

Application Number	12/1040/FUL	Agenda Item	
Date Received	10th August 2012	Officer	Miss Catherine Linford
Target Date	5th October 2012		
Ward	Petersfield		
Site	St Colettes Preparatory School Tenison Road Cambridge Cambridgeshire CB1 2DP		
Proposal	Proposed erection of two 5-bed houses, five 4-bed houses, internal access road, car and cycle parking and hard and soft landscaping.		
Applicant	C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none">1. The proposal respects the character and appearance of the Conservation Area2. The proposal does not have a significant detrimental impact on the amenity of occupiers of neighbouring properties3. The proposal will deliver additional housing in a sustainable location4. The scheme has been amended to address the issues of concern raised by the Inspector in relation to the previous scheme.
RECOMMENDATION	APPROVAL

0.0 INTRODUCTION

- 0.1 This report is set out in two parts. The first part is an update to the report which was considered by Planning Committee in September 2012 and an assessment of the impact of the proposed plans as amended by plans that have been submitted in response to the Inspectors report on the amenity of neighbours. The second part is the report which was presented to Committee in September 2012 which remains unchanged apart from the recommendation which includes additional conditions

PART ONE – UPDATE TO SEPTEMBER 2012 COMMITTEE REPORT

A1 BACKGROUND

- A1.1 At the Planning Committee meeting of 5th September 2012, Members made the decision to defer the application pending the receipt of the appeal decision for the previous application on the site (11/1534/FUL).

A2 APPEAL DECISION – 11/1534/FUL

- A2.1 The Appeal Decision has now been received, and is attached to the report at Appendix 1. In paragraphs 39-40 the Inspector concludes the following:

In conclusion, this is a disused, vacant urban site, formerly in education use, that is largely surrounded by housing. The principle of residential use is acceptable and the provision of additional housing in the City confines is to be welcomed. The proposed development has been carefully designed to take account of its location within a Conservation Area and to reflect the many different housing styles within the immediate area. The layout and form of the proposals has clearly taken account of the surrounding development and serious attempts have been made to minimise its impact on the living conditions of adjoining residents. I am satisfied that the development would preserve or enhance the character and the appearance of the Conservation Area; would not result in unacceptable overshadowing of adjoining properties; would make provision for sufficient amenity open space; and would provide other community benefits by way of the UU. The site now has nil use as the education facilities have been demolished and so Policy 5/11 of the Local Plan is not engaged.

However, I am very concerned that the proposed houses on Plots 2, 3, 5 and 7, due to their height, width, siting and proximity to the rear windows and gardens of the Tenison Avenue properties, would mean that the proposed dwellings would dominate the outlook from these properties, resulting in an unacceptably overbearing sense of enclosure. This would be seriously harmful to the living conditions of the occupiers of the Tenison Avenue properties and contrary to the development plan and the Framework. This harm cannot be overcome by the imposition of conditions and so, for that reason, the appeal is dismissed.

A2.2 The Inspector's only issue of concern was the potential overbearing sense of enclosure to houses in Tenison Road. To respond to this the applicant has made amendments to the scheme.

A3 AMENDED PROPOSAL

A3.1 The applicant has provided a drawing comparing the appeal scheme (11/1534/FUL), the original 2012 application (12/1040/FUL) and the amended scheme. Below is a comparison of the appeal scheme and the amended scheme:

Plot 2

A3.2 The dwelling has been set 0.8m further back from the northern site boundary with Tenison Avenue. The building would step away from the northwest corner to create a 1.8m space adjacent to the internal access road.

Plot 3

A3.3 This dwelling has been moved away from the northern boundary with Tenison Avenue by 0.5m. The northern most element of the northern elevation has been reduced in width from 10.7m to 6.1m.

Plot 5

A3.4 This dwelling has been moved away from the northern boundary with Tenison Avenue by 1.4m. The dwelling now

includes on plot car parking on the western (front) elevation.
The northwest element now steps 2.7m further back.

Plot 7

A3.5 The projecting bay on the north elevation has been deleted and the dwelling has been set back an additional 2.4m from the northern site boundary. A strip of landscaping/tree planting is now proposed along the northern site boundary.

A3.6 The tables below details the differences between the the appeal scheme (11/1534/FUL), the original 2012 application (12/1040/FUL) and the amended scheme. I have highlighted in grey the key amendments that have been made to the current scheme in response to the outcome of the appeal:

PLOT 1	Appeal Scheme 11/1534/FUL	Current Scheme 12/1040/FUL	Amended Scheme
Height of dwelling	9.6m	8.6m	8.6m
Distance from northern boundary	N/A	N/A	N/A
Width of nearest element to northern boundary	N/A	N/A	N/A
Area	315sqm	316sqm	305sqm

PLOT 2	Appeal Scheme 11/1534/FUL	Current Scheme 12/1040/FUL	Amended Scheme
Height of dwelling	9.7m	6.3m	6.3m
Distance from northern boundary	8.1m	8.1m	8.9m
Width of nearest element to northern	11.2m	12.7m	6.7m

boundary			
Area	334sqm	297sqm	269sqm

PLOT 3	Appeal Scheme 11/1534/FUL	Current Scheme 12/1040/FUL	Amended Scheme
Height of dwelling	9.9m	6.4m	6.4m
Distance from northern boundary	7.4m	7.9m	7.9m
Width of nearest element to northern boundary	10.7m	11.7m	6.1m
Area	274sqm	229sqm	217sqm

PLOT 4	Appeal Scheme 11/1534/FUL	Current Scheme 12/1040/FUL	Amended Scheme
Height of dwelling	9.8m	8.6m	8.6m
Distance from northern boundary	N/A	N/A	N/A
Width of nearest element to northern boundary	N/A	N/A	N/A
Area	269sqm	260sqm	269sqm

