

<b>Application Number</b>	11/1534/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	14th December 2011	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	8th February 2012		
<b>Ward</b>	Petersfield		
<b>Site</b>	St Colettes Preparatory School Tenison Road Cambridge Cambridgeshire CB1 2DP		
<b>Proposal</b>	Proposed erection of 6 x 5 bed houses, 1 x 4 bed house and 1 x 3 bed house, internal access road, car and cycle parking and hard and soft landscaping.		
<b>Applicant</b>	Oro Ventures Ltd And MPM Properties (Investments) Ltd		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site lies between Tenison Avenue, George Pateman Court, and Highsett, about 120m from the Tenison Road/Station Road junction. The site takes the form of a narrow truncated wedge, with its long axis running east-west parallel with Tenison Avenue. It measures 122 m in length, and is 30m wide at its east end, where it abuts the rear of curtilages facing Tenison Road, and 19m wide at the west end, abutting Highsett.
- 1.2 The site is not allocated in the Cambridge Local Plan (2006). It has been in use as a private preparatory school. This use ceased in mid-2009, when the school relocated to a site in Girton, outside the city boundary. All the buildings on the site have been demolished following the grant of Conservation Area Consent in 2010 (09/1144/CAC)
- 1.3 Residential accommodation surrounds the site: to the north and west are three-storey houses in Tenison Avenue and Highsett, and to the south are three-storey buildings in George Pateman Court, containing flats and maisonettes. The three-storey terrace of buildings on the east of the site is occupied by a

mixture of private houses and bed-and-breakfast accommodation. The site falls within the controlled parking zone (CPZ).

- 1.4 The site falls within the City of Cambridge Conservation Area No.1 (Central). It lies just to the south-west of the edge of the Mill Road and St Matthews sector, in a part of the Conservation Area for which there is no appraisal. A large number of the trees within and immediately adjacent to the site are subject to Tree Preservation Orders.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for seven five-bedroom houses. The houses would be served by an access road turning off George Pateman Court and running along the eastern and northern boundaries of the application site. The houses would be arranged in line with the eastern and western boundaries, standing at right angles to the neighbouring houses on Tenison Avenue.

- 2.2 The houses would be semi-detached, standing in pairs, with the exception of one detached house at the western end of the site (plot 7). Each plot can be described as follows:

### Plots 1 & 2

- 2.3 This pair of houses would stand on the eastern end of the site, facing out onto the access road, where it adjoins George Pateman Close, and in line with 7-13 Tension Avenue. At their closest point, these houses would stand 16m from the common boundary with the houses on Tension Road to the east; 1.4m from the common boundary with George Pateman Court to the south; and 8.6m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). Plot 1 would step down to 5.6m in height 2.2m from the southern side of the house. Plot 2 would step down to 4m in height on the northern side of the house.

### Plots 3 & 4

- 2.4 This pair of semi-detached houses would stand in line with 15-17 Tension Avenue. At their closest point, these houses would

stand 2.6m from the common boundary with George Pateman Close to the south; and 7.2m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). Plot 3 would step down to 4.5m in height 2.6 from the southern side of the house.

### Plots 5 & 6

- 2.5 This pair of semi-detached houses would stand in line with 21-27 Tension Avenue. At their closest point, the houses would stand 1.4m from the common boundary with Highsett to the south; and 6.2m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). Plot 5 would step down to two-storeys in height (4.2m), 2.8m from the southern side of the house. Plot 6 would step down to two-storeys in height (5.3m) 3.4m from the northern side of the house.
- 2.6 All three pairs would have basements, with the exception of plot 6 and would be three-storeys in height at the front and sides, and four-storeys in height at the rear. The top floor of the houses would be set within a gabled roof structure.

### Plot 7

- 2.7 This detached house would stand in line with 29-31 Tension Avenue. At its closest point, the house would stand 4.2m from the common boundary with Highsett to the south; and 0.8m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). The house would step down to 4m in height 3.9m from the southern side of the house, and would step down to 2.8m to the eaves 5.4m from the northern side of the house.
- 2.8 This detached house would be three-storeys in height (at its highest point). The top floor of the house would be set within a gabled roof structure. This house would not have a basement.
- 2.9 The application is accompanied by the following supporting information:

1. Design and Access Statement

2. Supporting Planning Statement
3. Site Waste Management Plan

2.10 The application is brought before Planning Committee rather than East Area Committee because the previous application was determined by Planning Committee.

### 3.0 SITE HISTORY

Reference	Description	Outcome
09/1142/FUL	Erection of 12no 4 bed houses and 1no 5 bed house, internal access road and hard and soft landscaping following demolition of all existing buildings on site.	REF
09/1144/CAC	Demolition of all existing buildings.	A/C

### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of 15 February 2012):	Yes

### 5.0 POLICY

#### 5.1 Central Government Advice

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

**5.3 Planning Policy Statement 3: Housing (first published November 2006, 2nd edition published January 2010, 3rd edition published June 2010, 4th edition published June 2011):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

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

Technical amendments to Annex B: Definitions, to reflect the introduction of Affordable Rent. (June 2011)

**5.4 Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage

assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

- 5.5 **Planning Policy Statement 25: Development and Flood Risk (2006):** States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.
- 5.6 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.7 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

**Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning

permission is dependent upon a planning obligation the obligation must pass the following tests:

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

## **5.8 East of England Plan 2008**

SS1: Achieving Sustainable Development  
ENV6: The Historic Environment  
ENV7: Quality in the Built Environment

## **5.9 Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision  
P9/8 Infrastructure Provision

## **5.10 Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/11 The design of external spaces  
3/12 The design of new buildings  
4/4 Trees  
4/11 Conservation Areas  
4/13 Pollution and amenity

5/1 Housing provision  
5/11 Protection of community facilities  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places

3/8 Open space and recreation provision through new development

3/12 The Design of New Buildings (*waste and recycling*)

5/14 Provision of community facilities through new development

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

## 5.11 Supplementary Planning Documents

**Cambridge City Council (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.

**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.

**Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community



facilities, waste and other potential development-specific requirements.

## 5.12 Material Considerations

### Central Government Guidance

#### Draft National Planning Policy Framework (July 2011)

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

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be “yes” , except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged

8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

### **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.

### **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.

### **City Wide Guidance**

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

**Cambridge and South Cambridgeshire Strategic Flood Risk Assessment** - in November 2010 the Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (SFRA) was adopted by the City Council as a material consideration in planning decisions. The SFRA is primarily 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

**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.

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

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 Tension Road is currently subject to consultation regarding traffic management measures on the public highway. It would be appropriate for the application to contribute to these measures to offset the increased traffic movements from the vacant site. This contribution should be in the form of provision

of an appropriate junction with Tenison Road to complement the overall scheme.

6.2 The internal road layout is unsuitable for adoption as a highway maintainable at the public expense, even were the gates to be removed, nor does the access connect to a public highway.

6.3 It is recommended that the access road is 5m wide to allow for cars to comfortably pass pedestrians and cyclists on the shared surface. The roadway should be tracked to demonstrate the ability for a fire engine to reach the farthest point of the site.

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

6.4 No objection, subject to conditions relating to a Demolition and Construction Environmental Management Plan (DCEMP), contaminated land and waste storage.

#### **Urban Design and Conservation**

6.5 No objection, subject to conditions relating to materials and landscaping.

#### **Cambridgeshire Fire and Rescue**

6.6 Adequate provision must be made for fire hydrants.

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

6.7 The site lies in an area of high archaeological potential. A condition is requiring a programme of archaeological investigation.

#### **Cambridge City Council Sustainable Drainage Engineer**

6.8 Although a reduction in impermeable area is proposed, in accordance with the Strategic Flood Risk Assessment for Cambridge City there should be a minimum of 20% reduction in discharge from a previously developed site. This should be based on the actual discharge from the site and not a theoretical calculation i.e. the size of the surface water pipe leaving the site.

- 6.9 Because of the access road being non-adoptable, a permeable paving should be used. This has the potential to provide a cost effective way of providing the amount of attenuation required. When utilising permeable paving appropriate non-permeable service strips should be employed.
- 6.10 Ground investigations should be undertaken and infiltration rates and ground water levels should be used to design an appropriate system. It should be noted that permeable paving is suitable for use in areas of low infiltration rates.
- 6.11 Subject to the above being undertaken, I have no objection to the proposal.

