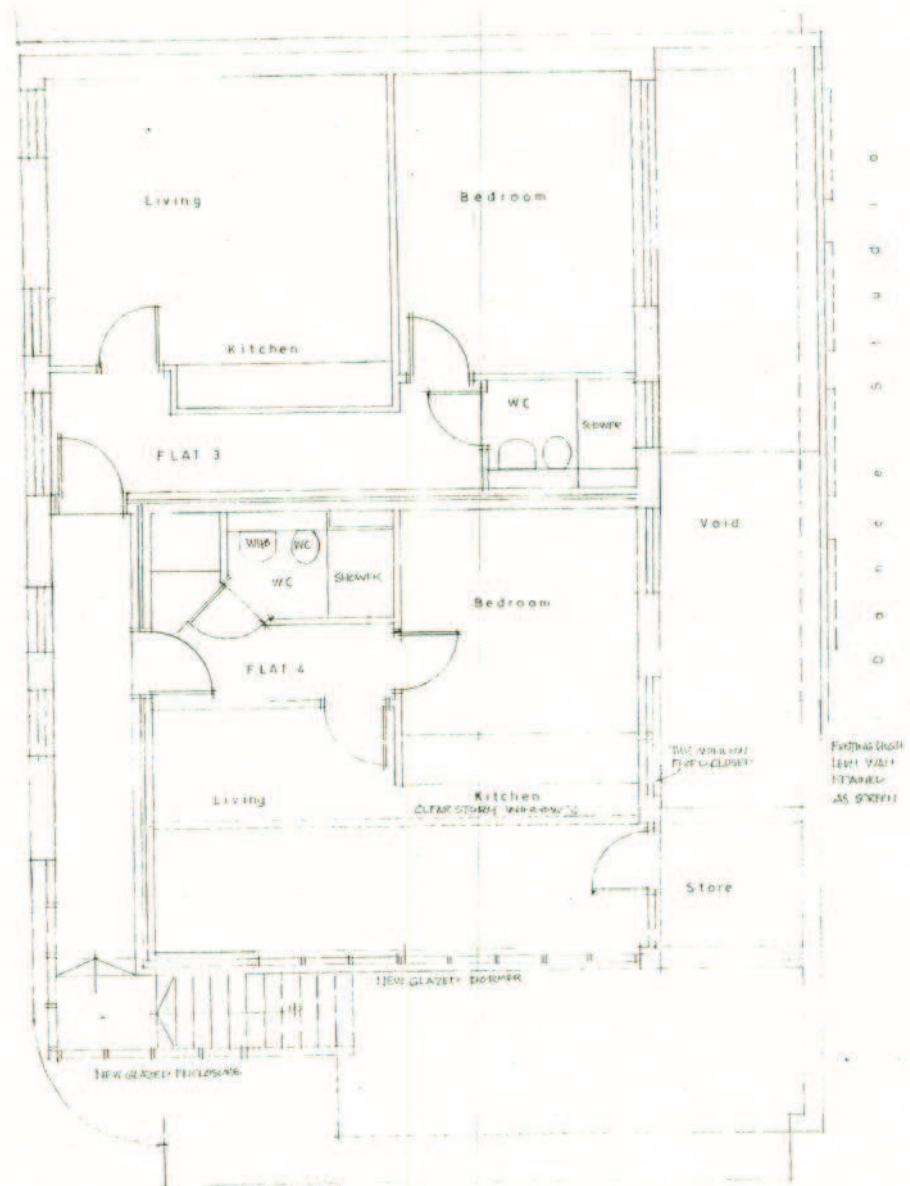
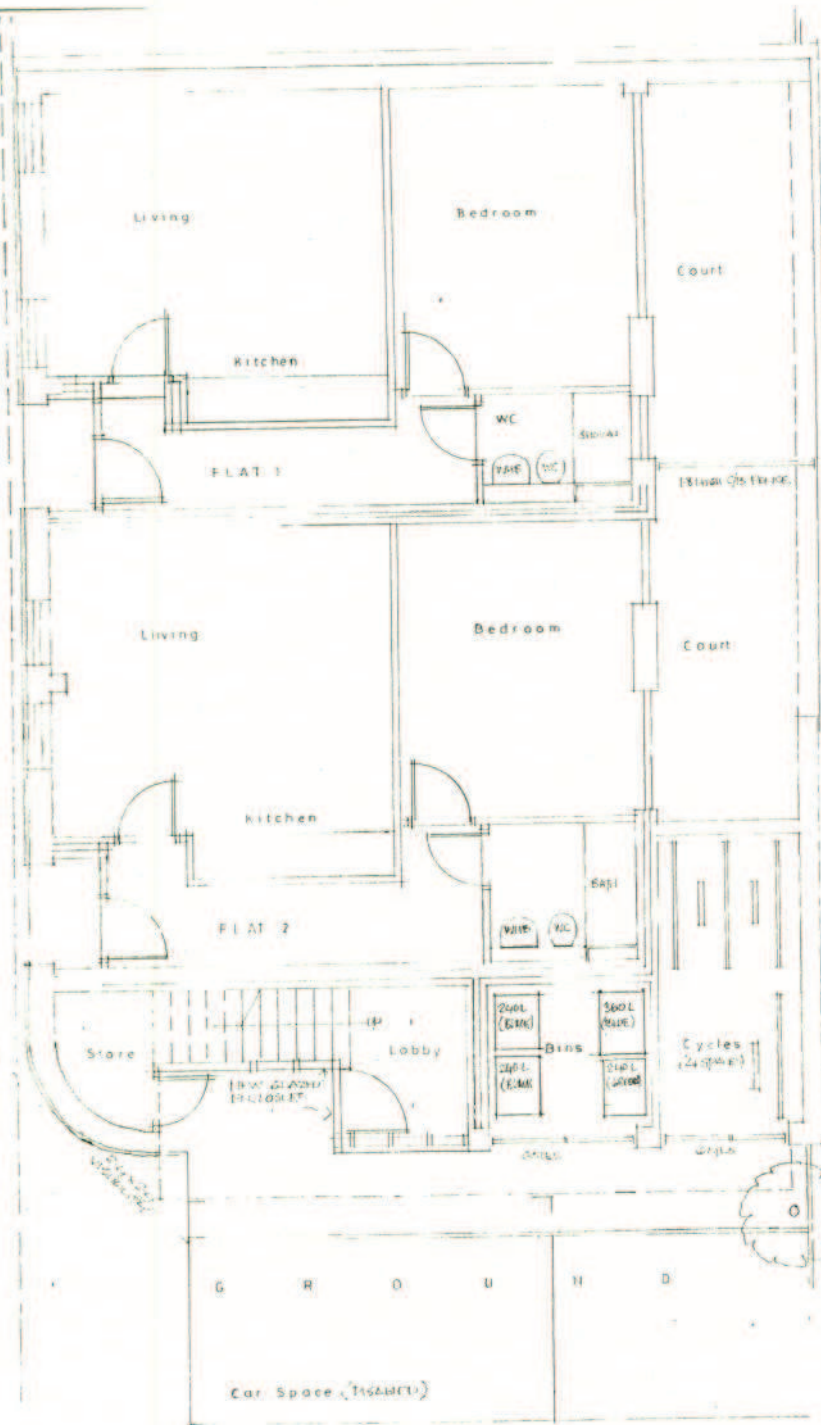
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 Project
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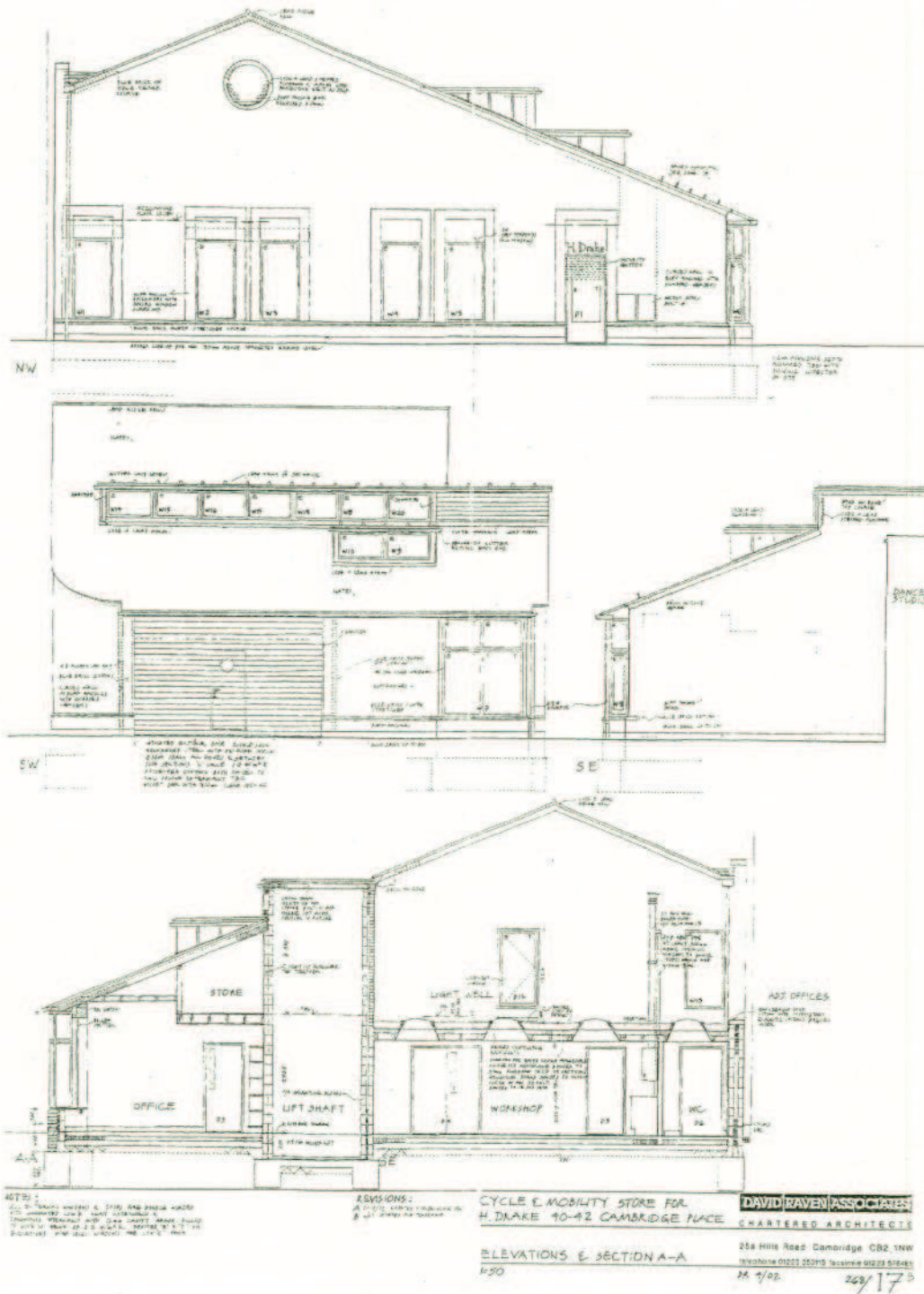
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THE TRAM SHED, East Road, Cambridge CB1 1BG Tel: 01223 554177 Fax: 01223 576077 Email: neal@nealarchitects.co.uk

