

<b>Application Number</b>	12/0856/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th July 2012	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	3rd September 2012		
<b>Ward</b>	Arbury		
<b>Site</b>	29-31 Harding Way Cambridge CB4 3RW		
<b>Proposal</b>	Erection of a terrace of four town houses following demolition of existing semi-detached bungalows and garages.		
<b>Applicant</b>	Susan Baggaley 72a Girton Road Cambridge CB3 0LN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The development is an acceptable plot subdivision, which will not detract from the open character of the area.</li> <li>2. The Scale and massing of the proposed terrace will not detract from the character and appearance of the street scene.</li> <li>3. There will not be a significant visual impact upon number 27 Harding Way.</li> </ol>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is situated on the northern side of Harding Way and is formed of two rectangular garden plots, currently occupied by two bungalows 29 –31 Harding Way. There is a grass verge adjacent to Harding Way which is part of the adopted highway.

- 1.2 To the north of the site is a private courtyard from which several residential properties along Harding Way gain rear access to the their garden. Number 29 Harding Way has a single storey garage (to be demolished) fronting onto the courtyard.
- 1.3 The area is characterised by a mix of 2 storey dwellings and bungalows.
- 1.4 The site is not within a Conservation Area or the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 Permission is sought for the erection of a terrace of four town houses. The terrace has an eaves height of 4.7m and an overall ridge height of 7.6m. The building will be finished in render with a tiled roof.
- 2.2 Externally, each dwelling will be served with a front car parking space and a rectangular shaped rear garden area. Each house has a rear outbuilding with access from the communal courtyard to the north.
- 2.3 The application is accompanied by the following supporting information:
  1. Design and access Statement

### **Amended Plans**

Revised plans have been received detailing the following changes:

- Front elevation recessed to provide articulation of the front gables.
- Additional two windows in the east elevation.
- Minor alteration to roof design.
- Minor reconfiguration of the front car parking spaces.

Neighbour residents have been reconsulted on these changes.

### 3.0 SITE HISTORY

Reference	Description	Outcome
10/0336/FUL	Replacement of existing pair of bungalows at 29-31 Harding Way with five 3-bed flats.	Withdrawn

### 4.0 PUBLICITY

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

### 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 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/4 3/6 3/7 3/10 3/11 3/12 4/13 5/1 8/2 8/6 10/1

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

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

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Transport)

- 6.1 The rear courtyard is not adopted by the Highways Authority. Clarification needed as to the rights of residents to park in this court.

### Head of Environmental Services

- 6.2 Refuse access for the two middle properties rely on the private land behind. Another arrangement must be made.

## **Landscape Team**

- 6.3 The design of the building is overly dominant in the street scene.

## **Access Officer**

- 6.4 I oppose this as it is loss of suitable housing for older and disabled people unless 'Lifetime Homes Standard' properties are built.
- 6.5 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**

Councillor Mike Todd Jones has made comments on this application. I have set out his comments below:

- The terrace of four townhouses is an overdevelopment of the site.
- The mass of the proposal would be out of character with the street scene.
- The neighbouring bungalow would be dominated by the west elevation of the terrace.
- There would be a reduction of garden land.
- Internal spaces cramped.
- Sections of the grass verge and two trees would be removed.
- Numbers 25 and 27 do not have two car parking spaces.
- It cannot be assumed the rear car parking court can be used for extra car parking.
- Extra car parking would affect the amenities of existing residents.

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

21 Harding Way  
27 Harding Way  
38 Harding Way  
40 Harding Way  
41 Harding Way  
48 Harding Way

50 Harding Way  
52 Harding Way  
54 Harding Way  
58 Harding Way  
2 Acton Way  
6 Acton Way  
7 Acton Way  
9 Acton Way

7.2 The representations can be summarised as follows:

#### *Principle of Development*

- The bungalows form part of a harmonious street scene.
- The ownership of the land to the north is in dispute and should not be built on.
- If rented out there may be as many as 20 residents.

#### *Design Issues*

- The proposed houses will not be in keeping with the area.
- There are no terraces or town houses in Harding Way.
- The plot is too small for a development of this size.
- The area when built in 1956 was very well planned.
- The two ornamental cherry trees would have to be removed.