PLOT 5	Appeal Scheme 11/1534/FUL	Current Scheme 12/1040/FUL	Amended Scheme
Height of dwelling	9.3m	6.3m	6.3m
Distance from northern boundary	6m	5.8m	7.2m
Width of nearest	7.1m	7.6m	7.2m

element to northern boundary			
Area	243sqm	158sqm	134sqm

PLOT 6	Appeal Scheme 11/1534/FUL	Current Scheme 12/1040/FUL	Amended Scheme
Height of dwelling	9.3m	7.1m	7.1m
Distance from northern boundary	N/A	N/A	N/A
Width of nearest element to northern boundary	N/A	N/A	N/A
Area	204sqm	164sqm	155sqm

PLOT 7	Appeal Scheme 11/1534/FUL	Current Scheme 12/1040/FUL	Amended Scheme
Height of dwelling	9.3m	6.4m	6.3m
Distance from northern boundary	0.7m	2.1m	3.1m
Width of nearest element to northern boundary	4m	8.5m	8m
Area	239sqm	210sqm	191sqm

A4 CONSULTATIONS ON AMENDED PROPOSAL

Cambridgeshire County Council (Engineering)

A4.1 No further comments

Landscape Officer

A4.2 No further comments

Urban Design and Conservation Team

A4.3 We support the proposed revisions to plots 2, 3, 5 and 7 which has further reduced the impact of the scheme on the rear gardens of Tenison Avenue properties.

Sustainable Drainage Engineer

A4.4 No further comments

Anglian Water

A4.5 No comment

A5 REPRESENTATIONS ON AMENDED PROPOSAL

A5.1 The owners/occupiers of the following addresses have objected to the proposals:

- ☐ 9 Tenison Avenue
- ☐ 13 Tenison Avenue
- ☐ 15 Tenison Avenue
- ☐ 17 Tenison Avenue
- ☐ 21 Tenison Avenue
- ☐ 25 Tenison Avenue
- ☐ 27 Tenison Avenue
- ☐ 29/31 Tenison Avenue
- ☐ 61 Highsett
- ☐ 62 Highsett
- ☐ 68 Highsett
- ☐ 69 Highsett
- ☐ 85 Highsett
- ☐ 116 Tenison Road

A5.2 The objections can be summarised as follows:

- ☐ Overdevelopment
- ☐ Lack of affordable houses
- ☐ Plots 6 and 7 are too close to neighbouring properties
- ☐ Loss of trees
- ☐ Insufficient open space
- ☐ Overlooking and loss of privacy

- ☐ Overshadowing and loss of light
- ☐ Noise and pollution from access road
- ☐ Light pollution
- ☐ Insufficient parking
- ☐ Misleading CGI images
- ☐ The ivy covered trellis along the boundary with 68 Highsett is unacceptable due to allergies
- ☐ Some of the trees proposed are toxic
- ☐ The proposed trees planted to screen the development will block light and contribute to the sense of enclosure
- ☐ There is crime and anti-social behaviour in the area and security is an issue. The site should therefore be gated
- ☐ Object to the timing of the application and the very short response period
- ☐ The chimneys add to the height and sense of enclosure
- ☐ Collusion between the developers and planning officers as they agreed that the grounds for dismissing the appeal were narrow
- ☐ The site could be put to other uses with more benefit for the community
- ☐ The Council should request an impact assessment to assess whether increased traffic movements entering and leaving George Pateman Court can be accommodated

ASSESSMENT OF AMENDED PLANS SUBMITTED IN THE LIGHT OF THE APPEAL DECISION

A5.3 The Inspector dismissed the appeal on the grounds that the proposed dwellings would dominate the neighbouring houses on Tenison Avenue (part of Reason for Refusal 1). The Inspector was satisfied that the proposal preserved the character and appearance of the Conservation Area (Reason for Refusal 3); that the developer's obligation to provide public open space would be adequately met through the S106 agreement (Reason for Refusal 4); and that the proposed dwellings would not overshadow neighbouring properties to an unacceptable degree (part of reason for refusal 1). Reason or Refusal 2 related to the loss of a community facility. The local planning authority chose not to give any evidence at the Public Inquiry with regards to this reason for refusal following legal advice. The site is considered to have nil use, and this was agreed by the Inspector.

A5.4 The Inspector's decision is a very significant material consideration in the determination of this application, and it is my view that it is appropriate to focus consideration of the amended plans for the second application on the potential for an overbearing sense of enclosure to be experienced by the occupiers of 9-31 Tenison Avenue, because in other respects the two schemes are very similar.

A5.5 I have set out below my reasons why the amended scheme will not enclose or dominate 9-31 Tenison Avenue, and I have also considered the issues raised by Third Parties that have not been previously addressed.

Dominance and enclosure of Tenison Avenue

A5.6 In order to assess this impact I have looked at each proposed dwelling individually. The proposed dwellings closest to the northern boundary with Tenison Avenue are plots 2, 3, 5 and 7.

Plot 2

A5.7 Plot 2 would stand in line with 7-11 Tenison Avenue.

A5.8 When compared with the appeal scheme, this plot has been reduced in height by 3.4m, is 0.8m further from the northern boundary, and the width of the nearest element of the dwelling to the northern boundary has been reduced by 4.5m. The footprint of the dwelling has been reduced by 65sqm.

A5.9 In my opinion, the reduction in height, the increase in the distance from the common boundary with Tenison Avenue, and the reduction in footprint significantly reduces the impact on 7-11 Tension Avenue. It is my view that this dwelling would not dominate or enclose these neighbouring properties to an unacceptable degree.

Plot 3

A5.10 Plot 3 would stand in line with 15-17 Tenison Avenue.