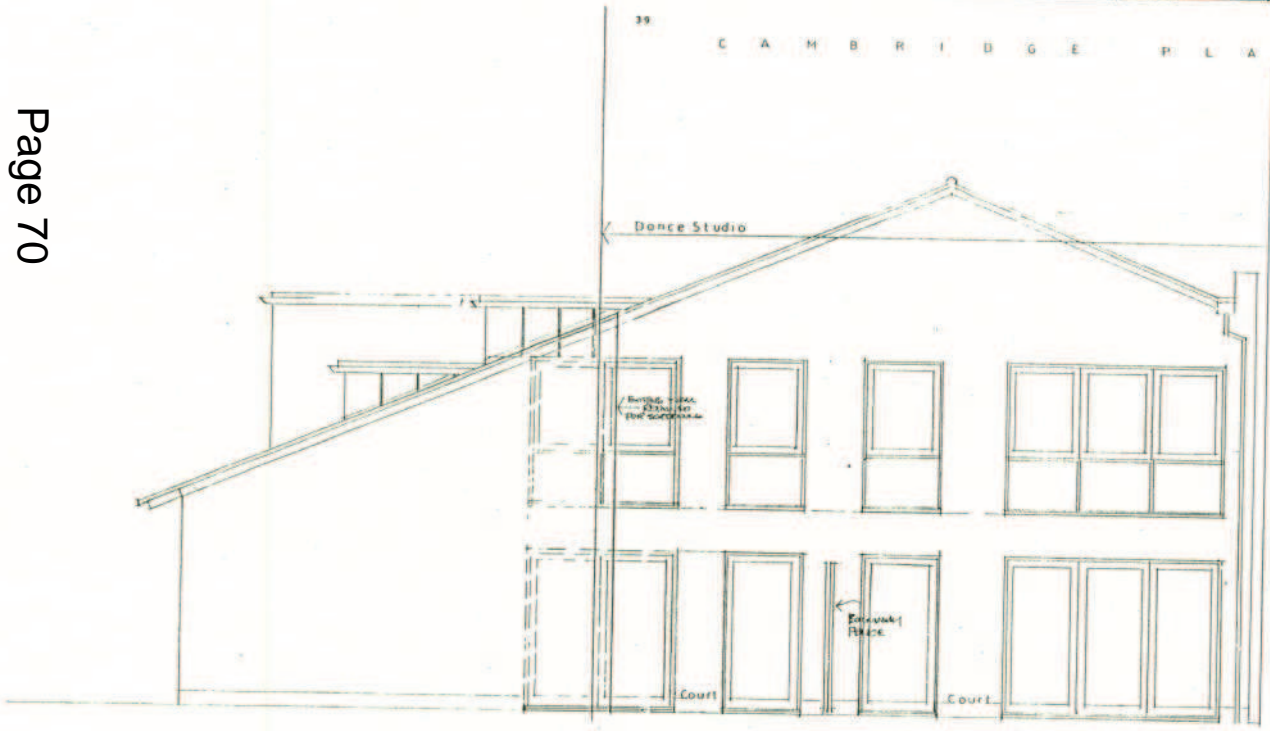
Client H DRAKE Date October 2011
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R E A R



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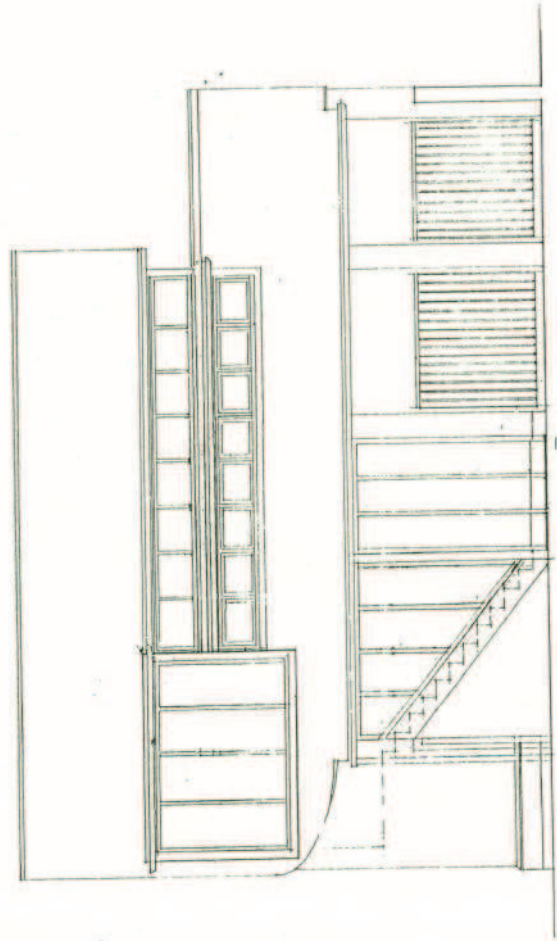
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Email: scale@nealeassociates.co.uk

Client H. DRAKE Date January 2012
 Project 40-42 CAMBRIDGE PLACE - CAMBRIDGE Scale 1:100 1:1:50
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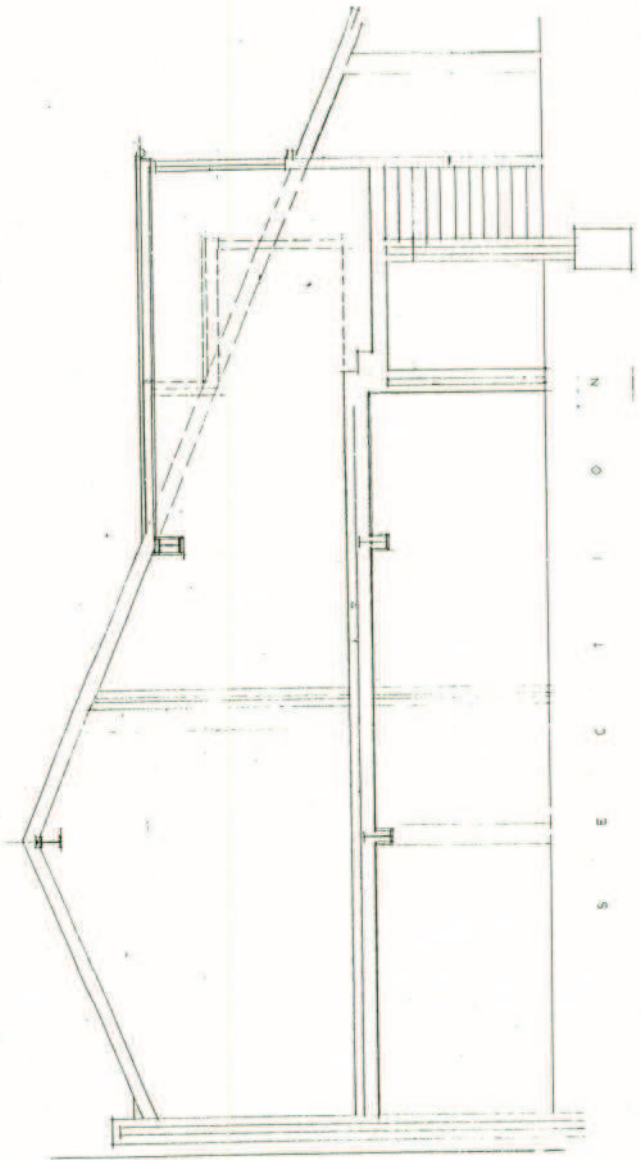
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S I D E (S O U T H W E S T)



S I D E (S O U T H W E S T)



S E C T I O N



THE TRAM SHED, East Road, Cambridge. CB1 1HG
Tel: 01223 354477 Fax: 01223 516677
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Client H. DRAKE Date October 2011
Project 40-42 CAMBRIDGE PLACE CAMBRIDGE Scale 1:50
Drawing ELEVATIONS & SECTION Dwg. No. 11/1312-03

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Application Number	12/1476/FUL	Agenda Item	
Date Received	19th November 2012	Officer	Mr Amit Patel
Target Date	14th January 2013		
Ward	Coleridge		
Site	30 Derwent Close Cambridge CB1 8DZ		
Proposal	New 2 bedroom dwelling		
Applicant	M & S Donachie 30 Derwent Close Cambridge CB1 8DZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal conforms to development plan policies</p> <p>The proposal is not likely to have a harmful impact upon the context of the area</p> <p>The proposal is not likely to significantly impact upon neighbouring occupiers</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 Derwent Close is part of an estate of semi-detached and terraced properties. The area is residential in character with two-storey form. The site is an end of terrace which currently benefits from a low-rise single-storey garage to the side. Properties in this row have front and rear gardens; the application property, being at the end of the terrace, also has a side garden. This side garden, together with parts of the front and rear gardens of No.30, forms the application site. To the west is a row of garages and to the south is the neighbouring property, No. 32. The site is situated on the western corner of the junction with Sycamore Close, and Derwent Close loops round the site to the north and east.

