

<b>Application Number</b>	10/0700/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th July 2010	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	9th September 2010		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	71 Mill End Road Cambridge Cambridgeshire CB1 9JW		
<b>Proposal</b>	Erection of single storey dwelling at land to the rear of 71 Mill End Road.		
<b>Applicant</b>	Mr & Mrs Wang 71 Mill End Road Cambridge Cambridgeshire CB1 9JW		

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

- 1.1 The site is situated to the west side of Mill End Road and forms part of the rear garden of 71 Mill End Road, with its western boundary abutting the rear gardens of 27-31 Malvern Road. The site will be accessed between 71 and 73 Mill End Road, following the demolition of the applicant's existing garage and carport. The garden is well-maintained and includes a number of trees, including a mature apple tree.
- 1.2 In 2006, planning permission was granted for a 3-bedroom single-storey dwelling to the rear of 69 Mill End Road, which is of a similar design to that proposed in this application. This dwelling has now been completed and is known as 69a Mill End Road.
- 1.3 The site does not fall within any Conservation Area and is outside the controlled parking zone.

## 2.0 THE PROPOSAL

- 2.1 This application seeks planning permission for a 3-bedroom, single-storey dwelling.
- 2.2 The layout of the proposed building is 'Z' shaped, with the widest part (14m) stretching north/south across the width of the plot, leaving 1m-2m to the northern boundary with the garages to the rear of 19-25 Malvern Road, and 1m-1.6m to the boundary with 69a Mill End Road. The northern flank of the building (closest to the garage block) is approximately 2.2 in length, and the southern flank (closest to 69a Mill End Road) is approximately 4.4m in length.
- 2.3 Off-street parking for two cars will be provided to the front of the new dwelling, along with bin storage.
- 2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement

## 3.0 SITE HISTORY

There is no relevant site history for this site, but the site history of the adjacent site, 69 Mill End Road is relevant;

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/04/0081	Erection of 2no chalet bungalows and 2no replacement double garages (outline application).	W/D
C/04/0157	Erection of single storey side extension, narrowing of existing garage, and erection of new pitched garage roof and infill porch extension.	A/C
C/04/0904	Erection of two bungalows.	REF (Appeal dismissed)
06/0331/OUT	Outline application for the erection of a 3 bed dwelling	REF
06/0785/FUL	Erection of single storey dwelling to the rear of 69 Mill End Road	A/C

The Decision Notice for the most recent approval (06/0785/FUL) is attached to the report as Appendix 1.

#### **4.0 PUBLICITY**

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

#### **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.

**Planning Policy Statement 3 (PPS3): Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites 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)

- 5.4 **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.
- 5.5 **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.
- 5.6 **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.

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

Planning Obligation Related Policies

P6/1 Development-related Provision  
P9/8 Infrastructure Provision

## 5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/10 Subdivision of existing plots  
3/12 The design of new buildings  
5/1 Housing provision  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places  
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, waste recycling, public realm, public art, environmental aspects*)

## 5.9 **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.

## 5.10 **Material Considerations**

### **Central Government Guidance**

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### **City Wide Guidance**

**Cycle Parking Guide for New Residential Developments (2010)** – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 No Objection: Subject to conditions relating to drainage, the material to be used for the driveway and access.
- 6.2 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 Councillor Newbold has commented on this application, requesting that the application is determined by South Area Committee, due to concerns about the development and the loss of a mature traditional apple tree in an area that used to be an orchard until the 1960s.
- 7.2 The owners/occupiers of the following addresses have made representations:

- 25 Malvern Road
- 29 Malvern Road
- 31 Malvern Road
- 35 Malvern Road

The occupiers of 73 Mill Road did object the application, but have not withdrawn their objection.

- 7.3 The representations can be summarised as follows:

### Character

- The proposed bungalow would sit closer to the boundary with Malvern Road than 69a Mill End Road, to the rear of 69.
- The garden adds to the peaceful character of the area.
- The large apple tree from part of the orchards would be removed. This contributes significantly to the local character of the area and provides a historic link to the past.
- The fence between the site and Malvern Road is in a poor condition and should be replaced at a height of 1.95m.

- Large garden provides an environment for wildlife.
- Details of boundary treatments should be submitted, after discussions with the neighbours.

