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<b>Application Number</b>	13/1770/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th December 2013	<b>Officer</b>	Mary Marston
<b>Target Date</b>	7th February 2014		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Chesterton House Church Street Cambridge Cambridgeshire CB4 1DT		
<b>Proposal</b>	Sub division of Chesterton House curtilage to form new planning unit, erection of single storey dwelling and associated infrastructure and works including new boundary wall. Alterations to existing boundary wall to form new vehicular and pedestrian entrance.		
<b>Applicant</b>	Mr & Mrs Derek & Lorna Dazeley c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed plot subdivision is acceptable in principle and the proposed new dwelling will contribute to meeting housing need</p> <p>The design and location of the proposed development responds appropriately to the constraints of the site within the curtilage of a Listed Building and avoids harm to the character and appearance of the Conservation Area</p> <p>The proposed development will not result in a demonstrable adverse impact on residential amenity or users of the adjacent highway</p>
RECOMMENDATION	APPROVAL

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

- 1.1 Chesterton House is a substantial three storey house located on the west side of Church Street, Chesterton. It occupies a large corner plot, bounded by Chesterton Road to the north and bounded by a tall brick wall which stands 3.2m high at its highest point.
- 1.2 The House is a Grade 2 Listed Building, of which the earliest parts date from around 1790. It is built in brick, with a tiled roof. It was subsequently extended and the appearance of the house has significantly altered as a result of these later 19<sup>th</sup> Century additions.
- 1.3 The site falls within the Chesterton and Ferry Lane Conservation Area. There are no trees protected by Tree Preservation Orders but there are several mature trees present on and adjacent to the site which are protected by the conservation area designation. Trees are a significant feature of the Conservation Area.
- 1.4 The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks permission for subdivision of the curtilage to form a new planning unit, erection of a single storey dwelling and associated infrastructure, and works including new boundary wall and alterations to the existing boundary wall to form new vehicular and pedestrian entrance.
- 2.2 The garden includes a swimming pool, located to the north of the house, and the proposed new dwelling would be located on a roughly triangular plot between the swimming pool and Chesterton Road at its narrowest (north western) end and extending to the common boundary with 114 Chesterton Road at its widest point. The plot area would be 467m<sup>2</sup>. The residual plot area on which Chesterton House would stand would be 2038m<sup>2</sup>.
- 2.3 The proposed house would be a single storey building with a footprint of 161m<sup>2</sup>, built in brick with a flat sedum roof, with accommodation arranged around a small courtyard. The proposed new access will involve the removal of a section of

the tall brick wall which runs along the Chesterton Road boundary and installing solid wooden gates.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Heritage Statement
4. Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement
5. Site layout and scaled floorplans of the proposed dwelling
6. External elevations and cross sections of the proposed dwelling
7. East, west, north and south context sections
8. Scaled drawings to show proposed refuse and bicycle storage

2.5 The application is brought before Planning Committee because there have been five objections and two letters of support.

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/02/0008	Conversion and extension to pigeon house in garden of Chesterton House to form new dwelling	Approved with conditions
C/02/0009	Conversion and extension to Grade II pigeon house, in garden of Chesterton House to form new dwelling.	Approved with conditions

3.1 Pre-application advice was sought in September 2013. The response was supportive in principle and raised no significant concerns in relation to design and impact on residential amenity. The applicant was advised to provide additional information in relation to access and arboricultural impact.

## 4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Minerals and Waste Plan (Development Plan Documents) July 2011	CS16
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 3/13 3/14 4/4, 4/10, 4/11 5/1 5/5 5/10 8/1 8/2 8/3 8/4 8/5 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
Supplementary Planning Documents	Sustainable Design and Construction Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management

	Design Guide
	Planning Obligation Strategy

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

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

For the application considered in this report, the following policies/there are no policies (delete as appropriate) in the emerging Local Plan are of relevance:

### 6.0 CONSULTATIONS

#### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The Highways Authority Officer has advised that either the gates should be removed from the proposal, or the entrance to the plot should be set back 5m from the highway in the interests of highway safety.
- 6.2 He has also recommended that prior to 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 and that visibility splays be provided as shown on the drawings and kept clear of all obstructions exceeding 600mm high. Further conditions and informatives are recommended for addition to any permission that the Planning Authority is minded to issue in order to avoid displacement of loose material onto the highway, and in the interests of highway safety.

