

<b>Application Number</b>	11/1587/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th December 2011	<b>Officer</b>	Mrs Angela Briggs
<b>Target Date</b>	22nd February 2012		
<b>Ward</b>	Newnham		
<b>Site</b>	36 Barton Road Cambridge Cambridgeshire CB3 9LF		
<b>Proposal</b>	Erection of dwelling house on land adjacent.		
<b>Applicant</b>	Mr David Qiu C/o GC Planning Partnership Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> It respects the context and constraints of the site;</li> <li><input type="checkbox"/> It preserves the character and appearance of the Conservation Area;</li> <li><input type="checkbox"/> It adequately respects the residential amenities of adjoining neighbours.</li> <li><input type="checkbox"/> The application has overcome the reasons for the previous dismissed appeal on the site.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is the garden land of 36 Barton Road on the northeastern corner of the junction of Barton Road with Barton Close. The area of the site is 0.01ha. No. 36 is a substantial

detached dwelling with a single garage, both of which are set back at the northern end of the site away from Barton Road, taking access from Barton Close. The local context is predominantly residential in character and the dwellings on the northern side of Barton Road and in Barton Close are in general larger detached family houses of two-storey height, set in generous gardens dating from the early to mid C20. On the southern side of Barton Road, the townscape is more varied and includes three-storey modern flats, 2 and 3 storey family houses and 3 and 4 storey Victorian houses.

- 1.2 The site lies within the extended West Cambridge Conservation Area. The Conservation Area was extended in May 2011 to include the site and the whole of Barton Close. The site is within Character Area 2 of the Barton Road Suburbs and Approaches Study (2009). Neither the existing house, nor any of the immediately adjacent houses are listed buildings. There is an Ash tree on the south-western corner of the site, an Oak tree on the south eastern corner of the site, and a Silver Birch on the western boundary. All of these trees are protected by Tree Preservation Orders. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The full application seeks planning permission for the erection of a detached two-storey dwelling to be sited in the garden of the existing dwelling. The application has been submitted following the dismissal of the previous appeal on 14<sup>th</sup> June 2011. The new scheme seeks to address the issues raised by the Inspector. The Inspector's report is a strong material consideration in the determination of this application.
- 2.2 The proposed dwelling would essentially be in front of no.36, closer to the Barton Road frontage. The main part of the dwelling rises up to two-storeys at a height of 7.5m. The roof is hipped on all of its sides. There are then two single-storey elements at the northeast and southwest points of the dwelling which create a staggered footprint. The overall length with all three elements of the building, measures 15m, and at a depth of approximately 11.2m, taking into account the two single storey wings at the north and south tips of the building. The building 'steps' away from the new boundary which would be formed between it and the existing dwelling, which is to be retained.

The nearest part of the proposed building (which is the northern single storey wing) to this new boundary would be approximately 4m. At this point the building 'steps' back further at a distance of 5.7m. Another 'step' back to the southern single storey wing is at a distance of 8.8m.

2.3 The orientation of the proposed building is such that its entrance would be on the north side of the building facing west over its vehicular access from Barton Close. Parking and turning for one car is indicated on the plan, together with storage for bicycles and bins at the northeast corner of the site. Towards the Barton Road frontage there would be the garden of the proposed dwelling which would be bounded by a combination of hard and soft landscaping. A ground source heat pump would be inserted on the east side of the site, adjacent to the garden of 34 Barton Road, and a tank for harvesting grey water also on the east side.

2.4 The application is accompanied by the following supporting information:

1. Planning, Design and Access Statement
2. Justification for non-compliance with Standard Charges
3. Sustainability Statement
4. Heritage Statement
5. Arboricultural Statement

2.5 An additional annotated plan has been received which shows a vehicular parking and turning tracking diagram to demonstrate that a vehicle can enter and exit the site in forward gear.

2.6 The application is accompanied by a Certificate of Lawfulness application for the erection of a close boarded fence (Ref: 11/1582/CL2PD) which is being considered by West/Central Area Committee.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
11/1582/CL2 PD	Erection of close boarded fence.	Pending consideration.
10/0968/FUL	Erection of a zero carbon 4-bed dwelling house.	Appeal against non-

determination. Appeal dismissed.

08/0507/FUL Demolition of existing detached house and single garage. Erection of 11 no flats together with associated car parking, cycle stores, staircases etc. Refused.