A5.11 When compared with the appeal scheme, this plot has been reduced in height by 3.5m, is 0.5m further from the northern boundary and the width of the nearest element of the

dwelling has been reduced by 4.6m. The footprint of the dwelling has been reduced by 57sqm.

- A5.12 In my opinion, the reduction in height, the increase in the distance from the common boundary with Tenison Avenue, and the reduction in footprint significantly reduces the impact on 15-17 Tension Avenue. It is my view that this dwelling would not dominate or enclose these neighbouring properties to an unacceptable degree.

Plot 5

- A5.13 Plot 5 would stand in line with 23-27 Tenison Avenue.

- A5.14 When compared with the appeal scheme, this plot has been reduced in height by 3m, is 1.2m further from the northern boundary, and the footprint of the dwelling has been reduced by 109sqm.

- A5.15 In my opinion, the reduction in height, and the increase in the distance from the common boundary with Tenison Avenue significantly reduces the impact on 23-27 Tension Avenue. It is my view that this dwelling would not dominate or enclose these neighbouring properties to an unacceptable degree.

Plot 7

- A5.16 Plot 7 would stand in line with 29-31 Tenison Avenue.

- A5.17 When compared with the appeal scheme, this plot has been reduced in height by 3m, and the distance from the northern boundary has been increased by 2.3m, partly due to the deletion of the projecting bay on this side. The footprint of the proposed dwelling has been reduced by 48sqm.

- A5.18 This dwelling was the closest to the common boundary, and it is my opinion that the reduction in height, and the increase in the distance between the house and the common boundary, greatly reduces the impact on 29-31 Tenison Avenue. A strip of landscaping/trees is proposed along the common boundary, and concern has been raised that these trees would have an overbearing impact on neighbouring properties. In my opinion, these trees would only have a significant detrimental impact if they were large trees, and I

therefore recommend a condition requiring details of the trees/plants to be planted along this boundary to ensure that they are an appropriate species (16).

Third party representations not addressed in the previous report

The ivy covered trellis along the boundary with 68 Highsett is unacceptable due to allergies and some of the proposed trees are toxic

A5.19 This has been raised with the applicant. To address the concerns raised I recommend an additional condition requiring details of the plants and trees to be used along the boundary (16).

There is crime and anti-social behaviour in the area and security is an issue. The site should therefore be gated

A5.20 The first application (09/1142/FUL) was refused (partly) because it would have been gated and, thereby, separated from the surrounding area. It has, therefore, been accepted that a gated development is not acceptable in this area.

Object to the timing of the application and the very short response period

A5.21 The local planning authority cannot control when an application is made, or, in this case, when amendments are received. The local planning authority is obliged to deal with all applications in a timely manner.

The site could be put to other uses with more benefit for the community

A5.22 The local planning authority must determine the application before it, and cannot insist that the site is used for another use.

PART TWO – SEPTEMBER 2012 REPORT WITH AMENDED RECOMMENDATION (ADDITIONAL CONDITIONS ???)

Part Two of my report re-produces my original 2012 report and allows the Committee to determine the application in the light of

all the relevant information and to consider the recommendation as originally put forward as amended by the addition of condition 16.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site lies between Tenison Avenue, George Pateman Court, and Highsett, about 120m from the Tenison Road/Station Road junction. The site takes the form of a narrow truncated wedge, with its long axis running east-west parallel with Tenison Avenue. It measures 122 m in length, and is 30m wide at its east end, where it abuts the rear of curtilages facing Tenison Road, and 19m wide at the west end, abutting Highsett.
- 1.2 The site is not allocated in the Cambridge Local Plan (2006). It has been in use as a private preparatory school. This use ceased in mid-2009, when the school relocated to a site in Girton, outside the city boundary. All the buildings on the site have been demolished following the grant of Conservation Area Consent in 2010 (09/1144/CAC)
- 1.3 Residential accommodation surrounds the site: to the north and west are three-storey houses in Tenison Avenue and Highsett, and to the south are three-storey buildings in George Pateman Court, containing flats and maisonettes. The three-storey terrace of buildings on the east of the site is occupied by a mixture of private houses and bed-and-breakfast accommodation. The site falls within the controlled parking zone (CPZ).
- 1.4 The site falls within the City of Cambridge Conservation Area No.1 (Central). It lies just to the south-west of the edge of the Mill Road and St Matthews sector, in a part of the Conservation Area for which there is no appraisal. A large number of the trees within and immediately adjacent to the site are subject to Tree Preservation Orders.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for two five-bedroom houses and five four-bedroom houses. The houses would be served by an access road turning off George Pateman Court and running along the eastern and northern boundaries of the application site. The houses would be arranged in line with the eastern and

western boundaries, standing at right angles to the neighbouring houses on Tenison Avenue.

- 2.2 The houses would be semi-detached, standing in pairs, with the exception of one detached house at the western end of the site (plot 7). Each plot can be described as follows:

Plots 1 & 2

- 2.3 This pair of houses would stand on the eastern end of the site, facing out onto the access road, where it adjoins George Pateman Close, and in line with 7-13 Tenison Avenue. At their closest point, these houses would stand 19.6m from the common boundary with the houses on Tenison Road to the east; 1m from the common boundary with George Pateman Court to the south; and 7.4m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). Plot 1 would step down to 6m in height 1m from the southern side of the house. Plot 2 would be 6.3 in height.

Plots 3 & 4

- 2.4 This pair of semi-detached houses would stand in line with 15-17 Tenison Avenue. At their closest point, these houses would stand 1.8 from the common boundary with George Pateman Close to the south; and 6.4m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). Plot 3 would be 6.4m in height.