## **Head of Refuse and Environment**

- 6.3 The Environmental Health Officer has no objection to this application in principal, subject to the following comments and recommendations:

### **Environmental Quality**

- 6.4 In addition to the standard construction/delivery hours conditions, because the foundation assessment indicates that piling is required, the standard piling condition should be added to any permission.

### **Waste and recycling**

- 6.5 The proposed ground floor plan indicates only two bins for the proposed development. Cambridge city council operates a three waste stream collection service and therefore the development needs to provide three wheelie bins.

## **Head of Streets and Open Spaces (Tree Team)**

- 6.6 The Tree Officer has objected to the proposed development. Her original comments are summarised as follows:
- 6.7 Yew T005 makes a significant contribution to amenity and its loss will be detrimental to the character of the area. The removal of the sycamore is accepted but only with realistic provision for replacement planting. There is currently insufficient space within the new curtilage for such replacement.
- 6.8 Whilst it is acknowledged that the front of the new building, within the root protection area of the lime, T001, is proposed to be constructed on a specialised foundation, the proximity of the building to this tree is not realistic in terms of the pruning required to the tree to fit the building in and future pressure for on-going management/removal once the building is occupied. The lime is a very important street tree and the proposed pruning would be detrimental to its appearance. Lime trees are known for the sap drop which will coat the house, windows and hard standing requiring regular cleaning.
- 6.9 Following submission of a further arboricultural assessment, the

tree officer made the following additional comments.

- 6.10 T001 Lime: It is agreed that significant pruning will not be required to this tree to allow construction. Notwithstanding this, the tree's crown will dominate the front elevation and, once occupied, the new owners are likely to want the tree pruned/removed to reduce its detrimental impact.
- 6.11 T005 Yew: The amendment to the scheme to allow the retention of this tree is appreciated. However, the development will result in a necessity to manage the tree's future growth. Unmanaged the tree will overhang the parking turntable, drop fruit and debris on the car and possibly impact the turntable mechanism. At present the tree could be allowed to mature naturally with only minor pruning to maintain a reasonable clearance to the adjacent property.
- 6.12 T006 Sycamore: The loss of the tree is accepted, but it should be replaced.
- 6.13 Overview: Previous comments do not exaggerate future maintenance demands. The drive and parking area is and will be increasingly dominated by T004, T005 and T007 unless these trees are managed. The impact that T001 will have on light, and the sticky residue left from sap throughout the summer, will be considered a nuisance.

### **Historic Environment Officer**

- 6.14 The Historic Environment Officer has advised that the site lies in an area of high archaeological potential and has recommended that the site should be subject to a programme of archaeological investigation and that this work should be secured through the inclusion of a suitable condition such as the model condition 'number 55' contained in DoE Planning Circular 11/95. A brief for the archaeological work can be obtained from the Historic Environment Officer upon request.

## **7.0 REPRESENTATIONS**

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

- 210 Chesterton Road
- 214 Chesterton Road
- 21 Highworth Avenue
- St Andrews Vicarage

7.2 The representations can be summarised as follows:

### **Objections**

- The cycleway which passes along Chesterton Road is currently unsatisfactory and the proposed vehicular access would increase the risk to cyclists;
- Cyclists approaching the access from the Church Street corner are only 12m from the access of 214 Chesterton Road after passing T001 and would have only 6m to react to a car exiting from the proposed access through the new gateway and from observation on a dry January morning between 8.00 and 8.30 am, 27 cyclists used the inner route between the tree and the wall;
- The pre-application response dismisses the Highways Officer's concern without due consideration - the application should be refused until a more satisfactory solution is found which addresses this concern;
- The proposal places undue emphasis on preserving a stretch of wall and minimising the impact on the streetscape at the expense of highways safety and the setback suggested by the Highways Officer is essential.
- A vehicle waiting to gain access could pose a hazard as well as a vehicle waiting to exit;

### **Letters of support**

- Surprised to see reference to busy cycleway in front of development and question whether this is designated;
- Impressed by the care that has been taken by this application for a bungalow not to impose on my space;
- The situation of the site is screened by the party wall and shrubbery and the side facing 214 Chesterton Road will be barely noticeable;
- Part of the wall has already been replaced and the proposed gates will not harm the street scene;
- A 2 bed dwelling is unlikely to generate more than 6 car movements a day which would not materially worsen existing problems;