1.2 The site is not within a Conservation Area and there are no listed buildings close by and no other constraints on site.

2.0 THE PROPOSAL

2.1 The proposal is to create a separate dwelling to the side of No.30 after demolishing the existing garage. The proposed dwelling will be similar in design to the houses in the existing terrace.

2.2 This is a revised application of a previously refused application (12/1052/FUL), the main difference being the number of bedrooms being reduced from 3 to 2 and the fact that the proposed new dwelling does not extend the full width to the side. The previous application was refused:

“Because of its scale and footprint within a prominent corner plot, encroaching significantly in front of the building line common to this and the opposite corner of the street, the proposal would have a negative impact in the street scene, closing down views and eroding the open character of the estate. The proposal has therefore not drawn inspiration from the existing character of the area and is contrary to East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12 and guidance in the NPPF.”

2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
12/1052/FUL	Erection of new 3 bedroom dwelling on land adjacent to 30 Derwent Close following demolition of existing single storey extension.	REF
C/03/0186	Erection of a single storey rear conservatory to existing dwelling house.	A/C

Guidance	2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Open Space and Recreation Strategy

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No parking provision is made onsite and therefore this will increase demand for on street in competition with existing users.

Head of Environmental Services

- 6.2 The site is in a residential area and therefore noise and disturbance through construction can potentially be problematic and therefore recommend condition controlling construction, collection and deliveries during the construction phase. Additionally the bin storage area appears to be inadequate to accommodate 3 bins and therefore recommend an informative.

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:

- 67 Derwent Close

7.2 The representations can be summarised as follows:

- Each house is provided with a garage or driveway and this will not have either.
- There is no car off street car parking and this will cause hazards and dangerous to other road users.
- The existing fence to be kept.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice

contained within the National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

- 8.3 The NPPF declassifies garden land from the definition of brownfield land and such sites are no longer included within the Authority's five year housing land supply. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remain acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value gardens contribute to the City.
- 8.4 In principle, policy 3/10, allows for proposals involving the subdivision of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted however if it will detract from the prevailing character and appearance of the area. The principle of new residential development in this area is not in conflict with policy, but the impact of this particular proposal must be assessed under the criteria set out in policy 3/10. This is covered in the next section of this report.

Context of site, design and external spaces

- 8.5 The area is characterised by long rear gardens and an open space buffer between houses and the public footway, both along frontages and on street corners. This proposal is to subdivide the plot to create a new residential plot with a two-storey dwelling.
- 8.6 The space alongside and above the existing garage at No. 30 makes an important contribution to the open and spacious character of the estate, mirroring the equivalent space alongside No. 81 on the opposite corner.
- 8.7 The proposal is for a two storey building located to the side of the existing building. The revised scheme is set back from the public footway by 2.5m to the side and I consider that this retains the openness of this corner and avoids causing harm to

the character of the area. Due to the proposal being highly visible I consider that the use of materials is key and therefore recommend a condition for matching materials.

- 8.8 Subject to conditions, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12..

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The Environmental Health officer has commented that construction can lead to potential noise and disturbance in a residential area and recommends conditions to control the hours of construction, collection and deliveries from and to the site during construction. I agree with this advice and recommend conditions.

- 8.10 Subject to conditions, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 4/13.

Amenity for future occupiers of the site

- 8.11 I consider that the proposal would provide adequate amenity space and proposed dwelling will provide a high quality living arrangement for future occupiers.
- 8.12 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.13 The proposal shows a bin area to the rear. The Council has a three-bin policy and Environmental Health have commented that an informative for guidance on waste be added and I consider this acceptable.
- 8.14 Subject to informative, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.15 Representations suggest that by not having off-street car parking the proposed development could lead to highway safety concerns. The local highway authority has not raised any concerns and I accept this advice.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.17 The proposed new dwelling does not provide any off-street car parking. The other residential terraces have access to a garage within the car parking courtyards. Given the relatively sustainable location of the site close to a bus route and local shops and services, I consider the absence of a designated off-street car parking space acceptable. I also note from my site visit that there is no on-road control of parking and spaces were available to park in.
- 8.18 Adequate bicycle parking is provided within the proposed rear outbuilding. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.19 Third party representations have been addressed in the main report above.

Planning Obligation Strategy

Planning Obligations

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

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.21 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.

8.22 The application proposes the erection of 1 two-bedroom house. A house or flat is assumed to accommodate one person for each bedroom. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
Total					476

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
Total					538

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	1	484
3-bed	3	242	726		
4-bed	4	242	968		
Total					484

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	1	632
3-bed	3	316	948		
4-bed	4	316	1264		
Total					632

8.23 The applicant has submitted a Unilateral Undertaking but is still awaiting the official copy of the Title Deeds and have shown intention to enter into such an agreement and subject to the completion of the agreement by 28th February 2013 a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and

Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

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

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	1	1256
3-bed	1882		
4-bed	1882		
Total			1256

- 8.25 The applicant has submitted a Unilateral Undertaking but is still awaiting the official copy of the Title Deeds and have shown intention to enter into such an agreement and subject to the completion of the agreement by 28th February 2013 a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.26 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats,

this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75
Flat	150		
Total			75

8.27 The applicant has submitted a Unilateral Undertaking but is still awaiting the official copy of the Title Deeds and have shown intention to enter into such an agreement and subject to the completion of the agreement by 28th February 2013 a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

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

9.0 CONCLUSION

The proposal seeks to erect a new dwelling on land to the side of the existing house. The revised scheme is now set in from the boundary at the side and I consider that this alteration has

addressed the previous concerns and avoids harm to the character of the estate. I now recommend APPROVAL.

10.0 RECOMMENDATION

APPROVE subject to the satisfactory completion of the s106 agreement by 28th February 2013 and subject to the following conditions and reasons for approval:

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

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

Reasons for Approval

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

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

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

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 28th February 2013, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12 and 10/1 Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010:

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

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

4. **Unless prior agreement has been obtained from the Head of Planning, 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 14th February 2013 it is recommended that the application be refused for the following reason(s).**

The proposed development does not make appropriate provision for open space/sports facilities, community development facilities, waste facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010.

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
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or by visiting the Customer Service Centre at Mandela House.

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location plan

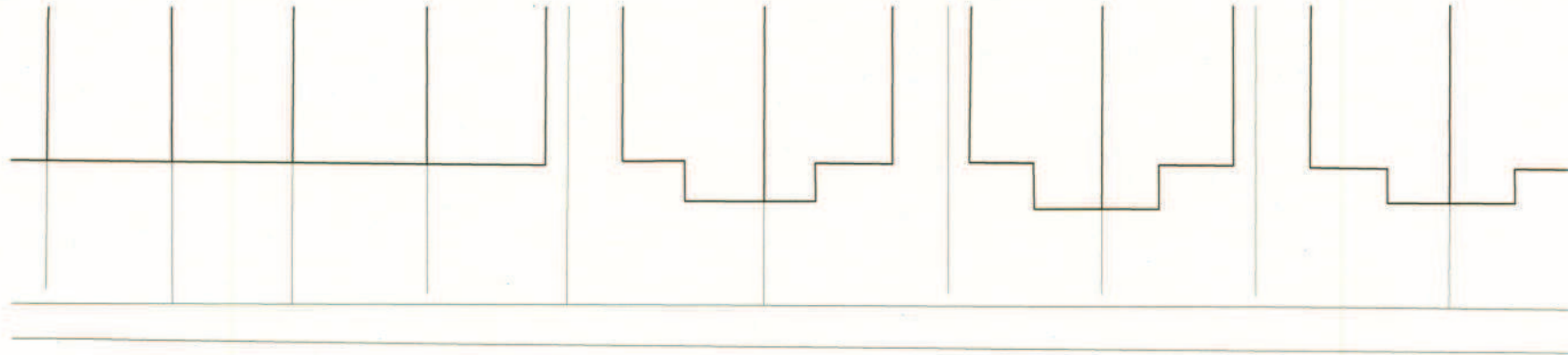


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REV	DATE	DESCRIPTION
-	27.07.12	Issued to client
-	14.08.12	Issued to planning

