

Application Number	10/0510/FUL	Agenda Item	
Date Received	22nd June 2010	Officer	Mr John Evans
Target Date	17th August 2010		
Ward	Romsey		
Site	8 Montreal Road Cambridge Cambridgeshire CB1 3NP		
Proposal	Erection of chalet bungalow to the rear of 8 Montreal Road and demolition of outbuildings to side of 8 Montreal Road.		
Applicant	Mr A G Collacott 30A Cambridge Road Girton Cambridgeshire CB3 0PJ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a backland plot situated on the west side of Montreal Road. The plot is served by an unmade access off Montreal Road to the north of number 8.
- 1.2 To the east of the site is number 8 Montreal Road, a detached 2 storey residential property. Adjacent to the south east is number 7 Montreal Road, which is an extended 2 storey semi detached property. It has a relatively deep single storey extension projecting approximately 10m to the west. To the north of the site are terraced residential properties fronting onto Mill Road, which occupy relatively narrow rectangular plots some 15m in depth.
- 1.3 The site does not fall within a Conservation Area. The site is outside of the Controlled Parking Zone, (CPZ). There are no Protected Trees on, or adjacent to the application site.

2.0 THE PROPOSAL

- 2.1 The application seeks approval for the erection of a chalet style bungalow following the demolition of several outbuildings to the rear of number 8 Montreal Road.
- 2.2 The proposed building stands at 2.5m to eaves level, with an overall roof pitch of approximately 6m. The bungalow has 2 bedrooms within the roof space of the building. It will be constructed in a buff brick with concrete roof tiles.
- 2.3 Externally the development proposes a turning head and bicycle and refuse store to the north of the building.
- 2.4 The application is very similar to that refused by East Area Committee on 15 April 2010, (10/0028/FUL). The changes consist of an increased distance from the rear of the existing number 8 Montreal Road, to the front of the new bungalow, to 19m. (17m previously). In addition, the detailed design of the proposed bungalow now omits the side dormer window previously proposed. The lounge also has a slightly larger footprint.
- 2.5 The application is accompanied by the following supporting information:

- 1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
09/0591/FUL	Erection of five 3-bed houses (following demolition of existing house).	Withdrawn
10/0028/FUL	Erection of a chalet bungalow	Refused

- 3.1 The previously application 10/0028/FUL was refused at Committee, contrary to the advice of officers, for the following reasons:

1. The introduction of the proposed chalet bungalow into this backland site is unacceptable, because instead of proposing a form that will have a positive impact, it introduces an alien built form, entirely out of keeping with the housing to the west in Mill Road and the housing of Montreal Road, which will detract from the prevailing character and appearance of the area. The proposal has not therefore demonstrated that it has responded to its context or drawn upon key characteristics of the surroundings. For these reasons the proposal constitutes poor design in conflict with policy ENV7 of the East of England Plan (2008), policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006) and advice in Planning Policy Statement 1 (2005).

2. The proposal has not demonstrated that it has adopted a comprehensive design approach to achieve good interrelations between buildings, routes and space, but instead prejudices the comprehensive development of the wider area of which the site forms a part. For these reasons the proposal is contrary to policies 3/7 and 3/10 of the Cambridge Local Plan (2006).

3. The proposal, because of its height and position, would be overbearing in its relationship with the neighbouring property to the north, causing occupiers to feel unduly dominated and unreasonably enclosed by the new building, with a consequent adverse impact on their amenity, particularly on the gardens, which occupiers should expect to enjoy. For these reasons the proposal is in conflict with policy ENV7 of the East of England Plan (2008), policies 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006) and advice in Planning Policy Statement 1 (2005).

394-398 Mill Road

Reference	Description	Outcome
06/0224/OUT	Outline application for residential remedial development.	Approved

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

5.2 Planning Policy Statement 1: Delivering Sustainable Development (2005): Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Planning Policy Statement 3: Housing (2006): Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **Planning Policy Statement 3 (PPS3): Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)
- 5.5 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.6 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.7 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

- (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.

