

<b>Application Number</b>	12/1613/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th December 2012	<b>Officer</b>	Ms Lorna Gilbert
<b>Target Date</b>	18th February 2013		
<b>Ward</b>	Coleridge		
<b>Site</b>	Land To The Rear Of 289 - 293 Cherry Hinton Road Cambridge Cambridgeshire		
<b>Proposal</b>	Proposed erection of two semi-detached houses, car parking and associated landscaping on land to the rear of Nos. 289-293 Cherry Hinton Road.		
<b>Applicant</b>	Mr Robert Dickson c/o Agent		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The scale and mass of the proposed building fail to harmonise with the surrounding area.</li> <li><input type="checkbox"/> A planning obligation agreement under Section 106 has not been completed.</li> </ul>
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the west side of Lichfield Road. The site is an L-shaped plot and is formed from the rear gardens of numbers 289 to 293 Cherry Hinton Road.
- 1.1 To the north are flats off Lichfield Road which are set well back from the street. To the east across the street is the bungalow of 315 Lichfield Road.
- 1.2 To the south of the site, number 293 Cherry Hinton Road is used as a B and B accommodation. The northern end of the

curtilage of this property has hardstanding and car parking for the guest house.

- 1.3 The site does not fall within a Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 The proposal is for the construction of a pair of semi-detached houses. Both properties are two-bedroom houses. The houses are gable-ended fronting on to Lichfield Road. There is a provision of one car parking space in front of each house. Cycle sheds and space for bin storage is located in the rear gardens. Each property has a rear garden.
- 2.2 The properties would be constructed from Cambridge buff brick with timber cladding and the roofs would be in artificial clay slate tiles Sandtoft 20/20 in blue grey. The windows and doors would have timber frames.
- 2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement

- 2.4 The application is brought before Committee at the request of Councillor George Owers so that Councillors may consider how the application addresses the previous reasons for refusal and examine the application against Local Plan policies 3/4, 3/7, 3/10 and 3/12.

## 3.0 SITE HISTORY

*Rear gardens of 289 –293 Cherry Hinton Road*

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
09/0773/FU L	Erection of two semi-detached houses to rear of 289-293 Cherry Hinton Road with vehicular access from Lichfield Road.	Withdrawn
10/0739/FU L	Erection of two semi-detached houses to rear of 289-293 Cherry Hinton Road with access	Refused 25.2.2011 and

from Lichfield Road.

dismissed  
on appeal  
21.12.11

3.1 The decision of the Planning Inspector in the appeal on the previous application 10/0739/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 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/10 3/11 3/12 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
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	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> Arboricultural Strategy Biodiversity Checklist Cambridge Landscape and Character Assessment Cambridge and South Cambridgeshire Strategic Flood Risk Assessment Strategic Flood Risk Assessment (2005) Open Space and Recreation Strategy Cycle Parking Guide for New Residential Developments

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m.
- 6.2 Conditions and informatives sought.

- 6.3 In view of the statement that the garage served 293, not 291, and the confirmation of parking space sizes, the concerns of the Highway Authority have been addressed.

### **Head of Environmental Services**

- 6.4 Noise from construction has the potential to harm local amenity if not controlled. I therefore recommend the standard construction/delivery hours conditions.
- 6.5 The full planning drawings illustrate 3 bins located in the rear gardens of each property. This is satisfactory.
- 6.6 A construction hours condition and collections or deliveries during construction condition are requested to any planning permission.

### **Landscape comments**

- 6.7 Improvement on the previous proposal. Site would be more suitable for one dwelling.
- 6.8 Green frontage is vital; proposal is appropriate to achieve this. Tree protection details required.
- 6.9 Green buffer of a hedge and trees required; revised landscape plan required.
- 6.10 If recommended for approval the following conditions are sought;
- Fully detailed soft landscape proposals, with particular reference to the frontage boundary.
  - Fully detailed tree protection plans.
  - Fully detailed hard landscape proposals

### **Arboricultural comments**

- 6.11 Satisfied that the proposed can be built without material damage to adjacent trees. This will be however subject to the requested conditions.

