

<b>Application Number</b>	10/0583/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th June 2010	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	13th August 2010		
<b>Ward</b>	Newnham		
<b>Site</b>	Land Between 23 And 25 Kings Road Cambridge Cambridgeshire CB3 9HP		
<b>Proposal Applicant</b>	Erection of one 3-bed dwelling. Mr John D. Scott 9 Kings Road Newnham Cambridge CB3 6TD		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is a parcel of land approximately 570 square metres between numbers 23 and 25 Kings Road. The site has its access off the eastern side of Kings Road, which is an unadopted highway.
- 1.2 To the north of the site is the garden of 23 Kings Road with the dwelling beyond, and to the east, are the extensive grounds of the Japanese House. To the south, the site is adjoined by number 25 Kings Road and to the west is the Kings Road access track, which is not maintained by Cambridgeshire County Highways. The general context has a suburban/country lane character, with bungalows and dwellings of a domestic scale.
- 1.3 The site falls within the City of Cambridge Conservation area No. 2 (West). Within the site there are numerous fruit trees, with hedging to the front boundary.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks consent for the erection of one, three bedroom dwelling. The dwelling will have a square shaped footprint and will rise 3m to eaves level, with an overall ridge height of some 7m to the recessed southern section. The northern wing section rises to 7.5m to the roof ridge.

- 2.2 The dwelling will be constructed in a buff stock brick with areas of timber boarding. A plain red tile is proposed for the roof.
- 2.3 The application also proposes the erection of a single storey timber clad garage building to the front of the property, with an overall height of 3.5m.
- 2.4 The application is accompanied by the following supporting information:
  - 1. Design and access Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
07/0612/FUL	Erection of a two storey dwelling house.	Refused
07/0159/FUL	Erection of 4 bed dwellinghouse	Withdrawn

The previous application 07/0612/FUL was refused at Committee, contrary to the advice of officers, for the following reasons:

1. The proposed development does not make appropriate provision for public open space or community facilities, in accordance with the following policies, standards and proposals 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006; policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004 and Guidance for Interpretation and Implementation of Open Space Standards 2006.
2. The proposed development, by virtue of the scale of the building footprint in comparison with the application site fails to reflect the character of this part of Kings Road, which is epitomised by buildings set within large landscaped plots. In addition the detailing of the proposed house does not draw sufficient inspiration from that of buildings in the surrounding area. In so doing the proposed house would fail to make a positive impact on its setting or to preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore contrary to polices P1/2, P1/3 and P7/6 of

the Cambridgeshire and Peterborough Structure Plan 2003, policies 3/4, 3/12 and 4/11 of the Cambridge Local Plan 2006 and to advice provided by PPS 1 Delivering Sustainable Development and PPG15 Planning and the Historic Environment.

#### **4.0 PUBLICITY**

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

#### **5.0 POLICY**

##### **5.1 Central Government Advice**

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

**5.3 Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household

types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

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

**Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning

permission is dependent upon a planning obligation the obligation must pass the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

## 5.8 **East of England Plan 2008**

ENV7 Quality in the built environment

## 5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

## 5.10 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/10 Sub-division of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

4/4 Trees

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development

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

## 5.11 Supplementary Planning Documents

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

**Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

## 5.12 Material Considerations

### City Wide Guidance

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

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Transport)**

6.1 No vehicle to vehicle splays are shown on the drawings. The access track has relatively high levels of traffic, and, as such is considered unsafe.

### **Arboriculture**

6.2 Awaiting comments.

6.3 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: 23 Kings Road, 25 Kings Road, 5 Selwyn Road.

7.2 The representations can be summarised as follows:

- The government has recently announced proposed measures to stop the sale of gardens from property development.
- The plot has always been a 'secret garden' and it is unfortunate that it is now considered a building plot.
- The new 2 storey building does not preserve or enhance the Conservation Area.
- Loss of privacy to number 25.

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 parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

- 8.2 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 This plot has been subdivided for many years and therefore I do not feel that Local Plan policy 3/10 (subdivision of existing plots) is relevant. I do not consider the open space created by this vacant plot to be so important to the character and appearance of the Conservation Area as to constrain its development for a new dwelling, subject to design considerations, in accordance with policy 4/11.
- 8.4 I am conscious that the previous proposal was not objected to in principle and consider there to be no objection in broad principle to residential development. The proposal does however have to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, Cambridge Local Plan 2006.

### **Character and Appearance of the Conservation Area**

- 8.5 The acceptability of this scheme in terms of design, turns on the detailed design and appearance of the new building, and its impact on the character and appearance of the Conservation Area. In addition, whether this revised scheme has addressed the previous reasons for refusal.



