

Application Number	12/0086/FUL	Agenda Item	
Date Received	24th January 2012	Officer	Mr John Evans
Target Date	24th April 2012		
Ward	East Chesterton		
Site	169 - 173 High Street East Chesterton Cambridge Cambridgeshire CB4 1NL		
Proposal	Proposed residential development (erection of 11 dwellings) and a retail unit (with 2 bedroom flat above) following demolition of Nos 169 and 171 High Street.		
Applicant	Mr N Cook And Mr D Brown		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The application makes effective use of a backland, commercial site, providing an attractive, distinctive residential scheme, and an improved frontage along the High Street. 2. The impact upon neighbouring residential gardens is not considered to result in significant harm; either overshadowing or a harmful sense of enclosure. 3. The development is served with an appropriate level of car and bicycle parking, which is well integrated into the layout of the scheme.
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a rectangular shaped plot situated on the north east side of High Street, Chesterton.
- 1.2 The site is currently occupied by number 169 High Street which was last used as a Chinese restaurant, the Saigon City. This is a prominent two storey building with three levels of accommodation and front dormer windows in the roof slope. Attached to the north east is number 171, an L shaped flat roof building currently used by a hairdressers. Adjoining to the north east is number 173 High Street, which is a part of the main High Street terrace, and is occupied by Cambridge Office Environments Limited (COEL). Number 173 has a relatively deep single storey rear extension projecting some 14m to the north.
- 1.3 The majority of the site is used for car parking, with a gravel surface. There are various trees near the site boundaries, the three most significant being within the garden of number 163 High Street. None of the trees are subject to a Tree Protection Order. The northern boundary to number 125 High Street is defined by a thick conifer hedge some 3m in height.
- 1.4 The site is not within a Conservation Area. The site falls within the Chesterton High Street Local Centre.

2.0 THE PROPOSAL

- 2.1 This application seeks consent for the erection of 12 dwelling houses, consisting of seven, 3 bedroom houses, three 4 bedroom houses, one 2 bedroom house and one 2 bedroom flat. The ground floor of plot one will be used for retail and has a reconfigured shopfront and a proposed new single storey rear extension projecting 4.5m. The existing 14m deep rear extension to number 173 High Street will be demolished.
- 2.2 Plots one to four front onto the High Street and are two storeys in height, containing three levels of accommodation. They have an eaves height of 5.6m and an overall roof ridge of 9.2m. The buildings have a traditional design and appearance with a proposed buff brick and slate roof.

- 2.3 Plots 5 to 12 form a new inner mews style street and are contemporary in design and appearance. They stand 6m to the first floor parapet level, rising to an overall height of 8.3m.
- 2.4 Externally, the development provides a mixture of private and communal cycle stores and a total of 13 car parking spaces, one of which is larger, suitable for disabled users. The new inner courtyard will be surfaced with block paving.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Planning Statement
 3. Transport Statement
 4. Flood risk and Drainage Assessment
 5. Phase 1 Environmental Study
 6. Habitat Report
 7. Tree Survey and Arboriculture Report
 8. Archaeological desk study
 9. Utilities Statement
 10. Site Waste Management Plan
 11. Sustainability Assessment

Amended Plans

- 2.6 Amended plans have been received detailing new window openings, with privacy hood screens to units 6, 7, 8 and 10. These are intended to improve the amenity of future occupiers of the new houses.

The proposed solar thermal panels have now been included on the elevations.

I have reconsulted with neighbouring residential properties because the changes are materially different from the application as submitted.

Additional Plans

- 2.7 Following the Development Control Forum, the applicant has submitted additional plans and visuals clarifying the relationships between the buildings through a 'mews study

analysis' and a further plan analysing possible areas of overlooking.

Additional accessway tracking diagrams

3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0756	Erection of single storey extension to form entrance lobby, and removal of asbestos roof and replacement with flat roof	Approved

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
DC Forum (meeting of 14 March 2012):	Yes

The minutes of the DC Forum are attached to the agenda as appendix A.

