

<b>Application Number</b>	13/1363/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th September 2013	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	11th November 2013		
<b>Ward</b>	West Chesterton		
<b>Site</b>	49 Arbury Road Cambridge CB4 2JB		
<b>Proposal</b>	Erection of five 3x bed terrace dwellings and a FOG, along with the conversion and vertical subdivision of No.49 Arbury Road into two houses (1 bed unit and 1 x 2 bed unit), together with six car parking spaces, cycle parking and associated hard and soft landscaping (following the demolition of the existing garage buildings on site).		
<b>Applicant</b>	c/o Agent		

<b>SUMMARY</b>	The development accords with the Development Plan for the following reasons: <ol style="list-style-type: none"> <li>1. The proposal is considered to be in character with the surrounding area</li> <li>2. On balance, the proposal is not considered to have a significant detrimental impact on the occupiers of neighbouring properties</li> </ol>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is situated on the southwestern side of Arbury Road and includes 49 Arbury Road on the street frontage (in residential use) along with the land behind this property and 51 Arbury Road, the house attached to No. 49. The site was most recently in use as a garage, but this use has now ceased. The site includes two buildings, and a row of garages abutting the common boundary with Leys Road. The

two-storey building closet to No. 49 was used as an office and store, and the second building was used as a workshop.

- 1.2 The surrounding area is predominantly residential. To the northwest, is the attached neighbour 51 Arbury Road, which is a dwelling. To the southeast on the opposite side of the access road to the site there is a row of terraced houses. To the northwest and west are the houses on Leys Road, with the rear gardens of these houses backing onto the site.
- 1.3 The site is not within a Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought to redevelop the site for residential use following the demolition of all the buildings on the site, with the exception of 49 Arbury Road. Permission is sought for the erection of five three-bed terrace dwellings and a Flat over Garage unit (FOG), along with the conversion and vertical subdivision of 49 Arbury Road into 2 houses (one one-bed and one two-beds), together with six car parking spaces, cycle parking and associated landscaping.
- 2.2 The proposed terrace houses would stand along the southwestern boundary of the site, at a right angle to the houses on Leys Road. The row would stand directly behind 22-26 Leys Road. Plot 1, at this end, would be two storeys in height, with a flat roof, sloping down to a single storey where the building abuts the common boundary. Plots 2-5 would be 2.5 storeys in height with rooms set within the pitched roof.
- 2.3 The Flat over Garage unit (FOG) would be situated on the opposite side of the site, adjacent to the common boundaries with 49 and 51 Arbury Road, and directly behind 28 Leys Road. This building would be two storeys in height, stepping down as it gets closer to the common boundary with 28 Leys Road. 2.5 Where the building abuts the common boundary with 51 Arbury Road, the building would be stepped in at first floor level by 2.4m. Five car parking spaces would be provided below the flat; one for the flat, and one each for plots 2-5. A car parking space would be provided at the front of plot 1 for the use of this dwelling. Bin and cycle stores would be provided in each of the garages and to the front of plot 1.

- 2.4 49 Arbury Road would be vertically subdivided into two houses. No car parking spaces would be provided for the use of these dwellings. Bin and bicycle storage would be provided at the rear of the building.
- 2.5 It should be noted that the neighbouring houses have not been depicted entirely accurately on the submitted plans, as the plans do not include the existing extensions to these properties. 51 Arbury Road is wider than shown on the plans, and many of the houses directly adjacent to the site on Leys Road have rear extensions making their rear gardens shorter than shown. For example, the rear garden of 26 Leys Road is 17.3m long and not 20.2m as shown.
- 2.6 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Planning Statement
  3. Drainage Design Statement
  4. Preliminary Ecological Appraisal
  5. Foul and Utilities Assessment
  6. Tree Survey and Arboricultural Impact Assessment
  7. Transport Statement
  8. Ground Investigation Report

### 3.0 SITE HISTORY

Reference	Description	Outcome
13/0210/FUL	Erection of seven 3 x bed terrace dwellings, along with the conversion and vertical sub-division of No.49 Arbury Road into two houses (1 bed unit and 1 x 2 bed unit), together with eight car parking spaces, cycle parking and associated landscaping (following the demolition of the existing garage buildings on site.	Refused Appeal dismissed

- 3.1 The Appeal decision is attached to the report as Appendix 1.

## 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, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/7 3/12 5/1 5/14 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning	Sustainable Design and Construction

Documents	Waste Management Design Guide Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan

#### 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/there are no policies (delete as appropriate) in the emerging Local Plan are of relevance:

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

- 6.1 It is likely, therefore that this proposal will generate residential parking demand on-street in competition with existing residential uses, but this is not anticipated to result in any significant adverse impact upon highway safety.
- 6.2 For the number of dwellings proposed the Highway Authority would normally seek adoption of the highway serving the site, however, the layout of the access and internal accessway is not adequate to serve as a public highway.