3.1 The decision of the Planning Inspector in the appeal on the previous application 10/0968/FUL is attached to this report as Appendix A.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV6 ENV7
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan	3/1 3/4 3/7 3/10 3/11 3/12

2006	4/4 4/11 4/13 5/1 8/6 8/10
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments
	<u>Area Guidelines:</u> Conservation Area Appraisal: West Cambridge (09/05/2011) Suburbs and Approaches Study: Barton Road (2009)

## 6.0 CONSULTATIONS

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

No objections.

### **Head of Environmental Services**

No objections.

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

No objections.

### **Head of Streets and Open Spaces (Tree Team)**

No objections subject to a tree protection condition and a landscaping condition that requires replacement trees along the Barton Close boundary.

### **Head of Streets and Open Spaces (Landscape Team)**

No objections subject to soft and hard landscaping condition and a 5-year maintenance plan for the site.

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:

### Support:

- 7a Adams Road
- 4 Grange Road

### Object:

- 17 North Road, Berkhamsted, Herts
- Honeypot Cottage, Rattlesden Road, Drinkstone, Bury St Edmunds

- 18 Wordsworth Grove
- 6, 7, 8, 9,10 Barton Close
- 20 Grantchester Road
- 34, 38, 55 Barton Road
- 51 Owlstone Road

7.2 The representations can be summarised as follows:

Support:

- The proposed house is to be of a scale more in keeping with the existing nearby properties;
- The proposed dwelling's mass, proportions and positioning will not have an adverse impact on the street scene or the adjacent property.

Object:

- Inappropriate design and out of keeping in the Conservation Area;
- Does not enhance or preserve the character and appearance of the Conservation Area;
- Impact on the trees/loss of trees;
- Garden-grabbing;
- Undesirable 'back land' development;
- Impact on the existing amenity area for the existing property;
- The proposal would erode the stock of good sized family houses with decent-sized gardens;
- Not in accordance with the Cambridge Local Plan policies 3/4, 3/7, 3/10 and 3/12;
- No room for a garage on the site;
- Over-development and urbanisation;
- Optimistic 'turning bay' which is too small. No pedestrian visibility splays;
- The house is far too close to the edge of the pavement on Barton Close;
- Setting a precedent for further similar development in the locality;
- The relationship between the two houses would look awkward and uncomfortable;
- The proposal would increase traffic in this Conservation 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. Impact on the Conservation Area
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Trees and Landscaping
9. Third party representations
10. Planning Obligation Strategy

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. Policy 3/10 however, makes it clear that in order to be acceptable, a housing proposal which involves the subdivision of an existing residential curtilage must meet six criteria. Two of these criteria (the wish to promote comprehensive development, and impact on listed buildings or buildings of local interest) are not relevant to this site. To be acceptable under this policy, this proposal must show that it meets the remaining four criteria:

- No adverse impact on the residential amenity of neighbours;
- No adverse impact on trees, wildlife features or architectural features of local interest;
- No detracting from the character and appearance of the area;
- Adequate amenity space, vehicular access and car parking space for the new and existing houses;



- 8.3 I test the proposal against the first of these criteria under the heading of residential amenity below, and against the other three under the heading of context and design below.
- 8.4 It should be noted that the site has been included within the West Cambridge Conservation Area (Extended 9<sup>th</sup> May 2011) since the previous application and therefore policy 4/11 of the Local Plan is relevant. However, in my view, this does not preclude the principle of development on this site.
- 8.5 The Planning Inspector's report is a material consideration in determining this application. See Appendix A, paragraphs 5-8. The Inspector addressed the issue of the principle of development in his report and concludes that the principle of development on this site is acceptable *“and consistent with the recent changes to PPS3 and the Ministerial Statement on Planning for Growth”*. However, with the adoption of the NPPF (National Planning Policy Framework 2012), PPS3 is now obsolete. The NPPF is now a material consideration in planning decisions. Therefore turning to the NPPF, paragraph 49 advises that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”*. The Ministerial Foreword of the NPPF defines Sustainable as *“ensuring that better lives for ourselves don't mean worse lives for future generations”*.
- 8.6 In my view, this garden site is an example of a location where the erection of an additional dwelling would be consistent with the NPPF. In principle, provided that it complies with the criteria set out in policy 3/10 of the Local Plan, in my opinion the principle of the development is acceptable.