Plots 5 & 6

- 2.5 This pair of semi-detached houses would stand in line with 21-27 Tenison Avenue. At their closest point, the houses would stand 1m from the common boundary with Highsett to the south; and 5m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). Plots 5 and 6 would be two storeys in height – 6.2m.

Plot 7

- 2.6 This detached house would stand in line with 29-31 Tenison Avenue. At its closest point, the house would stand 4.2m from the common boundary with Highsett to the south; and 0.8m from the common boundary with the houses on Tenison Avenue to the north (with the access road between the houses and the common boundary). The house would be two storeys in height (6.4m) dropping down to a single storey in height.
- 2.7 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Supporting Planning Statement
 3. Site Waste Management Plan
- 2.8 The application is brought before Planning Committee rather than East Area Committee because the previous application was determined by Planning Committee.

3.0 SITE HISTORY

Reference	Description	Outcome
09/1142/FUL	Erection of 12no 4 bed houses and 1no 5 bed house, internal access road and hard and soft landscaping following demolition of all existing buildings on site.	REF
09/1144/CAC	Demolition of all existing buildings.	A/C
11/1534/FUL	Proposed erection of 7 x 5 bed houses, internal access road, car and cycle parking and hard and soft landscaping.	REF Appeal in progress

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes
	Public Meeting/Exhibition (meeting of):	No
	DC Forum (25 October 2012):	Yes

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV6 ENV7 WM6
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/11 3/12 4/4 4/11 4/13 4/15 4/16 5/1 5/14 8/2 8/6 8/10 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	Sustainable Design and Construction Waste Management Design Guide

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> Arboricultural Strategy Cambridge and South Cambridgeshire Strategic Flood Risk Assessment Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan Open Space and Recreation Strategy Cycle Parking Guide for New Residential Developments
	<u>Area Guidelines:</u> Conservation Area Appraisal: Cambridge Historic Core

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The internal road layout is unsuitable for adoption as a highway maintainable at the public expense and the access does not connect to a public highway. The applicant must confirm that that they will not be seeking the adoption of the road by the Highway Authority. The road way has been tracked to demonstrate the ability of a fire engine to adequately reach the farthest point of the site. Conditions are recommended.

Head of Environmental Services

- 6.2 No objection, subject to conditions.

Urban Design and Conservation Team

- 6.3 No objection, subject to conditions.

Landscape Officer

- 6.4 No objection.

Cycling and Walking Officer

- 6.5 The cycle stores are too small.

Sustainable Drainage Engineer

- 6.6 The proposal for disposal of the surface water is via soakaways. Although this is supported by the City Council, there are known high ground water levels in the area and this may not be suitable. Suitable testing and monitoring should be undertaken or the proposals are likely to increase the risk of flooding in the area.

Environment Agency

- 6.7 No objection, subject to conditions.

Cambridgeshire County Council (Archaeology)

- 6.8 No objection, subject to conditions.
- 6.9 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 objected to the proposals:
- ☐ 39 Highsett
 - ☐ 49 Highsett

- ☐ 59 Highsett
- ☐ 61 Highsett
- ☐ 62 Highsett
- ☐ 73 Highsett
- ☐ 82 Highsett
- ☐ 85 Highsett
- ☐ 30 George Pateman Court
- ☐ 9 Tenison Avenue
- ☐ 13 Tenison Avenue
- ☐ 15 Tenison Avenue
- ☐ 17 Tenison Avenue
- ☐ 21 Tenison Avenue
- ☐ 23 Tenison Avenue
- ☐ 25 Tenison Avenue
- ☐ 27 Tenison Avenue
- ☐ 29-31 Tenison Avenue
- ☐ 23 Glisson Road
- ☐ GTARA
- ☐ Cambridge Centre for Sixth-form Studies
- ☐ Petition containing 32 signatures

7.2 The objections can be summarised as follows:

Principle

- ☐ How can this application be considered when an Appeal is underway to determine whether or not this land is for educational purposes or housing
- ☐ The principle of policy 5/11 should not be disregarded as the spirit of the policy is harmed. CCSS (an independent school) is interested in buying the site for educational purposes

Character and context

- ☐ Overdevelopment
- ☐ The large houses are not appropriate for the area
- ☐ The design does not respect the character of the adjacent Highsett houses
- ☐ Loss of mature trees
- ☐ There is no shared open space on the site

Residential amenity

- ☐ Overshadowing
- ☐ Overbearing
- ☐ Loss of privacy

- ☐ Loss of light
- ☐ Increase in noise
- ☐ The trees along the boundaries are deciduous but are shown as evergreen. They would not provide the kind of screening portrayed
- ☐ Roof gardens would be unacceptable
- ☐ Light pollution
- ☐ Pollution from car exhausts
- ☐ The rear boundary of the houses on Tenison Avenue will become less secure
- ☐ The rear garden of plot 7 would be overshadowed by trees

Traffic

- ☐ Tenison Road is already experiencing problems with the increase in traffic going to the developments at the station. More traffic emerging from the St Colette's site will add to the congestion on Tenison Road
- ☐ The traffic impact assessment has been based on a census from 2001 and is out of date

Car and cycle parking

- ☐ Lack of parking

Other

- ☐ The decision relating to the educational use of the site was not transparent
- ☐ The submitted drawings are misleading
- ☐ The historic boundary wall between the site and Tenison Avenue may be damaged by the building works
- ☐ There was an architectural competition for this site. A scheme designed by another architectural firm was more acceptable
- ☐ Water table and flooding

7.3 The above objections are a summary of the comments that have been received. Full details can be inspected on the application file or via public access.