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV7
Cambridgeshire and Peterborough Structure Plan	P6/1 P9/8 P9/9

2003	
Cambridge Local Plan 2006	3/1 3/4 3/7 3/9 3/10 3/11 3/12 3/14 3/15 4/4 4/13 5/1 5/11 6/7 8/2 8/6 8/16 8/17 10/1

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

Central Government Guidance	National Planning Policy Framework 2012 Circular 11/95 05/2005 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy Public Art
Material Considerations	Central Government: Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	Citywide: Cambridge Shopfront Design Guide

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 The generation from the existing uses of the site is such that the proposal would not trigger ECATP payments.

The visibility splays provided are acceptable.

Cambridgeshire County Council (Sustainable Communities)

- 6.2 This application would generate the following requirements:

Lifelong Learning Contribution = £1,760 (sought in line with Cambridgeshire County Council guidance, £160 x 11 dwellings x £160)

Pre-School Contribution = £8,910 (sought in line with Cambridge City Council 'Planning Obligations Strategy' SPD, £810 x 11 dwellings)

Waste Contribution = £2,090 (sought in line with Cambridgeshire County Council guidance, £190 x 11 dwellings, for developments in Cambridge/Milton catchment).

Head of Environmental Services

- 6.3 No objections, subject to noise and contamination related conditions.

Senior Sustainability Officer (Design and Construction)

Support.

- 6.4 Generally happy with the use of either solar thermal or photovoltaic panels, but not the proposed use of a wind turbine. There are insufficient wind speeds in Cambridge to make the use of this technology feasible, and as a result its carbon reduction contribution would be very limited. Given that this is infill development, air turbulence from surrounding buildings would also have a negative impact on the performance of the turbine.

- 6.5 We will need to see drawings to show the location of the solar panels so that we can ensure they have been located in the optimum position (the figures quoted in the report are based on them being located at the optimum orientation, south, and tilt of between 30 and 40 degrees) and integrated into the overall design of the development. The preference would be for the use of solar thermal, as this way each of the properties would benefit from some renewable energy provision, and it is a relatively simple technology in terms of upkeep and maintenance.

Cambridgeshire County Council (Archaeology)

- 6.6 High archaeological potential. Further ground investigations recommended.

Access Officer

- 6.7 Awaiting comments. I will update on the Amendment Sheet.

Head of Streets and Open Spaces (Tree Team)

- 6.8 The trees proposed to be removed are not significant and that trees shown to be retained can be protected with the aid of condition.

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: 123, 125, 155, 157, 161, 163, 177 High Street, 10, 12, 13 Grayling Close, 5 Rexbury court,

- 7.2 The representations can be summarised as follows:

Comments on the principle of development

- Regret the permanent loss of the public house.
- The number of pubs in this area of Cambridge has declined sharply.

- The Dog and Pheasant should be allowed to return as a community pub.

Design comments

- The density is too high.
- Change of building line to the High Street.
- It is close to various mature trees.
- The design is ugly.
- Three storey buildings are out of keeping with the street scene.
- The proposed dwelling does not follow the line of the road.
- The use of render is obtrusive.
- The proposed boundary treatment does not appear suitable.
- There are no energy conservation characteristics.
- Very little movement internally for car parking

Amenity concerns

- The development will overlook the rear windows and garden of numbers 123, 157, 161, 163 and 177.
- There will be an increase in noise and traffic.
- Invasion of privacy, overshadowing and blocking of light to number 163.
- The development will overshadow number 125.
- Excessive noise pollution.

Car parking

- Car parking in Grayling Close and elsewhere is already at saturation point.

7.3 **Old Chesterton Residents Association** have made representations and submitted a petition (31 signatures) calling for a Development Control Forum. The representation is summarised as follows:

- Loss of retail space within the High Street.
- Loss of a restaurant.
- Gross overdevelopment of the site.
- The provision of car parking is inadequate.
- Overlooking and loss of privacy.
- Restricted garden space is totally out of keeping with its surroundings.

7.4 **Cambridge Past Present and Future** have made representations as follows:

- Loss of a public house within a Local Centre. Its loss would downgrade the facilities in the Local Centre and therefore the economic base.
- Several other pubs in the area have been lost. In the right hands the pub could be a successful business.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 The provision of higher density housing in sustainable locations is generally supported by Central Government advice within the NPPF. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

8.3 This site is formed from a former public house car park area and the rear curtilage of the COEL office use, rather than a domestic dwelling, so it should not be considered as 'garden

land'. The proposal nevertheless involves the subdivision of an existing plot(s) for residential purposes, whereby the criteria of policy 3/10 are relevant.