### **City Council Policy Team**

- 6.12 This proposed scheme has not provided sufficient open space provision on site to allow the Policy Team to confirm that the requirements of Policy 3/8 can be met in this instance

### **City Council Arboricultural Team**

- 6.13 While the situation is still not ideal with regard to shading, the size of the garden does compensate. This will making it more reasonable to object to any detrimental tree work applications received when the unit is occupied. The tree issues are now an insufficient reason alone to object to the scheme.
- 6.14 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:
- 56 Highsett
  - 59 Highsett
  - 60 Highsett
  - 61 Highsett
  - 62 Highsett
  - 68 Highsett
  - 69 Highsett

- 79 Highsett
- 84 Highsett
- 85 Highsett
- 1 Tenison Avenue
- 3 Tenison Avenue
- 5 Tenison Avenue
- 7 Tenison Avenue
- 9 Tenison Avenue
- 11 Tension Avenue
- 13 Tenison Avenue
- 15 Tenison Avenue
- 17 Tenison Avenue
- 19 Tenison Avenue
- 21 Tension Avenue
- 23 Tenison Avenue
- 25 Tenison Avenue
- 27 Tenison Avenue
- 29 Tenison Avenue
- 31 Tenison Avenue
- 158 Tenison Road
- Glisson Road / Tenison Road Area Residents Association
- Petition containing 31 signatures

7.2 The representations can be summarised as follows:

Principle

- Loss of educational use – there is a shortage of pre-school and primary school places in the area, especially with CB1

Character and context

- Overdevelopment
- The houses are too large and out of scale with immediate neighbours
- Impact on and loss of trees
- Poor design

Residential amenity

- Overshadowing
- Loss of light
- Impact on outlook
- Loss of privacy

- Overlooking – obscure glazed windows could be reglazed clear at a later date
- Increased traffic noise from the access road
- Increase in traffic
- Enclosure and visual dominance
- Light pollution from cars and street lights
- The proposed houses have small gardens
- No shared open space on the site

#### Car and cycle parking

- Inadequate car parking
- The proposed houses should be excluded from the Residents Parking Zone with the promotion of a specific Traffic Regulation Order

#### Other

- Water table and flooding
- The boundary wall between the site and Tenison Avenue should be maintained by the developer
- Misleading 3D images
- The historic boundary wall between the site and Tension Avenue may be damaged by the building works
- There was an architectural competition for this site. A scheme designed by another architectural firm was more acceptable
- There is a need for smaller houses in the area

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Renewables
5. Refuse arrangements
6. Highway safety



7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

## **Principle of Development**

- 8.2 In terms of the principle of development the previous application was refused for the following reason:

### Reason for Refusal 1:

*The application fails to demonstrate that the community use to be lost on the site is either to be replaced within the development, relocated to another premises of equal accessibility for its users, or no longer required. The application also fails to demonstrate that the school site involved is not required for educational use in the longer term. For both these reasons the proposal is in conflict with policy 5/11 of the Cambridge Local Plan (2006).*

- 8.3 The last use of the application site was as a school (Class D1 Use). A school is defined as a community facility in the Cambridge Local Plan (2006). Policy 5/11 of the Local Plan, which seeks to protect existing community facilities, states that development leading to the loss of community facilities will only be permitted if it can be demonstrated that either:
- a) the facility can be replaced to at least its existing level and quality within the new development; or
  - b) the facility is to be relocated to another appropriate premises or site of similar accessibility for its users; or
  - c) that there is no longer a need within the local community for the facility or that the need can be adequately met at an alternative facility of similar accessibility for its users.
- 8.4 In addition, policy 5/11 also states that the redevelopment of school sites for other uses will be permitted only if it can be demonstrated that they are not required in the longer term for continued education use.
- 8.5 The proposal does not meet part a) or part b) of the policy. The community facility is not to be replaced on site. The school has

relocated to Girton, but as was argued at the time of the previous application, this is not considered to be of similar accessibility.

- 8.6 With regards to part c) of the policy, the site has been marketed and there is no party in a position to purchase the site to develop it for educational or community use. Cambridgeshire County Council have confirmed that there is a shortage of educational provision in this area of the City but funds are not available to purchase the site. The site is too small to accommodate a primary school and does not meet the needs of the Early Years Team.
- 8.7 The applicants have also argued that the educational use of the site has been 'abandoned' and the site has no planning use. This is because the site has been cleared of buildings (following the grant of Conservation Area Consent in 2009) and therefore the education use could not be resumed without the need for planning permission for a new building. I have sought advice on this issue from the City Council's Legal Department. They do not share the applicant's view that the use has been 'abandoned'. If a planning application was submitted for a new school building, it is likely that the Local Planning Authority would regard the educational use as the existing, lawful use of the site.
- 8.8 Policy 5/1 of the Cambridge Local Plan relates to housing provision and states that proposal for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and therefore it is my opinion that the redevelopment of the site for residential use is compatible with its surroundings and acceptable in principle.
- 8.9 In my opinion, the principle of development is acceptable and in accordance with policy 5/1 and policy 5/11 of the Cambridge Local Plan (2006).

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

- 8.10 The previous, refused application proposed the erection of thirteen three-storey town houses arranged longitudinally on the site served by an access road turning off George Pateman

Court and running along the eastern and northern boundaries of the application site (as is proposed here).

- 8.11 In terms of context and design, this application was refused for the following reasons. I will assess whether or not the current application satisfactorily addresses each of these reasons for refusal in turn:

#### Reason for Refusal 2

*The detailed design is unacceptable because the excessive fenestration on the north side, the over-large dormers, the absence of chimneys, and other contemporary features such as Juliet balconies, and integral, part-glazed, garage doors do not successfully reflect the Victorian / Edwardian idiom upon which the overall mass, form and design appear to draw. Consequently, the proposed houses lack the vitality and interest of older houses in the area and their appearance fails to respond positively to the local character. For these reasons the proposal would not have a positive impact on its setting, would not preserve or enhance the character and appearance of the conservation area, and would not create an attractive, high-quality living environment. It therefore constitutes inappropriate, poor design, which has not responded positively to its context, and which fails to take the opportunities available for improving the character and quality of the area, and is therefore contrary to policies ENV6 and ENV7 of the East of England Plan (2008), policies 3/4, 3/7, 3/12 and 4/11 of the Cambridge Local Plan (2006), and government guidance in Planning Policy Statement 1: Delivering Sustainable Development (2005).*

- 8.12 The previous, refused scheme, took inspiration from the houses on Tension Avenue, directly to the north of site, and attempted to incorporate more contemporary features. Officers took the view that the 'blending' of traditional and contemporary features, in the way proposed, was not successful. This was shared by Planning Committee
- 8.13 The City Council's Urban Design and Conservation Team support the application. The site is surrounded on all four sides by residential properties, with the houses on Tension Road and Tension Avenue backing on to the site, to the north and east, and the neighbouring houses at Highsett share a common boundary with the site to the west and south. Where the site

shares a common boundary with a road (George Pateman Court to the south and a parking area/turning area at Highsett to the west), the site is not clearly visible at street level. Consequently, any development on this site will have minimal impact on the character and appearance of the Conservation Area.

- 8.14 The layout of the site is well resolved. The density of the proposed scheme is approximate 25 dwellings per hectare, which is not dissimilar to the surrounding area. The scale and massing of the dwellings is appropriate and respects the local context, which comprises of extensive areas of large two and a half storey semi-detached villas. The elevations present a well designed, contemporary interpretation of the late Victorian villas, that adjoin the site on Tenison Avenue, comprising prominent gables and chimneys, which reflects the architecture of the nearby Victorian buildings, combined with contemporary fenestration.
- 8.15 In my opinion, the proposed scheme satisfactorily addresses this reason for refusal.

#### Reason for Refusal 4

*Because the proposed development would be gated, and separated from the surrounding area, it would not be satisfactorily integrated with the immediate locality and the wider city, and would be in conflict with conflict with policy ENV7 of the East of England Plan 2008, policy 3/4 of the Cambridge Local Plan (2006), and government guidance on good design in Planning Policy Statement 1 'Delivering Sustainable Development' (2005).*

- 8.16 The previous, refused scheme was for a gated development, and Officers were of the opinion that the gates were unnecessary and would mean that the development would not be integrated with the surrounding area. This view was shared by Planning Committee. The proposed development is not gated, and this reason for refusal has therefore been addressed.

## Reason for Refusal 5

*Because of the proximity of the proposed Houses 1 and 2 to the protected lime trees at the west end of the site, the gardens and rooms of the houses concerned would be shaded to an unacceptable degree. Because of this excessive shading, the two proposed houses would not be high-quality, attractive, stimulating living environments, and the proposal would be in conflict with policy 3/7 of the Cambridge Local Plan (2006). Because of the likely consequent demands for felling or pruning, the difficulty of resisting such demands, and the difficulty of properly protecting these trees during the construction process, the proposal would also be in conflict with policy 4/4 of the Cambridge Local Plan (2006).*

- 8.17 Originally, the proposed scheme included a pair of semi-detached houses at the western end of the site. As before, the City Council's Arboricultural Officer (and Landscape Officers) objected to the application and were concerned about the relationship of these houses with the trees, and the impact the proposal would have on the trees. The trees along the common boundary with Highsett to the north and west would significantly shade the rear gardens of these new houses, meaning that their outside space would be in shade for the majority of the year. This was not considered to be acceptable and contravenes the BRE guidelines, which recommends that for amenity spaces to be adequately sunlit throughout the year, at least half of a garden, or amenity area, should receive at least 2 hours of sunlight on 21 March.
- 8.18 The application has been amended with this pair of semi-detached houses replaced with a detached house. As the garden space is now double the size, and only half of the garden will be in shade, the City Council's Arboricultural Officer (and Landscape Officers) have confirmed that this will make it more reasonable for the Local Planning Authority to object to any tree works applications made by the future occupier, which would be detrimental to the trees.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/11.