5.8 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.9 Cambridge Local Plan 2006

3/1 Sustainable development

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

8/6 Cycle parking

Planning Obligation Related Policies

3/7 Creating successful places

3/8 Open space and recreation provision through new development

3/12 The Design of New Buildings (*waste and recycling*)

5/14 Provision of community facilities through new development

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling*)

5.10 Supplementary Planning Documents

Cambridge City Council (March 2010) – Planning Obligation

Strategy: provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

5.11 Material Considerations

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

City Wide Guidance

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

Cambridgeshire Quality Charter for Growth (2008) – Sets out the core principles of the level of quality to be expected in new developments in the Cambridge Sub-Region

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010) Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

Buildings of Local Interest (2005) – A schedule of buildings of local interest and associated guidance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

- 6.1 No objections in principle, subject to clarification of parking space dimensions.

Head of Environmental Services

- 6.2 No objections.

Architectural Liaison Officer

- 6.3 No objections in principle. The alley to 384 Mill Road should remain secure. The build should be as secure as possible using principles of 'Secured By Design'.
- 6.4 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: **370, 378, 380, 382, 384, 388, 390** Mill Road, **6** Montreal Road.
- 7.2 The representations can be summarised as follows:

Objections to the principle of development

- The present application is more modest in scale so will probably attract fewer objections.
- The site is not suitable for development and will detract from the character and appearance of the area.
- Proposal would set a precedent for developing the whole rear area.
- Little change from previous application.

Design concerns

- The chalet bungalow is not in character with 2 storey houses.

Amenity concerns

- The driveway will run close to number 8 which will bring noise and disturbance.
- Development in the rear garden space will cause disturbance.
- Limited garden space for new bungalow.

Access objections

- The access is dangerous.

1 Letter of support has been received from number 8 Montreal Road:

- The bungalow is suitable and urgently needed for young people to get on the property ladder

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 in Planning Policy Statement (PPS) 3: Housing, and policy H1 of the East of England Plan 2008. 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 recently revised PPS 3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots,

which 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 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.
- 8.5 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. This notwithstanding, the 3 previous reasons for refusal found both the design of the bungalow, its impact upon neighbouring properties, and its isolated nature in relation to the wider comprehensive development of the site and those surrounding unacceptable. Therefore in my opinion, the principle of the development in light of this recent history is unacceptable.
- 8.6 The development of this backland site should demonstrate that due consideration has been given to safeguarding appropriate development in the future on the adjacent plot to the west, in accordance with Local Plan policy 3/6. The layout of the site includes a turning head which could be extended through to serve the adjacent plots. However the previous refusal, which is a material consideration, concludes that the scheme has not adequately responded to, or integrated with possible future comprehensive development. The principle of development in this form is not therefore deemed acceptable, contrary to policies 3/4, 3/6, 3/7 and 3/10.

Context of site, design and external spaces

- 8.7 The acceptability of this scheme in terms of design, turns on the detailed design and appearance of the new building in relation to its surrounding context.
- 8.8 New buildings should have a positive impact upon their setting in terms of height, scale, form, materials, detailing and wider townscape views, in accordance with Local Plan policy 3/12.

The withdrawn scheme (09/0591/FUL) proposed five 2 storey buildings which were not designed to respond to the particular constraints of this site. The chalet style bungalow previously proposed is more subservient in scale to the terraces along Mill Road and number 8 Montreal Road. While this is a more sympathetic, appropriate design response, Committee nevertheless found it unacceptable, which forms the basis of reason for refusal number 1 of 10/0028/FUL. This current application is very similar; with only minimal changes to the front to back distance of the bungalow in relation to number 8 Montreal Road. The removal of the southern roof dormer is also a relatively minor alteration. These changes do not adequately address the first reason for refusal concluding that the bungalow would detract from the prevailing character and appearance of the area.

- 8.9 In terms of external spaces, the bungalow will sit in a plot of limited size, which would provide only a small garden area. However, given the limited size of the bungalow situated in an area of the City which has open spaces in relatively close proximity, this is not considered unacceptable.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The bungalow is likely in my view to have greatest impact on neighbouring number 8 Montreal Road, the garden area of which will be subdivided. There is now a front to rear distance of approximately 19m which is still likely to result in some degree of interlooking between the first floor bedroom windows of each property. 'Bedroom 1' of the proposed bungalow could be required to be fitted with obscured glass through the imposition of a suitable planning condition. The 19m now proposed is within the scope of what is generally considered appropriate. Planting between the 2 properties would also mitigate against any overlooking.
- 8.11 The accessway of the development also passes in close proximity to the flank wall of number 8 Montreal Road. I do not feel that the comings and goings from this development would create undue disturbance for the occupiers of this property. Clearly the scale and nature of any future development on adjacent plots to the west may be curtailed by the limited width

and proximity of the access to number 7. Any such development would be assessed on its own individual merits.