PROJECT		
new dwelling land adj 30 derwent close cambridge, cb1 8dz		
CLIENT		
m & s donachie 30 derwent close cambridge, cb1 8dz		
DESIGN		
JASON CLARKE DESIGN		
1 NORTHGATE END BISHOP'S STORTFORD HERTFORDSHIRE CM23 2HF		
T: 01279 655 155 E: jclarke@jasonclarke.co.uk W: www.jasonclarke.co.uk		
DRAWING FILE		
plan location existing		
SCALE	DATE	DRAWN
1:1000@a3	july 12	jpc
STAGE	DATE	
planning	july 12	
PROJECT NO.	DOCUMENT NO.	REV
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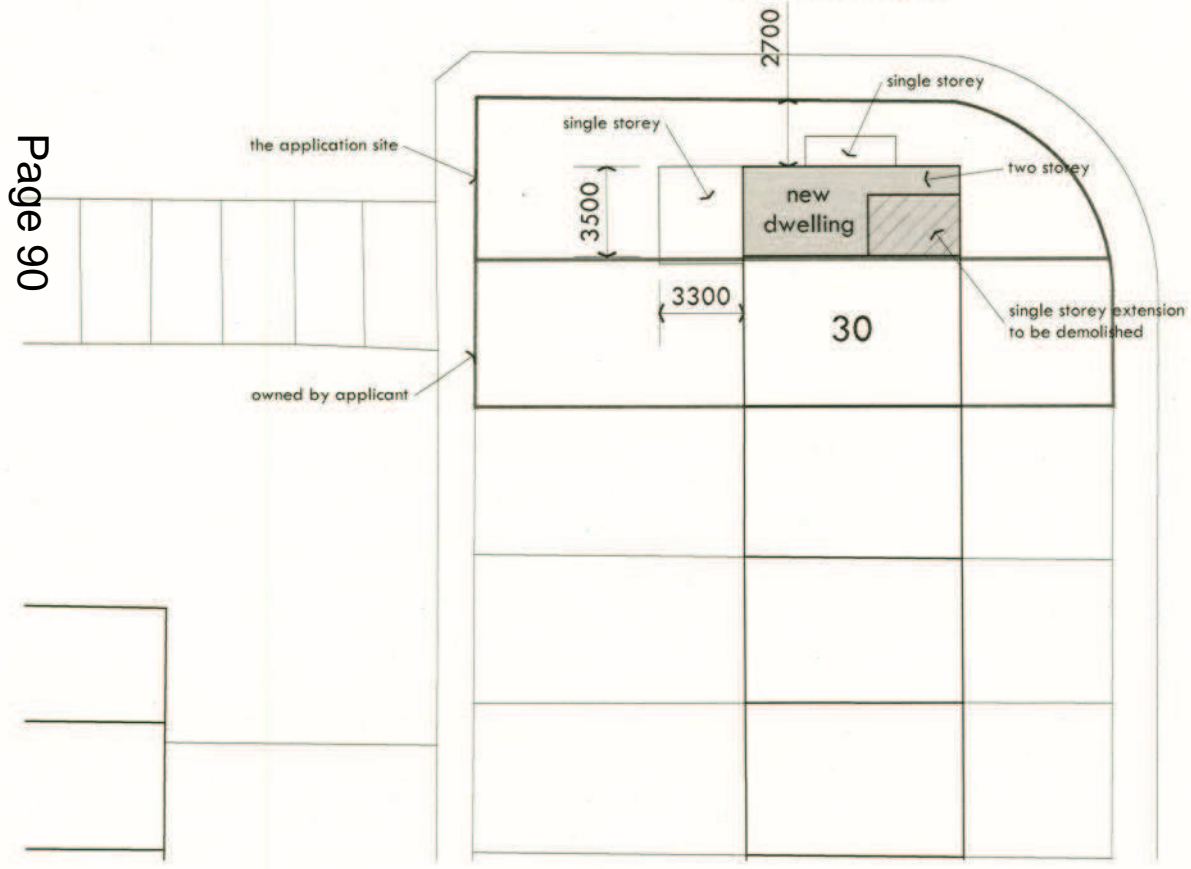


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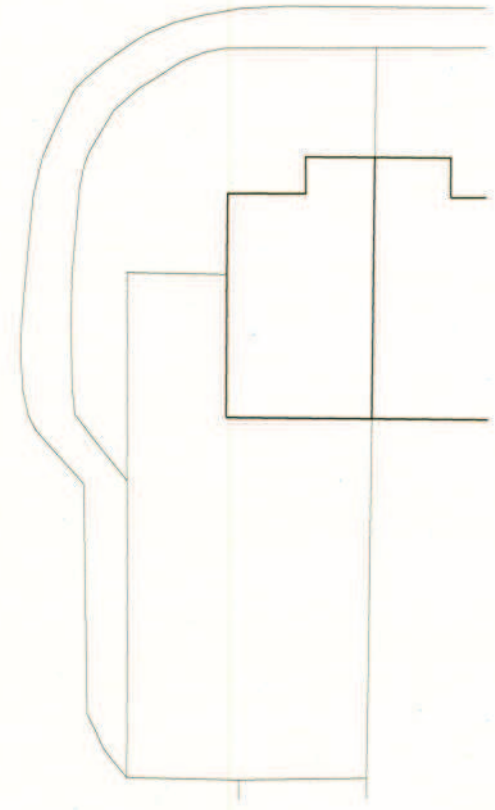
REV	DATE	DESCRIPTION
-	27.07.12	issued to client
a	14.08.12	submitted, issued to planning
b	10.11.12	amended design

Page 90

derwent close



derwent close



site plan



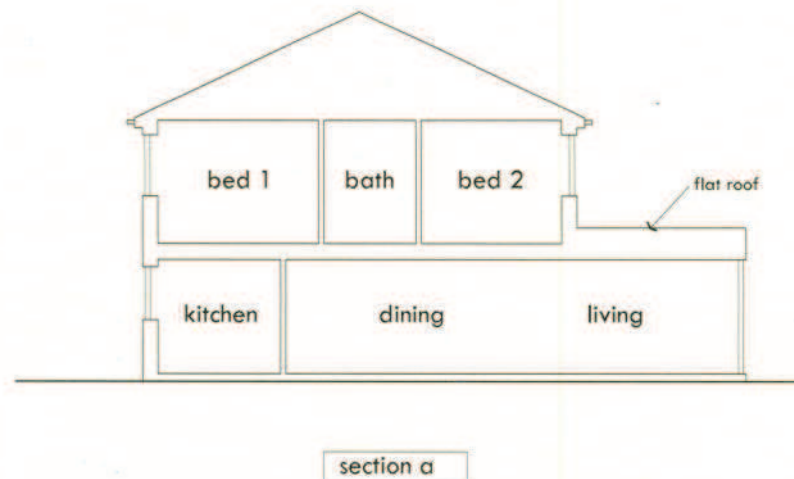
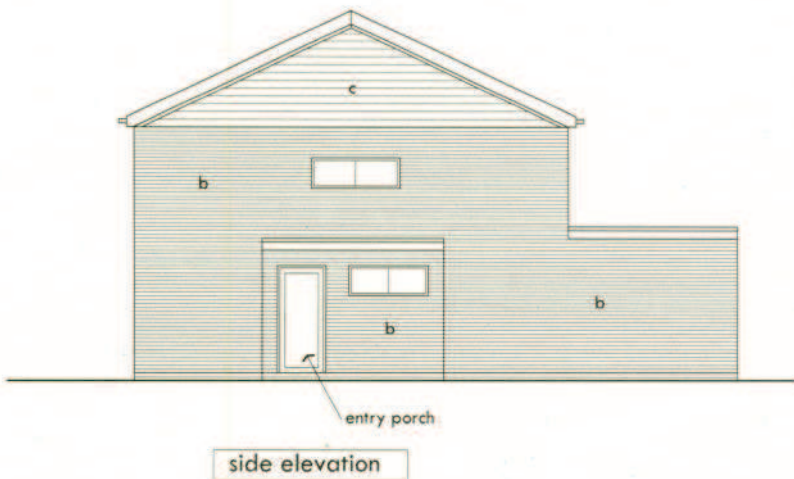
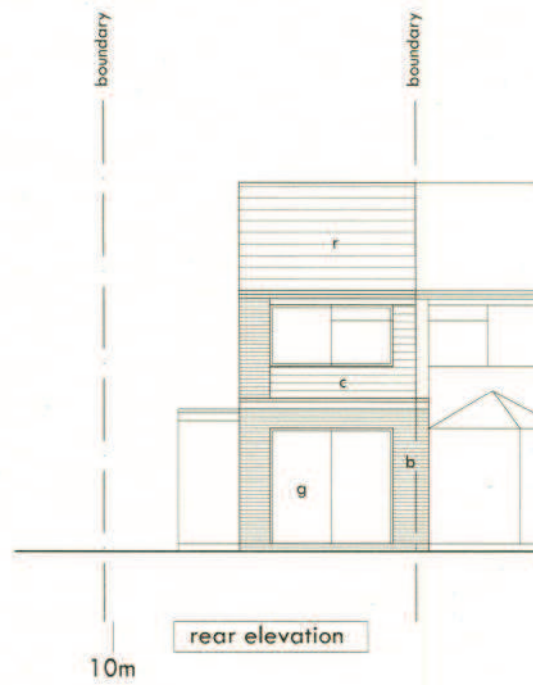
PROJECT	
new dwelling land adj 30 derwent close cambridge, cb1 8dz	
CLIENT	
m & s donachie 30 derwent close cambridge, cb1 8dz	
DESIGN	
JASON CLARKE DESIGN	
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DRAWING TITLE	
plan site existing & proposed	
SCALE	DRAWN
1:200@A3	jpc
STAGE	DATE
planning	july 12
PROJECT NO	DOCUMENT NO
12010	p02 b



proposed materials

- b day face brick
- c concrete wall tile cladding
- r concrete roof tile
- g upvc framed door/windows

all materials to closely match existing



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ISSUED	REV	DATE	DESCRIPTION
	-	14.05.12	issued to planning
	a	10.11.12	amended design

PROJECT	
new dwelling land adj 30 derwent close cambridge, cb1 8dz	
CLIENT	
m & s donachie 30 derwent close cambridge, cb1 8dz	
DESIGN	
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DRAWING TITLE	
elevations & section front, rear, side & a proposed	
SCALE	DRAWN
1:100@a3	jpc
STAGE	DATE
planning	july 12
PROJECT NO.	DOCUMENT NO.
12010	p06 a

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Application Number	12/1621/FUL	Agenda Item	
Date Received	30th December 2012	Officer	Mr Sav Patel
Target Date	24th February 2013		
Ward	Romsey		
Site	117 Vinery Road Cambridge CB1 3DW		
Proposal	Demolition of existing house and side extension and erection of 6 New Apartments		
Applicant	Mr & Mrs Hitesh Patel 4 Vinery Road Cambridge Cambridgeshire CB1 3DR United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed development would enhance the appearance of this corner plot in an area that has limited architectural merits. <input type="checkbox"/> The proposed development would not create any adverse residential amenity issues. <input type="checkbox"/> The proposed development would make efficient and effective use of the site to provide additional housing.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.117 is a two storey 1930s semi-detached property that is located on the corner of Vinery Way and Vinery Road.
- 1.2 The site occupies an area of 328sqm and is rectangular in shape.