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

- 8.7 I have stated above that I do not consider the principle of residential development on this site to be unacceptable. To comply with local plan policy, however, a proposal must demonstrate an appropriate response to the immediate context. Due consideration must also be given to the issues raised within the Planning Inspector's report of 14<sup>th</sup> June 2011. I have also stated that the site is now included within the West Cambridge Conservation Area (Extension) and therefore an

assessment of the proposal's merits within this designation will also be made in the next sub-heading below.

- 8.8 The proposal has been re-designed in response to the issues raised by the Planning Inspector, following the refusal of planning permission by West/Central Committee on the 24<sup>th</sup> February 2011. In his report the Planning Inspector describes the context as follows:

*“The relationship of 36 Barton Road to Barton Road is somewhat unusual in that it is accessed from Barton Close with its main entrance facing north away from Barton Road. What would normally be regarded as the rear of the house faces south towards the large garden which lies between the house and Barton Road. This pattern is not mirrored on the corner on the other side of the road where 38 Barton Road lies towards the front of the plot with a large garden to the rear. I note that occasional dwellings set a long way back from the road are a feature of Barton Road and contribute to its green and spacious character. This is maintained in Barton Road where some dwellings are quite close to the road and others are set well back from it, but all are on generous plots. It follows that any development of the site should be sensitive to that character”*

In my view and at the time of my site visit, I do not consider that much has changed in the way of the physical site and its surroundings, since the Inspector made this statement.

- 8.9 The proposed dwelling is set back into the site, so that a large frontage remains. The elevation to Barton Road projects only slightly forward of No.38 Barton Road, but behind the front building line of No.34 Barton Road. The design approach is traditional, and in my view, more in keeping with the prevailing architecture along Barton Road and Barton Close. The design is not significantly different from the existing dwelling, although its proportions are smaller and it is broken down into three distinct elements. I do not consider that this design approach is unacceptable and consider that in its context the dwelling sits comfortably with the existing dwellings in the vicinity. The proposed dwelling's orientation mirrors that of no.36 Barton Road in that it has its entrance on the north side of the building away from Barton Road. I do not consider this to be a reason which would otherwise warrant refusal of the application, and whilst it is acknowledged by the Inspector, he did not consider

this to be a determining factor in refusing the previous application.

- 8.10 The next important point the Inspector mentions in his report is the issue of garden space between the existing and proposed dwellings. In his view the position of the new dwelling *“would leave no.36 with a garden only 7.5m deep, and for a substantial dwelling, it would appear rather hemmed in and cramped in relation to its neighbours”*. The revised proposal has responded to this issue by realigning the boundary so that no.36’s garden is extended by a further metre, providing a total of 8.5m in depth to the boundary. In my view, of itself this is not a substantial change to the previous extent of garden land for no.36 which was considered to be ‘hemmed in’. However, combined with the more broken form of the new proposal which is less wide in two-storey form and whose footprint is staggered and roof form hipped, I consider that the proposal would result in a much improved garden space and outlook for the occupiers of no.36.
- 8.11 In terms of scale and massing the Inspector considered that the previous dwelling was too bulky and would have had a heavy appearance, its roof form in particular was very apparent with the building appearing assertive. The scheme before Members is substantially more subdued than its predecessor. I am of the opinion that the breaking up of the dwelling into three elements helps to reduce the bulk and massing of the building so that it does not compete with the existing or neighbouring dwellings. I do not consider that it protrudes unnecessarily into the street scene and therefore does not detract from the visual amenity of the area.
- 8.12 In terms of the external spaces, the main entrance would face away from Barton Road and the vehicular access would be from Barton Close. This mirrors the situation that currently exists for No.36 Barton Road. The proposed dwelling, in my view, would be situated on a spacious plot, which is in accordance with the existing pattern of development and as such respects the spacious nature of the area as recognised within the Barton Road Suburbs and Approaches Study (2009).
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

## **Impact on the Conservation Area**

- 8.14 The application is supported by a Heritage Statement. Officers in the Urban Design and Conservation Team have not raised any concerns about this analysis and support the scheme subject to the imposition of planning conditions to address matters of detail.

