

SOUTH AREA COMMITTEE 23rd June 2014

Application Number	14/0208/FUL	Agenda Item	
Date Received	28th March 2014	Officer	Mrs Angela Briggs
Target Date	23rd May 2014		
Ward	Queen Ediths		
Site	38 Almoners Avenue Cambridge CB1 8PA		
Proposal	Demolish existing detached dwelling and erect two detached dwellings.		
Applicant	C/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><input type="checkbox"/> The proposed development respects the form and character of the area;<input type="checkbox"/> The proposed development would not have a significant adverse impact on neighbours;<input type="checkbox"/> The proposed development would not be detrimental to trees which are the subject of a Tree Preservation Order<input type="checkbox"/> The scheme successfully addresses the reasons for refusal of the 2013 scheme.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site lies to the south-east of Cambridge and is accessed from Queen Edith's Way. Pedestrian access is also gained from Bowers Croft to the south via a public footpath. The site is currently occupied by a two storey detached dwelling (currently vacant) with a detached single garage accessed from Almoners Avenue. Almoners Avenue is characterised mainly by detached two storey properties built in the 1960s. To the north is Topcliffe Way which is wholly residential and of a similar

character. To the south east is Bowers Croft which is also residential. The site is situated at the end of a cul-de-sac and the plot is substantially bigger than the others along Almoners Avenue. There is an electricity sub-station situated on the edge of the plot (but not inside it), and it is separated around its perimeter by a boundary fence. The site does not fall within the Conservation Area or the Controlled Parking Zone (CPZ).

- 1.2 On the western boundary of the site are three mature trees, a Lime, a Beech and a Cherry tree. To the front of the existing dwelling is a Silver Birch tree. These trees are protected by a Preservation Order (TPO).

2.0 THE PROPOSAL

- 2.1 The full application proposes to demolish the existing dwelling and garage, and erect two detached four bedroom houses with ancillary parking.

- 2.2 The application follows a previous application (Ref: 13/0891/FUL) for three dwellings, which was refused, and is currently subject of an appeal.

- 2.3 There were four reasons for refusal which are as follows:

1. The proposal for the erection of three dwellings on the site would introduce a form of development that would be contrary to the prevailing form and character of Almoners Avenue. The proposed dwellings would occupy a large proportion of the plot, particularly in the case of plots 1 and 2 on the amended layout plan, and therefore would appear to be at odds with the existing plot ratio of Almoners Avenue in which the house to plot ratio is more uniform comprising of detached dwellings within spacious rectangular shaped plots. The erection of three dwellings on the site is therefore considered to result in a cramped form of development and not in keeping with the character of the area. The proposed development therefore fails to comply with the aims and objectives of Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.
2. The proposed development, in particular plots 1 and 2, would provide a poor standard of private amenity for the future occupiers by virtue of being severely over-shadowed by the

existing mature trees along the rear boundary, and by the lack of natural light that the rear garden would receive due to their orientation on the site. The proposed development would therefore be contrary to the aims and objectives of the Cambridge Local Plan (2006) policies 3/7 and 3/10.

3. The proposed development would have an impact on the existing remaining trees on the site. The application was not accompanied by a full Arboricultural report and as such the extent of the impact of the proposed development on the trees is unknown. The trees are considered to make a positive contribution to the visual amenity of the area and to the site itself. The application fails to provide sufficient information to confirm that the trees will not be adversely affected by the proposed development and as such is contrary to the aims and objectives of the Cambridge Local Plan (2006) policy 4/4.
4. The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12 and 5/14. Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

3.0 SITE HISTORY

Reference	Description	Outcome
13/0891/FUL	Demolish existing detached dwelling and erect three detached dwellings.	Refused. Appeal pending.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/8 3/11 3/12 4/4 4/7 5/1 5/14 8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010)

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, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection.

Head of Refuse and Environment

- 6.2 No objections subject to conditions relating to: Construction Hours, Collections/deliveries during construction, Dust, Piling, Electricity Sub-station (noise).

