

Application Number	14/1254/FUL	Agenda Item	
Date Received	6th August 2014	Officer	Miss Catherine Linford
Target Date	5th November 2014		
Ward	Arbury		
Site	149 Histon Road Cambridge CB4 3JD		
Proposal	Proposed residential development - erection of 15 dwellings (following the demolition of all buildings on site) comprising 6 x studio apartments and 9 x 1 bed flats, along with cycle parking and hard and soft landscaping.		
Applicant	Identified Developments Ltd		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <p>The development does not provide a high quality environment for future occupiers.</p> <p>The revisions to the scheme do not overcome the concerns expressed by the Inspector in relation to an appeal for a very similar development</p> <p>In the absence of a planning obligation appropriate contributions towards essential community infrastructure has not been provided.</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is in allocated site 5.07 “Willowcroft, Histon Road”, which is 1.47 hectares in area, with proposed use given as “Housing” with policy 5/1 specifically referenced.
- 1.2 149 Histon Road is an almost square parcel of land situated at the back of the Willowcroft site, presently occupied by a single-

storey dwelling and outbuildings. The site has no street frontage and is accessed via a track, which passes along the side of an industrial building, adjacent to the common boundary with the houses on Nursery Walk. This area is mixed in character and uses. To the west are the rear gardens of houses on Richmond Road; and to the north are the rear gardens of houses on Nursery Walk. To the east is an industrial building, which is split into two units with the one closest to the access road currently vacant, and the other used for manufacturing/light industry; and to the south is an industrial building currently used as a truck centre/garage.

- 1.3 The site is not within a Conservation Area or the Controlled Parking Zone (CPZ).

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the erection of a part three-storey, part two-storey building containing 15 flats (6 x studio apartments and 9 x 1 bed flats) following demolition of all buildings on the site, along with cycle parking and hard and soft landscaping.

- 2.2 At its closest point, the proposed building would stand 6.2m from the common boundary with Richmond Road and 7.4m from the common boundary with Nursery Walk. The building would be almost 'T-shaped' with the section closest to Nursery Walk being two storeys in height and the rest of the building being three storeys in height.

- 2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Transport Statement
4. Ecology Report
5. Tree Survey
6. Sustainability Report and Sustainability Checklist
7. Noise Assessment
8. Utilities Statement
9. Environmental Desk Study
10. Addendum Statement
11. Shadow Study

12. Site Waste Management Plan
13. Sustainability report
14. Noise assessment
15. Views and plans
16. Lighting proposals and report
17. Surveillance Plan

2.4 The application has been submitted following the refusal of planning permission for a similar scheme in April 2013 under officer delegated powers (application reference 13/0028/FUL). The reasons for refusal were as follows:

1. The application site forms part of a wider site which has been allocated (as 5.07 in the Proposals Schedule) for housing development in the Cambridge Local Plan (2006). The draft Masterplan submitted with the application does not provide sufficient evidence that an appropriate layout, open space provision and access routes for future development on the wider site are safeguarded. The proposal therefore fails to comply with policies 3/6 and 3/10 of the Cambridge Local Plan (2006), and government guidance in Section 7 of the National Planning Policy Framework.

2. Because the site is not in a location close to public transport routes and amenities the proposed car free development does not provide satisfactory living accommodation for future residents. The proposed layout will mean that vehicles will park in a haphazard manner, causing inconvenience to residents and visitors. Therefore the proposals are contrary to policies 3/4 and 3/7 of the Cambridge Local Plan (2006).

3. Vehicles using the access road will cause harm to neighbour amenity in Nursery Walk, contrary to policy 3/7 of the Cambridge Local Plan (2006).

2.5 A subsequent planning appeal was dismissed and the Inspectors decision letter is attached to this report as Appendix 1. In making his decision the Inspector did not accept some of the arguments put forward by the Council in relation to reasons for refusal. He did not consider that the development of the site would prevent the remainder of the site for housing. He also considered that the site was suitable for car free accommodation and that the amenity of existing residents would

not be harmed as a result of use of the access road or inconsiderate parking.

