

<b>Application Number</b>	13/0477/OUT	<b>Agenda Item</b>	
<b>Date Received</b>	5th April 2013	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	31st May 2013		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Comar Instruments Warehouse 70 Hartington Grove Cambridge Cambridgeshire CB1 7UB		
<b>Proposal</b>	Demolition of existing building and erection of three dwelling houses (resubmission)		
<b>Applicant</b>	Mr Peter Marsh 70 Hartington Grove Cambridge CB1 7UH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The principle of the loss of industrial space has been considered acceptable under the previous application 12/1404/OUT at appeal.</li> <li>2. The layout of the scheme was considered acceptable by the Inspector and will not lead to significant overlooking of neighbouring residential properties.</li> <li>3. Adequate car and cycle parking and refuse storage can be accommodated within the proposed layout.</li> </ol>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the southern side of Hartington Grove. To the west of the site is a shared driveway which connects with Blinco Grove to the south.
- 1.2 The site is currently occupied by a single storey brick built warehouse, with a saw tooth roof form.

1.3 The site is not within a Conservation Area.

## 2.0 THE PROPOSAL

2.1 Outline Planning permission is sought for the erection of a terrace of two 2 bedroom and one 3 bedroom dwellings. The houses are orientated with their principal outlook facing west.

2.2 The application seeks consent for the principle of development only, with matters of access, detailed design and landscaping reserved for subsequent approval.

2.3 This application is identical to the previous proposed 12/1404/OUT and was submitted with additional information to justify the loss of B1(c) light industrial use. Since this application has been submitted the previous application has been allowed at appeal.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning and Sustainability Statement

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/1404/OUT	Outline application for demolition of existing building and erection of three dwelling houses.	Refused, dismissed at appeal.

The previous application 12/1404/OUT was refused for the following reasons:

1. The proposed development will result in the permanent loss of B1 (c) floorspace of which there is a recognised shortfall in Cambridge. Insufficient evidence has been submitted to prove that there is no reasonable prospect of the site being used for industrial purposes, as such the proposal is in conflict with Cambridge Local Plan policy 7/3 and the principles of sustainable development as set out in the National Planning Policy Framework 2012.

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

I have attached the previous appeal decision as appendix A.

#### 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 Plan 2006	Local	3/4 3/6 3/7 3/10 3/11 3/12 4/4 4/13 5/1 7/3 8/2 8/6 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012  Circular 11/95  Community Infrastructure Levy Regulations 2010
Supplementary Planning 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)  National Planning Practice Consultation
	<u>Citywide:</u>  Open Space and Recreation Strategy

### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 33 Contaminated Land

Policy 41 Protection of Business Space

Policy 55 Responding to context

Policy 57 Designing new buildings

Policy 71 Trees

Policy 80 Supporting sustainable access to development

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

- 6.1 In the current application the access has been widened to 5.5 metres, thus making provision for two cars to pass in the access.
- 6.2 This addresses the Highway Authority's previous concerns.
- 6.3 The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m with a 6m reversing space.

### **Head of Environmental Services**

- 6.4 No objections subject to ground contamination and noise related conditions.

### **Head of Streets and Open Spaces (Landscape)**

- 6.5 The Landscape Team are primarily concerned with the shadowing effect from the proposed dwellings onto their rear gardens and those of existing dwellings. We are concerned that for most of the day the rear gardens of proposed dwellings will be in shadow and request a shadow survey to understand this.
- 6.6 Boundary treatment requires clarification.
- 6.7 We are also concerned that the existing trees to remain along the western boundary will be damaged during construction of the development. We require a tree survey and associated arboricultural implications assessment with details of tree protection measures.

6.8 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:

68 Hartington Grove (objection withdrawn following appeal decision)

66 Hartington Grove (objection maintained despite appeal decision)

7.2 The representations can be summarised as follows:

- Overshadowing effect from the proposed houses on the rear gardens to the east.
- Overbearing impact upon 68 Hartington Grove.
- Loss of valuable light industrial space.
- Inadequate amenity space for future occupants.
- Any development of this site should be restricted to a single storey bungalow.
- Additional traffic on surrounding roads.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity

4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

- 8.2 The previous application was refused on the basis of the permanent loss of B1 (c) floorspace, of which there is a recognised shortfall in Cambridge. Insufficient evidence was submitted to prove that there was no reasonable prospect of the site being used for industrial purposes. Following this decision the application was allowed at appeal. On this basis the Council has no reasonable grounds to resist the principal of development of the site.
- 8.3 Local Plan policy 7/3 states that the loss of B1 (c) will only be permitted provided there is a sufficient supply of floorspace in the City to meet demand, or vacancy rates are high; and either, the proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or the continuation of industrial and storage uses will be harmful to the environment or amenity of the area; or the loss of a small proportion of floorspace would facilitate the redevelopment of continuation of industrial and storage use on a greater part of the site; or redevelopment for mixed use or residential development would be more appropriate.
- 8.4 The Inspector found that although there has been a net loss of industrial floorspace over the past 10 years, the Employment Land Review Update (ELRU) states there will be a reduction of forecast net floorspace over the 2011 – 2031 period of 25,000 – 26,000 sq m for B1 (c) and B2 use in Cambridge City and South Cambridgeshire District Council. The Inspector considered this to be an adequate land supply fulfilling criteria a) of Local Plan policy 7/3.
- 8.5 The Inspector also found that while the site had not been marketed to demonstrate continued industrial use was unviable, the redevelopment of the site would facilitate the expansion of the business elsewhere within the City thereby contributing to wider opportunities for growth in Cambridge.