- 8.4 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part. The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f), and is not located near any Listed Buildings. The character and amenity sections of policy 3/10 are considered in the relevant subsections below.
- 8.5 Concerns have been raised regarding the potential loss of the building as a public house, which is an A4 Use, (drinking establishments). The premises is however used as a restaurant falling within Use Class A3. Local Plan policy 5/11 does not offer protection to either A3 or A4 uses because they are not defined as 'community facilities'. I also do not consider the existing restaurant to fall within the scope of a 'leisure facility' which are protected under Local Plan policy 6/1.
- 8.6 Paragraph 69 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The established lawful use of the premises is a restaurant, which is not specifically mentioned as a social or cultural facility within the NPPF. Given the lawful A3 restaurant use of the premises and the benefits of redeveloping the site through a contribution to the housing stock, I do not consider the loss of the premises unacceptable in principle.

8.7 The development will provide an A1 retail use within the ground floor of number 173 High Street. As such the development will not result in any loss of retail within the Local Centre, in accordance with local plan policy 6/7.

8.8 There is no policy basis for resisting the loss of the restaurant in principle. I do not consider that the presence and frontage of the existing restaurant significantly contributes to the character and appearance of the High Street. In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1.

Context of site, design and external spaces

8.9 The key design issue is the detailed design and layout of the new dwellings in their setting.

Frontage to the High Street

8.10 To the front street scene, the proposed four units address the High Street in a pleasing fashion, as a logical continuation of the existing terraces. Units three and four are positioned closer to the road which reflects the staggered building line either side of the site. The reconfigured shopfront to number 173 is well designed and appropriate for its intended retail use as a hairdressers. In my opinion this is a logical design approach which will contribute to the character and appearance of the street scene.

8.11 The overall ridge height of the proposed units one to four is higher than the buildings immediately adjacent, but I do not consider this to be harmful. This is because they maintain a common eaves level with the adjacent properties and are broadly similar in scale and massing. The single storey side projection to plot 3 provides visual interest to the eastern side elevation facing the accessway, which, combined with the low front railings will contribute to an attractive new frontage.

New Mews Development

8.12 Four pairs of semi-detached dwellings with a mews, courtyard style character form the proposed inner street scene. I do not consider that the relative density of this arrangement to be

unacceptable in this location, directly behind the High Street. There are other examples of a similarly dense building grain to the rear of the High Street frontage, such as Peterhouse Mews to the northeast. The proposed layout makes effective use of this commercial site. It is unlikely to be replicated in the vicinity unless there is comprehensive development of the adjacent deep rectangular garden plots to the east.

- 8.13 The detailed design of the inner new dwellings, plots 5 to 12, is contemporary, with a mixture of render, timber boarding and buff brickwork. Government Guidance contained within PPS1 does not prevent contemporary design, the guiding principle as rehearsed within Local Plan policy 3/4 is that buildings sit comfortably and harmoniously within their setting. The contrasting detailed design of the proposed buildings is acceptable because of their secluded location behind the main High Street frontage. This location means that the scheme can create its own distinctive character without detracting from the surrounding context.
- 8.14 In terms of external spaces, the trees identified within the submitted survey within the rear garden of number 163 will be protected during construction. The existing and proposed new trees and proposed wall and trellis boundary treatment will contribute to screening the development when viewed from neighbouring gardens. The proposed hard landscaping of block paving will contribute to the distinctive courtyard character of the development. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 The development is likely to have greatest impact upon 125 High Street to the north west, because of the potential for overshadowing. The rear garden of number 125 already suffers overshadowing from the substantial existing conifer, which is likely to be more acute than the impact from the proposed siting of plots 9 and 10. The applicant has agreed with the occupant of number 125 the conifers will be removed and replaced with a 2m wall with trellis above. Given the 7m distance of plots 9 and 10 from the common boundary the position of plots 9 and 10

does not in my view result in an unneighbourly relationship. Plot 8 has also been designed without a third level roof, which will reduce overshadowing upon number 125. I do not consider any harmful visual impact to result upon number 125, which will benefit from a general improved outlook, because of the removal of the conifers.