### **Urban Design and Conservation Team**

- 6.3 The revised approach to orientate the terrace houses northwest-southeast at the rear of the site is generally supported. Conditions are recommended relating to materials, and the detailing of the FOG.

### **Environmental Health**

- 6.4 No objection. Conditions are recommended relating to construction hours, delivery hours, dust, noise insulation, and contaminated land.

### **County Archaeologist**

- 6.5 The site lies in an area of high archaeological potential and therefore a programme of investigation should be required by condition.

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 objecting to the application:
- 29 Arbury Road
  - 33 Arbury Road
  - 51 Arbury Road
  - 20 Leys Road
  - 22 Leys Road

- 24 Leys Road
- 28 Leys Road
- 20 Mulberry Close
- Mulberry Close Residents Society Ltd

7.2 The owners/occupiers of the following addresses have made representations supporting the application:

- 376 Milton Road
- 36 Havenfield, Arbury Road

7.3 The representations can be summarised as follows:

#### Objections

- Overdevelopment – too high a density.
- The houses will be rented out as Houses in Multiple Occupation.
- Dominance
- Overbearing
- Loss of light and overshadowing.
- There is no manoeuvring space within the site.
- Out of character
- Overlooking and loss of privacy
- Insufficient parking spaces
- On collection day the bins would block the pavement and look unsightly
- The FOG would be cramped.
- The shadow diagrams are inaccurate.
- The cycle and bin stores will be difficult to access and residents will leave these elsewhere on the site.
- The garages will be difficult to get in to or out of.
- The development is now closer to the Leys Road houses.

#### Support

- Local housing is needed
- Residential use will enhance the area's attractiveness

7.4 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. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

### **Principle of Development**

8.2 Policy 5/2 of the Cambridge Local Plan states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility of adjoining uses. The surrounding area is predominantly residential and therefore the principle of residential development here is accepted. However, the acceptability of the design of the development and the potential impact on the occupiers of neighbouring properties will be assessed later in this report.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

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

8.4 The previous application was refused for the following reason:

*The proposed roof form, which includes pitched roofs and flat roofs is very unorthodox and the development will be a very alien form in the area. The alterations to the design to reduce its impact on neighbouring properties results in a scheme that would be poorly related to its context and out of character with the area and for these reasons the proposal does not comply with policies 3/4 or 3/12 of the Cambridge Local Plan (2006).*

8.5 The previous application sought planning permission for a row of terraced houses standing along the common boundary with Leys Road, backing onto these houses. It was proposed that

the row would be split into three sections; with the first three houses having pitched roofs with accommodation in the roof; the building would have then stepped down to the fourth house, which would have had a flat roof; and would have then stepped up again to the last two houses which would have had pitched roofs with accommodation in the roof.

- 8.6 A flat roof was introduced to the centre of the terrace in order to reduce the mass and bulk of the bulk. However, this roof form would have been an unorthodox, alien form in the area and in my opinion this resulted in a scheme that would have had a negative impact on the setting.
- 8.7 In the Appeal decision, the Inspector took the view that 'the overall design would introduce a large, prominent, and incongruous block of development into an area largely notable for green and open attributes. The design and alternating heights of the proposed roofs would fail to reflect other residential development in the area and they would thus appear out of keeping with their surroundings. The flat roofs would appear particularly alien given the predominantly pitched roofs of existing dwellings in the area'.
- 8.8 This area of the City is suburban in character and is predominantly residential. This section of Arbury Road mainly consists of terrace houses with long rear gardens, with the exception of 51 Arbury Road (the attached neighbour to No. 49), which has a very small rear garden. Leys Road, which backs onto the site, mainly consists of semi-detached houses, with those houses directly behind the site having relatively short rear gardens.
- 8.9 The proposed terrace has been relocated on the site so that it now stands in a northwest-southeast orientation at the rear of the site backing onto the existing site boundary with No. 20 Leys Road. The end of the terrace would stand directly behind 22-26 Leys Road with the 'bulk' of the building directly behind 24 Leys Road. The number of dwellings on this terrace has been reduced to 5. Plots 2-5 would have pitched roofs with accommodation in the roofspace; while plot 1, the dwelling closest to 24 Leys Road would drop down in height with a mono-pitch roof sloping down to the common boundary with Leys Road.