## **Residential Amenity**

### Reason for Refusal

*Because of the degree of overlooking from the proposed houses towards the rear elevations and rear gardens of Nos. 7-29 Tenison Avenue, and over the front, side and rear gardens of Nos. 84 and 85 Highsett, and because of overshadowing of rear gardens, balconies, roof terraces and ground floor rooms in Tenison Avenue during winter months, the application would result in unacceptable harm to the residential amenity of the occupiers of those houses, and would be in conflict with policy ENV7 of the East of England Plan 2008, policy 3/4 of the Cambridge Local Plan (2006), and government guidance on good design in Planning Policy Statement 1 'Delivering Sustainable Development' (2005).*

- 8.20 This reason for refusal is the fundamental reason why the positioning of the houses has been changed from standing parallel with the houses on Tension Road to being arranged in semi-detached pairs, in line with the eastern and western boundaries.

### Impact on amenity of neighbouring occupiers

#### Privacy: occupants of George Pateman Court

- 8.21 The proposed houses have been designed to minimise the overlooking of neighbouring properties. There are very few windows on the southern elevation of the houses, facing out towards George Pateman Court. The distance between the existing block of flats at George Pateman Court and the proposed houses, varies from unit to unit, but at the closest point, there would be a separation distance of 14m between the buildings. This is the access elevation of George Pateman Court, with walkways running along the building at first and second floor level. Such windows as face in this direction have no privacy at present, as occupiers of, and visitors to, other flats pass directly in front of them – a fact reflected by the almost universal use of net curtains on these windows. At ground level, there are no gardens – this side of the block is taken up with car parking space, and the communal amenity space is on the opposite (south) side of the building. I do not consider that the

proposed development would entail any loss of privacy for occupants of George Pateman Court.

Privacy: occupiers of 68-70 and 82-85 Highsett

- 8.22 Plot 6 would stand alongside 85 Highsett. The side elevation of plot 6 includes only bathroom windows, which would look out onto the flank wall of 85 Highsett, and would have no detrimental impact on the privacy of the occupiers of this property. Plot 6 would include windows on the rear of the house (serving the living/dining room on the ground floor, bedroom and ensuite on the first floor, and bedroom on the second floor). Direct views into the neighbouring garden would not be possible but oblique views would be. This, in my view, is no worse than any urban situation, and is no worse than the existing overlooking between 85 and their attached neighbours. I consider this to be acceptable.
- 8.21 The rear garden of plot 7 would sit alongside 68 Highsett. Due to the positioning of plot 7, forward of 68 Highsett, there is some potential for overlooking from the rear of plot 7 to the rear of 68 Highsett (68 Highsett backs on to the site, unlike 85 Highsett, which is side on). Again, there is no potential to directly overlook the neighbouring property, but there is potential from some oblique angles which are more direct than the relationship between plot 6 and 85 Highsett. The design of plot 7, has however, reduced this potential impact. There are four windows proposed at first floor level on the rear elevation of plot 7. The southern most two windows (ie the windows closest to 68 Highsett) will serve ensuites, and the northern most two windows will serve a bedroom. To prevent any overlooking from the closest windows to the neighbour I consider it reasonable to add a condition requiring that these windows are obscure glazed and fixed shut (condition 5). Due to the width of the house (approximately twice the width of the other houses on the site), the first floor windows serving the bedroom would be more than 14m from the back of 68 Highsett (when measured diagonally). Although oblique views would be possible towards the rear of 68 Highsett, it is my view that due to the separation distance between the properties this is not significant enough to warrant refusal of the application and is acceptable.

## Privacy: occupiers of 5-31 Tenison Avenue

8.22 There are very few windows on the northern, side, elevation of the houses facing out towards the rear gardens of the neighbouring houses on Tenison Avenue. Many of these neighbouring houses have been extended and are closer to the proposed houses than old Ordnance Survey extracts suggests. In many cases, the rear windows of the Tension Avenue houses are considerably less than 20m from the proposed northern, side elevations. Many of the Tenison Avenue houses have habitable rooms (living rooms, kitchens, bedrooms, and studies) on this south elevation, and some have balconies and roof terraces. The degree of privacy enjoyed in these rooms and in the adjacent gardens at present is considerable, but not absolute. Gardens are already overlooked to some degree by neighbours, but this does not always extend to the area closest to the houses themselves. The rear elevations of the Tension Avenue houses are also overlooked from the entrance walkways and north facing windows of George Pateman Court, but this is from some considerable distance.

8.23 Generally, the windows on then northern elevation of the houses, at first and second floor levels, serve shower rooms and bathrooms. To prevent direct overlooking of the houses on Tension Road, I recommend that a condition is added requiring that these windows are obscure glazed and fixed shut. The houses include a projecting element at the front of the houses, and this section of the houses includes a 'wrap-around' window (which wraps around the front and side of this section of the house) at first floor level, serving a bedroom. Plot 5 is the closet house to the northern boundary, and the 'wrap-around' window in this house sits approximately 10m from the boundary. In my opinion, due to the separation distance between the houses, these window are unlikely to have a significant detrimental impact on the privacy of the occupiers of the Tenison Avenue houses.

## Overshadowing

8.24 Only in the case of the Tenison Avenue houses, which lie to the north of the proposed houses, does an issue of overshadowing arise. The applicant has submitted a shadow analysis, showing the current situation (ie the vacant site) compared with the proposed redevelopment. Taking March as an example, the



shadow analysis demonstrates that, in the morning, the existing trees on the northern and eastern boundaries of the application site cast shadow across the eastern and western end portions of the application site. By the afternoon the trees are overshadowing the end part of the rear gardens of the houses on Tenison Avenue, leaving the rear garden of 31 Tension Avenue totally in shade.

- 8.25 The shadow analysis shows that the proposed houses would generally overshadow each other. The impact that the proposed houses would have on the neighbouring properties over and above the current situation would not be significant.

#### Visual domination

- 8.26 The proposed houses would be a very prominent feature in the outlook from the rear of the Tenison Avenue houses, especially as these properties currently benefit from an outlook across an open piece of land. However, I do not consider that they would be close enough to the existing houses to result in overwhelming visual domination or an unacceptable sense of enclosure. I take the same view with respect to Nos. 68 and 85 Highsett.

#### Noise and disturbance

- 8.27 The access road, serving the site, would be separated from the Tension Avenue gardens by the existing high brick wall. The number of vehicle movements along this road would be very limited and was not considered to be of concern at the time of the previous application, which would have generated more vehicle movements. Notwithstanding the concerns expressed in representations, I do not consider it likely that an unacceptable degree of noise or disturbance would result. I also am of the opinion, that the light generated from car lights would be minimal and shielded by the boundary wall.
- 8.28 The impact on neighbouring occupiers could be increased if the proposed houses were extended or additional windows were added. I, therefore, recommend that conditions are added to the permission removing Permitted Development rights (conditions 6 and 7).

- 8.29 In my opinion, the proposal adequately respects the residential amenity of neighbouring occupiers, and I consider that it therefore complies with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

- 8.30 Concern has been raised by residents that the gardens are too small for the size of the houses. In my view the gardens provided are adequate and consistent with the size of gardens on other new developments.
- 8.31 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.

### **Renewables**

#### Reason for Refusal 6

*The application fails to make provision for the generation of 10% of the energy requirements of the development on site by renewable means, and is therefore contrary to policy ENG6 of the East of England Plan (2008) and to policy 8/16 of the Cambridge Local Plan (2006).*

- 8.32 The previous, refused application was a 'major' development and therefore needed to comply with policy 8/16 of the Local Plan, which meant that 10% of the development's total predicted energy requirements must have been provided on site from renewable energy sources. This proposal is not a 'major' development and therefore the proposed scheme does not need to comply with policy 8/16. Solar panels are shown on the southern roof slopes of the houses, and this is welcomed.

### **Refuse Arrangements**

#### Reason for Refusal

- 8.33 *The application fails to make appropriate provision for the storage and collection of waste and recycling, contrary to policy*

*WM6 of the East of England Plan (2008) and policy 3/12 of the Cambridge Local Plan (2006).*

- 8.34 The geometry of the access road has been aligned to ensure that emergency vehicles can enter and turn within the site. The residents will only be required to move their bins to their immediate collection points which are under the maximum of 30m distance. From here a management company will transport the bins to the main collection point at the entrance of the site where the refuse collectors will empty the bins into the refuse collection vehicle which will be situated on George Pateman Court. This approach has been agreed in principle with the Refuse Department at the City Council.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car and Cycle Parking**

- 8.36 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that, at a maximum, two car parking spaces should be provided for houses of this size. One car parking space is proposed for each dwelling (with all but one house having a garage) along with three visitor parking standards. This is below the maximum standards but considering the site is close to the railway station and the bus interchange, I consider it to be acceptable.
- 8.37 I also acknowledge that the pressure to use private garages for storage space or to convert them to habitable rooms might lead to a reduction in the overall car parking space available. Some representations express concern about the impact of the development on on-street car parking space. However, this is an area of controlled parking, in which the pressure for on-street space, both during the day and at night, is already far beyond the saturation level. Residents of the development proposed here would not be entitled to residents' parking permits, and I do not consider that their demands, whether or not the households concerned keep one or more cars, would make any difference to the on-street pressure. I recommend that if the application were to be approved, a condition should be attached requiring a system to limit use of the visitors' spaces to visitors of these houses only. I also recommend a condition preventing

the garages from being converted into habitable rooms without the need for planning permission (condition 8).