- 8.16 The development is in close proximity to neighbouring number 163 High Street to the west. The proposed plot 4 is sited closer to number 163. I do not consider this to be harmful because it is the flank elevation of number 163, which has a secondary outlook over land which is in separate ownership. The rear of number 163 High Street projects beyond the proposed plot 4, so there will be no overshadowing or sense of enclosure created.
- 8.17 Plots 5, 6, 7 and 8 will have some visual impact, sense of enclosure and overlooking upon the neighbouring gardens of number 161 and 163. The nearest dwelling plot 5 is sited approximately 15m to the north, and so the visual impact will largely affect the end section of the garden, which in my view is less harmful. There will be some overlooking because of the proposed rear bedroom windows included with the amended plans. However, given the narrow 0.5m width of the windows and the proposed timber clad privacy hoods, I do not consider the overlooking to be so significantly harmful as to justify refusal. In addition, the windows will mainly overlook the rear section of the deep rear gardens of numbers 161 and 163, which in my view is less sensitive.
- 8.18 The proposed single storey extension to number 173 High Street has a much reduced depth compared with the existing rear extension. There will be no adverse impact upon the adjoining number 175 High Street. There are no windows to the rear of plots 11 and 12 which might otherwise create overlooking upon the garden of number 175 High Street.
- 8.19 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.20 The development will provide desirable houses suitable for family accommodation. Gardens are limited in size, but useable, and may be the preference of many future occupiers.
- 8.21 Plots 7 and 8 are sited relatively close to plots 9 and 10, which, to some extent, restricts their front outlook. I do not however consider this relationship unacceptable, given the overall size of the houses and the range of outlooks and windows openings from which they would benefit. The applicant has submitted a 'mews study' plan illustrating that the proposed distance between buildings is consistent with other mews, and terraced streets in the City.
- 8.22 The amended plans received give an improved outlook and general standard of amenity to plots 6, 7, 8 and 10.
- 8.23 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Renewable energy and sustainability

- 8.24 The applicants have submitted a renewable energy statement which quantifies the likely overall Co2 emissions of the development, in accordance with Local Plan policy 8/16. The use of solar thermal or photovoltaic panels is likely to be the preferable technology in order to meet the 10% on site carbon reduction required by Local Plan policy 8/16. Amended plans have been received showing the solar panels on the rooftops of the contemporary dwellings. I consider their appearance acceptable.
- 8.25 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

Refuse Arrangements

- 8.26 The development accommodates refuse storage within the rear gardens of each house. The access will be suitable for a refuse lorry to safely manoeuvre. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.27 The County Highways Authority are satisfied with the additional tracking plans which have been submitted and do not consider there to be undue harm to highway safety. The access has purposely been designed as a shared surface and is similar to the access of Peterhouse Mews, which does not have any designated footway.

Car and Cycle Parking

Car Parking

- 8.28 The development provides 11 car parking spaces, with two visitor spaces which accords with the Council's adopted maximum standards. Given the proximity of shops and services and transport links, the provision of further car parking would result in an overprovision.
- 8.29 The applicant has demonstrated within their transport assessment that the residential use would result in a decrease of traffic movements as compared with the existing restaurant, hairdressers and office use.

Cycle Parking

- 8.30 The development provides ample covered secure provision for bicycles in four communal shelters and two private shelters, which serve plots 3 and 4. The communal store provide 17 spaces which accords with adopted standards. The rear gardens are adequate in size to accommodate a small outbuilding, should that be the preference of future occupiers.
- 8.31 Two visitor cycle parking spaces are provided in front of the proposed new hairdressers which is acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Disabled access

- 8.32 There is a commitment to meet part M of the Building Regulations and a disabled car parking space is provided. I will update further on the pre committee amendment sheet.

Public Art

- 8.33 Given the secluded nature of most of the site, and the overall size of the development, a commuted payment towards other projects in the locality is considered appropriate, rather than public art on site. In my opinion, subject to the S106 proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8 and Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Third Party Representations

- 8.34 The points raised in the representations received have been discussed in the above report. The following issues have been raised:

Restricted garden space is totally out of keeping with its surroundings.