- The proposed access is onto the tapering end of a cul-de-sac where there are currently no yellow lines and whilst understanding their concerns, objectors have overstated their case;
- The footpath narrows to about 1.2m between the tree and the wall and the existing arrangements in the vicinity of this site sensibly seek to separate cyclists and pedestrians and the dropping of the kerb would improve current provisions;
- The safety of cyclist and pedestrians are important but cannot be the only consideration;
- Disagree with Sustran's comments in relation to proposed car and cycle parking (see below).

7.3 Two other third party representations have been received and are summarised as follows:

**Sustrans' Comments:**

- The proposal includes a blind vehicle access onto a public footway which is much used by pedestrians and cyclists;
- The footway and its adjacent roadway form an important desire line and centuries-old highway route, linking Chesterton Road and Chesterton High Street. While motor vehicles now use the nearby busy roundabout the old alignment remains of key importance for safe non-motor access, onto which a blind vehicle access would introduce unacceptable danger. We note and support the comments from Highways on the need to reject the proposals for safety reasons on this factor alone. An alternative might be to modify the layout (eg relocating the wall, or reducing its height) to reduce the risk to an acceptable level;
- We are also concerned about the on-site layout around the building's front entrance, and draw your attention to two documents whose guidelines have not been followed in these proposals:

*The Cambridge Cycle Parking Guide on page 5 highlights an extract from Manual for Streets (MfS) 8.2.1: "Providing enough convenient and secure cycle parking at people's homes and other locations for both residents and visitors is critical to increasing the use of cycles. In residential developments, designers should aim to make access to cycle storage at least as convenient as access to car parking."*

*LTN 2/08 Cycle Infrastructure Design in section 11.2 also points out the need for residential parking to be sheltered as well as secure, and refers to MfS.*

- The location of the car turntable, which positions the car's drive door beneath a canopy as the view from the dwelling's front door, is unacceptable, both aesthetically and in the dominance it gives to the car as the mode choice when leaving the building; in addition, this arrangement is not fail-safe;
- The cycle parking, while good in quantity and security, is located less conveniently than the car, and is unsheltered and the recommendations of the three documents referred to above have not been followed... this is unacceptable in a city whose policies aim to raise levels of walking and cycling.

7.4 Representations have been received from the County Councillor, Ian Manning, as follows:

- The impact of the access on the natural desire line from the High Street to Chesterton Road and onwards to Elizabeth Way, especially used by cyclists, is a concern;
- If minded to approve, I would ask that, for safety reasons, a condition be placed upon this application such that there is remodelling of the junction routing, dropping the kerb to the right of the tree looking from the high street and providing a clearly marked cycleway, and the option for cyclists to go to the left hand side of the tree should be discouraged;
- The addition of another entrance at this location could discourage cyclists.

#### **The Old Chesterton Residents Association's comments**

- Support objections submitted during the formal consultation period concerning the proposed access to the site and noted the comments of the Highways Officer and our County Councillor, Ian Manning;
- It is essential to minimise potential conflict along this very busy stretch of footway and long-term a modified footpath layout as suggested by Councillor Manning could achieve this but doubted that in isolation it would be a wholly satisfactory solution without a degree of visibility splay;
- Support the proposal for a car turntable on the premises;

- The level of commuter parking in the area has increased following the imposition of the de Freville area parking scheme;
- Concerned over the subdivision of the curtilage of Chesterton House and the proposed building which is considered out of keeping with the local vernacular generally and especially so in the context of the Conservation area and its immediately adjacent neighbours.

7.5 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. Impact on the Conservation Area
4. Residential amenity
5. Refuse arrangements
6. Highways safety
7. Impact on protected trees
8. Third party representations
9. Planning Obligation Strategy

### **Principle of Development**

8.2 Chesterton House is a large house with a substantial garden, occupying a prominent position within Chesterton. Following previous permissions for the conversion and extension to the pigeon house in the garden of Chesterton House to form a new dwelling, and for a separate new dwelling in the grounds, both granted in 2002, the plot area is currently 0.25ha. The proposed reduction of approximately 500m<sup>2</sup> will therefore have little impact on the curtilage of the original dwelling house.

