

<b>Application Number</b>	13/0667/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th May 2013	<b>Officer</b>	Natalie Westgate
<b>Target Date</b>	10th July 2013		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Land to the rear of 10 De Freville Avenue Cambridge CB4 1HR		
<b>Proposal</b>	Erection of 1 no. 3 bed dwelling house (following the demolition of the existing out building)		
<b>Applicant</b>	Mr A D and Dr I A Lehmann & Roth c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>1 The proposed house will make a positive contribution to the Conservation Area</p> <p>2 The design of the house respects the residential amenity enjoyed by nearby residents.</p> <p>3 The necessary legal agreement has been completed which secures necessary mitigation measures</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site fronts onto Sandy Lane and currently forms part of the existing ‘L’ shaped garden to No.10 De Freville Avenue. The application site measures 7m wide x 40-45m deep and accommodates a mono-pitched garage with corrugated roof. The site is accessed from Sandy Lane, an unadopted road.
- 1.2 To the west of the site are three dwellings fronting Sandy Lane. Immediately adjacent to the east of the site is a tree situated in

the rear garden of No.3 Montague Road which is protected by a Tree Preservation Order (TPO).

- 1.3 To the east the site is adjacent to an area of land allocated under policy 5/1 of the Local Plan for residential development (allocation 5.18). The site is on the edge of the De Freville Conservation Area which runs around the property boundaries of De Freville Avenue and Montague Road. The rest of Sandy Lane is outside of the conservation area and where there has been development, it is an eclectic mix of modern properties with no consistency in style. The site is outside a controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks planning permission for erection of one 3 bed dwelling house (following the demolition of the existing out building).
- 2.2 The application is brought before North Area Committee because there are objections from third parties.
- 2.3 The plans have been amended in response to the comments made by the Conservation Officer and concerns about potential for overlooking.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
07/0386/REM	Erection of a four bedroomed dwelling - land fronting Sandy Lane.	Withdrawn
05/1070/REM		Withdrawn
05/0501/FUL	Erection of a single 4-bed dwelling.	Withdrawn
C/03/1392	Erection of a detached 4-bed dwelling house. Erection of a single dwelling on land to rear of No. 10 De Freville Avenue and adjacent to Sandy Lane (Outline Application).	A/C
C/02/0882	Outline application for erection of a single dwelling (to replace existing double garage adjacent to Sandy Lane).	Ref

#### 4.0 PUBLICITY

4.1 Advertisement: Yes  
 Adjoining Owners: Yes  
 Site Notice Displayed: Yes

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/4 3/7 3/10 3/12 4/4 4/11 4/13 5/1 5/2 8/2 8/4 8/6

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Planning Obligation Strategy
Material Considerations	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments

	<u>Area Guidelines:</u>  Conservation Area Appraisal:  De Freville

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 Parking dimensions and vehicular access not shown. The residents will not qualify for the Residents Permits within the Residents Parking Scheme on surrounding streets.

### Head of Refuse and Environment

- 6.2 No objection subject to conditions relating to construction/demolition pollution (construction hours and hours of delivery during construction) and contaminated land, and informatives.

### Urban Design and Conservation team

- 6.3 The applicants propose to build a new, three storey, flat roofed dwelling in Sandy Lane where the garage now stands. This would be directly adjacent to a new terrace of three buildings which are on a site which was previously the gardens to nos. 2 and 4 De Freville Avenue. This development was approved in 2005 before the designation of the De Freville Conservation Area (2009).

The loss of part of the garden to no. 10 De Freville Avenue can be supported, provided the proposed new dwelling is appropriate to the site, as there would still be a well-proportioned garden left for the original house.

The pre-application scheme was very similar to that which has now been submitted. Conservation commented on the pre-application submission that, as Sandy Lane curves at the De Freville Avenue end and the new build terrace is staggered, the proposed dwelling could also be part of the staggered frontage,

bringing it further forward than the adjacent building. The pre-application drawings had the front elevation in line with the end of the terrace.

The design of the new building is substantially different to that of the prevailing character of the conservation area. There are other examples of modern houses in the conservation area, some of which have paid little heed to the Edwardian character of the majority of the properties. This site is on the edge of the conservation area and would read as one of the new buildings in Sandy Lane which have a different character to the Edwardian De Freville Estate. The existing new terrace has some traditional detailing, with pitched slate roofs, and timber windows and doors, but they also have less traditional features such as integral garages and French doors with Juliette balconies on the front elevation. The rear elevations have very few traditional features, for example there is little 'flat' fenestration on the rear facade.