Cambridge City Council Nature Conservation Officer

- 6.3 No objection to the submitted Ecology report. Recommend condition to enhance the habitat for birds and bat boxes as per the manufacturers guidelines.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

Neither supporting nor objecting:

- ☐ 7 Bowers Croft;
- ☐ 53 Almoners Avenue

Objecting:

- ☐ 36, 49, 51, 59 Almoners Avenue
- ☐ 14 Topcliffe Way

7.2 The representations can be summarised as follows:

Neither supporting nor objecting:

- ☐ No objection to the revised plans , provided that the fencing along the SSW boundary is maintained;
- ☐ Glad to see proposal reduced from three to two houses;
- ☐ Concern about the access to the site and the use of the cycle-footpath adjacent to the proposed properties;
- ☐ Uninspiring design, but fits in well with the area;
- ☐ Concern with construction vehicles and deliveries/parking;
- ☐ Concern that houses will be rented out for multiple occupancy.

Objecting:

- ☐ Breaches the restrictive covenant on the property;
- ☐ The proposal would over-shadow and over-look no.36 Almoners Avenue;
- ☐ Loss of privacy and loss of light;
- ☐ Inappropriate development in the area and out of character;
- ☐ Why is this development needed when an area of Green Belt land (Worts' Causeway – GB1) has just been released for housing development, not far away from Almoners Avenue?
- ☐ Inadequate access;
- ☐ Increase in traffic in the area;
- ☐ Drainage problems;
- ☐ The height of the houses should be reduced (existing height = 6.85m, proposed height = 7.8m);

- Trees need to be maintained along the boundaries.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Trees and Landscaping
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Local Plan is generally supportive of residential development. Proposals for housing development on windfall sites will be permitted subject to existing land use and compatibility with adjoining uses. I am aware that this site is situated within a built up residential area, therefore the principle of further residential development on this site is supported. Furthermore, the principle of development on garden land is normally considered to be acceptable, subject to other material considerations. Garden land was considered to be brownfield land in PPG3 (now abolished). However, paragraph 53 of the NPPF advises that Local Planning Authorities now need to consider whether the loss (or the erosion) of this area as a green space to development, would be detrimental to the character of the area. In my view, given that the site is tucked away at the end of the cul-de-sac and appears to be the only plot that is much larger than those along Almoners Avenue, I do not consider that the development of the site for residential use, would have a significant impact on the character of the area.

- 8.3 The principle of development was not given as a reason for refusal on the previous application.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.5 Almoners Avenue has a relatively uniform street pattern whereby it is characterised by detached dwellings on similar sized rectangular-shaped plots. This pattern is somewhat different at the end of the cul-de-sac where the plots become less rectangular, but are still relatively spacious given the size of the houses occupying them. No.38 Almoners Avenue is situated on an irregular shaped plot and bounded by properties at Bowers Croft and Topcliffe Way (both of two-storey detached houses). To the front and crossing along the side of the site is a pedestrian footpath which links Almoners Avenue to Bowers Croft. This is lined by a number of semi-mature trees. Set back from the footpath is an electricity sub-station which is enclosed entirely and separated from the site and the public footpath, but accessed from the footpath.
- 8.6 The introduction of two detached dwellings on this site, in my view, is acceptable. The reduction of one dwelling, from the previous application, has meant that the dwellings benefit from more spacious surroundings to reflect the spacious character of Almoners Avenue. The shape of the site is an anomaly which does not reflect the more formal plot shapes of Almoners Avenue, and thus the potential to create a sustainable development for residential.
- 8.7 Due to the narrow frontage, the proposed dwellings have been pushed back into the site. The architecture of Almoners Avenue and Bowers Croft is characterised by houses set back a short distance from the street and to some extent the position of the houses will be an anomaly. The style of existing houses is very traditional with pitched roofs parallel the street and brick/weather boarding frontages. The proposed buildings are of a similar style to the existing houses. As they are pushed back, the proposed dwellings would not be as visible in the street scene, than the existing houses along Almoners Avenue, are. Notwithstanding this, I do not consider that the proposed

design approach would significantly harm the integrity of the streetscene and they would be read as being a later addition to the street. The different designs of Plot 1 and Plot 2 help to bring interest to the development whilst still maintaining the design ethos of the area. Plot 1 is the dwelling nearest to no.7 Bower Croft. Plot 2 is nearest no.36 Almoners Avenue. Plot 1 will have a detached single garage, perpendicular to the dwelling. Plot 2 would have an attached garage.