- 8.10 In my opinion, given the scale of the existing properties surrounding the site the proposed scale of the terrace is in character with the surrounding area. The roof design is traditional and in keeping with the neighbouring houses, with the exception of plot 1. Unlike the previous proposal where the drop in height was in the centre of the terrace, which was quite unorthodox, here the drop in height is at the end of the terrace, which is a far more logical and typical design. The scheme takes a contemporary approach to the proposed materials and elevational treatment with materials used to break up the bulk of the building and this, in my opinion is a visually acceptable approach.
- 8.11 The FOG building has been designed as a traditional outbuilding, which I consider to be acceptable. However, from a design perspective, the step between the tallest element and that next to it should be 'grounded' with a more substantial masonry element. As proposed the timber supports do not read as substantial enough to 'support' the structure above and I therefore recommend that details of materials, the junctions between the pillars and eaves, and any doors are secured by conditions (4, 5 and 6). I also recommend a condition requiring details of the materials to be used for the terrace (4).
- 8.12 The orientation of the terrace and the introduction of the FOG building means that a more attractive, communal area can be created at the front of the houses. I recommend a condition requiring details of the hard and soft landscaping (7).
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.14 The neighbouring properties which may be potentially affected by the proposals are 20-28 Leys Road, to the northwest; 51 Arbury Road to the northeast; and 47 Arbury Road to the southeast.

8.15 The previous application was refused for the following reason:

*Currently, 20-28 Leys Road and 51 Arbury Road enjoy a relatively open outlook to the the rear of their properties. Due to the proximity of the proposed terrace of houses to the common boundaries and their design, scale and bulk, it is my opinion that the proposed houses would be oppressive and overbearing. Due to the orientation of the buildings they would also overshadow the gardens of these neighbours. For these reasons it is my opinion that the proposed development is unacceptable as it would have a significant detrimental impact on the residential amenity of the occupiers of these dwellings, and their ability to enjoy their gardens. The proposals are therefore in conflict with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).*

8.16 The Inspector concluded that 'I find that the close proximity of the proposed development to the rear boundary of the houses on Leys Road, combined with its significant height and massing, would lead it to appear unduly prominent and overbearing when seen from the gardens of Nos. 20-28.

*Impact on 20-26 Leys Road*

8.17 The proposed houses would stand to the southeast of 20-26 Leys Road, 5m from the common boundary with these houses, at the end of their rear gardens. These gardens are relatively short, but currently feel more spacious due to the open outlook to the rear. The submitted plans show these gardens to be in excess of 20m in length, but the plans do not show the rear extensions to these houses, and these gardens are in fact closer to 17m in length

8.18 The proposed terrace of five houses would stand directly to the rear of 22-26 Leys Road, with the main 'bulk' of the house to the rear of 24 Leys Road. Plots 2-5 would be 2.5 storeys in height with accommodation in the roof. Plot 1, the plot closest to the common boundary with Leys Road, would be two storeys, where it adjoins the terrace. The roof of this house would then slope down towards the common boundary with Leys Road, effectively making the building single storey where it abuts the common boundary with Leys Road.

8.19 As the terrace has been reoriented on the site, the neighbouring properties on Leys Road will no longer be subjected to a long, unbroken mass of building, across the widths of their gardens. The most affected neighbouring property is 24 Leys Road, as the 'bulk' of the building would be situated adjacent to the boundary with this neighbour. However, as the built form is narrow than that previously proposed allowing views past it, and is effectively single storey in height where it meets the common boundary it is my view, on balance that the impact on this neighbour in terms of enclosure and dominance would not be so significant as to warrant refusal of the application. A section of the 'bulk' of the building would stand adjacent to the common boundary with 22 Leys Road, and for the same reasons, it is my opinion that the impact on this neighbour would also not so significant as to warrant refusal of the application. Adjacent to the common boundary with 26 Leys Road they would be a single storey element and it is my view that this would not have a significantly greater impact on this neighbour than the existing building in terms of enclosure or dominance.

8.20 Shadow studies have been submitted to demonstrate the impact of overshadowing, although since the studies relate only to 21<sup>st</sup> June and 21<sup>st</sup> September but not any other months I am unable to rely on them to fully assess the impact of overshadowing. The proposal terrace would stand to the southeast of the neighbouring properties and would cast some shadow over the gardens of these houses in the morning. Given the narrow profile of the proposed terrace, and the distance of the two storey section from the Leys Road gardens I do not think the overshadowing experienced would be so significant as to warrant refusal.

8.21 No windows are proposed on the side elevation of the terrace, and there is therefore no potential for direct overlooking. Oblique views would be possible from the front and rear windows of the houses and the FOG but these views would be at a distance and are acceptable in a suburban environment.