- 1.3 To the north of the site is Vinery Road, which is a 'one-way' access from Goldham Lane. To the East is Vinery Road, which lead to Vinery Way. To the west is the side elevation of no.119, which forms part of a semi-detached unit.
- 1.4 The property has pebble dashed elevations with a red tiled hipped roof. The property has been extended on the side by a single storey hipped extension, which is stepped back from the front elevation.
- 1.5 The existing property is a moderate condition and in need to up grading. To the rear of the property is an area of lawn and a strip of concrete which provides off street parking for at least two vehicles and bin a store area.
- 1.6 The northern boundary (side facing Vinery Road) is defined by a 1.8 metre high timber fence with an opening to allow vehicles to access. The access into the site is on a slight gradient which levels off to a hardstanding area where a shed and bins are stored.
- 1.7 The eastern boundary (front facing Vinery Road) defined by a 1 metre high timber fence which encloses a front garden area and pedestrian access. There are two trees in front of the front boundary fence.
- 1.8 The western boundary of the site is (rear facing side elevation of no.119) is defined by a timber fence. The other side of the timber fence is the vehicle access from Vinery Road, which leads to a garage.

2.0 THE PROPOSAL

- 2.1 The proposal is to redevelop the site to create a building containing six (3no. 2bed and 3no. 1bed) apartments over 3 levels including shared controlled entrance, communal amenity space, 12no. cycle space, refuse storage area and 2 car parking spaces.
- 2.2 The front elevation of the new building would contain square bay windows, similar to the adjoining property; a roof dormer (with two roof windows either side); and a covered entrance area. The ridgeline of the building from Vinery Road would be maintained at the height of the existing and adjoining property

(8.8 metres). However, the width of the proposed building would increase from 10 metres to 13.1 metres.

- 2.3 The side elevation of the building would be staggered in 2 stages along Vinery Road. The side elevation would be set below the main ridge height of the frontage element and be at a height of 8.25 metres (500mm below the original ridgeline).
- 2.4 The rear elevation of the new building would be seen as a full 3 storey building and would extend from rear elevation by 2.7 metres and be in line with the adjoining neighbour's single storey rear extension.
- 2.5 The habitable room windows in the rear elevation would be articulated with 45 degree bay windows. The angled bays would contain French casement doors and windows on the north-west facing angle, whilst the south-west facing angle would be articulated by etched sand finished glass block panels.
- 2.6 The applicant is proposing to use cedar cladding on the bays and Velfac timber/aluminium composite windows.
- 2.7 The application is accompanied by a design and access statement.
- 2.8 Amended plans have been received which show the following revisions:

Front elevation:
 - Port hole windows in the front elevation replaced with traditional windows to match those in the bays;
 - The velux roof windows have been centralised between the width of each bay; and
 - Raising the depth of the overhang above the front entrance.
Rear elevation:
 - Second floor window has been replaced with a 45 degree angled bay window.
- 2.5 The application is brought before Planning Committee because objections have been received from local residents which are contrary to the recommendation.

3.0 SITE HISTORY

Reference	Description	Outcome
C/01/1184	Erection of a two storey side extension to no117 to create new two bedroom house no 117a.	APPROVED 18.10.2002

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Structure Plan 2003	P6/1
Cambridge Local Plan 2006	3/1 3/4 3/7 3/12 3/14 5/1

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

Central Government	National Planning Policy Framework March 2012
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Guidance	Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cambridge Walking and Cycling Strategy Cycle Parking Guide for New Residential Developments Roof Extensions Design Guide

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

6.1 The proposal provides only two parking spaces for cars for 6 flats, and no parking for visitors. The area already experiences competition between existing residential uses for on-street parking and this proposal has potential to increase that competition, and so has a potential impact upon local amenity. However, if the LPA is minded to allow the proposal then the Officer has requested conditions to be applied relating to:

- No unbounded material on surface finish of driveway;
- No gates shall be erected across the access;
- Access to be provided as shown; and
- Traffic management plan.

Head of Environmental Services

Pollution from the demolition and construction phases has the potential to affect the amenity of surrounding properties if not controlled. I therefore recommend the standard construction/demolition/delivery hours conditions and dust informative.

Three bins are depicted within a bin/cycle store on the submitted ground floor plan. As guidance dictates, the bins are within 10m of the highway. Locks to the bin store should be keypad entry or a standard fire brigade key.

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:

- 121 Vinery Road
- 119 Vinery Road

7.2 The representations can be summarised as follows:

- Lack of car parking; and
- Overlooking from 2nd floor windows.

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

8.0 ASSESSMENT

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

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

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

Principle of Development

- 8.2 The proposed residential redevelopment of the site is considered to be acceptable in this location and context. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1

Context of site, design and layout, and external spaces

Context of site

- 8.4 The application site is located on a prominent corner plot location and at the end of a regimented row (south) of Victorian terrace properties. To the north and west of the application site the built form of the properties are not so regimented in their layout and appearance. The properties consist mainly of semi-detached properties with some detached units.
- 8.5 The application site is a two storey semi-detached hipped roof property with a flat frontage, large side extension and two small lean-to rear extensions. The adjoining property (at 115) is a larger property in terms of width (8.5 metres – 5.4 metres (excluding single storey extension)). It has ground to 1st floor squared bay windows either side of the covered entrance and a large single storey lean-to extension to the rear.
- 8.6 This inconsistent style and disproportionate appearance fails to make the most of this prominent corner plot setting.

Design and layout

- 8.7 The proposal would establish a building of comparable size to no.115, which also has similar features to that adjoining property such as double bays and porch overhang. The proposed building would also introduce some new features

such as front facing dormer windows and angled bays windows to the rear.

- 8.8 The design of the front elevation is more in keeping with the adjoining property albeit an enhanced version in style and scale. The articulation in the fenestration of the front elevation is considered read well and every feature appears to fit whilst serving a purpose. The original design contained porthole windows between the bays, which appeared as novelty features. I did not consider this feature to be appropriate in the principal elevation and therefore have been replaced with traditional windows that match the windows in the bays. The porch overhang has also been increase in depth to match the neighbouring property. The façade now read as a more structured and balanced frontage.
- 8.9 The introduction of dormer windows in the front roof slope, although it would be a new feature within this context, is acceptable. The dormers have been designed to fit within the roofscape without appearing too dominant and would not appear as an unduly incongruous feature.
- 8.10 The proposed side elevation has been proportionately staggered in three steps, which I believe helps towards breaking up its bulk. The applicant has proposed porthole windows in the front section of the side elevation, which I believe works. However, I believe the side elevation could do with more detailing in the second and third stepped sections to improve the appearance of this elevation such as false windows or cladding. Nevertheless, I believe side elevation is acceptable in its proposed form but could be enhanced is necessary by an appropriately worded condition.
- 8.11 The second and third steps, which are flat roof sections, would contain east facing windows in each level. I believe the purpose for this is to maximize the amount of sunlight entering the rooms.
- 8.12 The proposed rear elevation would appear as full three-storey block but would be set below the ridgeline of the front elevation. Also, the third storey of the rear elevation would be set in slightly from the sides and roof. This would reduce the bulk of the third storey.

- 8.13 The rear elevation of would also contain two 45-degree bay window columns serving all 2 levels. The bays would contain north-west facing French door (inward opening) to provide future residents with an outlook and limit any overlooking impact on the occupiers of no.119. The south-west facing section (excluding the 2nd floor) would contain etched glass block panels. These sections would restrict the outlook but allow sun and daylight. The 2nd floor would just contain the north-west facing French doors.
- 8.14 Between the angled bays, the applicant originally proposed traditional windows; 1 in each level serving a 'study-bed'. However, the applicant was requested to revise the openings by making them high level or angled windows to match the proposed bays. The applicant submitted revised plans showing the 2nd floor window as an angled window. I consider this to be an acceptable comprise. It would have been unreasonable, in my view, to request the ground and 1st floor windows to match the revised 2nd floor windows. The adjoining property at no.115 has 1st floor windows, which face directly towards the amenity area of no.119. Therefore, I do not consider the 1st floor window proposed here would have a significant impact on the residential amenity of no.119, as it would face the side elevation of the property (11.7 metres away) and would not have a materially worse impact than the current situation.
- 8.15 The rear elevation is considered to be acceptable in terms of its design and articulation. I believe there is sufficient interest within the elevation to make a positive contribution to the street scene. The applicant has sympathetically laid out the rear elevation to mitigate the impact on residential amenity without comprising its appearance.

External space

- 8.16 In terms the external space around the proposed building, the applicant is proposing to lay most of it to lawn to provide amenity space for future residents. However, the applicant has not provided any landscaping details. On this basis, I suggest conditioning the landscaping to ensure details are provided and approved prior to development.

- 8.17 The overall design of the proposed development is considered to be acceptable and would have a positive contribution on the area.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.19 I have addressed the residential amenity issue on no.119 in paragraphs 8.15 and 8.17.
- 8.20 The proposed building would extend from the original rear elevation by 2.7 metres excluding the depth of the angled bays. This would take it to the line of the existing lean-to rear extension at no.115. The concern here was with the outlook from the neighbour's first floor rear window closest to the boundary with the application site. Having carried out a basic sight assessment from the centre of the neighbour's window, a 500mm section of the corner proposed building would clip the line of sight. However, I do not consider this or the extent of the projection from the rear elevation to be reason to justify refusing the application proposal.
- 8.21 No representations have been received from the adjoining neighbour at no.115.
- 8.22 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.23 The applicant has taken the residential amenity of future occupiers into consideration by incorporating specific design feature such the angles bay windows with south-east facing windows to increase day/sun light exposure and north-west facing French doors to provide an outlook.
- 8.24 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity

for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 (or 3/14).