- 8.12 The proposed bungalow will also have some visual impact upon the neighbouring number 7 Montreal Road to the south east. However, given the low eaves level which rise to only 2.5m, it is not considered to result in an unacceptable presence or visual intrusion as detailed within Local Plan policy 3/10. The northerly position of the new bungalow in relation to number 7 would mean that there would be no loss of light.
- 8.13 Notwithstanding the above, it is the impact upon the neighbouring residential properties to the north, which Committee felt was unacceptable previously and which forms the third reason for refusal. The new building is positioned over 20m from the rear outlook of the terraced properties along Mill Road. The bungalow will be visible for numbers 384 to 388 Mill Road in particular, although it is modest in size. However, the design of the bungalow now proposed is very similar, with only the flank dormer window removed. Therefore the height and position of the bungalow which was previously found unacceptable remains the same and has not addressed these previous concerns.
- 8.14 In terms of overlooking the dormer window which faces north towards the rear of number 388 Mill Road only serves the bathroom and stairway and can be ensured to be fitted with obscured glass through the imposition of a planning condition. This did not form part of the reason for refusal of 10/0028/FUL.

Amenity for future occupiers of the site

- 8.15 The development would in my opinion provide an adequate standard of amenity for future occupiers. The proposed patio doors take advantage of the southerly aspect which will provide good levels of natural light. As rehearsed in the design section, the garden area is limited, but it is adequate for the type of dwelling that is being proposed. I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/10 and 3/12.

Refuse and bicycle Arrangements

- 8.16 The development provides a separate outbuilding for refuse and bicycles which is adequate in size and conveniently located. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.17 The County Highways Authority have considered this scheme and do not object to the proposals. The proposed access has a limited width of 3m but this is not considered to result in a significant adverse impact upon highway safety. Any proposals which intensify this access in the future would be considered on its own merits. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car Parking

- 8.18 The development provides space for 1 car which is in accordance with the Adopted Car Parking Standards. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.19 The points made in the representation received have been adequately considered in the above report.

Planning Obligation Strategy

- 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. 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 formal open space, informal open space and children's play areas. The total contribution sought has been calculated as follows.

8.22 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 children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Formal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
2-bed	2	360	720	1	540
Total					540

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
2-bed	2	306	612	1	459
Total					459

8.23 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

8.24 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1085 for each unit of one or two bedrooms and £1625 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 £
2-bed	1085		1085
Total			1085

8.25 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Conclusion

8.26 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 This revised application is very similar to that previously refused by Committee in April 2010 (10/0028/FUL) and does not in my view address the previous reasons for refusal relating to the principle of development, design and its impact upon

neighbouring properties. In light of this previous decision, refusal is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The introduction of the proposed chalet bungalow into this backland site is unacceptable, because instead of proposing a form that will have a positive impact, it introduces an alien built form, entirely out of keeping with the housing to the west in Mill Road and the housing of Montreal Road, which will detract from the prevailing character and appearance of the area. The proposal has not therefore demonstrated that it has responded to its context or drawn upon key characteristics of the surroundings. For these reasons the proposal constitutes poor design in conflict with policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006) and advice in Planning Policy Statement 1(2005).
2. The proposal has not demonstrated that it has adopted a comprehensive design approach to achieve good interrelations between buildings, routes and space, but instead prejudices the comprehensive development of the wider area of which the site forms a part. For these reasons the proposal is contrary to policies 3/6, 3/7 and 3/10 of the Cambridge Local Plan (2006).
3. The proposal, because of its height and position, would be overbearing in its relationship with the neighbouring property to the north, causing occupiers to feel unduly dominated and unreasonably enclosed by the new building, with a consequent adverse impact on their amenity, particularly on the gardens, which occupiers should expect to enjoy. For these reasons the proposal is in conflict with policies 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006) and advice in Planning Policy Statement 1 (2005).

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 by contacting John Summers (Ext.7103) in the Planning Department.

10/0510/FUL

8 Montreal Road Cambridge Cambridgeshire CB1 3NP