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

Background

- 8.2 This site has a complex history. In 2009, conservation area consent was granted to demolish the buildings on the site (09/1144/CAC), with the buildings demolished in 2011. At this time, planning permission was refused to develop the site with 13 terraced houses (09/1142/FUL).
- 8.3 In 2011, planning permission was refused to develop the site with 7 houses. This scheme is now at appeal. The application was refused for the following reasons:
1. Because of the overbearing sense of enclosure that will be created by the development and experienced by the occupiers of 9-31 Tenison Avenue and 68 and 85 Highsett, and because of the overshadowing of the rear gardens, balconies, roof terraces and ground floor rooms of 9-31 Tenison Avenue during Winter months, the application would result in unacceptable harm to the residential amenity of the occupiers of those houses and would be in conflict with policy ENV7 of the East of England Plan (2008), and policies 3/4 and 3/7 of the Cambridge Local Plan (2006), and government guidance in the National Planning Policy Framework (2012).
 2. Insufficient information has been provided to demonstrate that the community use to be lost on the site is either to be replaced within the development, relocated to another premises of equal accessibility for its users, or no longer required. As the marketing strategy was inadequate, there is insufficient information to demonstrate that the site is not required for educational use or community use in the longer term. For both these reasons the proposal is in conflict with policy 5/11 of the Cambridge Local Plan (2006), and

government guidance in the National Planning Policy Framework (2012).

3. The layout of the proposed development and the scale and design of the proposed development is not compatible with the character of the surrounding area. The development does not result in creation of an attractive built frontage which positively enhances the townscape or the Conservation Area of which it forms part. The development does not provide an appropriate balance between public and private space to achieve a good relationship between buildings, routes and spaces. In so doing, the development fails to provide a positive sense of place and represents overdevelopment of the site, contrary to policies 3/4, 3/7, 3/12, 4/11 and 5/1 of the Cambridge Local Plan (2006) and government guidance in the National Planning Policy Framework (2012).
 4. The development fails to make adequate provision for on site informal open space contrary to policy 3/8 of the Cambridge Local Plan (2006) and government guidance in the National Planning Policy Framework (2012).
 5. The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, or public art, in accordance with policies 3/7, 3/8, 5/14, and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010, and the Open Space and Recreation Strategy (2011).
- 8.4 When the appeal was lodged with the Inspectorate, the Council sought legal advice from Counsel on the strength of reason for refusal 2. The advice received was that due to the demolition of the buildings on the site, the site was no longer in D1 use (it was in nil use) and policy 5/11 of the Cambridge Local Plan (2006) was not engaged. A confidential item was then taken to Planning Committee on 25 July 2012 seeking agreement that reason for refusal 2 would not be defended at the appeal. The public were excluded from this meeting because the advice and Committee report were legally privileged and should not, therefore, be made public.

- 8.5 It has been suggested that this application should not be determined until the appeal has been decided. This is something that Members must take a view on. If Members are of the opinion that the application cannot be determined prior to the appeal decision the application will need to be deferred.

Principle of Development

- 8.6 The previous application was refused for the following reason, in relation to the principle of development:

Reason for refusal 2

Insufficient information has been provided to demonstrate that the community use to be lost on the site is either to be replaced within the development, relocated to another premises of equal accessibility for its users, or no longer required. As the marketing strategy was inadequate there is insufficient information to demonstrate that the site is not required for educational use or community use in the longer term. For both these reasons the proposal is in conflict with policy 5/11 of the Cambridge Local Plan (2006), and government guidance in the National Planning Policy Framework (2012).

- 8.7 Officers have sought legal advice from Counsel on this reason for refusal. This advice explained that as the buildings on the site have been demolished, the site can no longer be considered to be in D1 (non-residential institutions) use, but is in a nil use. This means that policy 5/11 of the Cambridge Local Plan (2006) does not apply to this case, and the previous educational use cannot be protected by policy 5/11.
- 8.8 It has been suggested that even though the site is technically no longer in educational use, the spirit of policy 5/11 of the Cambridge Local Plan (2006) is being threatened by the proposed development and the application should be refused on this basis. The aim of policy 5/11 of the Local Plan is to prevent the loss of sites of educational or community value. It has been argued that this site could be re-developed for such a use, even though there are no longer any buildings on the site. Cambridge Centre for Sixth Form Studies (CCSS) is interested in the site for educational use. Whilst I understand this argument, as currently drafter, there is no scope for the educational use of the site to be protected by policy 5/11 of the

Local Plan as, as far as the Use Class is concerned, the site is now no longer in D1 Use.

- 8.9 Policy 5/1 of the Cambridge Local Plan relates to housing provision and states that proposal for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and therefore it is my opinion that the redevelopment of the site for residential use is compatible with its surroundings and acceptable in principle.
- 8.10 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006). Policy 5/11 is no longer applicable.

Context of site, design and external spaces

- 8.11 The previous, refused application proposed the erection of seven houses (six semi-detached houses and one detached house). The site layout proposed in this application is the same as before with the houses standing in the same locations. However, the proposed houses are not as tall, the footprints are not as deep and the houses are of a different design.
- 8.12 The previous application was refused for the following reason, relating to design:

Reason for refusal 3

The layout of the proposed development and the scale and design of the proposed development is not compatible with the character of the surrounding area. The development does not result in the creation of an attractive built frontage, which positively enhances the townscape of the Conservation Area of which it forms part. The development does not provide an appropriate balance between public and private space to achieve a good relationship between buildings, routes and spaces. In doing so, the development fails to provide a positive sense of place and represents overdevelopment of the site, contrary to policies 3/4, 3/7, 3/12, 4/11 and 5/1 of the Cambridge Local Plan (2006) and government guidance in the National Policy Framework (2012).