Refuse Arrangements

8.25 The applicant is proposing to provide a dedicated bin storage area however has not specified the type and amount of bins. The Refuse and Waste Officer has requested the following bin provision:

- Assuming the 6 apartments would contain a maximum of 15 people (3x2 beds apartments and 3x1 bed apartments), the following waste receptacles are recommended:
 - Dry recycling = 660L
 - Organic waste = 360L
 - Residual waste = 940L

8.26 I recommend a condition is applied to ensure the applicant submits detailed information for bin storage for consideration.

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

Car and Cycle Parking

Car Parking

8.28 The proposal includes two car parking spaces, the same as the current provision. The maximum level of car parking permitted under the City Council's Standards would be six spaces. Given the small size of the proposed units, the position of the convenience store immediately opposite, proximity of the Mill Road East district centre and the ease of access to the city centre by cycle, I consider it likely that at least some of the future occupier would choose not to keep a car. In my view, the level of car parking provision is acceptable and in accordance with policy 8/10.

Cycle Parking

8.29 The proposal includes 12 cycle spaces at the rear of the site. However, no specific details of the parking and storage arrangements have been provided. I would therefore suggest a

negative condition is applied to enable the Council to consider and agree these details.

- 8.30 In my opinion, subject to such a condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6.

Third Party Representations

- 8.31 I have addressed the concerns raised about privacy and car parking in paragraphs 8.15-8.17 and 8.30 respectively.

Planning Obligations

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

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

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

Open Space

8.33 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.34 The application proposes the erection of 3no. two-bedroom flats and 3no. one-bedroom flats. One residential unit would be removed, so the net total of additional residential units is 5. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	3	1071
2-bed	2	238	476	2	952
3-bed	3	238	714		
4-bed	4	238	952		
Total					2023

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	3	1210.5
2-bed	2	269	538	2	1076
3-bed	3	269	807		
4-bed	4	269	1076		
Total					2286.5

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	3	1089
2-bed	2	242	484	2	968
3-bed	3	242	726		
4-bed	4	242	968		
Total					2057

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948		
4-bed	4	316	1264		
Total					1264

Community Development

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

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	3	3768
2-bed	1256	2	2512
3-bed	1882		
4-bed	1882		
Total			6280

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

Waste

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

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	5	750
Total			750

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

Education

8.39 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there

is insufficient capacity to meet demands for educational facilities.

- 8.40 In this case, 5 additional residential units are created and the County Council have confirmed that contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	3	480
2+-beds	2		160	3	480
Total					960

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

RECAP

RECAP	£per unit	Number of units	Total £
	190	6	1140

Monitoring

- 8.42 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as _150 per financial head of term and _300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

- 8.43 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale

and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The proposal is for the redevelopment of the site to create 6 new (3no. 2bed and 3no. 1bed) apartments including car and cycle parking and bin storage provision. The existing property is to be demolished.
- 9.2 The site is located on a prominent corner plot location and located in a part of Vinery Road where the houses are less organised in terms of layout and design.
- 9.3 The proposed building would read as a traditional two storey dwelling from the Vinery Road frontage, which respects the adjoining property before turning into the 3 storey building when viewed from the side and rear.
- 9.4 The proposal incorporates design features, which would enhance the appearance of the building such as the double height bay windows on the front elevation, staggered side elevation and angled bay windows on the rear elevation. The front bay windows would match those in the adjoining property and provide continuity. The staggered side elevation would help towards breaking up the scale of the side elevation. The angled bay windows would help to limit the impact of overlooking on the adjoining properties at 115 and 119, whilst also contributing to breaking up the bulk of the rear elevation. These design features are considered to make a positive contribution to the appearance of the proposed building.
- 9.5 The proposed design of the building is considered to sympathetically respect the built form and character of the area whilst also respecting the residential amenity of the adjoining and surrounding neighbouring.
- 9.6 In terms of car parking, the site is considered to be in a sustainable location due to its proximity to local shops/facilities and public transport links. The city centre is also easily access by cycle from the site. Therefore, it is for these reasons that the level of car parking proposed is acceptable, and there would be no justification to warrant maximum provision to be provided, in this instance.

9.7 I am of the view that the proposed development would not have any adverse impact on the character of the area or on the residential amenity of the adjoining residents. For these reasons, I am recommending the planning application to be approved.

10.0 RECOMMENDATION

FOR RECOMMENDATIONS OF APPROVAL

1. APPROVE subject to the satisfactory completion of the s106 agreement by 3 months from the date of this permission and subject to the following conditions and reasons for approval:

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

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

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

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

3. 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

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 unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

6. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: In the interests of highway safety

7. 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)

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

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

9. No development shall commence until a scheme for the on site storage of waste, including waste for recycling has been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

10. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

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

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

12. No development shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans; written specifications (including operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. Dust

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

- Council's Supplementary Planning Document 'Sustainable Design and Construction 2007':
<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

- Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:
http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

14. The Housing Act 2004 introduces the HHSRS as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

The applicant/agent is advised to contact the Residential Team at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS.

Reasons for Approval

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

Cambridgeshire and Peterborough Structure Plan 2003: SS1 and ENV7;

Cambridge Local Plan (2006): 3/4, 3/7, 3/10, 3/12, 5/1 and 8/6;

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.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

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



REAR - WEST - ELEVATION



Architectural Drawing & Design

RICHARD BALL No1 WARD ROAD CAMBRIDGE CB1 3SY
TEL/FAX: 01223 210226 email: r.ball@ntlworld.com

PROJECT **6 APARTMENTS - 117 VINERY RD CAMBRIDGE**
FOR MR & MRS H. PATEL

DRAWING **PROPOSED REAR - WEST - ELEVATION**

SCALE **1:100@A3** DATE **DEC 2012** No **263-10P- A**

REVISION A 29.1.13
REAR WINDOWS TO STUDY BEDROOM AMENDED



FRONT - EAST - ELEVATION TO VINERY ROAD



REVISION A 28.1.13
ROUND WINDOWS TO FRONT ELEVATION
AMENDED TO RECTANGULAR.
ROOF OVER ENTRANCE PORCH RAISED.

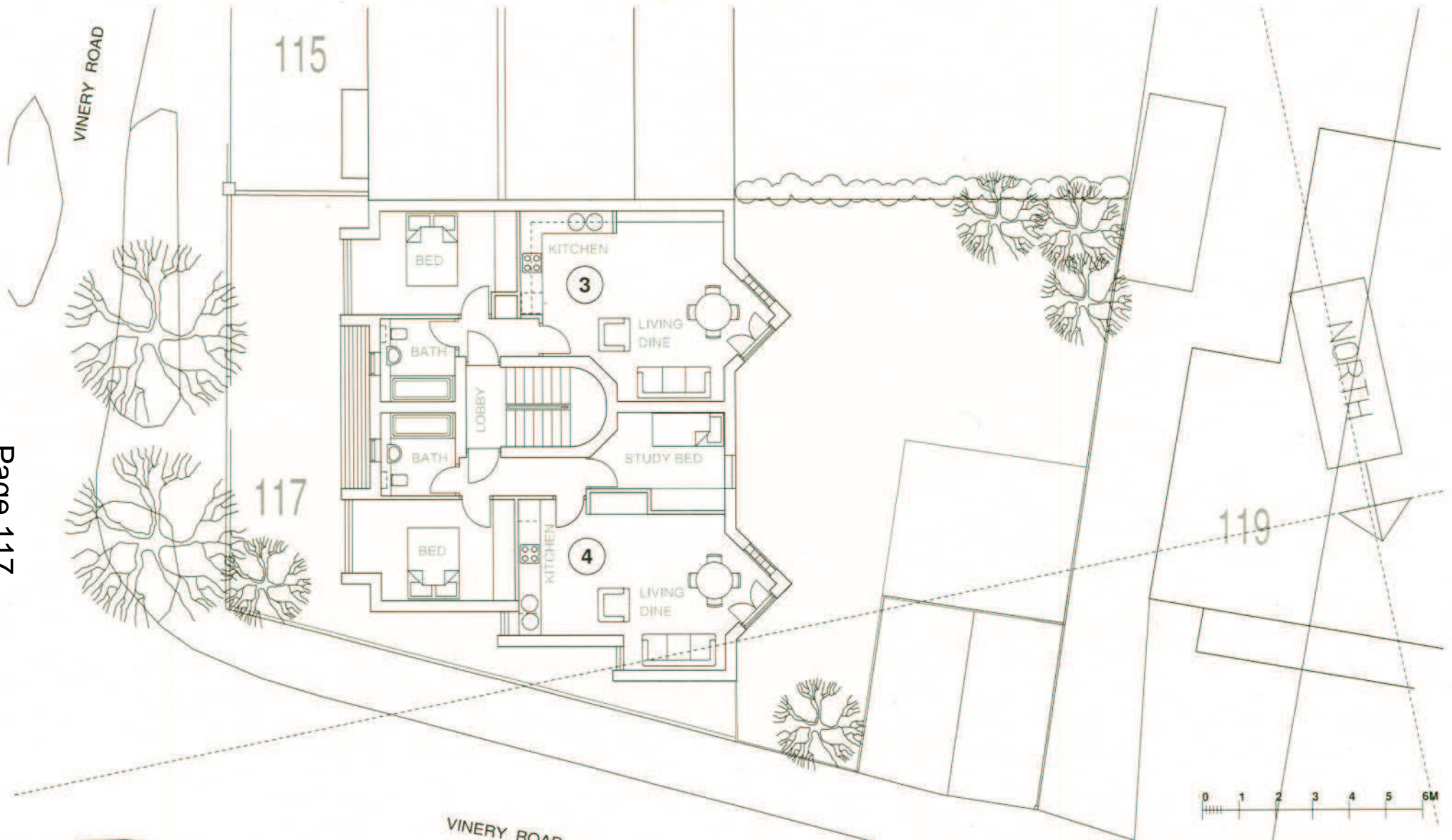
Architectural Drawing & Design

RICHARD BALL No1 WARD ROAD CAMBRIDGE CB1 3SY
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PROJECT **6 APARTMENTS - 117 VINERY RD CAMBRIDGE**
FOR MR & MRS H. PATEL