As rehearsed in paragraph 8.12, I do not consider the proposed grain of development out of context. There are a variety of plot sizes within different developments along the High Street, which all contribute to the building stock and character of the area. The development, being located back from the High Street, would create its own character.

The proposed gardens while limited in size, are adequate for the type of dwellings proposed, as illustrated within the 'garden use drawing' (11/P/11 Rev A).

Planning Obligations

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

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

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

- 8.36 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.
- 8.37 The application proposes the erection of 3 four-bedroom houses, 7 three-bedroom houses, 1 two-bedroom house and 1 one-bedroom flat. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714	7	2142
4-bed	4	238	952	3	2856
Total					5950

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	2	1076
3-bed	3	269	807	7	5649
4-bed	4	269	1076	3	3228
Total					9933

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726	7	5082
4-bed	4	242	968	3	2904
Total					8954

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948	7	6636
4-bed	4	316	1264	3	3792
Total					11692

8.38 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

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

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882	7	13174
4-bed	1882	3	5646
Total			21332

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

Waste

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

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

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	11	825
Flat	150	1	150
Total			975

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

Education

8.43 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.

8.44 In this case, 12 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education and lifelong. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2	12	810	12	9720
Total					9720

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+-beds	2		160	12	1920
Total					1920

8.45 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with 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.

Public Art

8.46 The development is required to make provision for public art and officers have recommended as set out in paragraph 8.31 above that in this case a commuted sum.

8.47 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8, Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Monitoring

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

Planning Obligations Conclusion

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

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

9.0 CONCLUSION

- 9.1 The proposal will create a distinctive residential development which will not significantly adversely affect the amenities of neighbours. Essential ancillary refuse and cycle parking provision is adequately provided. APPROVAL is recommended.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1 June 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. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. 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)

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

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

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

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

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

Reason: To protect the amenity of nearby properties,
Cambridge Local Plan 2006 policy 3/4.

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition and construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

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

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

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

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

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

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/11)

12. 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 future occupiers (Cambridge Local Plan 2006 policy 4/13).

13. Prior to occupation of the development, the final choice of renewable technologies, associated calculations and maintenance programme, shall be submitted to and approved in writing by the Local Planning Authority. The proposed on-site renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings. The renewable energy technologies shall remain fully operational in accordance with the approved maintenance programme.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16).

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

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

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

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: ENV7

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/9, 3/11, 3/12, 3/14, 3/15, 4/4, 4/13, 5/1, 5/11, 6/7, 8/2, 8/6, 8/16, 8/17, 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 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 1 June 2012, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