- 8.13 The previous refused application included pitched roofs and end gabled houses. These dwellings have now been replaced with flat roofs, reducing the overall height of the proposed buildings. The scale of the development has also been reduced from the previous scheme, through the reduction in storey heights. Plots 2, 3, 5, 6 and 7 have been reduced from three to two storeys, and are typically between 2.2m and 3.65m lower than the units on the previous scheme. Plots 1 and 4 remain at three storeys but the alteration to the roof form has reduced their overall height by 1.2m.
- 8.14 It is my view, and the view of the Urban Design and Conservation Team, that the scale and massing of the dwellings is appropriate. Two storey units are located on the more sensitive edges of the site, adjacent to Highsett to the southwest and the rear gardens of 5-31 Tenison Avenue to the north.
- 8.15 The proposed materials include buff coloured brick, white render, and timber (used for the projecting bays and garage doors) and reflects the materials evident in the locality. However, to ensure the materials used are appropriate, I recommend that samples are required by condition (conditions 9 and 10).
- 8.16 There are no objections to the principle of the proposed development in terms of the impact on the character and appearance of the Conservation Area. The site is obscured from view by the nature of its location, and consequently development on the site will have minimal impact on the character and appearance of the Conservation Area. There is a variation in architectural style in the immediate area. However, the buildings on George Pateman Court, adjacent to the proposal have a horizontal emphasis, which is mirrored in the proposal. This, along with the flat roof design, links the development well to the existing buildings.

Reason for refusal 4

The site fails to make adequate provision for on-site informal open space contrary to policy 3/8 of the Cambridge Local Plan (2006) and government guidance in the National Planning Policy Framework (2012).

- 8.17 Policy 3/8 of the Local Plan states that all residential development should provide public open space in accordance with the Open Space and Recreation Standards. It advises that provision should be made on site as appropriate to the nature and location of development or where the scale of development indicates otherwise, through the payment of a commuted sum.
- 8.18 The Planning Obligations Supplementary Planning Document (2010) provides further guidance on circumstances when onsite provision should be sought, and when a commuted sum would be more appropriate. It states that on-site informal open space in the form of informal play space should be provided as part of housing developments of more than 25 units and informal activities as part of housing developments of more than 10 units.
- 8.19 In this particular case the proposal is for seven houses. However, in response to this reason for refusal, the application includes a small area of open play space within the northeast corner of the site. It is proposed that this area will contain some pieces of play equipment. A shared surface approach is being taken, which means that children will be able to safely play in the street. The size of the play space area meets the policy requirement and this would appear to overcome the objections raised in the previous reason for refusal.
- 8.20 The proposal for disposal of the surface water is via soakaways. Although this is supported by the City Council, there are known high ground water levels in the area and this may not be suitable. The City Council's Sustainable Drainage Engineer has recommended that suitable testing and monitoring should be undertaken or the proposals are likely to increase the risk of flooding in the area. This can be achieved through a condition requiring a drainage strategy (condition 12), which must include an adoption and maintenance strategy for the proposed drainage system to ensure the long term effectiveness of the proposed system.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

Privacy: occupants of George Pateman Court

8.22 The proposed houses have been designed to minimise the overlooking of neighbouring properties. There are very few windows on the southern elevation of the houses, facing out towards George Pateman Court. The distance between the existing block of flats at George Pateman Court and the proposed houses, varies from unit to unit, but at the closest point, there would be a separation distance of 14m between the buildings. This is the access elevation of George Pateman Court, with walkways running along the building at first and second floor level. Such windows as face in this direction have no privacy at present, as occupiers of, and visitors to, other flats pass directly in front of them – a fact reflected by the almost universal use of net curtains on these windows. At ground level, there are no gardens – this side of the block is taken up with car parking space, and the communal amenity space is on the opposite (south) side of the building. I do not consider that the proposed development would entail any loss of privacy for occupants of George Pateman Court.

8.23 Plots 1 and 4 have terraces/balconies close to the southern boundary with George Pateman Court, with the terrace to plot 1 at first floor level and the terrace to plot 4 at second floor level. The plans show that the terraces would have screens, but to ensure they are sufficient enough to prevent overlooking I recommend a condition requiring details of these screens (condition 7).

Privacy: occupiers of 68-70 and 82-85 Highsett

8.24 Plot 6 would stand alongside 85 Highsett with the front elevation of plots 5 and 6 facing towards the rear of the site. The side elevation of plot 6 includes only a bathroom window (which will be obscure glazed), which would face onto the flank wall of 85 Highsett, and would have no detrimental impact on the privacy of the occupiers of this property. Plot 6 would include windows on the front of the house (serving the living room on the ground floor, and bedrooms). Direct views into the neighbouring garden would not be possible but oblique views would be. This,

in my view, is no worse than any urban situation, and is no worse than the existing overlooking between 85 and their attached neighbours. I consider this to be acceptable.

8.25 The rear garden of plot 7 would sit alongside 68 Highsett. Due to the positioning of plot 7, forward of 68 Highsett, there is some potential for overlooking from the rear of plot 7 to the rear of 68 Highsett (68 Highsett backs on to the site, unlike 85 Highsett, which is side on). Again, there is no potential to directly overlook the neighbouring property, but there is potential from some oblique angles which are more direct than the relationship between plot 6 and 85 Highsett. The design of plot 7, has however, reduced this potential impact. There are windows proposed at first floor level on the rear elevation of plot 7. The southern most two windows (ie the windows closest to 68 Highsett) will serve an ensuite and a dressing room, and the northern most windows will serve a bedroom. To prevent any overlooking from the closest windows to the neighbour I consider it reasonable to add a condition requiring that these windows are obscure glazed and fixed shut (condition 4). Due to the width of the house (approximately twice the width of the other houses on the site), the first floor windows serving the bedroom would be more than 14m from the back of 68 Highsett (when measured diagonally). Although oblique views would be possible towards the rear of 68 Highsett, it is my view that due to the separation distance between the properties this is not significant enough to warrant refusal of the application and is acceptable.