The Conservation Area designation is the most fundamental change that has occurred since the previous application. Hence, there is no mention of any Conservation Area impact in the Inspector's report.

- 8.15 Policy 4/11 of the Local Plan is relevant in that it seeks to retain features that contribute positively to the character or appearance of the Conservation Area and new buildings should preserve or enhance the character or appearance.
- 8.16 The key characteristic of the Conservation Area is that of large dwellings set within large plots. It could be argued that, in principle, the erosion of the space around the building would be unacceptable. However, the curtilage of no.36 is large compared to other properties in the vicinity. The Conservation Officer advises that because the existing building is set further back within its curtilage than many of the other dwellings along Barton Road and is accessed from Barton Close, it is capable of accommodating a new dwelling, without harm to the Conservation Area.
- 8.17 It is considered that the subdued style of the proposed dwelling is appropriate for the Conservation Area and in keeping with surrounding buildings. The red bricks and lime mortar, providing that they are detailed in texture and colour, should be appropriate. A brick sample panel is required by condition.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.19 The position of the proposed dwelling is such that the main consideration regarding impact on residential amenity falls on

the occupants of no. 34 Barton Road and the existing house at no. 36 Barton Road.

- 8.20 I do not consider that the proposal would have a harmful impact on privacy in either of these houses or their gardens. No windows face towards No. 36 above ground floor level, except roof lights, and no windows face towards No.34 except a ground floor utility window and a ground floor kitchen window, whose outlook would be blocked by the existing beech hedge, which is to be retained.
- 8.21 The proposed dwelling is to be situated to the south of no.36 and approximately 14.5m from the rear wall of the existing house to the main two-storey element of the proposed dwelling. The division of the boundaries between the properties would create a curtilage for no.36 that would be 8.5m in depth to the boundary line. The juxtaposition of the two buildings, with the new house lying directly to the south of No.36, means that the proposed house would block some sunlight which currently reaches the garden and rear elevation of the existing house. I do not consider that the existing house would be left with an unacceptable level of residential amenity in terms of daylight or sunlight; the separation between the two buildings is enough to ensure this is not the case.
- 8.22 The east gable of the proposed dwelling has been pulled back from the boundary with no.34, due to the design of creating three separate elements. There is a window which serves no.34 on the eastern boundary line of the site into a Conservatory and is also the only window that serves it and the kitchen. The distance between the nearest point of the proposed two-storey form of the dwelling to the boundary with no.34 is 5.7m. The previous proposal was 3.2m away from this boundary. I consider that the increase in distance between the main element of the proposed dwelling and the boundary is sufficient, and whilst it may impact slightly on the amount of sunlight and daylight that no.34 currently enjoys, I do not consider that the loss would be significant enough to warrant refusal of the application on this basis. I also recognise that the proposed roof form is now hipped and less dominant. The harm that the Inspector has raised in paragraph 15 has, in my view, been overcome. I consider that the proposal would have any significant impact in terms of noise or disturbance.

8.23 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

8.24 The proposed dwelling would be provided with adequate external amenity space; the main garden area fronting onto Barton Road would measure an average of 18m in depth and 22m in width. I accept that a large part of this garden would be shaded in the summer months, by the retained ash tree, but in my view this would give the garden a beneficial mix of sunlight and shade. The existing house at 36 Barton Road would be 12.5m from the nearest point of the north elevation of the proposed house. This is closer than some house-to-house distances in the vicinity, but not in my view so close as to detract from the amenity of future occupiers.

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

#### **Refuse Arrangements**

8.26 Three bin storage spaces are provided in an appropriate location. In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety**

8.27 The highway authority sought details of car parking space dimensions and pedestrian visibility splays. These have been provided and in my view, are satisfactory. The highway authority raised no objection, and I do not consider that any issues of highway safety arise. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### Car Parking

- 8.28 The City Council Car Parking Standards allow up to two car parking spaces for a house with three or more bedrooms outside the controlled parking zone. The application provides one car parking space on site which I consider to be acceptable.

### Cycle Parking

The City Council Cycle Parking standards require a minimum of three cycle parking spaces. The proposal demonstrates that four cycle spaces can be comfortably accommodated on the site in a secure covered cycle store.