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

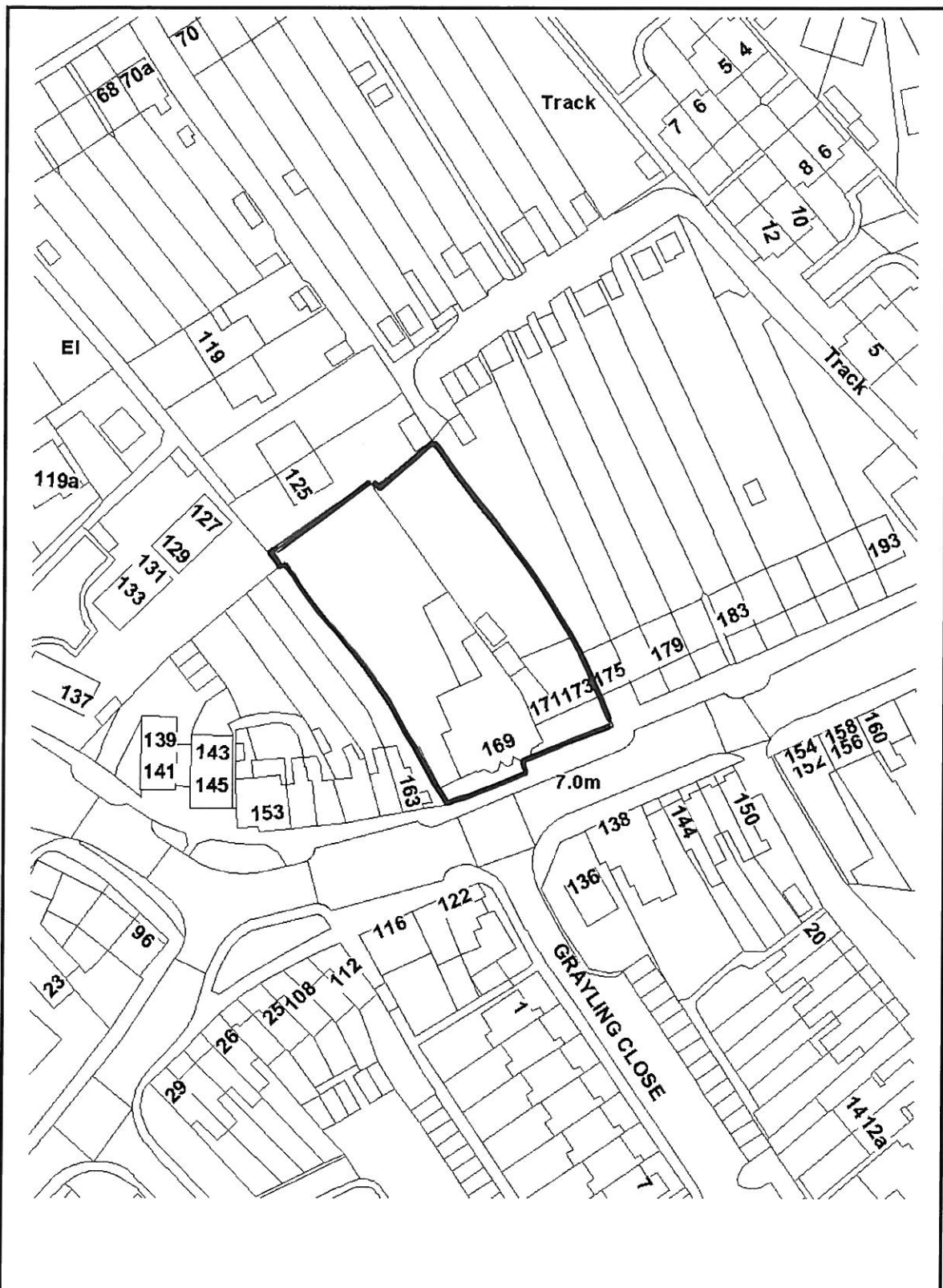
3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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



12/0086/FUL
169 - 173 High Street East Chesterton Cambridge
Cambridgeshire



Typical Side Elevation, Showing Relationship to Boundary



High Street Elevation



West Street Elevation

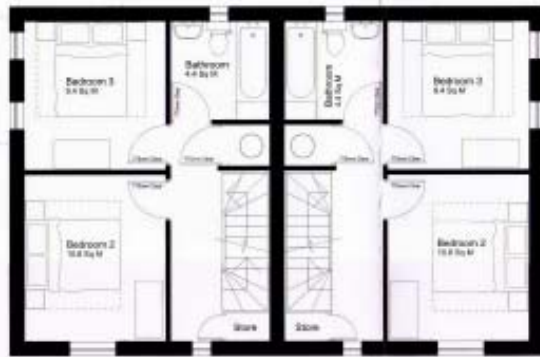


East Street Elevation

- Notes
1. All elevations are shown in black and white.
 2. All elevations are shown in black and white.
 3. All elevations are shown in black and white.
 4. All elevations are shown in black and white.
 5. All elevations are shown in black and white.
 6. All elevations are shown in black and white.
 7. All elevations are shown in black and white.
 8. All elevations are shown in black and white.
 9. All elevations are shown in black and white.
 10. All elevations are shown in black and white.