- 8.38 Appendix D (Cycle Parking Standards) states that for houses of this size a minimum of four secure, covered cycle parking spaces must be provided. It is proposed that each house will have an individual cycle store. This approach is satisfactory, and acceptable.
- 8.39 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6, 8/10 and 8/16.

### **Third Party Representations**

*The 3D images that have been submitted as part of the application are misleading*

- 8.40 The 3D images have been reproduced to more accurately reflect the development. None of these images have been relied upon in my assessment.

*Works to and maintenance of the boundary wall*

- 8.41 The application does not include the removal of or any works to the boundary wall between the application site and Tenison Avenue. The maintenance of this wall will be a civil matter between the developer and the owner.

*Architectural competition*

- 8.42 This site was the subject of an architectural competition. Even if another scheme was put forward and won this competition, I can only assess what has been proposed in this application.
- 8.43 Concern has been raised about the water table and flooding. I have taken advice on this and will address this issue on the Amendment Sheet.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.44 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

- 8.45 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.
- 8.46 The application proposes the erection of seven five-bedroom houses. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714		
4-bed (or more)	4	238	952	7	6664
<b>Total</b>					<b>6664</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538		
3-bed	3	269	807		
4-bed (or more)	4	269	1076	7	7532
<b>Total</b>					<b>7532</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726		
4-bed (or more)	4	242	968	7	6776
<b>Total</b>					<b>6776</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed (or more)	4	316	1264		8848
<b>Total</b>					<b>8848</b>

8.47 I have sought advice from the City Councils Parks and Recreation team, on exactly where this contribution will be spent, and I will report this on the Amendment Sheet.

8.48 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

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

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

4-bed more)	(or	1882	7	13174
<b>Total</b>				<b>13174</b>

8.50 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

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

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	7	525
Flat	150		
<b>Total</b>			<b>525</b>

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

### Education

8.53 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.

- 8.54 In this case, seven additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education, secondary education, and lifelong learning. Contributions are therefore required on the following basis.

<b>Pre-school education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		810	7	5670
<b>Total</b>					<b>5670</b>

<b>Secondary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		1520	7	10640
<b>Total</b>					<b>10640</b>

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+-beds	2		160	7	1120
<b>Total</b>					<b>1120</b>

- 8.55 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.

### Monitoring

- 8.56 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

- 8.57 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 scheme is well designed and respects the amenities currently enjoyed by the neighbouring residents. The proposed development respects the character and appearance of the Conservation Area. The proposal satisfactorily addresses the previous reasons for refusal and is therefore recommended for approval, subject to conditions and the completion of the S106 agreement.

## **10.0 RECOMMENDATION**

### **FOR RECOMMENDATIONS OF APPROVAL**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 04 July 2012 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. Prior to the commencement of development, including demolition, a site wide Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:
  - (a) Site wide demolition and construction and phasing programme.
  - (b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
  - (c) Construction hours.
  - (d) Delivery times for construction purposes.
  - (e) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
  - (f) Maximum noise levels
  - (g) Vibration method, monitoring and recording statements in accordance with the provisions of BS 5228-2: 2009.
  - (h) Maximum vibration levels
  - (i) Details of Pilling
  - (j) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The control of dust and emissions from construction and demolition.
  - (k) Prohibition of the burning of waste on site during demolition/construction.
  - (l) Site lighting.
  - (m) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
  - (n) Screening and hoarding details.
  - (o) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
  - (p) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
  - (q) External safety and information signing and notices.
  - (r) Consideration of sensitive receptors.
  - (s) Prior notice and agreement procedures for works outside agreed limits.

- (t) Complaints procedures, including complaints response procedures.
- (u) Membership of the Considerate Contractors Scheme.

The demolition and construction shall then be carried out in accordance with the agreed plan.

Reason: To minimise the impact on the occupiers of neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

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

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

4. No brickwork is to be erected until the choice of brick, bond, mortar mix design and pointing technique have been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site. The approved panels are to be retained on site for the duration of the works for comparative purposes, and development must take place only in accordance with the approved details.

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

5. The bathroom/shower room windows of all of the houses hereby approved shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent when first introduced to the building and remain as such thereafter.

Reason: In the interest of privacy (Cambridge Local Plan 2006 policy 3/12).

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

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

7. 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)

8. 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 garages shall be converted into habitable space 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)

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the future occupiers of the site. (Cambridge Local Plan 2006, policy 4/13)

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

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

11. The units hereby approved shall not be occupied until fire hydrants have been installed according to a scheme previously submitted to, and approved in writing by the local planning authority.

Reason: To ensure safe conditions for future occupants. (Cambridge Local Plan (2006) policy 3/7)

### **Reasons for Approval**

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

East of England plan 2008: SS1, ENV6, ENV7;

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

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

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

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

**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 04 July 2012, or if Committee determine that the application be refused, it is recommended that the application be refused for the following reason(s):**

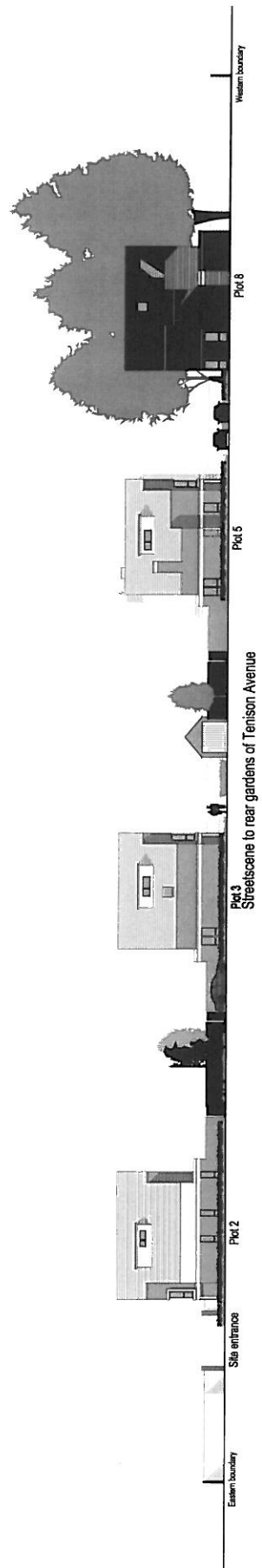
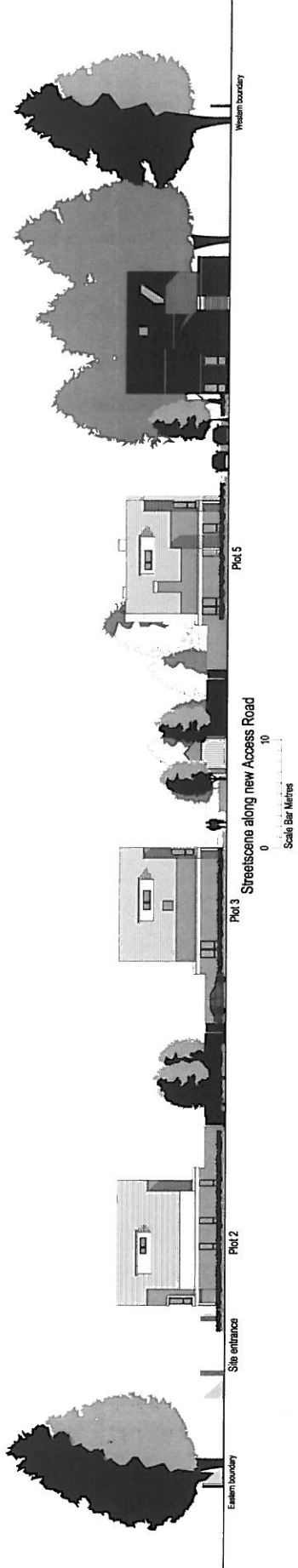
**The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010.**