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

## **Trees and Landscaping**

- 8.30 In my view, there are three key trees on the site that contribute to the 'green' visual appearance of the locality. Two of them are on the front boundary with Barton Road and are a mature Ash and a young Oak. Both these trees are covered by a Protection Order. The other key tree is on the boundary with Barton Close and is an over mature Silver Birch, also covered by a Protection Order.
- 8.31 The Oak and the Ash are to be retained to which I have no objection, as I consider that they are important in the street landscape and would also help to soften the proposed development. The Ash is the largest of the trees on the site with a wide crown, however the proposed dwelling would be 12.6m away from the centre point of the tree and away from the tree canopy. The proposed development should not affect the health of the tree.
- 8.32 The young Oak is on the south eastern corner of the site along the Barton Road frontage. It is considered to be in good condition and worthy of retention. I have no objections to the retention of this tree as I am of the view that it contributes positively to the visual amenity of the area.

- 8.33 The Silver Birch is an over mature tree along the boundary with Barton Close. The tree is considered to be in an average condition which could be retained, however the Tree Officer is of the opinion that it is not worthy of retention and that an appropriate replacement should be considered.
- 8.34 It is proposed to fell a number of trees as part of this development, to include the Silver Birch tree. In his report, the Inspector made a specific point about the loss of the Silver Birch in paragraph 13, and considered that its loss would contribute to the urbanising effect of the new dwelling. He considers that whilst it is possible to replace it, it is unlikely to soften the effect of the wide gable end of the building on the character of Barton Close. This consideration was made in light of the previous design of dwelling. In my view, I consider this design to be significantly different to the previously refused scheme, in that I do not consider that the gable end of the west elevation, facing onto Barton Close, is as dominant. This element of the dwelling is broken up so that it appears less bulky and the roofs are hipped, both on the main part of the house, and the single storey element that sits closer to Barton Close. I therefore consider that a replacement tree in this location of a similar species and size, would be acceptable. The Tree Officer raises no objection to the loss of the tree subject to a condition requiring a replacement.
- 8.35 In terms of landscaping, it is proposed to retain the existing hedges along the front and side boundaries of the site. These are to be cut back and maintained as necessary. I am of the opinion, that to ensure that a green edge is retained, a condition is recommended requiring a soft and hard landscaping scheme to be submitted prior to commencement of development.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) Policies 3/7 and 4/4.

### **Third Party Representations**

- 8.37 Numerous objections from neighbours have been received, as summarised above in paragraph 7.0. I have also received two letters of support. It is evident from those neighbours who have objected that they are still concerned about the design of the proposed dwelling, and feel it is totally out of keeping with the



existing character of the area, particularly as the site now lies within the Conservation Area.

- 8.38 They are quite right in affirming that any new buildings in Conservation Areas should be appropriately designed and respectful of the historic environment in which they sit, as well as respecting the amenities of adjoining neighbours. However, I do not agree that the proposed dwelling is inappropriate in this context; I consider that the proposed dwelling preserves the character and appearance of the Conservation Area and I am confident that with appropriate materials and good craftsmanship, the dwelling will be successful in this location. Furthermore, I am of the view that the proposal has been successful in overcoming the concerns of the Planning Inspector.
- 8.39 It has been mentioned that the proposal does not include a garage. Proposals for new dwellings are not obliged to include a garage and there is no guidance or planning policy that requires it. An amended plan was requested by the Local Highways Authority to show dimensions on a plan that a car can turn on the site and exit in a forward gear and pedestrian visibility splays can be achieved. The Local Highways Authority have advised that this plan is acceptable.
- 8.40 Neighbours are also concerned that the dwelling is too close to Barton Road. I do not agree. I accept that the dwelling sits further forward towards Barton Close than no.36 by approximately 2.7m, however, this is single-storey only and it is intended to retain the existing hedge and re-plant a tree along this boundary which should help to soften the appearance of the dwelling. I do not agree that by bringing the dwelling slightly forward it would have a significant impact on the visual amenity of the area.
- 8.41 Concerns about setting a precedent for further similar development in the area have also been raised. I am of the view that should other applications be submitted for a similar development in the locality the Local Planning Authority would need to judge the applications based on their own merits and in light of the site constraints. It would be unreasonable to say that by approving this application, it gives a 'green light' for other proposals.