Privacy: occupiers of 5-31 Tenison Avenue

8.26 There are very few windows on the northern, side, elevation of the houses facing out towards the rear gardens of the neighbouring houses on Tenison Avenue. Many of these neighbouring houses have been extended and are closer to the proposed houses than old Ordnance Survey extracts suggests. In many cases, the rear windows of the Tenison Avenue houses are considerably less than 20m from the proposed northern, side elevations. Many of the Tenison Avenue houses have habitable rooms (living rooms, kitchens, bedrooms, and studies) on this south elevation, and some have balconies and roof terraces. The degree of privacy enjoyed in these rooms and in the adjacent gardens at present is considerable, but not absolute. Gardens are already overlooked to some degree by

neighbours, but this does not always extend to the area closest to the houses themselves. The rear elevations of the Tenison Avenue houses are also overlooked from the entrance walkways and north facing windows of George Pateman Court, but this is from some considerable distance.

- 8.27 Generally, the windows on the northern elevation of the houses, at first and second floor levels, serve bathrooms and staircases. To prevent direct overlooking of the houses on Tenison Avenue, I recommend that a condition is added requiring that these windows are obscure glazed and fixed shut (condition 4).
- 8.28 Concern has been raised that the development will mean that the rear boundary of the houses on Tenison Avenue will become less secure. The development will increase the amount of natural surveillance in the area, and it is my opinion that the proposal will not have a detrimental impact on safety and security.
- 8.29 As the houses are flat roofed, with differing levels and there is concern that roof gardens or terraces may be created by the occupiers. These would require planning permission in their own right.

Overshadowing and visual dominance

- 8.31 The previous application was refused for the following reason, in relation to residential amenity:

Reason for refusal 1

Because of the overbearing sense of enclosure that will be created by the development and experienced by the occupiers of 9-31 Tenison Avenue and 68 and 85 Highsett, and because of the overshadowing of the rear gardens, balconies, roof terraces and ground floor rooms of 9-31 Tenison Avenue during Winter months, the application would result in unacceptable harm to the residential amenity of the occupiers of those houses and would be in conflict with policy ENV7 of the East of England Plan (2008) and policies 3/4 and 3/7 of the Cambridge Local Plan (2006), and government guidance in the National Planning Policy Framework (2012).

- 8.32 The submitted 'impact comparison drawings' indicate that the proposed scheme will have a reduced overshadowing impact on the existing rear gardens of properties along Tenison Avenue at noon mid-winter as a result of the reduction from three to two storeys and the replacement of pitched roofs with flat roofs. The impact of overshadowing in the direction of the rear gardens of properties along Tenison Avenue at noon mid-spring and noon mid-summer is limited to the overshadowing of the access lane and strip of tree planting to the north.
- 8.33 The proposed houses would be a very prominent feature in the outlook from the rear of the Tenison Avenue houses, especially as these properties currently benefit from an outlook across an open piece of land. However, considering the reduction in the scale and height of the proposed houses, I do not consider that they would be close enough to the existing houses to result in overwhelming visual domination or an unacceptable sense of enclosure. I take the same view with respect to Nos. 68 and 85 Highsett.

Noise and disturbance

- 8.34 The access road, serving the site, would be separated from the Tenison Avenue gardens by the existing high brick wall. The number of vehicle movements along this road would be very limited. Notwithstanding the concerns expressed in representations, I do not consider it likely that an unacceptable degree of noise or disturbance would result. I also am of the opinion, that the light generated from car lights would be minimal and shielded by the boundary wall.
- 8.35 The impact on neighbouring occupiers could be increased if the proposed houses were extended or additional windows were added. I, therefore, recommend that conditions are added to the permission removing Permitted Development rights (conditions 5 and 6).
- 8.36 In my opinion, the proposal respects the residential amenity of neighbouring occupiers, and I consider that it therefore complies with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.37 Concern has been raised by residents that the gardens are too small for the size of the houses. In my view the gardens provided are adequate and consistent with the size of gardens on other new developments.
- 8.38 In my opinion the proposal provides 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

- 8.39 The residents will only be required to move their bins to their immediate collection points which are under the maximum of 30m distance. From here a management company will transport the bins to the main collection point at the entrance of the site where the refuse collectors will empty the bins into the refuse collection vehicle which will be situated on George Pateman Court. This approach has been agreed in principle with the Refuse Department at the City Council.
- 8.40 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.41 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that, at a maximum, two car parking spaces should be provided for houses of this size. One car parking space is proposed for each dwelling (with all but one house having a garage) along with three visitor parking standards. This is below the maximum standards but considering the site is close to the railway station and the bus interchange, I consider it to be acceptable.
- 8.42 I also acknowledge that the pressure to use private garages for storage space or to convert them to habitable rooms might lead to a reduction in the overall car parking space available. Some representations express concern about the impact of the development on on-street car parking space. However, this is an area of controlled parking, in which the pressure for on-street space, both during the day and at night, is already far beyond the saturation level. Residents of the development proposed here would not be entitled to residents' parking permits, and I

do not consider that their demands, whether or not the households concerned keep one or more cars, would make any difference to the on-street pressure. I recommend that if the application were to be approved, a condition should be attached requiring a system to limit use of the visitors' spaces to visitors of these houses only. I also recommend a condition preventing the garages from being converted into habitable rooms without the need for planning permission (condition 8).