6.12 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:

- 287 and 294 Cherry Hinton Road
- 170 Lichfield Road

7.2 The representations can be summarised as follows:

- Cherry Hinton Road and Lichfield Road are already over developed and crowded areas. Parking is already difficult for residents in the area as Lichfield Road is already full during evenings and weekends. With the additional housing this would be even worse.
- The small piece of land the applicants wish to build on is not adequate for maintaining two houses as the drainage system is already at maximum capacity: flooding occurs regularly during heavy rain.
- Proposed housing would be overlooking private gardens resulting in a lack of privacy.
- There will be considerable noise due to the building and deliveries on site.
- Concerned with noise and mess if planning permission is granted. Suffered two weeks of all day bonfires when the land was cleared and trees burned.
- Cambridge has a shortage of family houses with decent gardens and this development will remove two more for future generations. It will mean more families are forced out of Cambridge and have to commute by car to the city.
- Lichfield Road is an area with many elderly and vulnerable residents. Parking in the road is already difficult at times. This situation has been exacerbated because of No.291 is being used as a plumbing business running 3 lorries/vans from it and also using No.289 as an overflow to the Guest House that runs at No.293 Cherry Hinton Road. Although some provision has been made for parking on the current plan, it is not adequate to deal with the current volume of traffic that this site generates. Further redevelopment will only make the situation worse.

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 and car parking
6. Cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

8.2 In principle, policy 3/10, allows for proposals for the sub-division of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted, however, if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.

8.3 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, Cambridge Local Plan 2006.

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

8.4 The previous planning application (reference 10/0739/FUL) was for a pair of semi-detached houses. It was dismissed on appeal on 21<sup>st</sup> December 2011, following the refusal of planning permission. The properties subject to the appeal were set back

from the street with front gardens, bin and cycle stores and parking separating the properties from the street.

- 8.5 The Inspector stated that *'having regard to the wider context of the area, I do not consider that in itself the setting back of the building from the road frontage as proposed would necessarily be inappropriate. However, because of the limited width of the frontage the introduction of what would be prominent ancillary structures including a carport, cycle and recycling storage in front of the street facade, rather than more appropriately sited out of public view, the principle elevation of the property would, I believe, fail to address the street in a positive manner.'*
- 8.6 The Inspector concluded, *'in respect of the first main issue, that on balance the proposed development by reason of its design and layout would relate poorly to the surrounding development and erode the visual quality of the street and thereby detract from the prevailing character and appearance of the area and local townscape. The proposal would therefore be contrary to the objectives of Policy ENV7 of the East of England Plan 2008 (EEP) and policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006 (LP) as they relate to, amongst other things, the quality of design and protection of the prevailing character and appearance of the area.'*
- 8.7 The proposed plans seek to address some of the issues raised in the appeal decision, such as setting forward the properties closer to the street.
- 8.8 The Inspector explained that *'indeed what would otherwise be a well-manned facade would be greatly diminished by the introduction of utilitarian structures and screening'*. The present proposal has sought to address these concerns of the Inspector by bringing the building forward, and eliminating the ancillary structures which obscured the front elevation in the previously refused application. However, by bringing forward the proposed building closer to the street other issues arise. The site is prominent along the street and did contain a number of trees, although some have been recently removed. The openness of the site is a positive contribution to the street scene. Lichfield Road is relatively green due to gardens and open spaces. The street is tree-lined and has an open feel. The proposed properties are located tight to the site boundaries. The footprint of the proposed houses are long and narrow, which is not



consistent with the more square footprints of the majority of the houses in the nearby area. The building appears wide and deep and I consider that its mass and scale makes the building appear bulky and cramped on site. The proposed building occupies most of the site width when viewed from the road and it dominates the site and fails to relate well to nearby developments of lower densities. The buildings encroach on the open aspect of the site.

