

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

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

1.0 SITE DESCRIPTION/AREA CONTEXT

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

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

2.0 THE PROPOSAL

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

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

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

2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans

3.0 SITE HISTORY

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

C/85/1147 Erection of single storey A/C
extension to existing dwelling
house.

3.1 The previously refused application 12/1052/FUL is attached to this report as Appendix 1.

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
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 5/1 8/1 8/2 8/6 8/10 10/1

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

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

Head of Environmental Services

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

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

7.0 REPRESENTATIONS

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

- 67 Derwent Close

7.2 The representations can be summarised as follows:

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

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

8.0 ASSESSMENT

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

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

Principle of Development

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

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

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

Context of site, design and external spaces

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

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

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

Residential Amenity

Impact on amenity of neighbouring occupiers

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

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

Amenity for future occupiers of the site

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

Refuse Arrangements

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

Highway Safety

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

Car and Cycle Parking

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

Third Party Representations

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

Planning Obligation Strategy

Planning Obligations

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

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

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

Open Space

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

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

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

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

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

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

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

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

Community Development

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

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

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

Waste

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

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

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

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

Monitoring

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

Planning Obligations Conclusion

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

9.0 CONCLUSION

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

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

10.0 RECOMMENDATION

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

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

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

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

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

Reasons for Approval

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

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

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

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

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

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

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

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

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

4. **Unless prior agreement has been obtained from the Head of Planning, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 14th February 2013 it is recommended that the application be refused for the following reason(s).**

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

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

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