- 2.6 The Inspector dismissed the appeal on the basis that the development would not provide acceptable living conditions for future residents. In particular he notes at paragraph 12 that the approach to the site is overtly commercial and the development would be concealed by an industrial building and that occupiers would be likely to feel unsafe particularly during the hours of darkness.
- 2.7 The appeal decision is a significant material consideration in this case and should be taken into account in the determination of this application.
- 2.8 Planning permission had previously also been refused, under delegated powers, in August 2012, for a scheme of 6 terraced houses on the site. An appeal against this decision was also dismissed.
- 2.9 The key change that has been made to the scheme in comparison with the 2013 scheme is that a proposal for providing street lighting on the access road has been included. Lighting proposals, a Lighting Report, a Surveillance Plan and a Planning Addendum Statement has been submitted but all other supporting information and the plans/elevations of the flats remain unchanged.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0756/FUL	Proposed residential development – erection of 6 terrace dwellings along with car and cycle parking and hard and soft landscaping following the demolition of all buildings on site.	REF Appeal dismissed
13/0028/FUL	Proposed residential development – erection of 15 dwellings (following the demolition of all buildings on site) comprising 6 x studio apartments and 9 x 1 bed flats,	REF Appeal dismissed

along with cycle parking and hard and soft landscaping.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 s 3/6 3/7 3/8 3/10 3/11 3/12 3/13 4/4 4/13 4/15 5/1 5/4 8/2 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 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning	Sustainable Design and Construction (May 2007)

Guidance	<p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge City Council (2011) – Open Space and Recreation Strategy</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2003)–Northern Corridor Area Transport Plan</p>

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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The only access for pedestrians and cyclists to the development is via an access shared with an overspill car park for the adjacent supermarket and the dedicated car park for a factory unit. The applicant although including the access within their red line has made no attempt to create a route that will guide pedestrians and cyclists from the development to the adopted public highway and provide warning to motorists that vulnerable users are likely to be encountered.

The most direct route from the site to Histon Road is via a private hard paved track that emerges between 153a Histon Road and 1 Longview Terrace. This route represents the most direct route to the City of Cambridge from the development.

The proposal to have zero car parking (other than a single disabled accessible bay) on the site has the potential to increase irregular parking along the private roads that surround the site or to impact on the car park of the adjacent supermarket. This has the potential to represent a loss of amenity for the other local residents.

The proposed installation of a turning head to enable the collection of refuse has the potential to provide space for irregular on site car parking (roughly between three and five spaces) and the Highway Authority suggests that the Planning Authority may wish to investigate how the on-site parking is to be controlled.

The proposed development will trigger Northern Area Transport Corridor Payments. Given the availability of irregular off highway car parking in the immediate vicinity of the development the Highway Authority does not accept the reduction in movements to and from the properties and the payment should be calculated using the full 8.5 movements per day per property.

Head of Environmental Services

- 6.2 No objection in principle subject to conditions relating to contaminated land, demolition/construction noise and vibration, construction hours, collection/delivery hours during construction, piling, dust suppression and routes for refuse vehicles. The Lighting Proposals and Report has been reviewed in relation to potential for overspill and light pollution and it considered acceptable.

Urban Design and Conservation Team

- 6.3 The proposed brick entrance piers to help the legibility of the site. Lighting and CCTV is acceptable in design terms and has helped to address the concerns raised by the Planning Inspector on the previous refused scheme. Further amendments are recommended in relation to introduction of a green/brown roof for the flat roofed areas, details of proposed materials and a canopy to improve the legibility of the building.

Head of Streets and Open Spaces (Nature Conservation Officer)

- 6.4 No comments received.

Head of Streets and Open Spaces (Landscape Team)

- 6.5 No comments received.

Cambridgeshire County Council (Archaeology)

- 6.6 The site lies in an area of high archaeological potential. A condition is recommended requiring a programme of works.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.7 Unable to support the application due to lack of surveillance for the area and the commercial nature of the area.
- 6.8 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 and object to the application:
- 11 Nursery Walk
 - 149b Histon Road (Midsummer Energy)
- 7.2 The representations can be summarised as follows:
- Supports principle of residential development but is concerned about the scale of the proposal and increased traffic.
 - Parked vehicles already generate problems for deliveries to commercial premises.
 - Residents are likely to park in the supermarket car park which will exacerbate existing problems.
 - Residents are likely to park on surrounding streets
 - The issue of safety of the access route has not been adequately addressed because the approach road is not in the control of the applicant.
 - Use of the access will disturb neighbours
 - There will be direct overlooking of houses in Richmond Road
 - Boundary walls are of insufficient height to provide security for neighbours.
 - Trees should not be removed
 - The development is out of character with the surrounding area.
 - The scale of development would prejudice comprehensive development of the Willowcroft site.