Planning	
1. Planning Permission	1/15/11 \$0
2. Building Regulations	1/15/11 \$0
3. Building Regulations	1/15/11 \$0
4. Building Regulations	1/15/11 \$0
5. Building Regulations	1/15/11 \$0
6. Building Regulations	1/15/11 \$0
7. Building Regulations	1/15/11 \$0
8. Building Regulations	1/15/11 \$0
9. Building Regulations	1/15/11 \$0
10. Building Regulations	1/15/11 \$0


Saunders Boston
 Mr N Cook & Mr D Brown
 168 - 173 High Street, Chesterton
 Street Elevations
 1/15/11 11:11:11 AM
 1/15/11 11:11:11 AM
 1/15/11 11:11:11 AM



Plot 5
First Floor Plan

Plot 6



Plot 5
Second Floor Plan

Plot 6



Site Plan NTS



Plot 5
Ground Floor Plan

Plot 6



Front (South West) Elevation

Side (North West) Elevation



Side (South East) Elevation

Rear (North East) Elevation

Planning	
1. Local Plan Policy 10.1.1	10.1.1.1
2. Local Plan Policy 10.1.2	10.1.2.1
3. Local Plan Policy 10.1.3	10.1.3.1
4. Local Plan Policy 10.1.4	10.1.4.1
5. Local Plan Policy 10.1.5	10.1.5.1
6. Local Plan Policy 10.1.6	10.1.6.1
7. Local Plan Policy 10.1.7	10.1.7.1
8. Local Plan Policy 10.1.8	10.1.8.1
9. Local Plan Policy 10.1.9	10.1.9.1
10. Local Plan Policy 10.1.10	10.1.10.1

Mr H Cook & Mr O Brown 109 - 173 High Street, Chesterton Block F, Plots 11 & 12 17.02.2021	

Minutes

Committee: Planning Committee

Date: 14 March 2012

Application No: 12/0086/FUL

Site Address: 169 - 173 High Street, East Chesterton, Cambridge, Cambridgeshire, CB4 1NL

Description: Proposed residential development (erection of 11 dwellings) and a retail unit (with 2 bedroom flat above) following demolition of numbers 169 and 171 High Street.

Applicant: Mr N Cook and Mr D Brown

Agent: Mr Colin Brown

Lead Petitioner: Mr Michael Bond (on behalf of Old Chesterton Resident's Association)

Case Officer: Mr John Evans

Text of Petition: Raised concerns regarding:

- Loss of retail space and amenities in the local centre
- The proposed development was an overdevelopment that would have adverse impacts on neighbouring properties
- The design was out of keeping with its surroundings
- Adverse impact on local parking from limited parking on a restricted site
- Overlooking and loss of privacy

Opening Remarks by Chair

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

Case by Applicant

Mr Colin Brown made the following points:

- 1) Summarised site contextual information.
- 2) January's (as Agents) undertook a competition in 2010 to identify an architect to produce a design for the site. January's wanted an appropriate design that reflected the character/context of the area as they were aware of local sensitivities regarding the site. January's believe the current design achieves this, and the principle of development was acceptable as there was no infringement of planning policy through proposing housing on-site. The design would not lead to a net loss of retail space, or negatively impact on local amenities.
- 3) The purpose of the application was to enable COEL (Applicants) to move to other premises in the city as they had outgrown their current one.

Mr Lindas made the following points:

- 4) Saunders Boston Architects undertook a contextual analysis to develop the application design. This was to ensure that the design fitted into the character of the neighbourhood and was of a similar density on site to existing neighbours.
- 5) Buildings near the High Street would be similar in design, height and appearance to neighbours. This was to reflect the local style.
- 6) Buildings towards the rear of the site have a more contemporary design style.
- 7) Saunders Boston undertook consultation in March 2011 with council officers and residents, the application design was amended to reflect their comments. The amendments addressed concerns regarding:
 - Overshadowing/overlooking.
 - Amenity space (gardens, trees, boundaries and ownership).
 - Car parking and general site access.

Case by Petitioners

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

- 8) Welcomed development of the site in principle, but the current application design and scale was inappropriate. The High Street frontage was acceptable, but blocks at the rear were out of keeping with neighbouring styles and massing.
- 9) Re-iterated concerns of local residents as set out in the petition.
- 10) Concerns over the development as a whole:
 - The blocks at the rear of the development (particularly 3 storey ones) give an impression of bulkiness.
 - The northern block was too close to the existing property at 125 High Street.

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

- 11) Set out the following concerns of local residents:
 - Loss of public houses in the area.
 - Loss of amenities in the local area, specifically shops and services.