The car port that was on the front elevation of the pre-application submission has now been removed and a better bins, bikes and main entrance covered area added. This is as a result of comments that were made and is a better detail.

The first and second floor front elevation is as per the pre-application submission which was not commented on by Conservation previously. However, on reflection, the proposed fenestration is unconventional and gives an unbalanced, very 'flat' façade. This could be improved if the small, square windows were replaced with something larger, for example long, thin vertical openings, similar in proportion to the other windows on the elevation. In addition, all windows and doors in the dwelling should be recessed to ensure that they do not have 'dead' facades.

The design of the rear elevation of the property is focussed on the need to ensure there is no overlooking of the buildings adjacent. This has resulted in a tiered approach which is in keeping with the overall scheme of the development. The use of brick for the elevations and timber joinery will pick up some of the more traditional features in the area.

## **Conclusion:**

Although the proposal is a modern design, it is in a road that has a different character to the majority of the De Freville Conservation Area. Provided that the proposed amendment to the fenestration on the front façade is agreed and the suggested conditions discharged appropriately, the proposal is supported as it complies with policy 4/11 of the Cambridge Local Plan 2006.

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## **Arboricultural Officer**

- 6.4 There is a tree immediately adjacent to the site but in the garden of 3 Montague Road which is protected by a TPO. Following previous development pressure this tree and others in Montague Road were afforded protection by TPO to ensure that they are given due consideration in relation to any development proposals.

The nearby Sycamore, is an early-mature, self-set, located close the boundary. It is twin stemmed from ground level and the union between the stems is tight and indicates the potential for included bark. The crown contains numerous small decay pockets and foliage is typically affected with black spot. While the tree is worthy of TPO protection and there are no sound arboricultural reasons to remove it at present, if there are no other reason to refuse the application and the removal of the tree would benefit the proposal, consideration should be given to this option provided suitable accommodation can be made for a replacement specimen. It is appreciated that this could be a complicated solution as the tree is not part of the proposal site.

At present it is proposed to retain the tree with minor pruning works, and the building has been designed to avoid damage to the tree's root system and to maximise available light.

Given the level changes between the site and the adjacent tree and the existence of a building (to be removed) already on site, the new dwelling can be construction without material damage to the adjacent tree.

While some remedial work will be required to the crown to allow construction this can be done sensitively and will have no material impact on the tree's visual contribution.

There is an arboricultural objection to the proposal and this is noted but not accepted, for the reasons detailed above.

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

## **7.0 REPRESENTATIONS**

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

96 Sandy Lane  
3 Montague Road  
6 De Freville Road  
8 De Freville Road  
140 Chesterton Road

Adjoining residential development site on Sandy Lane between Murfitts Patch and rear of No.3 Montague Road (with representations on the behalf of the owners and Bury Investments LLP by Beacon Planning, Hembriar and David Brown Landscape Design)

- 7.2 The representations can be summarised as follows:

Site context and design of new dwelling

- Over development of area
- The dwelling would be forward of the building line along Sandy Lane
- Out of keeping with streetscene in terms of modern style, roofscape, form, scale and bulk (height and footprint)
- Out of character with the Conservation Area
- Poor design of front windows at first and second storey
- Poor design of the bins, bicycles and car parking in front of the property so intrusive to character of the streetscene

## Impact on Trees

- Damage/loss to the adjacent trees, in particular the TPO'd sycamore tree and conflict with previous Council Arboricultural Officer advice on the site
- The sycamore tree would overshadow the northern side of the dwelling, including ground floor bedroom
- Adjacent proposed residential development in Sandy Lane relied on protection of the TPO'd sycamore tree

## Impact on residential amenity

- Overshadowing, overlooking, loss of privacy and loss of outlook to No.3 Montague Road
- Overlooking from front window into garden of No.140 Chesterton Road
- There is no tree as screening to the rear of the property and boundary with No.3 Montague Road
- Increase in problem to residents parking in the area

## Other issues

- No Heritage Assessment
- Lack compliance with Building Regulations in terms of risk of fire spreading and unprotected areas on boundary
- Maintenance and discharge of extracts from kitchen and bathroom onto No.3 Montague Road
- There will be no access to sewers and gas ducting from new development in Sandy Lane
- Precedent should not be set because three dwellings were constructed on the neighbouring site. The previous application in 2003 was considered from different policy guidance to the Local Plan 2006 and was not constructed because the constraints of the tree
- Consideration should be made in terms of sub-division of plots using Local Plan policy 3/10 and National Planning Policy Framework paragraph 53

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, conservation area, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

### **Principle of Development**

8.2 This is a windfall site under 5/1. Policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part.

8.3 The scheme could not form part of a wider development in accordance with 3/10 (f). There are no nearby listed buildings 3/10 (d). The character, amenity and tree sections of policy 3/10 (a), (b), (c) and (e) are considered in the relevant subsections below.