7.3 The owners/occupiers of the following addresses support the application:

- 117 Darwin Drive
- 149 Histon Road
- 102 Richmond Road
- 88 Windsor Road
- 8 Bridge Lane, Little Shelford (owner of two adjacent industrial buildings)
- 37 The Limes, Harston

7.4 The representations can be summarised as follows:

- The development provides much needed residential development. (3)
- A user of the petrol station/Co-Op has not witnessed anti-social behaviour or felt personal safety has been threatened.
- No current experience of anti-social behaviour in this location. (3)
- Tree protection measures supported
- Proposed lighting would improve safety for neighbours using rear accesses.
- It seems unlikely that the proposed lighting will result in light pollution
- New lighting and CCTV will enhance the area. (2)
- The additional units will increase the number of movements and interactions in the area.
- The development will not prejudice the comprehensive development of the wider allocated site.
- A car free development at Akeman Street/Histon Road has not given rise to an increase on on-street parking as feared.

7.5 The owners/occupiers of the following addresses neither support nor object to the application:

- 7-10 Chandos Street, London (representing owner/occupier of an adjacent site)

7.6 Windsor Road Residents Association objects on the following grounds:

- Inadequate provision of public transport – buses do not operate as frequently as suggested in the application

- Cycling is not a realistic option
- Inadequate provision for on-site car parking
- Lack of capacity for additional on street parking locally particularly in the light of planning permission being granted on nearby sites.
- Car ownership is higher in the area than suggested in the application

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

Principle of Residential Development

Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. This site forms part of Proposals Site 5.07 (Willowcroft, Histon Road) and is allocated for housing. The proposed use as private residential dwellings is compatible with the allocation.

8.2 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of

traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part.

- 8.3 The principle of the development of the site has been established by the allocation in the Local Plan and the Inspector has not raised any concerns about the principle of residential development. The outcome of the appeal has established that there is no conflict with policy 3/10.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and part c) of policy 3/10 of the Cambridge Local Plan (2006).

Comprehensive Development

- 8.5 The application site is situated within Proposals Site 5.07 (Willowcroft, Histon Road) as allocated in the Cambridge Local Plan (2006). This is the first part of this Proposals Site to come forward for development and it is therefore important to assess the implications of the development for other parcels of land in the immediate vicinity and whether development here would prejudice development of adjacent sites and therefore conflict with Local Plan policy 3/6 (Ensuring Co-ordinated Development). Policy 3/6 states that the development of site of part of a site will only be permitted where it can be demonstrated that due consideration has been given to safeguarding appropriate future development on the remainder of the site or adjacent sites.
- 8.6 In order to demonstrate that the development of the wider Proposals Site has been considered and that the proposal does not prejudice its development, the applicant has submitted a suggested Masterplan for the entire Proposals Site. In my view this Masterplan has significant shortcomings in respect of the layout, the assumptions made about building typologies, the provision of open space, and the arrangement of routes. The Masterplan does not represent an acceptable proposal for

comprehensive development of the site, and it does not provide convincing evidence that the present proposal would safeguard the opportunity for such development. However the Inspector argues that notwithstanding the Council's concerns about the Masterplan, the site occupies only a small part of the allocation and its development would not prejudice the development of the remainder. In the light of the Inspectors views which have not been challenged it would be difficult to justify refusal on the basis of non-compliance with policy 3/6.

- 8.7 The proposal complies with policies 3/6 and part f) of policy 3/10 of the Cambridge Local Plan 2006, and to government guidance in paragraphs 56, 57, 58 and 64 of the Framework.

Context of site, design and external spaces

- 8.8 The site currently houses a single, single-storey dwelling with some dilapidated buildings to the east and overgrown garden area to the south and west. The site is enclosed by industrial uses on the east and southern boundaries and residential to the north and west.
- 8.9 To the north of the site, two-storey detached dwellings face onto Nursery Walk. Houses in that street have their rear and side gardens abutting the application site to the north. Houses in Richmond Road have gardens abutting the common boundary to the west.
- 8.10 The proposed building, which is identical to the 2013 scheme, would rise to three storeys in height adjacent to the southern and western boundaries (the boundary with Richmond Road) and two storeys in height adjacent to the more sensitive northern boundary (with Nursery Walk).
- 8.11 The proposed building would stand 7.4m from the northern boundary, 14.2m from the rear elevation of 16 Nursery Walk, which is the closest to the common boundary. The application site is 0.6m lower than the ground level of Nursery Walk, and as a result the roof height of the two-storey element is below the eaves height of the houses on Nursery Walk. The taller three storey element of the building is set back 9.4m from the northern elevation. When compared with to adjacent properties, it is my opinion that the proposed scale of development is appropriate.