### *28 Leys Road*

8.22 The FOG building would be situated directly behind 28 Leys Road. The FOG building would be split into three sections, dropping down in height towards the common boundary with 28 Leys Road. This final section would be 1.5 storeys in height. In

my opinion, due to the height of the proposed building the impact of it in terms of dominance and enclosure would not be significantly greater than the impact of the existing building. Due to the orientation of the buildings, the FOG building would cast shadow over the garden of this neighbour in the morning, but I do not consider the impact of this to be so great as to warrant refusal of the application.

- 8.23 No windows are proposed on the side elevation of the FOG, and there is therefore no potential for direct overlooking.

*51 Arbury Road*

- 8.24 The proposed FOG building would stand to the southwest of this neighbour at the end of a small garden. Where it abuts the common boundary with 51 Arbury Road, at first floor level, the building would step in from the boundary by 2.4m. In my opinion, this would greatly reduce the impact of the proposal on this neighbour in terms of dominance and enclosure and, on balance, I consider it to be acceptable. Due to the orientation of the buildings, the FOG would cast shadow over this neighbouring garden in the afternoon, but due to the distance between the first floor and the boundary it is my opinion that the overshadowing experience would not be significant enough to justify refusal.

*47 Arbury Road*

- 8.25 The proposed terrace of houses would stand to the northwest of this neighbour, abutting the common boundary. The terrace would be situated 22.8m from the rear of 47 Arbury Road, and due to this separation distance it is my opinion that these dwelling would not overlook, overshadow, dominate or enclose this neighbour.
- 8.26 The proposed FOG would also stand to the northwest of 47 Arbury Road, 5m from the common boundary and 2.8m to the rear. Due to the orientation of the buildings it is probable that the proposed FOG would cast shadow over this neighbour in the late afternoon at some times in the year. However, due to the separation distance between building it is my view that this is unlikely to be significantly detrimental. One window is proposed on the southeast elevation, which appears to serve a bathroom. In order to prevent any direct overlooking of 49

Arbury Road I recommend a condition to ensure that this window is obscure glazed and fixed shut (8).

- 8.27 Concern has been raised that the houses could be rented as Houses in Multiple Occupation (HMOs). If the houses were occupied by six or more people planning permission would be required for change of use.
- 8.28 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

- 8.29 Units 8 and 9, would be within the existing building face onto Arbury Road, and it is highly likely that future occupants will be subjected to a high level of road traffic noise. Due to high traffic levels along Arbury Road it would not be possible to maintain good or reasonable internal noise levels with the windows open, and therefore mechanical ventilation would be required. I recommend that details of this are required by condition (9).
- 8.30 Historically, the site has been used as a car workshop, for coal storage, and as a brick and tile works, and there is the possibility of infilled ground (after the brick and tile operations ceased). Anecdotal evidence indicates that an underground fuel tank is still on the property, and there is also an above ground waste oil tank and possibly asbestos and oils and lubricants on site. Environmental Health are of the opinion that further investigation is required, and I recommend a condition requiring this (10).
- 8.31 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**

- 8.32 Individual bin stores are proposed for each dwelling, with a collection point at the entrance to the site. On bin collection day, the applicant proposes that the refuse lorry will reverse

into the site to collect and empty the bins from the individual stores along the common boundary with 47 Arbury Road. It is unclear whether the access road will be of sufficient weight-bearing construction to allow the refuse vehicle to reverse in, and I recommend that confirmation of the construction of the access road is required by condition (11). I also recommend a condition requiring details of the bin collection point (12).

- 8.33 In my opinion the proposal would be compliant with Cambridge Local Plan (2006) policy 3/12, subject to a condition requiring further details.

## **Car and Cycle Parking**

### Car Parking

- 8.34 One car parking space would be provided for each of the terrace houses and the FOG, with no car parking spaces proposed for the subdivided existing building. Appendix C (Car Parking Standards) explains that outside the Controlled Parking Zone (CPZ) a maximum of two car parking spaces should be provided for each dwelling. The explanatory text to policy 8/10 explains that the City Council promotes lower levels of private car parking in order to encourage modal shift, particularly at non-residential developments and where good public transport accessibility exists. This proposal is for residential development but the site is close to amenities and public transport routes. Therefore, it is my view that it would be unreasonable to refuse the application due to a lack of car parking spaces. A tracking diagram has been submitted to demonstrate that the garages are usable.

### Cycle Parking

- 8.35 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that at least one secure, covered cycle parking space must be provided for each bedroom. Individual cycle stores are proposed for each of the dwelling and this is considered to be acceptable
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Planning Obligations**

8.37 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

8.38 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.