### Residential amenity

- A loft conversion should not be allowed in the future as this would compromise privacy.
- The bungalow would block light into 27 and 29 Malvern Road.
- Disturbance from vehicles accesses the site between 71 and 73 Mill End Road. Off-street parking spaces are not necessary because Mill End Road has no parking restrictions.
- The proposed new trees would block light to 27 and 29 Malvern Road.
- Increase in noise – during construction and once occupied.
- Overbearing sense of enclosure to the properties on Malvern Road.

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 5/1 of the Cambridge Local Plan explains that provision is made for an increase of 12,500 dwellings over the period 1999-2016; although it recognises that many of these will be



from larger sites within the urban area and in the urban extensions, development for housing on windfall sites, such as this, will be permitted subject to the existing land use and compatibility with adjoining uses.

8.3 The updated PPS3 reclassifies private residential gardens from previously developed or brownfield land to greenfield land. This does not mean that garden land cannot be developed under any circumstances. At the present time, national policy does not preclude the development of private gardens, but garden land is not considered to be brownfield land and is not therefore of the same priority and proposals for the development of garden land will continue to be assessed against Policy 3/10 of the Cambridge Local Plan (2006) relating to the subdivision of plots.

8.4 Policy 3/10 states that:

*Residential development within the garden area or curtilage of existing properties will not be permitted if it will:*

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;*
- b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;*
- c) Detract from the prevailing character and appearance of the area;*
- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;*
- e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and*
- f) Prejudice the comprehensive development of the wider area of which the site forms part.*

8.5 I have discussed this application with the City Council's Nature Conservation Projects Officer, and although I understand, and have some sympathy, with the concerns raised by residents about wildlife, this site is not worthy of any special

environmental, wildlife or biodiversity protection. There is no wider comprehensive approach that should be considered given this application relates to a single rear garden without the ability to be linked to other adjacent land. The development is therefore dependant on policies relating to character, amenity, access and parking which are considered and discussed below.

- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

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

- 8.7 There are various housing styles within the surrounding area, comprising detached and semi-detached houses, bungalows and flats. The predominant form of housing in the area is two-storey dwellings, but in the very immediate area there are a number of single-storey dwellings, including 71 Mill End Road (the parent dwelling), 69 Mill End Road, 69a Mill End Road (directly to the rear of 69 Mill End Road, and 52 Mill End Road (to the rear of 54 Mill End Road on the opposite (eastern) side of the road). In my opinion an appropriately designed bungalow of an appropriate design and scale would not be out of keeping.
- 8.8 Backland development in this case is, I believe acceptable. Other backland development has been accepted in the immediate area including to the rear of the adjacent property 69 Mill End Road (creating 69a Mill End Road) and to the rear of 54 Mill End Road (creating 52 Mill End Road). The rear garden of 71 Mill End Road (the site) is well-kept and is one of the largest gardens in this area. The houses on Malvern Road, to the rear of the site, have very small rear gardens, and some residents have argued that the garden of 71 adds to the peaceful character of the area, and is a pleasant outlook for the occupiers of the houses on Malvern Road. I would not dispute this, but reiterate that this garden has no specific protection. The guidance related to Policy 3/10 of the Cambridge Local Plan (2006) maintains that:

*Gardens represent an important part of the character and amenity value of many parts of the City. They can be important visually where they contribute to the street scene or to the openness of and development pattern of an area. They can be important to biodiversity because they contribute to the network of green spaces within the City...*

- 8.9 I understand the importance of this garden area to the residents that overlook it, but as the garden is not visible from the street, I do not believe that it is an important part of the character of the area, or that it contributes to the street scene, in a way that makes it worthy of protection. I also understand resident's concerns about the loss of the apple tree. This tree is not protected, (and being a fruit tree cannot be the subject of a Tree Preservation Order), and could be felled at any time, and therefore I do not consider it reasonable that this tree constrains development, especially as this tree is to be replaced.
- 8.10 The access to the site will be between 71 and 73 Mill End Road and will be created following the demolition of the applicant's garage and carport. This would mimic the access to 69a Mill End Road (to the rear of 69 Mill End Road) and in my opinion an additional access point here would not be out of character with the area.
- 8.11 The issue in my opinion is whether what is proposed can be properly accommodated without adverse impact on the amenity of others and without being overbearing.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 3/12.

### Residential Amenity

#### *Impact on amenity of neighbouring occupiers*

- 8.13 The issues to consider here include possible overlooking, overshadowing, loss of light, noise and disturbance, the proximity of the proposed dwelling to surrounding neighbouring properties and the potential for causing an overbearing sense of enclosure.