8.3 Policy 3/10 of the Cambridge Local Plan (2006) provides support in principle for subdivision, and subject to my assessment of the impact on residential amenity, character and appearance of the area, trees, highways and Listed Buildings, I

am satisfied that the principle of the proposed development is acceptable.

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

- 8.4 The proposed new dwelling has been deliberately designed to have a minimal physical presence beyond its immediate curtilage. The new house will have an eaves height of 2.8m above ground level which and the top of the brick boundary wall will be raised to the same height in those places where it currently stands 2.3m high. Matching brick would be used and a new stone coping installed. The existing piers will be left at their current height, but will also be topped off with a new coping stone, with the exception of one pier which will be removed and moved 600mm to allow for the new access.
- 8.5 A new boundary wall will be constructed to form the plot's southern boundary with Chesterton House in the style of the existing boundary wall and built in matching brick with piers, with some reduction in height to approximately 2m to allow light in to the garden and courtyard. The proposed sedum roof will soften views from upper floors of this property.
- 8.6 The most significant change to the street scene will be the creation of a new access from Chesterton Road, adjacent to the existing access to 214 Chesterton Road. A dropped kerb will be created and the existing ground level raised by 175mm to allow for a no-dig permeable driveway construction between the existing trees. To minimise the need for hard-standing and associated impact on shrubs and trees the proposal incorporates a vehicle turntable below the carport and adjacent to the front door. The dimensions of the proposed gates will maintain the line of the boundary wall, albeit the introduction of a wooden structure will create a 3m wide opening in the wall when the gates are in use.
- 8.7 In design terms, I consider that the proposal responds appropriately to its surroundings, and that in general terms, the contemporary approach to design and appearance respects the historic character of the principal dwelling house and its immediate environs. I give further consideration to the impact on the Conservation Area and setting of the Listed Building below.

- 8.8 Pre-application advice provided prior to submission highlighted potential concerns with impact on trees and highway safety and I also assess these matters below.
- 8.9 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

- 8.10 I have considered the impact on neighbouring residential amenities in terms of overlooking, overshadowing, dominance and enclosure, and have been mindful of the supportive comments made by the nearest neighbour at 214 Chesterton Road. The Design and Access Statement indicates that the lower height of the proposed boundary wall between the applicant's land and 214 Chesterton Road responds to a pre-application feedback from the occupier. In my view, the low profile of the proposed dwelling, and its position behind substantial boundary walls mean that no issues of overlooking, overshadowing or visual domination arise. Given the distance of the proposed building from other dwellings and the fact that only a single dwelling is proposed, I do not consider that any issues of noise or disturbance to neighbours arise either.

#### Amenity of future occupiers

- 8.11 The location and quality of the proposed accommodation will generally provide a high standard of residential amenity for future occupiers. Whilst the amount of amenity space proposed is limited, it is in my view quite adequate for a modest dwelling such as this.
- 8.12 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.

### **Impact on Conservation Area**

- 8.13 The character of the Conservation Area is dominated by the number of mature trees and the substantial boundary wall

around Chesterton House in the vicinity of the application site. The Conservation Officer has raised no objection, noting that the proposed new dwelling has been designed to have a minimal presence within the Chesterton and Ferry Lane Conservation Area, and public views of from within the Conservation Area will be very limited.

- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11.

### **Impact on Listed Buildings**

- 8.15 The setting of the Listed Building has changed substantially in past years, and more recently as parcels of garden land have been developed and a swimming pool installed in the rear garden. The Conservation Officer has advised that the setting of the Listed Building should not be unduly affected provided the new boundary wall is well designed and executed.

- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/10.

### **Refuse Arrangements**

- 8.17 Provision was originally made for two additional refuse bins, but an amended drawing has now been received in which the required three bins are accommodated. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway safety**

- 8.18 The site will take access from Chesterton Road and in accordance with adopted parking standards off-street parking for one vehicle is proposed. There will also be provision for four cycle spaces.
- 8.19 The highway authority has raised an objection on highway safety grounds and has recommended that the gates should be removed. There have also been objections from third parties and from County Councillor Manning, who are concerned about increased traffic generation and the risk this might pose to other users of the highway, especially cyclists.