- 8.8 The access to the site would be from the existing point. To the rear of the proposed plots, the site would be separated to create two residential curtilages. The proposed development, in my view, provides sufficient amenity space which also reflects the character of Almoners Avenue. The mature landscaping along the rear and side boundaries will be enhanced to ensure that privacy is maintained to those dwellings beyond the site boundaries who are no.7 Bowers Croft, nos.12 and 14 Topcliffe Way and no.36 Almoners Avenue. Further consideration of the trees and landscaping is discussed below.
- 8.9 The proposal, subject of this application, seeks to address the first reason for refusal, by reducing the number of dwellings from three to two, allowing for larger plot sizes and a better relationship with the surrounding built environment. The proposal would also concur with the character of the area of relatively large dwellings, set back from the road, situated on spacious plots.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Trees and Landscaping

- 8.11 Since the refusal of the previous application, 4no. trees have been served a Protection Order. These trees are considered to have a high amenity value and therefore should be retained. Three of these trees are along the south western boundary of the site, and a Silver Birch which is on the site frontage. The proposed plans indicate that these trees are to be retained and therefore this is supported. The neighbours are concerned about how the trees will be maintained. I consider that a condition relating to tree protection would be reasonable in this case (condition 4).

- 8.12 In terms of general landscaping on the site, the plans indicate various areas of soft landscaping, to the frontage, as well as to the rear, with some areas of hard landscaping.
- 8.13 The proposal, subject of this application, seeks to overcome the third reason for refusal by retaining the protected trees and ensuring that the dwellings are kept away from the tree canopy. This is therefore supported and would help to enhance the development by retaining important existing trees on the site.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/11 and 4/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 The site abuts four neighbours; 36 Almoners Avenue, to the east, nos.12 & 14 Topcliffe Way, to the north, and no.7 Bowers Croft to the west. Nos. 12 & 14 Topcliffe Way are furthest away and sit on relatively spacious plots. The rear boundary treatment of these properties are quite mature and, in my view, I do not consider that the proposed development would have a significant impact on their amenity due to the distances between them. The distance from the rear of the new dwellings to no.12 Topcliffe Way is approximately 35m. The distance from the same point from 14 Topcliffe Way is 31m. Elsewhere, the site boundaries are currently also mature on both sides. I understand that some planting will need to be removed in order to accommodate the proposed development. Boundary treatment details could be secured by condition to ensure that adequate screening can be retained. However, a good degree of mature boundary treatment would remain. The neighbours who would be most affected, in my view, would be 36 Almoners Avenue and 7 Bowers Croft, as they are closest. 36 Almoners Avenue is the next door neighbour and would be 7m away from the edge of Plot 2. 7 Bowers Croft would be 18m away from the single storey element of Plot 1.
- 8.16 In terms of scale, the proposed dwellings would be about 1m higher than the existing surrounding properties. But, given the position and orientation of the dwellings and the design approach, the dwellings would be noticeable but I do not consider that the dwellings would unduly compete with the

surrounding dwellings or significantly dominate the neighbours' outlook.