#### *Amenity Issues*

- The internal layout of the proposed houses is cramped with very small rooms.
- Insufficient amenity space.
- Overlooking to the front of number 52 Harding Way.
- There will be a significant increase in 'people noise'. Noise will be concentrated in a smaller space.
- Council funds will be diverted from other resources to deal with noisy neighbours.
- Invasion of privacy to number 27. The skylight bedroom windows of number 29 will allow occupants to look directly into the living room on no. 27.
- Overshadowing to number 27.

#### *Car parking*

- Four car parking spaces inadequate.

- The 4 houses will create too much traffic.
- The adjacent side access is a hazard.
- There is no dropped kerb to the front of the property.
- The development would increase car parking on the unadopted space to the north which is unacceptable.

### *Other*

- When our house was purchased there was a covenant that only a bungalow shall be built on the plot.
- There is a condition on the original permission from 1954 that only bungalows are permitted.
- The proposed outbuildings are unlikely to be used for refuse storage, since the route for collection is round the outside path.
- The block plan is misleading, it shows car parking for 2 vehicles at number 25 side by side.

## **Second Consultation on the amended plans**

6 Acton Way  
38 Harding Way  
60 Harding Way

The following comments have been made:

- The amendments are so minor. The proposed townhouses would tower over the adjacent bungalows.
- My views are unchanged. (No. 38).

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

## **8.0 ASSESSMENT**

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

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

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

## **Principle of Development**

- 8.2 The provision of additional dwellings and higher density housing in sustainable locations is generally supported by central government advice contained within The National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The broad proposal is therefore in compliance with these policy objectives.
- 8.3 The NPPF declassifies garden land from the definition of brownfield land and such sites are no longer included within the Authority's five year housing land supply. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remains acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value gardens contribute to the City. The contribution that the existing garden land makes to the character of the area, the comparative density of the development and the visual impact of the new dwellings on the prevailing character of the area are all important considerations in assessing whether the proposed development is acceptable. The density, design and layout are appropriate in this context (discussed in design section below) and justification has been provided for this redevelopment.
- 8.4 I do not consider the redevelopment of the 2 previous bungalows will significantly detract from the openness, and general development pattern of the area and adequate justification has been provided for its development. It follows therefore that the principle of development of this site is acceptable.
- 8.5 In my opinion, the principle of the development is acceptable in accordance with policy 3/10 and 5/1.



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

- 8.6 The key design issue is the design and appearance of the new terrace in its setting.
- 8.7 The previous application (10/0336/FUL) was withdrawn primarily because of its unusual siting, design and unacceptability high density. The footprint of the new terrace closely follows the siting of the 2 existing bungalows. The set back from the street is consistent with other 2 storey dwellings to the east, so the terrace will not be unduly prominent or intrusive in the street scene. The development leaves a generous gap either side of the east and west boundaries of the site ensuring the terrace will not be cramped and constrained in the subdivided plots. As such the design of the terrace will have positive impact on its setting required by Local Plan policy 3/12.
- 8.8 The scale, massing and detailed design of the terrace reflects the characteristics of the site and will not in my view detract from the character and appearance of the street scene. The front elevation has been articulated to reflect the front gables of the adjacent bungalows, and the eaves level and roof height are consistent with that of nearby 2 storey houses.
- 8.9 The proposed render and roof tiles will reflect the materials palette seen in the locality and will ensure a satisfactory relationship with adjacent buildings. The imposition of a suitable planning condition will ensure attractive block paving is used for the car parking spaces.
- 8.10 Externally, I note the four proposed car parking spaces will result in the removal of some of the grass verge and 2 small cherry trees. The car parking spaces do not encroach on the verge which is in the ownership of the Highways Authority. The verge and hedging is not a solid boundary along Harding Way and there is hard standing and vehicle crossovers at numbers 23 to 27 Harding Way. In my view, subject to the replacement of the 2 trees between the proposed vehicle crossovers, the development would not detract from the verdant character of this section of Harding Way.