- 8.20 The Design and Access Statement summarises the pre-application consultation which has taken place in relation to the proposed access. The City Council considered the alternative option of providing a 5m setback and advised that this would be undesirable in terms of maintaining the character and appearance of the street scene. The recommended setback was also considered unnecessary, given that Chesterton Road terminates in a cul-de-sac some 5m beyond the proposed access.
- 8.21 The highway officer's view is that a busy cycleway passes to the front of the proposed development, and a vehicle stopped at this location waiting for the gates to open or closed would obstruct this. However, whilst a sign is positioned indicating that cyclists should use the section of the footway between the lime tree and the bus stop there is no dropped kerb at this point and no Traffic Regulation Order for shared use associated with the section of footway in question.
- 8.22 The informal advice of the cycle officer is that an environmental improvement scheme is under consideration to improve the cycle route, with new signage taking outbound cyclists towards the vehicular junction and a new cycle slip to get inbound cyclists onto the road, next to the bus stop. However, it has not been possible to establish the status of this proposal or whether a budget is available. I am currently awaiting further clarification.
- 8.23 Clearly, an exiting vehicle must give way to an approaching cyclist or pedestrian and the highways officer's view is that the pillars either side of the gate would obstruct visibility quite significantly. There would also be an obstruction of the public highway whilst opening/closing gates. Whilst it may be possible to arrive at a compromise solution which would avoid the need for either a setback or the removal of the gates, for example by amending the design of the gates to provide some visual permeability, such options have yet to be explored.
- 8.24 In terms of the scheme as proposed, I am not convinced of the justification for a 5m setback, given the small number of vehicle movements likely to be generated. Moreover, it is clear that there is no formal provision for shared use of the footway in front of the access gates, nor would the proposed improvements seem likely to include shared use. I therefore

consider the risk to the safety of both cyclists and pedestrians to be small.

- 8.25 Whilst the optimum design would be one that satisfied both the Highways and the Conservation Officer, I am satisfied that the proposed access will not result in a material worsening of highway safety in the vicinity of the gates. In my opinion the proposal is compliant with respect to highway safety, with Cambridge Local Plan (2006) policy 8/2.

### **Impact on Protected Trees**

- 8.26 The applicant originally proposed to remove two mature trees from within the site to create space for the access drive, a yew tree and a sycamore. In addition significant pruning of the Lime Tree located on the footway between the boundary wall fronting Chesterton Road and the bus shelter was proposed. The branches of this tree currently overhang the application site and would impede construction. Regular pruning would be necessary thereafter.
- 8.27 The Arboricultural Officer objected to the removal of the yew tree, and to the proposed pruning of the Lime. She also considered that, in relation to the sycamore there would be insufficient space within the site to secure a replacement tree through a standard re-panting condition.
- 8.28 Following further investigation of the issues raised, the applicants submitted a minor amendment to the scheme, which involves the removal of the canopy over the turntable. This has enabled the Yew Tree to be retained with only a very limited requirement for root pruning. In addition, an amended Arboricultural Impact Assessment has been submitted, which shows that the existing 5m clearance from ground level to the lowest overhanging branches is sufficient to dispense with the need for crown pruning. The Arboricultural Officer has indicated that the proposed revision and revised report overcome her original objections, although she remains concerned about the likelihood of demands for future pruning. In my view, there is merit in seeking to reduce the likelihood and extent of such demands by adding an informative to the permission indicating that the Council will not look favourably on requests for extensive pruning of these trees.



- 8.29 The only remaining issue is therefore whether, following the removal of the sycamore, provision should be made for replacement planting, as the tree officer has requested. The applicants have indicated that, if necessary, they would be willing to undertake replacement planting within the larger plot to which this application relates prior to implementing any approval, through an appropriate Grampian condition. However, I note that this tree already has felling consent, and in these circumstances, I do not consider such a condition to be justified.
- 8.30 In my opinion, notwithstanding the tree officer's comments, the revised proposal, retaining the yew tree, would not lead to an unacceptable impact on trees of amenity value. My view is that the proposal now complies, in respect of trees, with Cambridge Local Plan (2006) policies 3/4, 4/4 and 4/11.