8.43 Appendix D (Cycle Parking Standards) states that for houses of this size a minimum of four secure, covered cycle parking spaces must be provided. It is proposed that each house will have an individual cycle store. This approach is satisfactory, and acceptable. However, the City Council's Cycling and Walking Officer has explained that, in their view, the cycle stores are too small and not in appropriate locations. Therefore, I recommend that details of the cycle stores are required by condition (condition 11).

8.44 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6, 8/10 and 8/16.

Third Party Representations

Works to and maintenance of the boundary wall

8.45 The application does not include the removal of or any works to the boundary wall between the application site and Tenison Avenue. The maintenance of this wall will be a civil matter between the developer and the owner.

Architectural competition

8.46 This site was the subject of an architectural competition. Even if another scheme was put forward and won this competition, the Local Planning Authority must assess what has been proposed in this application.

Planning Obligation Strategy

Planning Obligations

8.47 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

- 8.48 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.
- 8.49 The application proposes the erection of two five-bedroom houses and five four-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:

Outdoor sports facilities					
Type of unit	Persons per unit	J per person	Jper unit	Number of such units	Total J
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714		
4-bed (or more)	4	238	952	7	6664
Total					6664

Indoor sports facilities					
Type of unit	Persons per unit	J per person	Jper unit	Number of such units	Total J
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538		
3-bed	3	269	807		
4-bed (and more)	4	269	1076	7	7532
Total					7532

Informal open space					
Type of unit	Persons per unit	J per person	Jper unit	Number of such units	Total J
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726		
4-bed (and more)	4	242	968	7	6776
Total					6776

Provision for children and teenagers					
Type of unit	Persons per unit	J per person	Jper unit	Number of such units	Total J
studio	1	0	0		
1 bed	1.5	0	0		
2-bed	2	316	632		
3-bed	3	316	948		
4-bed (and more)	4	316	1264	7	8848
Total					8848

8.50 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

8.51 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is J1256 for each unit of one or two bedrooms and J1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	Jper unit	Number of such units	Total J
1 bed	1256		
2-bed	1256		
3-bed	1882		
4-bed (and more)	1882	7	13174

Total	13174
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- 8.52 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

- 8.53 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 J75 for each house and J150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	Jper unit	Number of such units	Total J
House	75	7	525
Flat	150		
Total			525

- 8.54 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.

Waste Management

A contribution is sought from all dwellings towards up grading existing/providing new Household Recycling Centres to mitigate the impact of new development on these facilities. This development lies within the catchment site for Milton. Contributions are sought on the basis of J190 per house for four new sites giving increased capacity as permanent replacements for the existing temporary site at Milton. A total contribution of J1330 is necessary

- 8.55 Subject to the completion of a S106 planning obligation to secure the requirements of the RECAP Waste Management Design Guide SPD 2012, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policy 10/1 and the RECAP Waste Management Design Guide SPD 2012.

Education

- 8.56 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.57 In this case, 7 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education, secondary education and lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		Jper unit	Number of such units	Total J
1 bed	1.5		0		
2+-beds	2		810	7	5670
Total					5670

Primary education					
Type of unit	Persons per unit		Jper unit	Number of such units	Total J

1 bed	1.5		0		
2+-beds	2		1350	7	9450
Total					9450

Secondary education					
Type of unit	Persons per unit		Jper unit	Number of such units	Total J
1 bed	1.5		0		
2+-beds	2		1520	7	10640
Total					10640

Life-long learning					
Type of unit	Persons per unit		Jper unit	Number of such units	Total J
1 bed	1.5		160		
2+-beds	2		160	7	1120
Total					1120

- 8.58 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.
- 8.59 Subject to the completion of a S106 planning obligation to secure the requirements of the Affordable Housing SPD (2008), 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 5/5 and 10/1 and the Affordable Housing SPD (2008).
- 8.60 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1, P9/8 and P9/9, Cambridge

Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.61 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

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

9.0 CONCLUSION

- 9.1 In my opinion, the proposed scheme is well designed and respects the amenities currently enjoyed by the neighbouring residents. The proposed development respects the character and appearance of the Conservation Area. The proposal satisfactorily addresses the previous reasons for refusal and is therefore recommended for approval, subject to conditions and the completion of the S106 agreement.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1st January 2014 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. Except with the prior written agreement of the local planning authority 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)

3. Except with the prior written agreement of the local planning authority, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

4. The bathroom/shower room/staircase windows of all of the houses hereby approved shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent when first introduced to the building and remain as such thereafter.

Reason: In the interest of privacy (Cambridge Local Plan 2006 policy 3/12).

5. 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)

6. 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)

7. Prior to the commencement of development details of the screens to the balconies/terraces shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent overlooking of neighbouring properties.
(Cambridge Local Plan 2006, policy 3/7)

8. 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 garages shall be converted into habitable space 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)

9. 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 and 3/12)

10. No brickwork is to be erected until the choice of brick, bond, mortar mix design and pointing technique have been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site. The approved panels are to be retained on site for the duration of the works for comparative purposes, and development must take place only 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 and 3/12)

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

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

12. Prior to the commencement of development a drainage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the risk of flooding. (Cambridge Local Plan 2006, policy 4/16)

13. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: To protect the amenity of the future occupiers of the site. (Cambridge Local Plan 2006, policy 4/13)

14. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

15. The units hereby approved shall not be occupied until fire hydrants have been installed according to a scheme previously submitted to, and approved in writing by the local planning authority.

Reason: To ensure safe conditions for future occupants. (Cambridge Local Plan (2006) policy 3/7)

16. Prior to occupation, full details of the planting along the boundaries of the site shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and residential amenity. (Cambridge Local Plan 2006, policies 3/7 and 3/11)

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 1st January 2014, 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, sports facilities, community development facilities, education and life-long learning facilities, waste storage, waste management facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 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 RECAP Waste Management Design Guide SPD 2012, and 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