- 8.9 The assessment above suggests that the site would better suit one larger family house that would not need to be located tight to the boundaries.
- 8.10 The Inspector was concerned that the entrance to one of the units was at the rear of the property. This has been addressed in the current application with both entrance doors at the front of the property.
- 8.11 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.12 The building would be located over 18m away from the first floor windows at properties No.291 and 293 Cherry Hinton Road to the south. The Inspector found this distance to be acceptable in the planning appeal decision for the previous planning application at this site. The Inspector summarized that '*the proposal would not prejudice the living conditions of the occupiers of numbers 289 and 291 Cherry Hinton Road.*' The position of the proposed building is closer to the street than in the previous application and is therefore nearer to No.293 rather than No.289 Cherry Hinton Road as in the previous application. However, the distance between the proposed building and houses to the house is similar to the previous scheme.
- 8.13 Third party comments have been received in relation to concerns with noise and mess during the construction stage. Environmental Health's requested conditions in relation to construction hours and collection or deliveries during

construction in their consultation response. This should help to address the noise concerns. If there becomes an issue with mess on the highway, then this can be investigated separately by Environmental Health if planning permission is granted.

- 8.14 I do not consider that the proposal would harm the amenities of properties surrounding the site. 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

- 8.15 In my opinion the proposal provides an acceptable 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**

- 8.16 The Council's Environmental Health comments found the provision of three bins located in the rear gardens of each property to be satisfactory.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety and Car Parking**

- 8.18 The proposal provides one off-street car parking space per dwelling house. This is consistent with car parking standards set out in the Local Plan.
- 8.19 The highway authority requested additional information about the application. The agent responded with a statement and amended drawing number 1111/001 RevA. The highway authority is now satisfied with the information submitted but requests conditions and informatives.
- 8.20 I note that some of the objections are concerned with the proposal exacerbating existing parking problems along nearby

streets. However the proposal provides on street parking provision in accordance with the Local Plan.

- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2 and 8/10.

### **Cycle Parking**

- 8.22 Sheds to store cycles have been provided for each house. These can accommodate two cycles and are located within the rear gardens of each house.

- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/6.

### **Third Party Representations**

- 8.24 Comments have been raised in relation to drainage and flooding issues with the site. The site is not within a high risk Flood Zone. Environmental Health have not raised issues with this, I therefore believe it would be unreasonable to condition the application on this matter.

- 8.25 A third party comment is concerned that the proposal would build on land that was previously used as gardens and it would therefore reduce the garden space for existing houses. Policy 3/10 of the Local Plan permits this providing the proposal complies with certain policy criteria. Therefore, the principle of building on such sites can be considered acceptable.

### **Planning Obligations**

- 8.26 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**

8.27 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.

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

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		

2-bed	2	238	476	2	952
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>952</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	2	1076
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>1076</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	2	968
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>968</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	2	1264
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>1264</b>

8.29 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and in accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), the proposal is in conflict 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

8.30 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	2	2512
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>2512</b>

8.31 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict 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

8.32 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	150
Flat	150		
<b>Total</b>			<b>150</b>

8.33 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict 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

8.34 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

8.35 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 I consider that the application should be refused because of the scale and mass of the proposed building. The building appears bulky and cramped on site and it fails to harmonise with the surrounding area. In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 3/12

- 9.2 A Section 106 legal agreement has not been completed for this proposal and it therefore fails to comply with the Planning Obligation Strategy (2010) and Local Plan policy 10/1.

## **10.0 RECOMMENDATION**

### **REFUSE for the following reason/s:**

1. Because of their scale, mass, and position on the site, the proposed semi-detached houses would appear bulky and cramped, protruding into the street scene in an unacceptably dominant manner, eroding openness and detracting from the character of the area. The proposal would respond poorly to the context, and be poorly integrated with the locality, contrary to policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan 2006 and government guidance in the National Planning Policy Framework 2012
2. 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, 5/14 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.