### **Third Party Representations**

- 8.31 The objections received from residents are principally concerned with aspects of the proposed design, and most are concerned with the proposed access. In my view, all planning matters raised have been addressed above.

### **Planning Obligations**

- 8.32 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. , Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. 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

- 8.33 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.
- 8.34 The application proposes the construction of one two-bedroom house. A house or flat is assumed to accommodate one person for each bedroom. 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 £
2 bed	2	238	476	1	476
<b>Total</b>					<b>476</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
2 bed	2	269	538	1	538
<b>Total</b>					<b>538</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
2 bed	2	242	484	1	484
<b>Total</b>					<b>484</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	2	316	632	1	632
<b>Total</b>					<b>632</b>

- 8.35 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 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

- 8.36 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 £
2 bed	1256	1	1256
<b>Total</b>			<b>1256</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 Cambridge

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

### Waste

- 8.38 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	2	75
<b>Total</b>			<b>75</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 Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Education

- 8.40 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.
- 8.41 In this case, one additional residential unit is created and the County Council have confirmed that there is insufficient capacity to meet demand for

pre-school education, primary education, secondary education, or lifelong learning. 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 £
2+-beds	2		810	1	810
<b>Total</b>					<b>810</b>

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

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

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
2+-beds	2		160		160
<b>Total</b>					<b>160</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.

### Monitoring

- 8.43 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

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

## **9.0 CONCLUSION**

- 9.1 The National Planning Policy Framework provides a presumption in favour of sustainable development, subject to finding the proposal compliant with Cambridge Local Plan policies. The proposed development will contribute to meeting housing need and provides high quality accommodation, and from my assessment I do not consider that it will give rise to demonstrable harm in terms of traffic generation or impact on highway safety, or to any other adverse impact, including harm to residential amenity, protected trees, the setting of Listed Buildings, or the character and appearance of the Conservation Area.
- 9.2 Overall, I am satisfied that the scheme should be supported and recommend approval.

## **10.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 20th June 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

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

3. 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)

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

Reason: To protect the amenities of the adjoining properties (Cambridge Local Plan Policy4/13)

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practices for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenities of the adjoining properties (Cambridge Local Plan Policy4/13)

6. 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

7. 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.

8. 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.



9. 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.

10. The access and 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).

11. 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)

12. Prior to the commencement of fitting of railings/gates to walls, the means of fixing the railings/gates to or into the walling, piers, copings or other elements shall be submitted to and approved in writing by the local planning authority. Where a traditional design is proposed, railings should normally be lead 'caulked' into sockets in stone or other copings. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

13. Full details of all wall copings, piers and pier capstones including type, design [cross-sectional drawings may be appropriate], fixings and materials, to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

14. Full details of any new planted or "green" roofs, associated roof drainage systems and fascia treatment to roof edges to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

15. No rooflights shall be installed until full details of rooflights have been submitted to and approved in writing by the local planning authority. Rooflights which stand proud of the plane of the roof are unlikely to be approved. Rooflights shall thereafter be installed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

16. Full details of the vehicular turntable to be submitted to and approved in writing by the local planning authority. The turntable shall thereafter be installed only in accordance with the approved details and shall be maintained & operated in full working order in perpetuity.

Reason: To avoid harm to the special interest of the listed building, and to avoid a threat to highway safety (Cambridge Local Plan 2006, policies 4/10 and 8/2))

17. Full details of all power-operated gate opening / closing mechanisms including activation switches, opening / closing motors, signage, power control equipment & housings, etc. to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

18. Full details of all external joinery including vehicular & pedestrian gates, doors, screens and window frames to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

**INFORMATIVE:** The applicant is advised that condition 7 above relates also to repairs to existing walls, any decorative or pierced brickwork and to extensions in height to existing walls.

**INFORMATIVE:** The applicant is advised that his 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.

No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

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.

**INFORMATIVE:** The applicant is advised that given the amenity value of trees on and adjacent to the site, and the known likely impacts of the existing trees on future occupiers of the development, the Council will not look favourably on requests for subsequent pruning of these trees, and will require very robust justification to accompany any such requests. This should be made known to any prospective purchasers, tenants, or occupiers of the proposed new dwelling.

**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 20th June 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 or monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, and 10/1, and as detailed in the Planning Obligation Strategy 2010.

**3. 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**