#### *Overshadowing*

- 8.14 The properties on Malvern Road are on lower land than the site, but in saying this I do not believe that the proposed single-storey dwelling would have any significant detrimental impact on the occupiers of these properties. The proposed dwelling would be a similar height to 71 Mill End Road, and would sit approximately 10.8m from the western boundary (with the

properties on Malvern Road) at its closest point. Most of the rear wall of the proposed bungalow, including the living room will be 13 metres from the common boundary. Due to this separation distance, the height of the proposed dwelling, and the orientation of the site, I do not believe that the proposed dwelling would overshadow or enclose the properties on Malvern Road.

- 8.15 69a Mill End Road, to the south is in line with the proposed dwelling, with the exception of the northern projecting element, which would project just 2.2m further forward, and due to this I do not have any concerns about the proposed dwelling overshadowing 69a.
- 8.16 The east elevation of the proposed dwelling does not project as far forward as the east elevation of 69a, and the proposed dwelling would sit 12m from the rear of 71 at its closest point. Due to the separation distance the height of the proposed dwelling and the orientation of the buildings, I do not believe that the proposed dwelling would overshadow 71.

#### *Overlooking*

- 8.17 As long as the boundary treatment along the western boundary is substantial (ie a close boarded fence, which I suggest should be not less than 1.8 metres in height), I do not believe that there would be any potential for overlooking the properties on Malvern Road.
- 8.18 69a Mill End Road, to the south is in line with the proposed dwelling, with the exception of the northern projecting element. There are no windows in the flank of this projecting element and the windows/door in the south elevation would look out onto the boundary treatment, which is currently a hedge, and the flank wall of 69a beyond this. As before, as long as the boundary treatment is substantial and remains so, I do not believe an additional dwelling here would compromise the privacy of the occupiers of 69a.
- 8.19 The east elevation of the proposed dwelling does not project as far forward as the east elevation of 69a, and the proposed dwelling would sit 12m from the rear of 71 at its closest point. The gable end facing out onto the retained rear garden area of 71 Mill End Road would include a 'wrap-around' window and

door (with further windows included in the set back section of this elevation), but I consider the distance between the two properties too great to warrant refusal of the application on this point.

- 8.20 To protect the privacy of neighbouring occupiers, I would recommend that details of the boundary treatment for all boundaries are required by condition (condition 4). Although I do not have any concerns about overlooking from this single-storey dwelling, the situation could be entirely different if the dwelling had habitable rooms in the roof, which could be added in the future under Permitted Development. I, therefore, recommend that Permitted Development Rights are removed by condition (conditions 5 and 6), to enable any extension (especially a roof extension) to be assessed by the Local Planning Authority.

#### *Disturbance*

- 8.21 The access way between 71 and 73 Mill End Road (currently a driveway serving the applicant's garage and carport, which are to be demolished) could create disturbance for the occupiers of 71 and 73 Mill End Road. This is an issue that needs to be addressed, but in my opinion, the additional vehicular traffic caused by one extra dwelling would not have so a significant affect, as to justify refusal of this application. The potential for disturbance could be mitigated by the requirement of a bound surface, not loose gravel, which would help reduce noise of vehicles.
- 8.22 Building works do cause disturbance, and therefore some disturbance will be experienced by the occupiers of neighbouring properties. This however, will be short-term and can be mitigated to some degree by controlling contractor working hours and delivery hours by condition (conditions 2 and 3).

#### *Amenity space for the occupiers of 71 Mill End Road*

- 8.23 As the existing garden is large, the subdivision of the plot will not result in inadequate amenity space for the occupiers of the 'parent' property. The retained garden, although significantly smaller, is adequate in size and comparable with the gardens of the properties on Malvern Road, and is therefore acceptable.

8.24 In my opinion, subject to conditions, 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

8.25 A reasonable amount of amenity space would be provided for the new dwelling, along with the provision of new trees. This is a domestic garden, and it could be argued that the landscaping of the garden should be left to the future occupiers of the dwelling. However, as the existing garden is an asset for the occupiers of neighbouring properties, I consider it reasonable to require a landscaping scheme by condition to ensure that new trees are planted (condition 7).