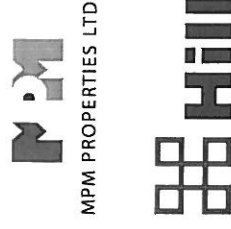
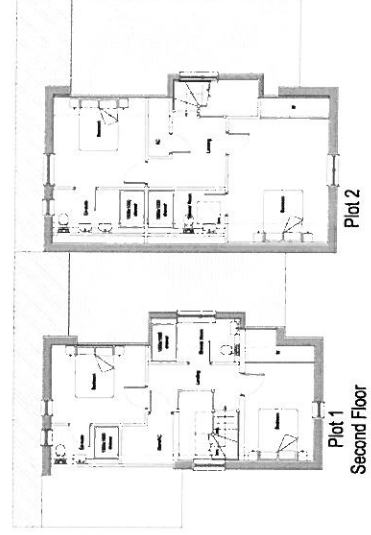
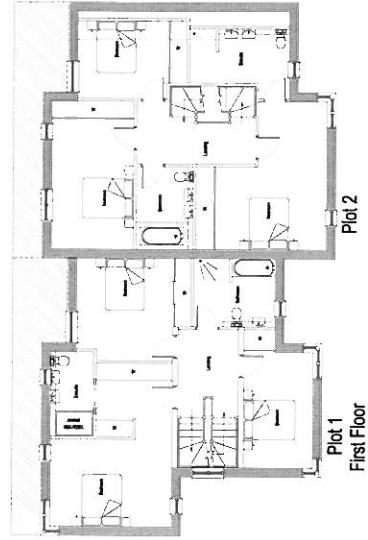
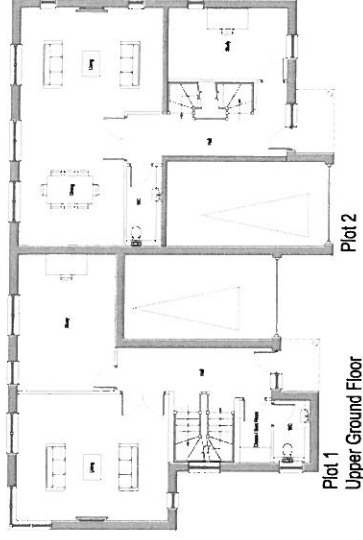
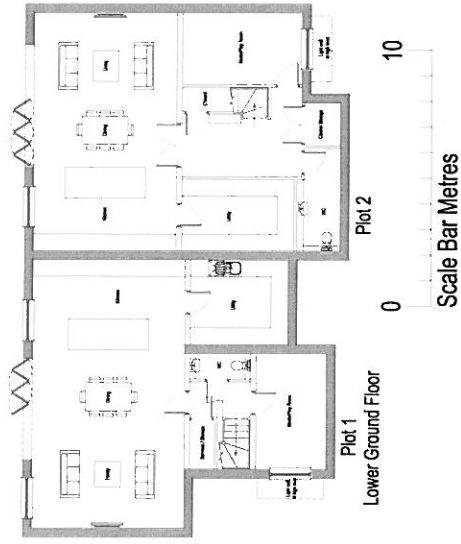
**3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development**





11/1534/FUL  
St Colettes Preparatory School, Tenison Road, Cambridge





Client: MPM Properties (Investments) Ltd  
 The Coach House, 13 Woodlands Road  
 Great Shelford, Cambridgeshire CB32 5LW

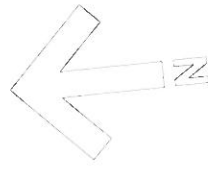
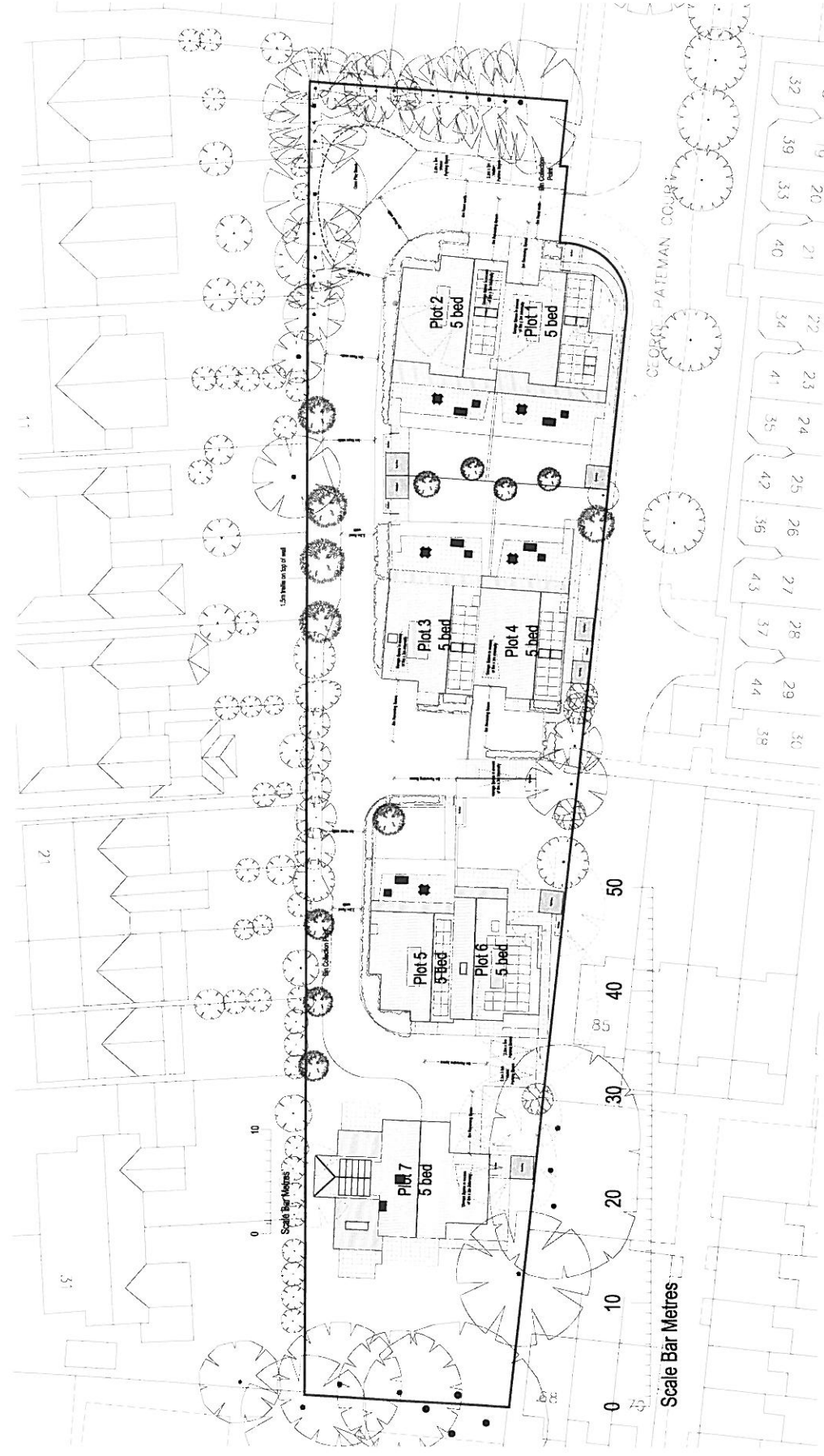
Project: St. Coletta's  
 115-117 High Road  
 Cambridge

Drawn: Plot 1 & 2  
 Floor Plans

Scale:	1:100 @A1	Date:	07/10/11
Drawn by:	MC	Checked by:	PD
Client Ref:		Plot No.:	050-200

This Document is a Contract Document and is subject to the conditions, which are incorporated by reference into this contract. Any amendments to be made to this contract shall be made to the contract.

Rev: No. Date: Amendment:  
A 09/01/12 MPM Properties (Investments) Ltd and MPM Properties (Investments) Ltd  
B 07/08/11 MPM Properties (Investments) Ltd and MPM Properties (Investments) Ltd



MPM PROPERTIES LTD



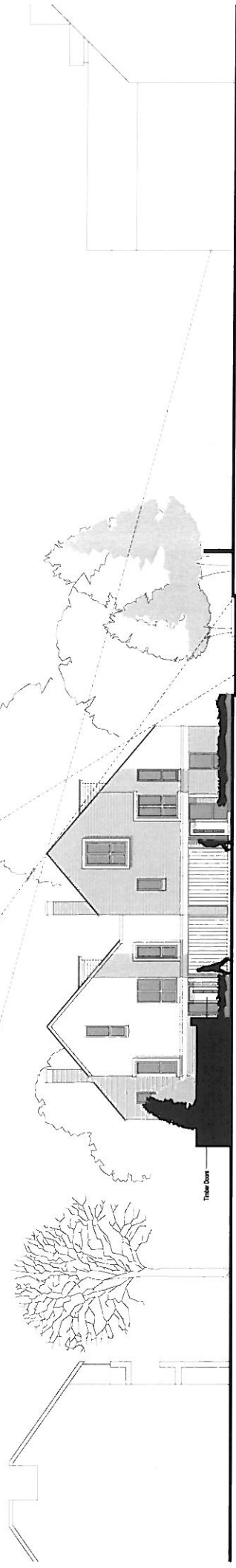
Client: MPM Properties (Investments) Ltd  
The Coach House, 13 Woodlands Road  
Great Shelford, Cambridgeshire CB22 5LW  
Site: Coach House  
Tenison Road  
Cambridge  
Drawing: Proposed Site Layout  
(Vegetation on the Northern boundary and near gardens of Tenison Avenue are estimations based on photographs dated 22-11-11)  
Scale: 1:200 @ A1  
Drawn By: PD  
Checked By: MC  
Date: 07/08/11  
Rev: No: B  
050-100  
GEO MET

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Only Approved Contractors are to be used for any alterations to be reported to the Architect.