- 8.6 The previous application refused in 2007 was considered unacceptable by Committee because of the scale of the footprint of the building in relation to its plot. It was felt that the character of the area is epitomized by buildings set within large landscaped plots which would not be respected. This revised scheme does have a slightly reduced overall footprint, and, more importantly is set further back within this historically vacant plot.
- 8.7 Notwithstanding the above, in my view it is the scale and bulk of any building here which will have a greater impact upon the character and appearance of the Conservation Area, rather than the scale of its footprint as detailed within the previous reason for refusal. New buildings should have a positive impact upon their setting in terms of height, scale, form, materials, detailing and wider townscape views, in accordance with Local Plan policy 3/12. In addition, new buildings are required to preserve or enhance the appearance of the Conservation Area in accordance with Local Plan policy 4/11. The proposed dwelling has been carefully designed, with a recessed southern section and half-hipped roof to complement the appearance of the adjacent bungalow to the south. As such it will not in my view be unduly conspicuous within the street scene. The plot is of sufficient size to adequately carry the building in this context, in accordance with policies 3/4 and 3/12.
- 8.8 The previous reason for refusal also made specific reference to the detailed design of the building, which failed to draw sufficient inspiration from that of surrounding buildings. Local Planning Authorities are advised in PPS1 not impose architectural styles or particular tastes and there is a mix of building types in the area. The building is well sited back from the street and it has modest proportions, both in terms of height and footprint, in relation to what is quite a deep plot. The building is well articulated to break up its mass, which also provides some visual interest. Sensitive boundary treatment will also help to frame the new dwelling within this semi rural setting.
- 8.9 To the front of the plot, the cart lodge style garage would not be overly prominent in the semi rural street scene because of its low eaves level and screening from planting, and a new replacement tree. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.10 The new dwelling will have greatest impact upon the neighbouring bungalow to the south, number 25 Kings Road. I recognise that the new dwelling will have some presence, but given its siting over 4m from the common boundary with number 25 I do not feel that it will create an overbearing sense of enclosure. The siting of the new dwelling is to the north of the existing bungalow, which ensures there will be no loss of daylight or sunlight.
- 8.11 To the north, the dwelling will create some overshadowing to the garden area of number 23 Kings Road, but I do not consider the harm to be so great as to justify refusal. It has been proposed to leave the existing conifers on the common boundary in place during construction, following which a suitable boundary treatment can be planted through the imposition of a planning condition, (condition 7).
- 8.12 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

- 8.13 The property has a generous garden and the patio area takes advantage of the southerly aspect. Internally, the dwelling has been carefully arranged with non habitable rooms to the north elevation.
- 8.14 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.

## **Highway Safety**

- 8.15 The County Council Highways Authority has been consulted on this scheme and has some concerns regarding the lack of sight

lines shown on the drawings from the proposed accessway. While those indicated are below what is recommended within the *Manual for Streets* I am confident that adequate sightlines could be demonstrated on the site. Kings Road is relatively secluded and an emerging vehicle is unlikely in my view to present a significant hazard to highway safety.

### **Refuse and Cycle Storage Arrangements**

- 8.16 The garage/car port is of sufficient size to accommodate several bins and bicycles to serve future occupiers. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car Parking**

- 8.17 The development provides car parking for 1 vehicle which is in accordance with adopted car parking standards. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.18 The majority of the points raised are covered in the above report.

### **Planning Obligation Strategy**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010)

provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.20 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.

8.21 The application proposes the erection of 1 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 children's play space 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 £
3-bed	3	238	714	1	714
<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 £
3-bed	3	269	807	1	807
<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 £
3-bed	3	242	726	1	726
<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 £
3-bed	3	316	948	1	948
<b>Total</b>					<b>948</b>

8.22 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 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

#### Community Development

8.23 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 £
3-bed	1882	1	1882
<b>Total</b>			<b>1882</b>

8.24 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 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

## Waste

- 8.25 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
<b>Total</b>			<b>75</b>

- 8.26 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 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

## Conclusion

- 8.27 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 proposed new dwelling would in my view sit harmoniously in its context and would not detract from the character and appearance of the Conservation Area. The design of the building responds to the specific constraints of this site and as such overcomes the previous design concerns of Committee. Approval is therefore recommended.

## 10.0 RECOMMENDATION

**Approve subject to the satisfactory completion of the association S106 Agreement by 1 October 2010 and 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 choice of brick, bond, mortar mix design, pointing technique and use of render is to be submitted to and approved in writing by the Local Planning Authority by means of sample panels prepared on site. The approved panel is to be retained on site for the duration of the works for comparative purposes. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area, Cambridge Local Plan 2006 policy 4/11.

3. Full details of the roofing materials including the type, source, ridge, eaves and hip covering [if appropriate] to be submitted to the Local Planning Authority as samples and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area, Cambridge Local Plan 2006 policy 4/11.

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. 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)

6. 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)

7. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)



**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

### **Reasons for Approval**

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/8, 3/10, 3/11, 3/12, 4/4, 4/13, 5/1, 5/14, 8/2, 8/6, 8/10, 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.