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

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

- 8.5 The application site fronts onto Sandy Lane and currently forms part of the existing 'L' shaped garden to No.10 De Freville Avenue. The application site measures 7m wide x 18m deep and accommodates a mono-pitched garage with corrugated roof close to the Sandy Lane frontage. This garage has no architectural merit and there is no objection to its demolition. The site is accessed from Sandy Lane, an unadopted track which serves a number of residential properties.
- 8.6 The application site and the wider area have a complex planning history. There have been two applications for outline planning permission. The earlier application in 2002 was refused on the grounds of unacceptable arrangements for access via Sandy Lane and the cramped form of development which would be likely to be necessary to accommodate the protected sycamore tree. The approved outline consent in 2003 was granted on the basis that Sandy Lane was to be upgraded and a design for the house could be brought forward which accommodated the tree i.e. in the absence of detailed plans it could not be demonstrated that development of the site was impossible.
- 8.7 Between 2005 and 2007 three applications were made which sought to achieve consent for detailed plans. Both applications in 2005 were fully assessed and reports recommending refusal on the grounds of adverse impact on the sycamore tree were published on agendas for North Area Committee (28/07/2005 and 12/06/2006). Both applications were withdrawn before the Committee meetings. The application in 2007 was withdrawn before it was fully assessed.
- 8.8 The sycamore tree which lies outside the application site but which significantly overhangs the site is protected by a Tree Preservation Order (TPO). In the past the presence of this tree has been regarded as a constraint on the development of the site. The current application refers to the need for the tree to be crown lifted and the removal of the lowest four limbs.

- 8.9 The advice from the Arboricultural Officer has changed in comparison with advice provided by Arboricultural Officers in the past. Her view is that the tree remains worthy of a TPO and there are no sound arboricultural reasons for its removal. She is satisfied that the tree works that are proposed are acceptable and that the building has been designed to avoid damage to the tree's root system and to maximise available light. In her view given the level changes between the site and the adjacent tree and the existence of a building (to be removed) already on site, the new dwelling can be construction without material damage to the adjacent tree.
- 8.10 In the light of the advice from the Arboricultural Officer I am of the view that a refusal of planning permission on the grounds of impact on the protected tree would be difficult to justify at appeal.
- 8.11 The site is on the edge of the De Freville Conservation Area which runs around the property boundaries of De Freville Avenue and Montague Road. The rest of Sandy Lane is outside of the conservation area. The character of dwellings in De Freville Avenue and Montague Road are fairly large semi-detached Victorian/Edwardian dwellings with reasonably wide frontages. The north side of Sandy Lane is characterised by single storey and two storey dwellings and outbuildings which have been constructed with the curtilage of buildings that front Chesterton Road. These buildings have no consistent style. To the south side is open land which benefits from planning permission for residential development of a modern but consistent style.
- 8.12 The proposed dwelling is brought forward of the building line to the three dwellings to the west of the site (land previously the rear gardens of No's 2 and 4 De Freville Avenue) and is in keeping with the staggered frontage in the streetscene. The application was amended to remove the car port so the building line is more in keeping with the adjoining terrace. A single storey projection provides protection for the front door, cycle and bin storage and which will provide for adequate screening of bikes and bins from the streetscene.
- 8.13 At three storeys the dwelling is one storey higher than the houses to the west but the flat roof form and change in levels- means that the building is only 0.5 m higher.

- 8.14 The fact that the house is forward in the street compared to the neighbouring buildings and the three storey flat roofed form result in a building which will have a dominant impact in the street. However this will be softened by the presence of the sycamore tree and I tend to agree with the Conservation Officer that a building of contrasting character is appropriate here. The front elevation of the building has been amended to provide a more appropriate form of fenestration. I have also recommended the conditions suggested by the Conservation Officer which will control the details of the building.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12, 4/4 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

#### *3 Montague Road*

- 8.16 To the east of the site is the substantial rear garden serving 3 Montague Road which accommodates the protected sycamore tree. The separation distance between the house at 3 Montague Road and the proposed house is in excess of 33m. The plans have been amended to introduce obscure glazing into the side windows to preclude overlooking. Any enclosing or overshadowing impacts will be restricted to the end of the rear garden which is already affected by the sycamore tree.