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

#### Refuse Arrangements

8.27 Bin storage is shown at the front of the proposed dwelling. This is some way from the highway for collection (at least 30m). To a certain extent this is 'buyer beware' but I am not convinced this is the most suitable location for bin storage on site. There is clearly enough space on site for storage, but I would suggest that the details of this are requested by condition (condition 8) to enable the logistics of storage and collection to be agreed.

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

#### Highway Safety

8.29 Access to the site would be via a driveway between 71 and 73 Mill End Road. I am satisfied that there is sufficient space for a vehicle to enter and leave the site in forward gear, which is illustrated by the submitted turning diagram. The Local Highway Authority has recommended that a condition is added to the permission, preventing a gate from being erected at the

end of the driveway without planning permission (condition 16) and another condition is recommended to ensure that the material used for the driveway is bound, to prevent debris spilling out onto the highway (condition 12). These conditions, along with a condition ensuring that the manoeuvring area is retained (condition 13) and conditions ensuring that the access is an adequate width and specification (conditions 14 and 15), will protect highway safety.

### Car and Cycle Parking

8.30 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that a 3-bedroom dwelling, such as this, should have no more than 2 off-street parking spaces. Two car parking spaces are proposed for the proposed dwelling, with two car parking spaces remaining for the existing dwelling. This is within the standards, and is therefore acceptable in principle. As the access to the site is between two dwellings (71 and 73 Mill End Road), it has been suggested, in one of the representations received, that no off-street car parking spaces should be provided, especially as there are no parking restrictions currently in operation on Mill End Road. As explained earlier on in this report, I do not consider that vehicles using this access would have a materially detrimental impact on the occupiers of these dwellings, and therefore I do not consider it reasonable to insist that this development is 'car free'.

8.31 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) maintains that secure and covered storage for bicycles must be provided at a rate of at least one space for every bedroom. This equates to 3 spaces in this case. Cycle parking is not shown on the submitted plans (although) there is a shed, but it is clear that there is adequate space for storage. Therefore, subject to the provision of details by condition (condition 9), I consider that the proposal complies with the Council's requirements)

8.32 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### Third Party Representations

8.33 The issues raised in the representations received have been addressed under the headings above.

## Planning Obligation Strategy

8.34 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*

8.35 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.

8.36 The application proposes the erection of one three-bedroom house. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards 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 £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714	1	714
4-bed	4	238	952		
<b>Total</b>					<b>714</b>

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

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

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0

2-bed	2	316	632		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>948</b>

8.37 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

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

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

8.39 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

8.40 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided

by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

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

8.41 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 3/7, 3/12 and 10/1.

#### Conclusion

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

### **9.0 Conclusion**

9.1 Although this is a backland site, which does use a rear garden, the recent Central Government advice does not preclude the development of garden land from development. In this particular circumstance the Council needs to assess the proposal against the tests of local plan policy 3/10. Having looked at that policy and assessed the proposal in its context, I do not consider there to be such serious implications for neighbours as to justify refusal of this application. This judgement has been made on the basis that this is single storey accommodation only with appropriate servicing and adequate levels of amenity being provided both for the occupiers of the prospective dwelling and the 'parent' dwelling. Having considered all these matters and particularly the changes to Planning Policy Statement 3 regarding 'garden grabbing' the recommendation is one of approval.

## 10.0 RECOMMENDATION

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 09 November 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. 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)

3. 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)

4. 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

5. 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)

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 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. No development shall commence until such time as full details of the on-site storage facilities for waste including waste for recycling have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be in accordance with the approved details. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason; To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 4/13)

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 shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

11. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway. (Cambridge Local Plan 2006, policy 8/2)

12. 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)

13. The manoeuvring area as shown on the drawings is to be maintained so that it is free of any obstruction that would prevent a domestic vehicle from being able to manoeuvre with ease so it may enter and leave the property in a forward gear.

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

14. 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 and to ensure satisfactory access into the site. (Cambridge Local Plan 2006, policy 8/2)

15. 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 and to ensure satisfactory access into the site. (Cambridge Local Plan 2006, policy 8/2)

16. 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)

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

**INFORMATIVE:** Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

### **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): 3/4, 3/7, 3/10, 3/12, 5/1, 8/2, 8/6, 8/10;

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.

**2. Unless prior agreement has been obtained from the Head of Development Services, and 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 09 November 2010 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, in accordance with the following policies, standards and proposals 3/7, 3/8, 5/14, 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010.