DRAWING **PROPOSED FRONT EAST ELEVATION**

SCALE **1:100@A3** DATE **DEC 2012** No **263-08P-A**



REVISION A 28.1.13
 WINDOWS TO BATHROOMS TO
 FRONT ELEVATION AMENDED.
 STUDY BED WINDOW AMENDED

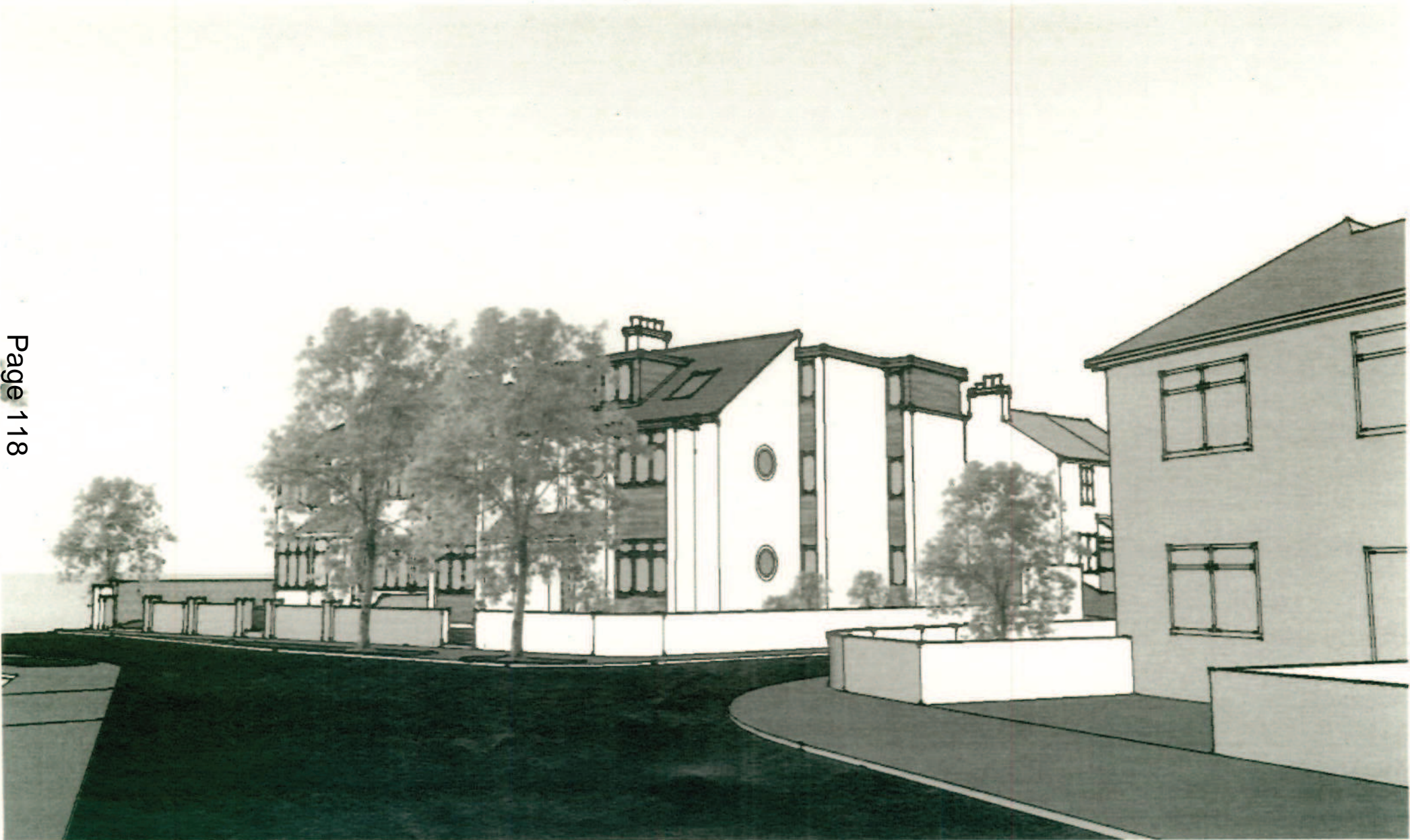
Architectural Drawing & Design

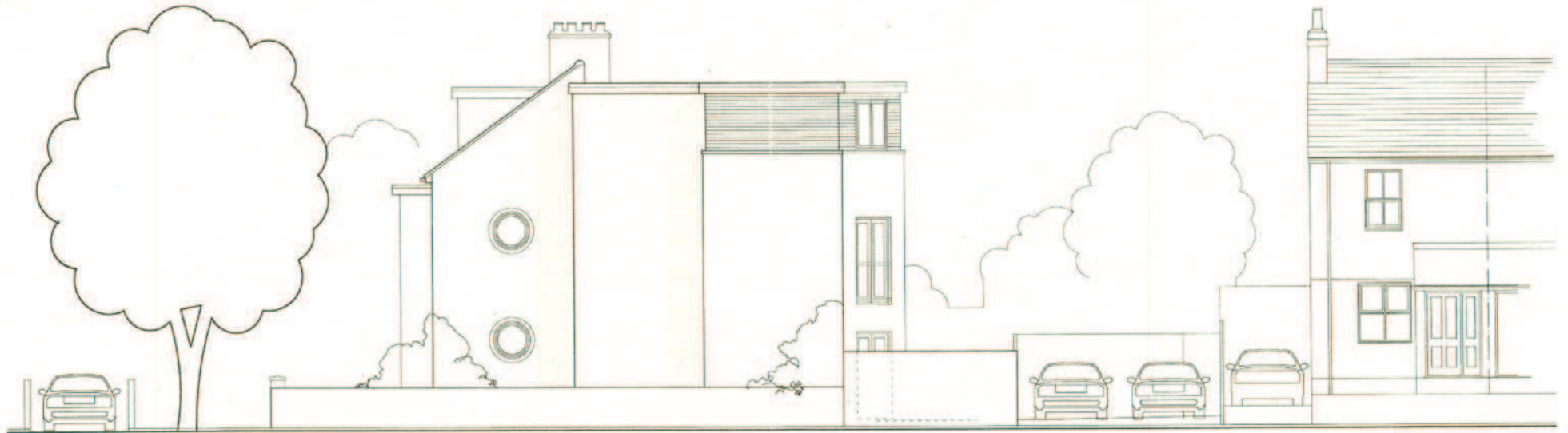
RICHARD BALL No1 WARD ROAD CAMBRIDGE CB1 3SY
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PROJECT **6 APARTMENTS - 117 VINERY RD CAMBRIDGE
 FOR MR & MRS H. PATEL**

DRAWING **PROPOSED 1st FLOOR PLAN**

SCALE **1:100@A3** DATE **DEC 2012** No **263-06P-A**





SIDE - NORTH - ELEVATION TO VINERY ROAD



Architectural Drawing & Design

RICHARD BALL No1 WARD ROAD CAMBRIDGE CB1 3SY
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PROJECT **6 APARTMENTS - 117 VINERY RD CAMBRIDGE
FOR MR & MRS H. PATEL**

DRAWING **PROPOSED SIDE - NORTH - ELEVATION**

SCALE **1:100@A3** DATE **DEC 2012** No **263-09P**

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Appeal Decision

Site visit made on 12 November 2012

by C Thorby MRTPI IHBC

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

Decision date: 31 December 2012

Appeal Ref: APP/Q0505/A/12/2180931
25 Cambridge Place, Cambridge, CB2 1NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Mutty against the decision of Cambridge City Council.
 - The application Ref 2/0490/FUL, dated 18 April 2012, was refused by notice dated 21 June 2012.
 - The development proposed is change of use from offices (Class B1) to form 3no studios and 2no 1 bedroom flats with associated access arrangements and external alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from offices (Class B1) to form 3no studios and 2no 1 bedroom flats with associated access arrangements and external alterations at 25 Cambridge Place, Cambridge, CB2 1NS in accordance with the terms of the application, Ref 2/0490/FUL, dated 18 April 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No construction work or demolition shall be carried out 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: PL(21)02A

Application for costs

2. An application for costs was made by Mr Richard Mutty against Cambridge City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - i) Whether the parking provision would meet local plan policy on parking, cause inconvenience to visitors or affect highway safety;
 - ii) The effect of the refuse and cycle facilities on the living conditions of the future occupiers in terms of cramped living conditions and noise and disturbance.