#### *Adjacent houses in Sandy Lane*

- 8.17 The proposed house is set 1m forward of the existing houses. In my view this limited depth is unlikely to lead to any significant impact in terms of enclosure or loss of outlook. The only window facing these houses and Sandy Lane is on the second floor and will provide views along the street only.
- 8.18 At ground floor the proposed house includes a single storey projection beyond the rear wall of the existing houses that is 8 metres in depth. It is set off the boundary by 1.7m and this combined with the fact that it is at a lower ground level and 2.8 metres render it acceptable in terms of its impact on the occupiers of the neighbouring house.

8.19 In terms of the potential for overlooking, a ground floor window is proposed which faces the adjacent house but the outlook from this window is towards the boundary fence. The rear windows face the gardens and there is the potential for mutual overlooking which is not uncommon in this part of the City.

*Houses fronting De-Freville Avenue and Chesterton Road*

8.20 The proposed house will be mainly screened from views from De Freville Road by the Sandy Lane houses. The gardens serving the De Freville Avenue houses have gardens which are in excess of 20m in length which provides further protection from impacts such as loss of overlooking and loss of privacy.

8.21 In my view Sandy Lane provides sufficient separation from buildings in the curtilage of houses on Chesterton Road to mitigate against overlooking. This is a common arrangement in the City.

8.22 I have recommended the conditions suggested by the Environmental Health Officer relating to construction phase impacts.

8.23 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.24 Generous garden space will be provided for the occupiers of the new dwelling and is retained to serve 10 De Freville Avenue. The sycamore tree is so close the boundary that it will significantly overshadow the new dwelling. However the potential for loss of light is limited to a ground floor bedroom, first floor bathroom and dressing room and second floor bathroom. In my view it is not vital that these rooms have high degrees of natural light and the arrangement is in my view acceptable and will not have a significantly adverse impact on residential amenity.

8.25 I have recommended the condition suggested by the Environmental Health Officer relating to contaminated land.

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

### **Refuse Arrangements**

8.27 The layout of the proposed dwelling makes adequate on-site refuse arrangements. The proposed bins will be set back by 4.5-5m from the street.

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

### **Car and Cycle Parking**

#### Car Parking

8.29 The car parking standards allow for up to two car parking spaces to be provided. There is space for one car parking space within the front of the proposed dwelling with access from Sandy Lane and given the town centre location with adequate public transport in the area this acceptable. I have recommended the informative on Residents' Permits as recommended by the Highway Engineer.

#### Cycle Parking

8.30 The cycle parking standards require 3 spaces to be provided. Provision is made for the parking of 3 bicycles in the lean to on the site frontage.

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

### **Third Party Representations**

8.32 I have dealt with the issues raised in relation to site context and design, impact on trees and residential amenity in my Assessment. A Heritage Statement was not required and conservation area impacts have been addressed in the Design and Access Statement. Maintenance of domestic extracts and

access to sewers/gas ducting falls outside planning control. The application has been assessed against prevailing Development Plan policies.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.33 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

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

#### Open Space

8.34 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.

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

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

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

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



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

8.36 The s106 Agreement has been completed 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 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

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

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

8.38 The s106 Agreement has been completed to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan

(2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

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

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

8.40 The s106 Agreement has been completed to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

8.41 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

8.42 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 site has a complex history particularly in relation to the presence of the protected sycamore tree which undoubtedly has a positive impact on the streetscene. The Arboricultural officer is convinced that the tree will not necessarily be lost as part of the development and that the tree works to facilitate the construction of the house are acceptable. In the light of this view it is difficult to justify refusal of planning permission in my opinion.
- 9.2 The design of the house does contrast with other development in the area but I do not think that that is a reason for refusal in itself. The Conservation Officer is supportive of the scheme and considers that it will make a positive impact on the Conservation Area. Approval is recommended.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

4. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

5. No new windows shall be installed in the existing building, nor existing windows altered until drawings at a scale of 1:20 of details of new or altered sills, lintels, jambs, transoms, and mullions have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11).

6. All new joinery [window frames, etc.] shall be recessed at least 50mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

7. 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)

8. 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)

9. 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 amenities of nearby residents/occupiers (in accordance with policy 4/13 of the Cambridge Local Plan (2006))

10. 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)

11. The dwelling hereby permitted shall not be occupied until the cycle parking and waste storage facilities shown in the approved drawings have been put in place in full. These facilities shall be retained permanently, and the space assigned to waste and cycle storage shall not be used for any other purposes.

Reason: To protect the amenity of the adjoining properties, and to ensure appropriate waste and cycle storage. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 8/6)

**INFORMATIVE:**

The demolition may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from: Councils Supplementary Planning Document Sustainable Design and Construction 2007: [https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD\\_WEB.pdf](https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.pdf) Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils: [http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

**INFORMATIVE:**

Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.