Noon  
Mid-Winter

Noon  
Mid-Spring

Noon  
Mid-Summer



George Pateman Court

Plot 1

Plot 2

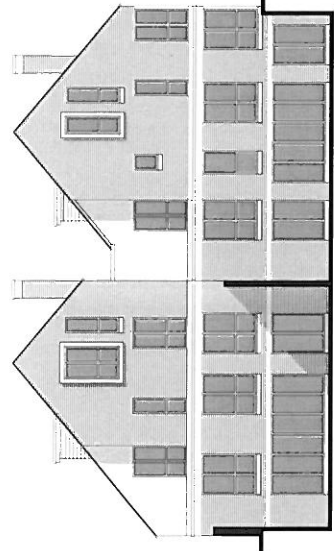
No 5 Tenison Avenue



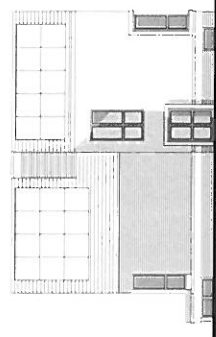
Elevation to proposed access road

0 10

Scale Bar Metres



Rear Elevation



Elevation to George Pateman Court



MPM PROPERTIES LTD

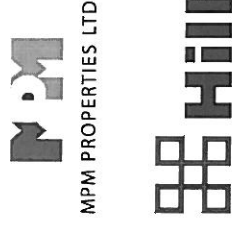
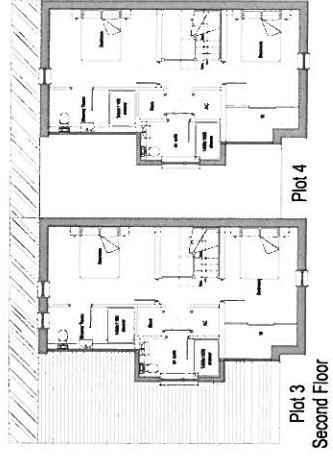
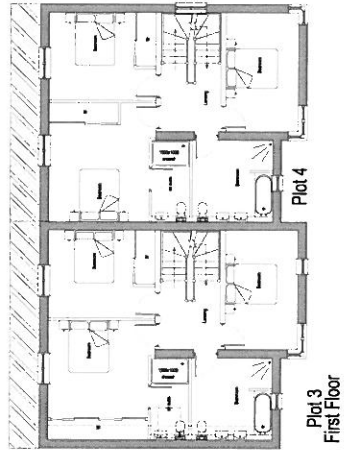
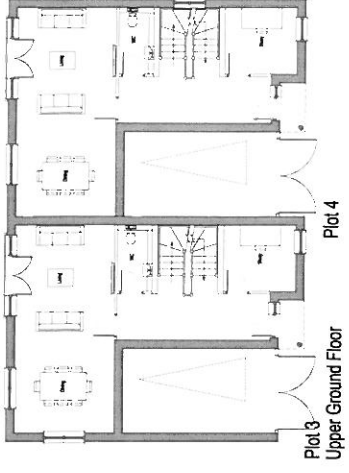
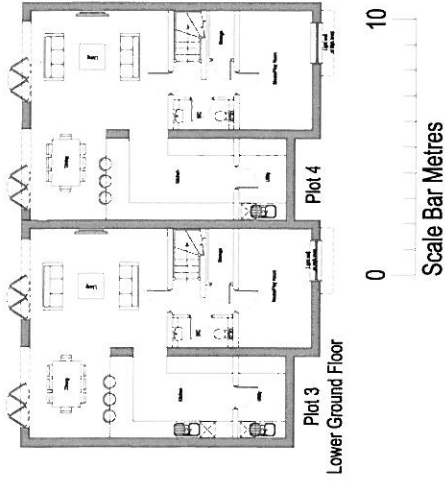


Client: MPM Properties (Investments) Ltd  
The Coach House, 13 Woodlands Road  
Great Shelford, Cambridgeshire CB22 5LW

Site: Coates  
Tenison Road  
Cambridge  
Drawing: Plot 1 & 2  
Elevations

Scale:	1:100 @A1	Date:	07.10.11
Drawn by:	MC	Checked by:	PC
CU No:		Rev No:	
		Drawing No:	050-201

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must be approved by the Architect.

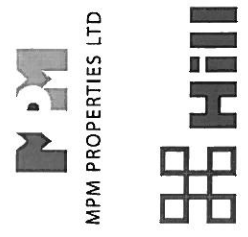
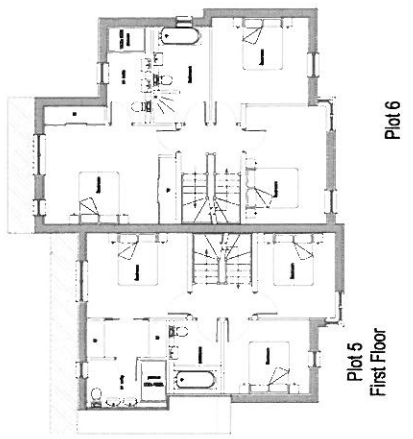
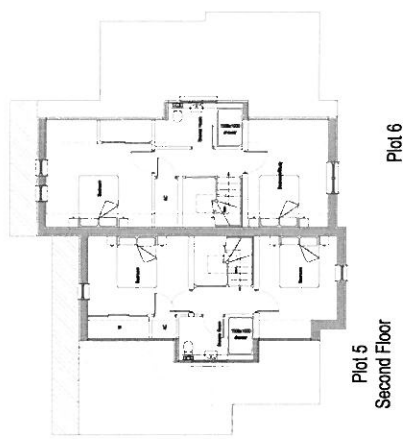
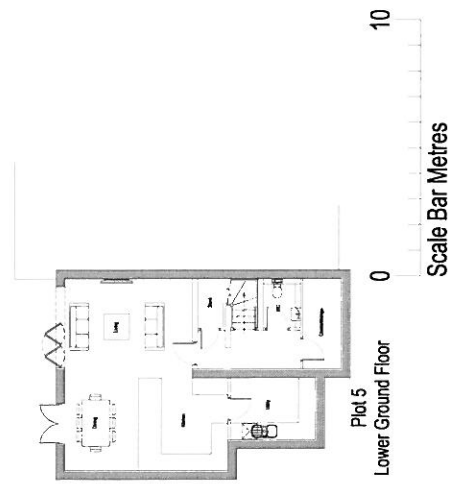
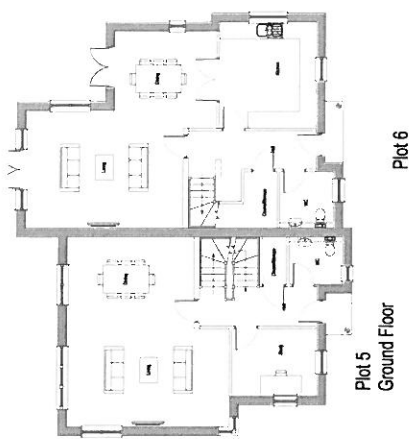


MPM PROPERTIES LTD

Client:  
MPM Properties (Investments) Ltd  
The Coach House, 13 Woodlakes Road  
Green, Sherford, Cambridgeshire CB22 3LW  
Plot 3 & 4  
St. Coleties  
Tenslon Road  
Cambridge  
Drawing:  
Plot 3&4  
Floor Plans

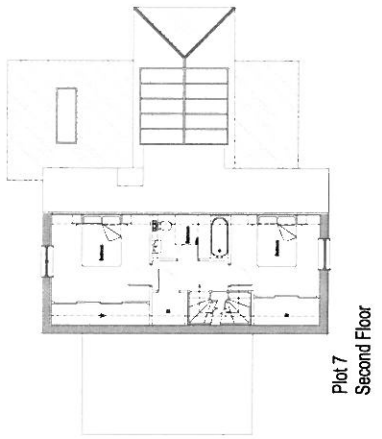
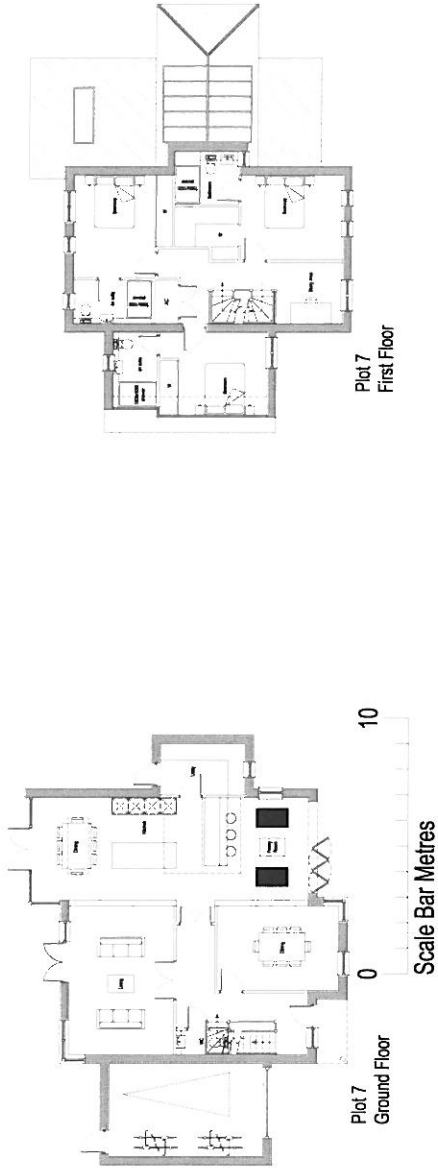
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Drawn By:	MC	Checked By:	PD
Drawn No:		Drawn No:	050-202
Rev No:		Rev No:	

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Only the architect is to be responsible for any alterations to be made to the drawing.