- 8.42 A concern about the potential increase in traffic in a Conservation Area has been raised. I do not agree that the associated vehicular movements arising from a new single dwelling would have a significant impact on the character of the Conservation Area. The Local Highways Authority has made no comments in this regard.

### **Planning Obligations**

- 8.43 The Planning Inspector, in his report, considered that he was unable to conclude that the obligations required as part of the previous scheme were necessary to make the proposal acceptable as he did not have sufficient information on the adequacy of existing local facilities or evidence to show that there is a deficiency that needs to be rectified.

The applicant has indicated that he is willing to enter into a S106 agreement, provided that the City Council can demonstrate that there is a need for the contributions and these contributions can be spent on projects in the area. A Justification for non-compliance with Standard Charges document has been submitted with the application, which explains this in more detail.

- 8.44 I have been in discussion with my colleagues in our Sports and Recreation Team who have advised me that there are projects in the West/Central area that could benefit from s106 agreement contributions. These projects could include:

#### Play

WC020/C PLS - young persons provision on Lammas Land - £18,500

WC011/C PLS – children’s water play improvements - Lammas Land - £226,000

WC008/C PLS - Refurbishment Jesus Green Play area - £138,000

TW018/CW/D - Maximising children's play spaces - £214,000  
City Wide

#### Informal Open Space

TW018/CW/D - Trim Trails around the City’s larger open spaces - £120,000 this would include Lammas Land, Sheeps Green, Coe Fen, Jesus Green and Midsummer Common

New Shelter on Lammas Land - £75,000  
Kiosk improvements at Lammas Land - £TBC  
New benches Lammas Land - £2,500

### Formal Open Space & Indoor Sports

These all tend to be city wide projects rather than ward based ones.

But one project - not approved as yet - is the Tennis court at Lammas Land needs completely replacing after tree root disturbances and probably needs relocating within the park.

Citywide opportunities are;

Hobbs Pavilion - Refurbishment - Tender documents just released - £240,000

Inclusive fitness provision at City Council and partner gyms

Indoor Gymnastics centre

Indoor Athletic facility

8.45 This information has been shared with the applicant and he has confirmed that he is now willing to proceed with a Unilateral Undertaking on this basis. At the time of writing, the Unilateral Undertaking is nearing completion.

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

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

(b) directly related to the development; and

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

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

proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.47 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.

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

<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	1	714
4-bed	4	238	952		
<b>Total</b>					<b>714</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	1	807
4-bed	4	269	1076		

<b>Total</b>	<b>807</b>
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<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	1	726
4-bed	4	242	968		
<b>Total</b>					<b>726</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		
1 bed	1.5	0	0		
2-bed	2	316	632		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>948</b>

8.49 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

8.50 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	1	1882
4-bed	1882		
<b>Total</b>			<b>1882</b>

8.51 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

8.52 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	1	75
Flat	150		
<b>Total</b>			<b>75</b>

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

## Monitoring

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

## Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 In conclusion, I am of the view that the proposed development adequately overcomes the concerns of the Planning Inspector and the reasons for refusal. The proposed dwelling is considered to preserve the character and appearance of the Conservation Area and is therefore recommended for approval.

## **10.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 30<sup>th</sup> 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. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

3. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area (Cambridge Local Plan Policy 4/11)

4. All joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / facade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The works shall be completed only in accordance with the approved details.

Reason: To preserve or enhance the character and appearance of the Conservation Area (Cambridge Local Plan Policy 4/11)



5. The development shall not be occupied until space has been laid out within the site in accordance with the plan attached or with the approved plans, for cars to be parked and for the loading and unloading of vehicles, and for vehicles to turn so they may enter and leave the site in forward gear. The parking and turning spaces provided shall thereafter be retained and shall not be used for any purpose other than the parking or turning of vehicles, unless and until adequate alternative parking and turning space is provided to the satisfaction of the local planning authority, which is also to be given in writing.

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

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

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

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:  
Detailed planting plans

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

9. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

10. Prior to the commencement of development, details of the replacement Silver Birch tree along the Barton Close boundary, shall be submitted to and approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting of that replacement tree, it is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree 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)

11. 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)

12. 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)

### **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: ENV6 ENV7

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

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

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

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

**2. Unless prior agreement has been obtained from the Head of 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 30<sup>th</sup> July 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, waste storage, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, and 10/1 Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010.