Reasons

4. *Parking provision.* The site is located along a narrow lane where there is a mix of offices and residential properties. The scheme makes no provision for on-site parking and the Council consider that this would not meet their parking standards identified in the Cambridge Local Plan policy 8/10. However, these are maximum standards that allow for a reduction in number where lower car use (which is not defined) can reasonably be expected. The site is close to the City centre, local shops, facilities and public transport, including Cambridge Railway Station. The flats would be small units, and I consider that the size, together with the highly accessible location, would mean that lower than average car use would be expected for this development.
5. Providing a car free development would encourage movement by a range of non-car modes of transport. This would meet the justification for the policy 8/10 which promotes lower levels of car parking in accessible areas. This is consistent with the aim of paragraph 30 of the National Planning Policy Framework (the Framework), to support a pattern of development which promotes sustainable transport.
6. Moreover, the site falls within a controlled parking zone and there are double yellow lines along both sides of Cambridge Place. If properly controlled, this would prevent inconvenient parking or parking which might pose a risk to highway safety. There are pay and display parking bays nearby where visitors could park, if necessary. Therefore, there would be no harm arising from the lack of on-site parking.
7. *Refuse and cycles.* The appellant's plans demonstrate that there is space for the appropriate number of bins and cycles and there is no evidence that the manoeuvring area would be insufficient. The ground floor would not, therefore, appear to be cramped or lead to bins being stored on the street. The area for refuse and cycling would be accessed from the hall beside the ground floor flat. Although people would move along the hallway with bikes or rubbish and there may be noise, this would not be unexpected in flat accommodation particularly for those people who live on the ground floor. Additionally, for five modest size flats the movements would not be significant and would not be likely to materially harm the living conditions of the occupiers.
8. The bin store would be in a separate room to the hall, set away from the door to the ground floor flat and harmful odours are unlikely to cause a problem to the future occupiers. The proposal would comply with LP policy 3/12 which relates to the design of new buildings. This policy is consistent with paragraph 58 of the Framework which aims to ensure that development will function well and add to the overall quality of the area.
9. *Other Matters.* The planning obligations make provision for contributions towards public open space, community facilities, waste and education. The policy basis for the contributions, the method of calculation, an indication of where the money will be spent and the relationship between the contributions and the development has been provided by the Council. In these circumstances, the obligations would meet the statutory tests and I have taken them into account.

10. *Conditions*. Restriction of hours for construction would be necessary to protect the neighbours' amenities. Otherwise than as set out in this decision and conditions, it is necessary that works shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions are attached relating to these matters.

Christine Thorby

INSPECTOR

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: East Area Committee

14/02/2013

WARDS: Romsey

Planning Inspector's decisions on the application for change of use from offices to three studios and two one-bedroom flats at 25 Cambridge Place (12/0490/FUL)

1 INTRODUCTION

- 1.1 This report concerns the above application for planning permission refused at East Area Committee on 21st June 2012. An appeal was lodged. The Inspector's decision on the appeal has now been issued and officers wish to draw Committee's attention to the Inspector's reasons for allowing the appeal, and for allowing a claim for costs against the Council.

2. RECOMMENDATIONS

- 2.1 I recommend East Area Committee note the Planning Inspector's two decisions on this appeal, and particularly her reasons for allowing the appeal and for allowing a claim for costs.

3. BACKGROUND

- 3.1 An application for planning permission for change of use from offices to three studios and two one-bedroom flats, at 25 Cambridge Place, was received on 18th April 2012. Officers submitted a report to East Area Committee of 21st June 2012, recommending approval of the application. Having considered the application at that meeting, East Area Committee decided not to accept the case officer's recommendation, but voted by a majority of five votes to zero to refuse planning permission, for three reasons.

- 3.2 The first two reasons, which were agreed by East Area Committee at the meeting of 21st June 2012, and cited on the decision notice, are as follows.

1. *The proposal provides no car parking space for visitors, contrary to policy 8/10 of the Cambridge Local Plan (2006).*
2. *Cycle parking and waste storage are not successfully integrated into the design. This is likely to lead to waste bins and cycles being left outside the building, detracting from the street scene and causing inconvenience to future residents of the development and nearby occupiers. The proposal is therefore contrary to policy 3/12 of the Cambridge Local Plan (2006) and to government guidance on good design in section 7 of the National Planning Policy Framework.*

- 3.3 The third reason, agreed at the same time, concerned lack of planning obligation contributions, but this was resolved before the appeal by the completion of an agreement.
- 3.4 The applicant lodged an appeal with the Planning Inspectorate, which was dealt with by written representations. Officers submitted a written defence of the Council's reasons for refusal, which in their view provided as strong as possible a justification for the reasons given. The Inspector, Christine Thorby, issued her decision on 31st December 2012. She allowed the appeal and granted permission for the change of use. In a separate decision, she allowed a claim for costs to be made against the Council by the appellants.
- 3.5 The Inspector rejected the argument that car parking provision on-site was insufficient (Paragraphs 4-6 of her decision). She noted that the Council's car parking standards contain maximum levels of provision, not minimum levels, and she considered that visitor parking could be accommodated in nearby pay-and-display bays. She also stressed that the yellow lines in Cambridge Place itself were a sufficient safeguard against inconvenient or dangerous parking.
- 3.6 The Inspector also rejected the argument that refuse and cycle storage were unsatisfactory (Paragraphs 7 and 8 of her decision). She noted that the plans provided sufficient space for the number of cycles and waste bins required, and therefore saw no evidence that inconvenience was likely to be caused to future occupiers or neighbours.
- 3.7 In a separate decision, the Inspector decided that in refusing this application, the Council had acted unreasonably. She stated that reason 1 above was 'wholly inadequate', and drew attention to the fact that policy 8/10 of the Cambridge Local Plan (2006) clearly promotes lower levels of private car parking. She also stated that the Council failed to provide any justification for the arguments that bins and cycles would be left on the pavement, or to explain how it had arrived at the judgements that the integration of the store would be unsuccessful or the ground floor too cramped.
- 3.8 As a result of the Council's unreasonable behaviour, the Inspector allowed a claim for costs against the Council.

4.0 OPTIONS

- 4.1 Note the Inspector's decisions on this appeal.
- 4.2 Decline to note the Inspector's decisions.

5.0 CONCLUSIONS

- 5.1 Officers consider that it is particularly important to note the following points from these decisions.
- The Council's Car Parking Standards are maximum levels; the Cambridge Local Plan (2006) promotes lower levels of car parking provision in accessible areas as a means of encouraging non-car modes of transport; this approach is supported by the Framework. In this context it is difficult to

sustain a reason for refusing a planning application on the basis of inadequate car parking unless the site is remote from local services and public transport routes. It is even more difficult to do so in circumstances such as those of the appeal, where the proposed units are small, the location is highly sustainable, and on-street parking is controlled. This applies to visitor parking as well as to parking for future occupiers.

- Where an application proposes waste and cycle storage provision at levels consistent with policy, a refusal on grounds that these provisions are unsatisfactory will only prevail at appeal if it cites, on the decision notice, a very detailed and robust explanation of exactly why the proposed scheme will not function satisfactorily.
- Where reasons for refusal of planning permission are not robustly justified in the decision notice, the Council runs a serious risk of being considered to have acted unreasonably, and of having costs awarded against it.

5.2 The officer view is that the Inspector's decisions should be noted, because the issues raised here are likely to recur with respect to other applications in the future.

6.0 IMPLICATIONS

- (a) **Financial Implications:** The appellants have submitted a claim for costs at £5500 + VAT. Officers will make a proper challenge to any aspects of this claim which do not appear to be reasonable. Similar awards might be made in the future, and if such appeals are handled through informal hearings, the costs could be greater. The defence of appeals also carries costs to the Council in officer time.
- (b) **Staffing Implications: None**
- (c) **Equal Opportunities Implications: None**
- (d) **Environmental Implications: None**
- (e) **Community Safety: None**

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

Case officer's report to East Area Committee 21st June 2012

De-briefing sheet and minutes of East Area Committee 21st June 2012

*Inspector's decision on the appeal on this application

*Inspector's decision on the appellant's application for costs on this appeal.

The two documents asterisked are attached to this report.

To inspect the other documents contact Tony Collins on extension 7157, or use the City Council website: planning application documents are available via the Public Access system

The author and contact officer for queries on the report is Tony Collins on extension 7157

Report file:

Date originated: 05 February 2013

Date of last revision: 05 February 2013



Costs Decision

Site visit made on 12 November 2012

by **C Thorby MRTPI IHBC**

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

Decision date: 31 December 2012

Costs application in relation to Appeal Ref: APP/Q0505/A/12/2180931 25 Cambridge Place, Cambridge, CB2 1NS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Mutty for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal of planning permission for change of use from offices (Class B1) to form 3no studios and 2no 1 bedroom flats with associated access arrangements and external alterations.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Reason for refusal 1 of the decision notice is wholly inadequate, as it fails to explain why a lack of parking spaces for visitors would make the scheme unacceptable. The alleged conflict with policy 8/10 of the Cambridge Local Plan to meet the Council's parking standards is insufficient justification as the standards set a maximum parking level and allow for reduced levels where lower ownership is expected. Additionally, the reasoning for policy 8/10 clearly promotes lower levels of private car parking where good public transport exists.
4. The Council's statement tries to expand the reason for refusal, alleging inconvenience to visitors without any explanation of what this means or why it would cause harm. They suggest that 'ad-hoc fly parking' would take place. This is an unexplained term which I have assumed in my decision letter would mean parking somewhere along Cambridge Place potentially affecting highway safety or annoying other residents. However, the Council fail to say how this could take place when there are double yellow lines on the road, preventing parking, which could be enforced.
5. With regard to reason for refusal 2, the Council failed to put forward any justification in their written statement as to why the bins and cycles would be left out on the pavement. They completely failed to justify why the bins and cycles would detract from the street scene or cause inconvenience, as alleged in the reason for refusal. There is no quantitative information about why they

consider the bin and cycle store would be too small. They put forward no justification about how they have judged the integration into the design to be unsuccessful, or on what grounds they have judged the ground floor to be cramped. The Council's statement makes a point about odour and disturbance from the daily use of the bin store, in relation to the ground floor unit, but this is not in the reason for refusal.

6. Reason for refusal 3 was overcome during the appeal process; however, the appellant had expressed willingness to enter into a legal agreement and this process was underway during the application process. It is highly unlikely that the application would have been refused solely on these grounds.
7. I consider that the Council failed to substantiate their reasons for refusal 1 and 2, and that reason for refusal 3 could have been overcome during the planning application process. Therefore, planning permission should have been granted. I find that unreasonable behaviour resulting in unnecessary expense has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cambridge City Council shall pay to Mr Richard Mutty, the costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to Cambridge City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Christine Thorby

INSPECTOR