Client: MPM Properties (Investments) Ltd  
 The Collettas, Tenison Road  
 Great Shelford, Cambridgeshire CB22 5LW  
 Project: St. Collettas  
 Tenison Road  
 Cambridge  
 Drawing: Plots 5&6  
 Floor Plans  
 Scale: 1:100 @A1  
 Date: 07-10-11  
 Drawn By: JAC  
 Checked By: PD  
 Plot No: 506-204  
 Rev: A  
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 Every figure dimension to be verified in the workshop to be reported to the architect.

Rev. No.	Date	Description	Initial
A	13/03/12	Plot 7 has been amended following meeting with Planning	MC
B	07/03/12	Plot 7 & 8 changed to one plot following Trust Officer	MC



MPM PROPERTIES LTD



Client:  
MPM Properties (Investments) Ltd  
The Coach House, 13 Woodlands Road  
Great Shelford, Cambridgeshire CB22 9LW

Project:  
St. Colville's  
T. Colville Road  
Cambridge

Drawn By: MC  
Checked By: PD  
Date: 07/03/11  
Drawing No: 050-206  
Rev No: B

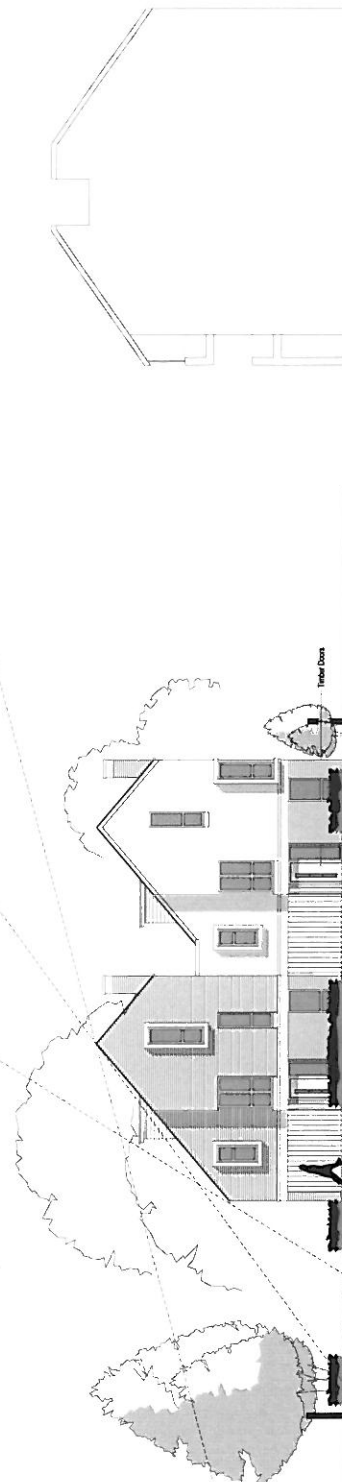
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Noon  
Mid-Winter

Noon  
Mid-Spring

Noon  
Mid-Summer

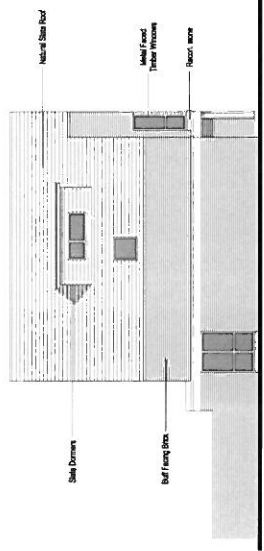


Tenison Avenue

Plot 3

Plot 4

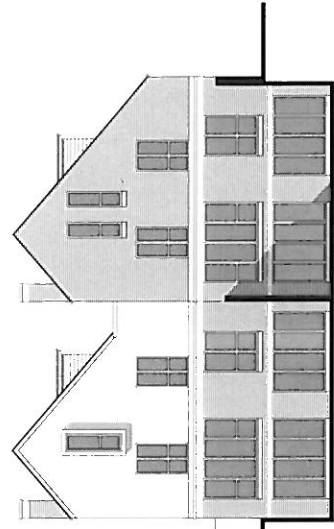
George Pateman Court



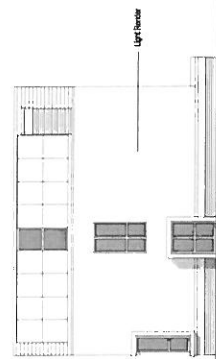
Elevation to proposed access road



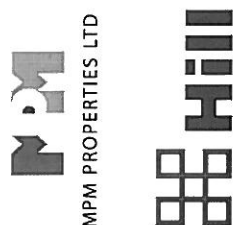
Scale Bar Metres



Rear Elevation



Elevation to George Pateman Court



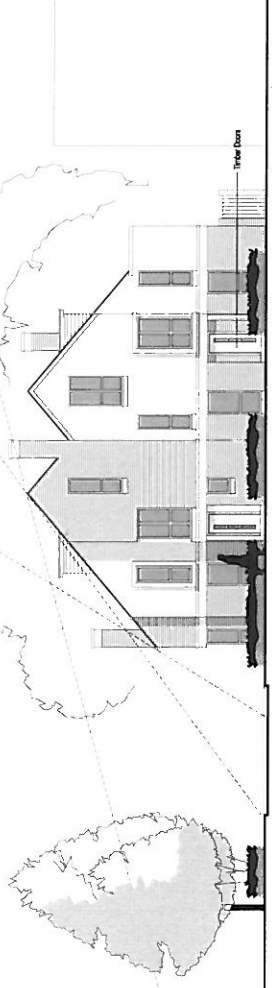
Client: MPM Properties (Investments) Ltd  
The Coach House, 13 Woodlands Road  
Great Shelford, Cambridgeshire CB22 5LW  
Site: St. Colastas  
Tenison Road  
Cambridge  
Drawing: Plots 3&4 Elevations  
Elevations  
Scale: 1:100 @A1  
Date: 07/10/11  
Drawn By: MC  
Checked By: PD  
Rev. No.:  
Rev. No.:  
050-203  
CAD File:

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Noon  
Mid-Summer

Noon  
Mid-Spring

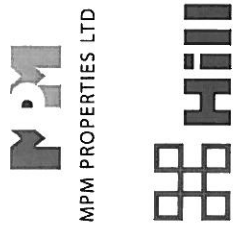
Noon  
Mid-Winter



Highsett

Plot 6

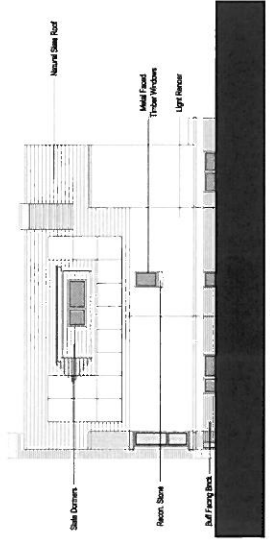
Plot 5



Client: MPM Properties (Investments) Ltd  
 The Coach House, 13 Woodlands Road  
 Great Shelford, Cambridgeshire CB22 3LW  
 Plot: St. Colettes  
 Temison Road  
 Cambridge  
 Drawing: Plots 5&6 Elevations  
 Elevations

Scale: 1:100 @A1  
 Drawn By: MAC  
 Checked By: PD  
 Date: 07-10-11  
 Drawing No: 050-205  
 Plot No: A

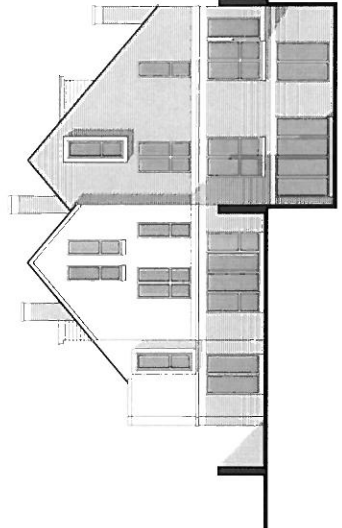
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Elevation to Highsett