8.39 The application proposes the erection of seven three-bedroom houses, and the subdivision of one three-bedroom house into one one-bedroom house and one two-bedroom house. The net total of additional residential units is eight. 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>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
3	20	17	17.5	238	<b>4165</b>

<b>Indoor sports facilities</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
3	20	17	17.5	269	<b>4707.50</b>

<b>Informal open space</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
3	20	17	17.5	242	<b>4235</b>

<b>Provision for children and teenagers</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms not in 1-bed units	Assumed net additional persons not in 1-bed units	£ per person	Total £
3	20	17	17.5	316	<b>5530</b>

8.40 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

- 8.41 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	1	1256
2-bed	1256	2	2512
3-bed	1882	4 additional	7528
4-bed	1882		
<b>Total</b>			<b>11296</b>

- 8.42 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

- 8.43 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	6 additional	450
Flat	150	1	150
<b>Total</b>			<b>600</b>

8.44 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.

#### Household Recycling Centres

A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and will be based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.

The contributions are calculated as follows:

<b>Notes for Milton</b>		<b>Source</b>
4 sites x £5.5 million	= £22 million infrastructure costs	Cost per site sourced from Mouchel Parkman indicative costs 2009.
total catchment households	= 115,793 households	WMT Recycling Centre Catchment Tables

		CCC Mid 2009 Dwelling Figures
new households	= 24,273 new households within catchment	Cambridgeshire County Council Housing trajectory to 2025 as of Dec 2010
<b>Total developer contribution towards Recycling Centre Infrastructure =</b>		
Infrastructure costs in catchment	X	New households in catchment
Total No. households in catchment		
<u>£22m</u> 115,793	X	24,273 = £4,611,730
Total developer contribution per household		= £190

The net gain is 7 dwellings and therefore the contribution required is £1330.

- 8.45 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 RECAP Waste Strategy 2012.

### Education

- 8.46 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.47 Contributions are therefore required on the following basis.

<b>Pre-school education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		810	7	5670
<b>Total</b>					<b>5670</b>

<b>Primary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		1350	7	9450
<b>Total</b>					<b>9450</b>

<b>Secondary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		1520	7	10640
<b>Total</b>					<b>10640</b>

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+-beds	2		160	7	1120
<b>Total</b>					<b>1120</b>

8.48 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.

### Monitoring

- 8.49 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 and £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 In my opinion, the proposed development is of a high quality design and would be in keeping with the character of the area. It is my view, on balance, that the proposed development would not have significant detrimental impact on the occupiers of neighbouring properties. Given the narrow profile of the proposed terrace, and the distance of the two storey section from the Leys Road gardens, the impact on these neighbours would be acceptable. As the FOG steps in from the common boundary with 51 Arbury Road at first floor level and is only 1.5 storeys height close to 28 Leys Road, the impact on these neighbours would be acceptable. I, therefore, recommend the application for approval.

## **10.0 RECOMMENDATION**

**APPROVE subject to the satisfactory completion of the s106 agreement by 31 January 2014 and subject to the following conditions and reasons for approval:**

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

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

2. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

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

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

4. 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)

5. Prior to the commencement of development full details of the junction between the pillars and the eaves on the FOG building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure it is visually acceptable. (Cambridge Local Plan 2006, policies 3/4, 3/7 and 3/12)

6. Prior to installation, full details of any garage doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure they are visually acceptable. (Cambridge Local Plan 2006, policies 3/4, 3/7 and 3/12)

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. The window proposed on the southeast elevation at first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12).

9. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To ensure that the living accommodation provided is adequate (Cambridge Local Plan 2006, policy 4/13)

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 the site.

Reason: To ensure that the living standards are satisfactory (Cambridge Local Plan 2006, policy 4/13)

11. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To ensure that refuse can be collected. (Cambridge Local Plan 2006, policy 3/12)

12. Prior to the occupation, full details of the bin collection point, including materials and fencing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the bin collection point is of an adequate size and visually acceptable. (Cambridge Local Plan 2006, policies 3/4 and 3/7)

13. 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 residential amenity. (Cambridge Local Plan 2006, policy 4/13)

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

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

15. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
  - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
  - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
  - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety (Cambridge Local Plan 2006, policy 8/2)

16. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan 2006, policy 8/2)

17. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

18. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

19. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

Reason: In the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

20. The access shall be provided as shown on the approved drawings and a width of access of 5 metres provided for a minimum distance of ten metres from the highway boundary and retained free of obstruction.

Reason: In the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

**Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31 January 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):**

**The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012**

**In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development**