- 8.17 The design of plot 2 (which mainly affects 36 Almoners Avenue) means that the main bulk of the dwelling is stepped away from the boundary with 36 Almoners Avenue, with the flat roof single storey garage being closest to this boundary. I note that there is a garage on the boundary with the site, belonging to 36 Almoners Avenue and therefore this relationship is considered to be acceptable. In terms of over-looking Plot 2 has no side facing windows towards 36 Almoners Avenue, except for a small side window serving the landing which is accommodated at the front of the dwelling within the gable end element, on the front elevation. This area is served by a main window facing towards the front. I therefore would recommend that the side windows (both sides) could be obscurely glazed, which can be achieved by way of a condition. This would still allow light to penetrate, but reduce the perceived over-looking from these windows.
- 8.18 The design of plot 1 (which mainly affects 7 Bowers Croft) is less articulated than plot 2, but incorporates a single storey element which wraps around the front and side. This element is 3.7m from the boundary with 7 Bowers Croft and measures less than 3m in height. I consider this element is acceptable and unlikely to cause undue harm. The gable end wall of plot 2 does not have any windows at first floor level and therefore I do not consider that any direct over-looking would occur. There will be rear facing windows (serving bedrooms 1 and 2) which may cause some perceived over-looking. However, given the relationship with the boundary and orientation, it is unlikely that any over-looking will be significant and therefore I consider this to be acceptable.
- 8.19 In terms of over-shadowing, the proposed dwellings are to the west of 36 Almoners Avenue, which means that some afternoon sunlight will be affected by plot 2, as the sun moves round. However, I do not consider that this would be substantial as the element closest to the boundary is single storey only and would allow light through and would be no different to the current situation. The two storey 'wing' element to the rear of plot 2, is set further away and therefore in my view, I do not consider that this would cause a great degree of loss of light.

- 8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.21 The proposed dwellings would sit in spacious plots among other dwellings. The relationship with the surrounding built environment is considered to be acceptable, subject to appropriate hard and soft landscaping.
- 8.22 The proposed design, in my view, would ensure that sufficient privacy can be achieved between the two dwellings and that the splitting of the site can be achieved successfully, giving good amenity areas for both properties. Off street parking is provided for both dwellings which would mean less pressure on competition for on-street parking in the area.
- 8.23 The site is located close to an electricity sub-station. This has been acknowledged by the Environmental Health team, who have recommended a condition to ensure that the properties are mitigated against any noise emanating from the sub-station. I consider this condition is necessary and reasonable.
- 8.24 The proposal, subject of this application, seeks to overcome the second reason for refusal by reducing the number of dwellings from three to two, and thereby allowing the dwellings to site on more spacious plots, be re-positioned away from the boundaries and tree canopies. This would also improve the amount of natural light that the rear gardens would receive.
- 8.25 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

- 8.26 No refuse store is indicated on the plans. However, there is sufficient space on both plots to comfortably accommodate a

refuse store, in my view. Further details of waste management can be secured by condition (condition 15).

- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.28 The Local Highways Authority initially raised a concern about the width of the access, which was not clear on the plans. The existing access would be utilised to serve the two proposed dwellings and measures 4.5m in width. The Local Highways Authority have confirmed that this is acceptable.
- 8.29 The neighbours have raised concerns about the potential increase in traffic generation in the area as a result of the proposal. The site is located at the end of a cul-de-sac and adjacent to a public foot path which links Almoners Avenue and Bowers Croft. There is no intention to affect this right of way, or to open it up to vehicles. I therefore do not consider that this would be affected. In terms of the increase in traffic, the proposed development would result in a net gain of one dwelling. I do not consider that it would be reasonable to refuse planning permission on the basis that one (net) additional dwelling would compromise highway safety. Furthermore, the Local Highways Authority Officer has not raised this as a concern.
- 8.30 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.31 The proposed development incorporates off-street car parking and garage accommodation for each dwelling. This concurs with the character of the street where most dwellings have off-street parking facilities. There is also sufficient space for cars to be able to turn and exit in a forward gear. I therefore consider this provision to be acceptable.
- 8.32 In terms of cycle parking, there are no details submitted with the plan. However, I consider that there is ample space for each dwelling to accommodate cycle parking. This can be

achieved by way of a condition requiring further cycle parking details (condition 5).

- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.34 I have address most of the concerns from the neighbours. However, I would comment as following on the outstanding issues:

Construction vehicle parking:

Whilst I understand that there will always be some obstruction or inconvenience of construction vehicles parking on the street, if vehicles are obstructing the highway, this would be a civil matter with the Police.

Concern that houses will be let out as multiple occupancy:

The application makes no indication of this. If this were to be the case, planning permission for a change of use would be required if the dwellings are occupied by more than six people.