- 8.11 In my opinion the proposal is an acceptable plot subdivision to redevelop the existing bungalows, which is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.12 The development will have some visual impact upon number 27 Harding Way to the west. The proposed western most end of terrace house is sited beyond the rear building line of number 27 which follows the bend of Harding Way. The proposed terrace has been designed with a hipped roof to its west facing elevation, with a single storey side lean-to. As such a distance of 3m, tapering to 4m, will be provided from the common boundary in relation to the main 2 storey extension. I do not consider the visual harm and sense of enclosure to be of such significance as to justify refusal of the application.
- 8.13 Given the orientation of the site, additional overshadowing is only likely to occur during the early morning. The north facing garden of number 27 is already in shade through the majority of the daytime, so I do not consider significant additional harm to result from the redevelopment of the site.
- 8.14 The proposed terrace is orientated towards number 52 Harding Way to the south. This is a conventional relationship of dwellings which face one another across the street and would not cause harmful overlooking of that property.
- 8.15 Concerns have been raised that the overall density of development will result in noise and disturbance and unneighbourly comings and goings. I do not consider the noise which can be expected from four family homes to be out of character with site context.
- 8.16 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

8.17 The proposed new terraces will provide desirable accommodation with useable rear garden areas. The ground floor living areas are dual aspect. 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**

8.18 Refuse storage would be provided within the rear outbuildings. I note concerns from the Environmental Health team that the outbuildings are accessed from the private courtyard to the north. Number 29 currently has a garage with access from the courtyard. There are also other garages from adjoining properties accessed from the courtyard. I do not consider this to be an unacceptable arrangement because the courtyard is clearly in communal use.

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

### **Car and Cycle Parking**

8.20 The application provides 1 car parking space to serve each house. This provision does not exceed the Council's maximum standards and is appropriate for the size of housing and the location of the site with benefits from bus and cycle accessibility. An amended block plan has been received which sets out wider spaces with accurate vehicle templates. The scheme does not rely on car parking within the private courtyard to the north. Adequate provision is provided within the application site.

8.21 Cycle parking is provided within the rear outbuildings, which are adequate in size. I do not consider the fact that the garages are accessed from the private courtyard to the north an unacceptable arrangement. As rehearsed in paragraph 8.17 above, number 29 already enjoys garage access from the courtyard. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

8.22 The following issues have also been raised:

*I oppose this as it is loss of suitable housing for older and disabled people unless 'Lifetime Homes Standard' properties are built.*

The development will meet part M of the Building Regulations for disabled access. The overall size of the houses have flexible internal spaces suitable for adaptation over time and will be desirable accommodation for a variety of different people.

*There is a condition on the original permission from 1954 that only bungalows are permitted.*

The Council does not have any policy to retain bungalows. The application proposal would override this historic condition. The proposed scheme of townhouses is an efficient use of the site.

*The ownership of the land to the north is in dispute and should not be built on.*

It is unclear as to the ownership of the car parking courtyard to the north. The application site does not include any part of it. Access to the rear outbuildings will be from the courtyard, which is currently enjoyed by the occupants of the 2 bungalows.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.23 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

8.24 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.

<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	2 net	1428
4-bed	4	238	952		
<b>Total</b>					<b>1428</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	2 net	1614
4-bed	4	269	1076		
<b>Total</b>					<b>1614</b>

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

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948	2 net	1896
4-bed	4	316	1264		
<b>Total</b>					<b>1896</b>

8.25 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

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	2 net	3664
4-bed	1882		
<b>Total</b>			<b>3764</b>

- 8.27 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

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

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

8.29 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

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

#### Planning Obligations Conclusion

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

### **9.0 CONCLUSION**

9.1 The proposed development is an acceptable plot subdivision which will not detract from the character and appearance of the Harding Way Street scene. I do not consider significant harm to result on the amenities currently enjoyed by number 27 Harding Way. APPROVAL is recommended.

**10.0 RECOMMENDATION: APPROVE** subject to the following conditions:

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

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



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

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

3. 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)

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. The development shall not be occupied until full details of replacement tree planting, and the proposed times of planting, have been submitted to and approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the satisfactory implementation of tree planting in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

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)

**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, conditionally, 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

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

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

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

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

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

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

These papers may be inspected 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.