- 8.6 The Inspector considered that the aged nature of the building and internal partitions were unlikely to be attractive to other businesses, in addition to the proximity to neighbouring residential properties making continued industrial use undesirable.
- 8.7 In my opinion, given the conclusions of the Inspector assessing the identical application 12/1404/OUT, there are no reasonable grounds on which to protect the existing industrial use of the site. The principle of the development is therefore acceptable and in accordance with policy 7/3.

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

- 8.8 The key design issue is the design and appearance of the new terrace in its context. The Inspector considered the proposed indicative layout acceptable.
- 8.9 The design and layout of the terrace has an unconventional orientation, with the principal front elevation facing west. While this arrangement contrasts with the surrounding housing layout, given that the site is a backland anomaly, I consider the layout acceptable. The limited plot size and garden areas would not in my view detract from the character and appearance of the area.
- 8.10 I do not consider this layout to jeopardise the future development of the parking area to the west in accordance with Local Plan policy 3/6.
- 8.11 The proposed building reflects the scale and massing of similar terraces in the vicinity. Given the proportions of the existing warehouse, I consider two storey dwellings appropriate in this backland context.
- 8.12 While materials of construction is a reserved matter, the proposed buff brickwork and slate roof is acceptable. Satisfactory boundary treatment and landscaping details could be agreed as a reserved matter. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/12.



## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.13 The Inspector did not find the likely impact on neighbouring residential properties to be unacceptable in considering the previous identical application 12/1404/OUT.
- 8.14 The rear outlook of the proposed houses will result in some overlooking of the rear gardens of numbers 72 and 74 Hartington Grove. Given this will affect mainly the rear section of the gardens and given the visual harm created by the existing warehouse, I do not consider the harm so great as to justify refusal. The detailed fenestration could also be reworked to reduce the potential overlooking. I have recommended that a suitable boundary treatment be agreed through the discharge of condition 12.
- 8.15 Given the distances involved, I do not consider the height of the proposed terrace to result in undue overshadowing or to create a harmful visual impact upon 66 or 68 Hartington Grove to the north-west. The established trees and shrubs within the south and west boundaries provide a degree of screening from the development and the internal layout of the dwellings has not yet been determined. I therefore consider the layout compatible with adjacent residential properties.
- 8.16 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 3/12.

### Amenity for future occupiers of the site

- 8.17 The proposed development provides desirable houses suitable for family occupation. The proposed rear gardens are of a usable size and shape.
- 8.18 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**

- 8.19 Refuse storage provision is not specified in this outline application. The middle terrace does not enjoy external rear access. I am satisfied an external store could however be provided within a small enclosure in front of the middle terrace. This can be ensured through the imposition of planning condition 11. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.20 The Highways Authority has confirmed the 5.5m width of the access is now acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.21 The proposed four car parking spaces does not exceed the Council's maximum standards. The spaces meet the required 2.4m width. A car can safely turn inside the site and exit in a forward gear.
- 8.22 Cycle parking is not provided within the proposed layout. However the rear gardens are adequate in size to accommodate a bicycle store. The middle terrace will require a small front shelter. These details will be agreed through a later reserved matters application and can be ensured through the imposition planning condition 9.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

8.24 The representations received have been considered in the above report and are summarised below:

<b>Issue</b>	<b>Report Section</b>
Overshadowing effect from the proposed houses on the rear gardens to the east.	Paragraph 8.15 and 8.16
Loss of valuable light industrial space.	Paragraph 8.2, 8.3 and 8.4
Inadequate amenity space for future occupants.	Paragraph 8.18

## Planning Obligation Strategy

8.25 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.

The previous application was refused partly on the basis that the required planning obligations were not secured in a S106 Agreement.

This revised application triggers the requirement for the following community infrastructure:

### Open Space

8.26 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.

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714	1	714
4-bed	4	238	952		
<b>Total</b>					<b>1666</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	2	1076
3-bed	3	269	807	1	807
4-bed	4	269	1076		
<b>Total</b>					<b>1883</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726	1	726
4-bed	4	242	968		
<b>Total</b>					<b>1694</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>2212</b>

8.27 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

8.28 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:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882	1	1882
4-bed	1882		
<b>Total</b>			<b>4394</b>

8.29 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

8.30 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:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	3	225
Flat	150		
<b>Total</b>			<b>225</b>

8.31 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.

#### Monitoring

8.32 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

- 8.33 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 The principle of development has been considered acceptable under consideration of application 12/1404/OUT. There are no grounds to resist the loss of industrial land. The layout will not lead to significant overlooking of neighbour residential properties. APPROVAL is recommended.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority 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. 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority in writing 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)

4. Except with the prior agreement of the local planning authority in writing, 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)

5. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
  - i) contractors access arrangements for vehicles, plant and personnel,
  - ii) contractors site storage area/compound,
  - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
  - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.



Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 4/13)

6. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of the amenities of neighbouring residents, Cambridge Local Plan 2006 policy 3/4.

7. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

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 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).

9. 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)

10. 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: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

11. Prior to commencement of the development full details of storage facilities for waste and recycling shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order that adequate refuse provision is made for future occupiers, Cambridge Local Plan 2006 policy 3/12.

12. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)