- Specific concern over the impact of the development on 'Saigon City' (former restaurant). This property was viewed as a historic 18th century building and a local landmark that should be protected so a viable business could move into the premises.
- Existing High Street properties 117 – 119 were houses in multiple occupation, hence residents concern that large houses proposed as part of the application would not remain family housing.
- The proposed application buildings were too small, unattractive and did not include renewable energy features (retrofitting these would impact on building aesthetics).

Ms Purkis spoke on behalf of local residents. She made the following points:

12) The site would not fall within the catchment area of Milton Road School, so that it was likely the development may become houses of multiple occupation instead of family homes.

13) Queried if parking allocations were adequate.

14) Residents did not wish to be disturbed by increased traffic levels, particularly at night.

15) Re-iterated resident's concerns regarding loss of amenity space and its replacement with housing. This was viewed as an on-going trend in Chesterton, where amenity space could not be replaced once it had gone. Suggested this went against the sustainable city principle.

Case Officer's Comments:

16) This application was received on 24th January 2012.

17) Details concerning the application were sent to neighbouring properties.

18) Subsequent to this, 10 letters of objection and representations requesting a Development Control Forum were received from local residents, Old Chesterton Residents Association and Cambridge Past, Present & Future. The main grounds given for objecting were as follows:

- Principle of development.
- Character, design and appearance.
- Residential amenity.
- Highway issues.
- Car parking.

19) Policy consultations have been undertaken with statutory consultees:

- The Highway Authority stated that the proposed layout did not conform to the HA's requirements for adoption. The HA also sought clarification on the dimensions of various aspects of the layout, and a number of conditions.

- The Environmental Health Department had no objection, but recommended conditions regarding noise insulation, construction hours, construction deliveries, construction noise and vibration, dust and mud control, plus noise from plant in the operational phase.
- Cambridgeshire County Council Archaeology Department stated that the site was in an area in which medieval remains have been discovered, and recommends a condition to secure archaeological investigation before any development.

20) Mr Collins undertook to ensure the Planning Officer report would include a reference to the acceptability of a wall being established 6m from a property. However, this was a matter of interpretation on an individual case basis as there was no specific guidance in local plan policy.

Members' Questions and Comments:

Mr Lindas answered as follows in response to Member's questions and comments:

21) The gap between properties 2, 3 & 7 – 10 was 6 – 7 metres. The site model gave a visual representation of the application (not to scale), whereas architectural plans were accurate.

22) Moving buildings away from the boundaries had not caused an internal spacing issue (ie bunch them together). Properties would overlook parking and garden areas.

23) Residents in plots 7 & 8 could access cycle parks through a pathway. Access would not be blocked by parked cars or waste bins.

24) Residents in plots 9 & 10 could access gardens using a pathway.

25) Solar hot water heating panels would be provided on rear block properties, but not High Street buildings.

Mr Bond and Mr Colin Brown answered as follows in response to Member's questions regarding the loss of 'Saigon City':

26) Resident's concerns over the loss could be overcome if a satisfactory replacement could be put in. The loss of an amenity facility was a grave concern.

27) January's felt the design responds to Local Plan policies, including parking space provision. If COEL were able to move off site, this should reduce traffic flow and parking pressures.

28) There was no Planning Policy justification for the retention of the Saigon City building, so it had not been considered as part of the design.

Summing up by the Applicant's Agent

29) Re-iterated:

- The design meets Planning Policy requirements.
- Amendments to the application design post March 2011 consultation should address resident's concerns.
- The application was in-keeping with neighbourhood style, scale and massing for the area.

- The development aimed to provide family housing.
- Saigon City had not been a viable business for over 3 years. Hence its proposed inclusion in the development. This was not precluded under PPS4.
- If the application went forward, and COEL were able to move to other premises, this should reduce traffic flow and parking issues in the area.

Summing up by the Petitioners

30) Reiterated concerns previously raised with regards to:

- Proposed application buildings would be too close to existing neighbours at numbers 125 – 129.
- Space around proposed houses was too small for families.
- Loss of amenity facility.
- The development style was not in-keeping with 'Chesterton Village' as it focussed on the High Street style.

Final Comments of the Chair

31) The Chair observed the following:

- Notes of the Development Control Forum would be made available to relevant parties.
- Application to be considered at a future Planning Committee.