Breaches the restrictive covenant:

Covenants are not a material planning consideration and as such we cannot give any weight to this concern. If planning permission is granted, this would not override any other legal obligation on the land, such as covenants, rights of way etc.

Why is this development needed when an area of Green Belt land (Worts' Causeway – GB1) has just been released for housing development, not far away from Almoners Avenue?:

This site is a windfall site, which is supported by Policy 5/1 of the Local Plan. The site is considered to be sustainable, within an established residential area, with the potential for re-development. The allocation of GB1 for housing falls under the new deposit Local Plan, which is yet to be adopted. Therefore, we are required to assess all applications against the current adopted Local Plan, which I have already concluded, is acceptable.

Drainage problems:

The application indicates that drainage would be via the existing sewers. The area is not located within an area of high flood risk (as shown on the Environment Agency's flood Map), and as such specific details of surface water drainage is not necessary for planning purposes, in this case. Technical details of drainage would be covered under Building Regulations. The Environment Agency have not raised a concern about this from a drainage point of view.

Planning Obligation Strategy

Planning Obligations

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

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.36 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.
- 8.37 The application proposes the erection of two four-bedroom houses. One residential unit would be removed, so the net total of additional residential unit is one. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
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		
4-bed	4	238	952	1	952
Total					952

Indoor sports facilities					
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		
4-bed	4	269	1076	1	1076
Total					1076

Informal open space					
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		
4-bed	4	242	968	1	968
Total					968

Provision for children and teenagers					
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		
4-bed	4	316	1264	1	1264
Total					1264

8.38 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

8.39 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:

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

- 8.40 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

- 8.41 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:

Waste and recycling containers			
Type of unit	£ per unit	Number of such units	Total £
House	75	2	150
Flat	150		
Total			150

- 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 Cambridge Local Plan (2006) policies 3/7, 3/12 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. It was agreed at

Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. For this application a monitoring fee of £314.60 is required.

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 In conclusion, I consider that the proposed development is acceptable and approval is recommended, subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement and 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. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

3. Prior to the occupation of the dwellings, hereby permitted, a scheme for the type and location of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To improve the bio-diversity contribution of the site (Cambridge Local Plan 2006 policies 3/1 and 4/7).

4. In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of two years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with British Standard 5837 and the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

5. 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)

6. The building shall not be occupied until the area identified on the approved plans for car parking has been drained and surfaced in accordance with details submitted to and approved by the local planning authority in writing and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To avoid obstruction of the surrounding streets and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

7. 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)

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

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

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

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

10. 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 5228-1:2009 Code of Practice 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 amenity of neighbours (Cambridge Local Plan 2006, policy 4/13)

11. Part A:
Prior to the commencement of refurbishment/ development works, a noise report including a low frequency noise analysis and the provisions of British Standard (BS) 4142:1997 (Method for rating industrial noise affecting mixed residential and industrial areas) that considers the impact of the substation noise upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Part B:

Following the submission of the noise report and prior to the commencement of refurbishment/ development works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise from the neighbouring industrial use shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. These levels shall be achieved with ventilation meeting both the background and summer cooling requirements.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To protect the amenity of future occupiers of the development (Cambridge Local Plan 2006, policies 3/7 and 4/13)

12. 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)

13. 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)

14. The windows on the east and west elevations at first floor level (serving the landing) of Plot 2 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

15. Prior to the occupation of the dwelling, hereby permitted, the on-site storage facilities for waste and recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements 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 (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

INFORMATIVE:

To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

Council's Supplementary Planning Document Sustainable Design and Construction 2007:

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

INFORMATIVE:

Electricity substations are known to emit electromagnetic fields. The NRPB has set standards for the release of such fields in relation to the nearest premises. The applicant is advised to contact The Health Protection Agency, Radiation Protection Division, Chilton, Didcot, Oxon OX11 0RQ, tel: 01235 831600 for advice regarding the electric/magnetic fields that are associated with electric substations.

INFORMATIVE:

If during the works contamination is encountered, the Local Planning Authority should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The applicant/agent to need to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

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 8th August 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, waste facilities, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 the and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

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