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

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

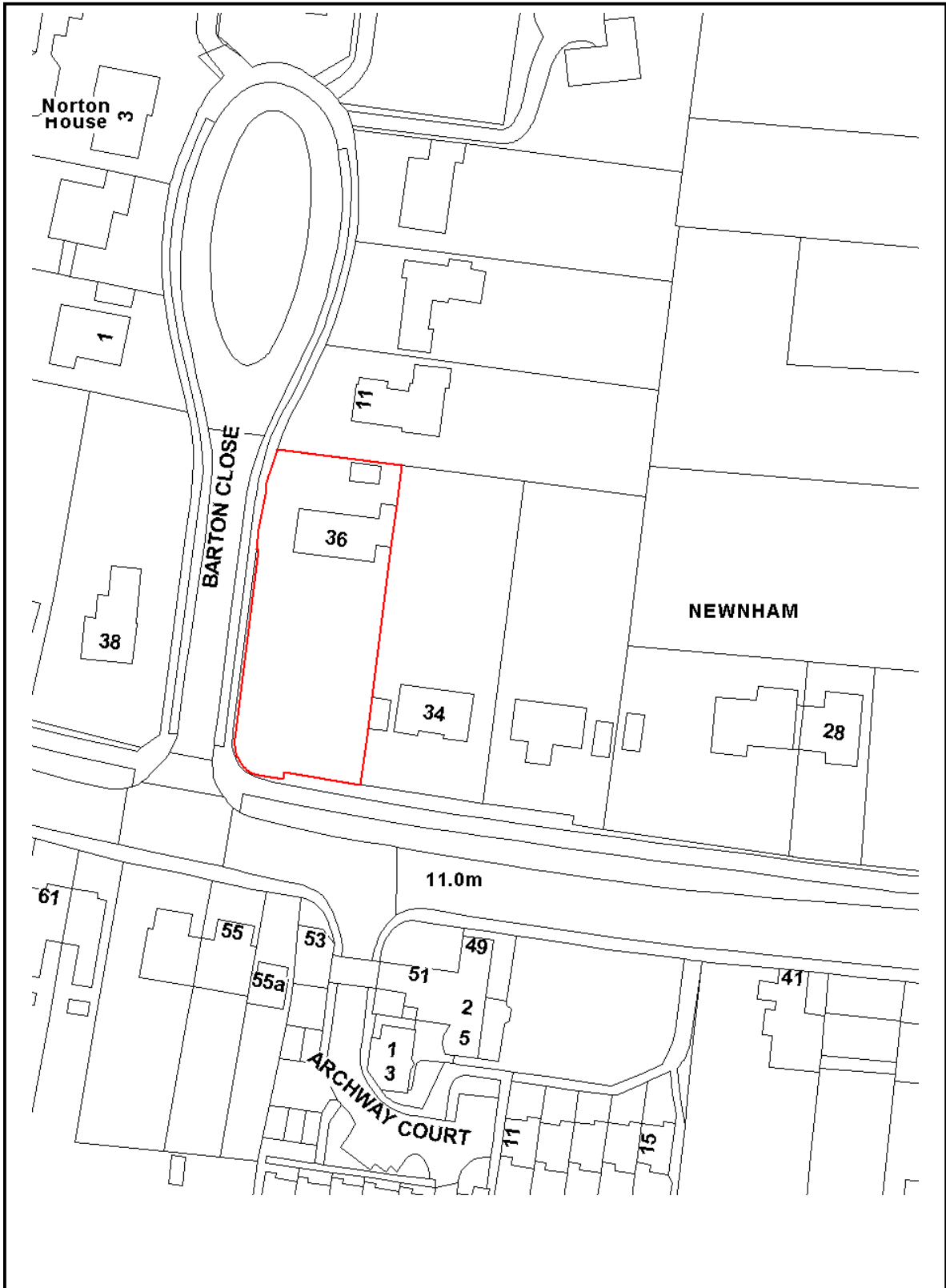
Under Section 100D of the Local Government Act 1972, the following are □background papers□ for each report on a planning application:

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](http://www.cambridge.gov.uk/planningpublicaccess)

or by visiting the Customer Service Centre at Mandela House.



**11/1587/FUL**  
**36 Barton Road Cambridge Cambridgeshire CB3 9LF**