0 10

Scale Bar Metres



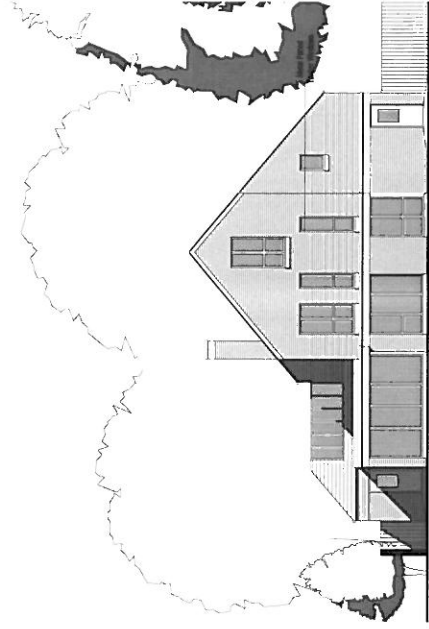
Rear Elevation

Elevation to proposed access road

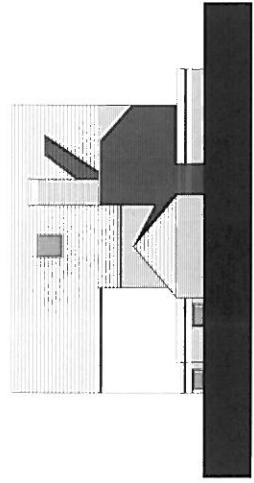
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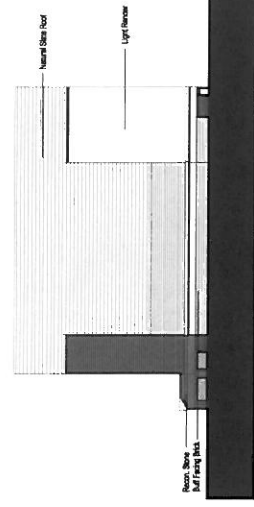
Plot 7  
Front Elevation Sketch



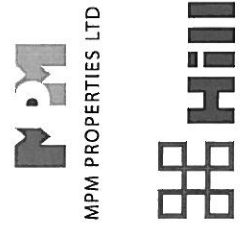
Rear Elevation



Elevation to Tenison Avenue



Elevation to Highsett



MPM Properties (Investments) Ltd  
 The Coach House, 13 Woodlands Road  
 Great Shelford, Cambridgeshire CB22 5LW  
 Project:  
 St. Coletias  
 Tenison Road  
 Cambridge  
 Drawing:  
 Plots 7 Elevations  
 Drawn by:

Date: 07-10-11  
 Drawing No: 050-207  
 Sheet No: B  
 Checked By: PD  
 CAD File:

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# Public Document Pack

Development Control Forum

DCF/1

Wednesday, 15 February 2012

## DEVELOPMENT CONTROL FORUM

15 February 2012

10.00 - 11.05 am

### Present:

#### Members of the Planning Committee

Councillors: Blencowe, Brown, Dryden, Hipkin, Marchant-Daisley, Saunders Stuart and Tunnacliffe

#### Officers

James Goddard (Committee Manager), Catherine Linford (Planning Officer) and Toby Williams (Principal Planning Officer - Chair)

#### For Applicant

Paul Belton (Agent), Richard Mutty (Agent) and Nick Parkinson (Applicant).

#### For Petitioners

Michael Fincham and Andrew Harter

### FOR THE INFORMATION OF THE COUNCIL

#### 12/5/DCF Declarations of Interest

None.

#### 12/6/DCF Application and Petition Details 11/1534/FUL St Colettes Preparatory School

#### Application and Petition Details for 11/1534/FUL St Colettes Preparatory School

Committee: Planning Committee

Date: 15 February 2012

Application No: 11/1534/FUL

Site Address: St Colettes Preparatory School, Tenison Road, Cambridge, Cambridgeshire, CB1 2DP

Description: Proposed erection of 6 x 5 bed houses, 1 x 4 bed house and 1 x 3 bed house, internal access road, car and cycle parking and hard and soft landscaping

Applicant: Oro Ventures Ltd And MPM Properties (Investments) Ltd  
Agent: Mr Colin Brown  
Lead Petitioner: Dr Andrew Harter  
Case Officer: Miss Catherine Linford  
Text of Petition: Petitioners requested a Development Control Forum on the basis of:

- Loss of trees.
- Over development of site.
- Loss of privacy.
- Overshadowing.
- Loss of local educational facility.
- Lack of open space.

### **Opening Remarks by Chair**

The Chair outlined the role and purpose of the Development Control Forum. He stated no decisions would be taken at the meeting.

### **Case by Applicant**

Mr Parkinson made the following points:

- 1) Gave a summary of site description and proposed scheme.
- 2) Gave an overview of the application planning history and how the new application differed from the old:
  - Reasons for refusal of the previous application iteration have shaped the new one.

A detailed marketing exercise has been undertaken and this confirmed that there was no educational demand for the site.

Cambridge County Council confirmed that there is a shortage of places across the City, the local authority is not in a position to purchase new sites.

The number of units have been reduced and orientation amended to avoid overlooking and overshadowing.

A shadow analysis has been undertaken, any overshadowing on site would be caused by existing trees rather than proposed buildings.

Buildings have been set back further in the new design compared to the previous scheme.

- Photovoltaic panels have been incorporated into the scheme.
  - Discussions concerning public open space provision were on-going. Space has been allocated on-site, the Applicant was in discussion with City Planning Officers concerning the Council's view on adopting the space, or requesting upgrading of open space elsewhere
- 3) A detailed arboricultural analysis has been carried out and the layout seeks to retain existing trees wherever possible and practicable.
  - 4) To reassure Petitioners concerning the accuracy of plans, the Agent confirmed all drawing information is based upon an accurate topographical survey and prepared using recognised AutoCAD software.
  - 5) Pre-application discussions have taken place with both the Planning Authority and local residents to further refine the scheme proposals.

### **Case by Petitioners**

Dr Harter spoke on behalf of local residents. He made the following points:

- 6) Summarised concerns of local residents:
  - Many local residents object to the development.
  - Suggested the design contravened Section 3 of the Local Plan.
  - Felt there were errors and omissions in the Applicant's plans. For example:
    - No details on the impact of varying site levels on building heights and overshadowing.
    - Inconsistency of details between plans.
    - East and west orientations were not shown in planning documents.
  - Overlooking - Suggested the Applicant has chosen view points in images to make overlooking innocuous. Overshadowing would be caused by buildings on the development, not existing trees. The skyline would be obscured by buildings on the development. The amenity of sunny south facing gardens in existing neighbouring properties would be lost through overshadowing.
  - Over development of site.
  - Various developments were already occurring in the south of the City. Schools were already over subscribed, and the development will exacerbate the situation.

Mr Fincham spoke on behalf of local residents. He made the following points:

- 7) Suggested the development contravened Section 3/8 of the Local Plan regarding provision of open and recreational space; plus Policy 5/11 regarding Community facilities.

- 8) Disagreed with Design & Conservation Panel comments that overlooking and overshadowing levels were acceptable.
- 9) Roots of trees around plots 6 & 7 could be damaged during construction work (if it went ahead).
- 10) Concerns over light pollution and visual impact of development.
- 11) Suggested amendments to make the scheme more acceptable to residents:
  - Increase the space between homes and the boundary.
  - Reducing building height in plots 5-8 to mitigate overlooking/shadowing.
  - Address perceptions that developer plans contain errors and omissions.
  - Retain more perimeter trees.

**Case Officer's Comments:**

- 12) Details concerning the application were sent to neighbouring properties.
- 13) Subsequent to this, letters of objection and representations requesting a Development Control Forum were received from local residents.
- 14) Policy consultations have been undertaken with statutory consultees. No objections have been raised, subject to conditions from the following statutory consultees:
  - Design & Conservation Panel.
  - Highways Authority.
  - Environmental Health.
  - Cambridgeshire County Council Archeology Team.
- 15) Comments were still outstanding from Landscape and Arboricultural Teams.

**Members' Questions and Comments:**

The Planning Officer answered as follows in response to Member's questions and comments:

- 16) Undertook to include details in the final planning report concerning status of land for educational purpose (ref site abandonment).

Mr Belton & Mr Parkinson answered as follows in response to Member's questions:

- 17) There was no guidance in the Local Plan concerning back to back distances between properties. Details in the Design and Access Statement would have to be assessed on a case-by-case basis.

- 18) The shape of the site had influenced the linear nature of the application design. Mitigation measures had been implemented to break up the outline.
- 19) Building heights were in line with neighbours.
- 20) Plots 1-5 have sunken gardens overlooked by a basement section.
- 21) Refuse bins would be stored at each property prior to collection. Collection points were for refuse pick-up only, not storage.
- 22) The number of properties on-site has been reduced to address resident's over development concerns. The number on site were fit for purpose, whilst still financially viable for the applicant.
- 23) Undertook to review the accuracy of plans in light of petitioner's comments.

### **Summing up by the Applicant's Agent**

#### 24) Re-iterated:

- The Applicant was aware of local resident's concerns regarding the application and had undertaken mitigating action.
- The scheme should make a positive architectural contribution to the cityscape.
- The application would adhere to considerate construction scheme principles.

### **Summing up by the Petitioners**

#### 25) Reiterated concerns previously raised with regards to:

- The site would be over developed in an already highly developed area.
- Building height.
- Accuracy of Applicant's planning document information.
- Disagreed with Design & Conservation Panel comments that overlooking and overshadowing levels were acceptable.

### **Final Comments of the Chair**

#### 26) The Chair observed the following:

- Notes of the Development Control Forum would be made available to relevant parties.



The meeting ended at 11.05 am

**CHAIR**