- 8.12 The proposal has the potential to create an interesting development with the inset balconies providing a degree of articulation in the south, west and east elevations. No information has been submitted regarding materials, and if the application were to be recommended for approval I would recommend that samples were required by a condition.
- 8.13 The proposed entrance to the building is illegible, due to the arrangement of similar sized windows on the first and second floors. A projecting canopy as recommended by the UDC team would improve the legibility of the building, and if the application were to be recommended for approval details of this could be required by a condition.
- 8.14 In my opinion, if the implications for development of the wider site, and the possible impact on neighbour amenity are set aside, and the site is considered in isolation, the design and location of the proposed building would be compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Public Art

- 8.15 A Public Art Delivery Plan has not been submitted. As the site is not visible from the public realm it is my view that it would not be appropriate for public art to be provided on site. Instead, a commuted public art payment to the S106 Public Art Initiative would be appropriate and this would need to be secured through a S106 agreement. This approach was accepted in relation to the 2013 scheme.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

Renewable energy and sustainability

- 8.17 Policy 8/16 of the Cambridge Local Plan (2006) states that developers of major proposals will be required to provide at least 10% of the developments total predicted energy requirements on site.
- 8.18 The Sustainability Statement submitted as part of the application explains that the applicant has looked at the possible alternative sources of renewable energy for this site,

and it is their opinion that the most cost effective solution given the scale of development and the constraints of the site would be the use of solar water heating. It is proposed that the solar panels would be mounted on the flat roof of the three-storey element of the building, angled at 20 degrees facing south. If the application were to be recommended for approval details of these solar panels could be approved by condition.

- 8.19 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

Residential Amenity

Impact on amenity of neighbouring occupiers

Overshadowing/enclosure/dominance

- 8.20 The proposed building would stand to the south of the houses on Nursery Walk, 7.4m from the common boundary. Shadow diagrams have been submitted and these demonstrate that these neighbouring houses would not be overshadowed by the development. In my opinion, due to the separation distance between the building and the common boundary the development would also not dominate or enclose these neighbours to an unacceptable degree.

- 8.21 The proposed building would stand to the east of the houses on Richmond Road. The submitted shadow diagrams show that the building would overshadow the bottom of these neighboring gardens in the morning, but as these neighbouring gardens are long it is my opinion that this would not have a significant detrimental impact on the ability of these occupiers to enjoy their gardens, and is acceptable.

Overlooking

- 8.22 All windows on the northern elevation of the two-storey element would be obscure glazed and there would therefore be no potential for overlooking Nursery Walk from this side of the building. The windows on the northern elevation of the three-storey element are limited to the circulation areas and as they

are set back 23.4m from the common boundary, these windows pose no overlooking concerns in my view.

- 8.23 There are windows and balconies on the western elevation. However, there is mature planting along the common boundary with Richmond Road and approximately 35m between buildings. Taking this into consideration, I do not consider that the impact will be so significant as to warrant a refusal. I do note that in the winter months when the leaves have shed there will be a clearer view into these gardens but there is a distance of 6m from the rear elevation to the common boundary with Richmond Road. I do accept that the rear parts of these gardens would be over looked but the adjoining properties on Richmond road already overlook this area and more.

Noise and disturbance and the access road

- 8.24 The application proposes a car free development, with the exception of one disabled parking space. The officer view in relation to the 2013 scheme was that this is not a suitable location for a car free development and that cars will be parked in an ad hoc manner on the site, and along the access road which will have a detrimental impact on neighbouring properties on Nursery Walk due to noise and disturbance. The 2013 application was refused on these grounds.
- 8.25 The Inspector did not accept the arguments put forward by the Council in relation to the noise and disturbance arising from a car free development. In the light of the Inspectors views which have not been challenged it would be difficult to justify refusal on the basis of non-compliance with policies 3/4, 3/7 and 3/10 on these grounds.
- 8.26 In my opinion the proposal does adequately respect the residential amenity of its neighbours in terms of overshadowing, dominance, overlooking and additional noise and disturbance. Therefore I consider that it accords with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.27 The studios/flats themselves provide a reasonable level of amenity for future residents. All of the units have a private balcony and there is amenity space around the building.

However the access to the site is very enclosed as it is bordered by a large scale industrial building and the boundary fence along the common boundary with Nursery Walk and there are limited opportunities for natural surveillance of the site.

- 8.28 In his decision letter the Inspector reaches the view that the location of the site and the means of access are 'highly unattractive' and that future residents of the site are likely to feel unsafe and vulnerable. He acknowledges that lighting, surfacing and planting would help to address this but in his words 'this would not be sufficient remedy, nor would it improve the first off-site part of the approach from the main Histon Road'.
- 8.29 The applicant has responded to the appeal decision by submitting a Lighting Plan including proposals for lighting columns along the access road and a Surveillance Plan which shows which windows face the site in adjacent houses in Nursery Walk. It is also proposed to erect brick piers at the site entrance to define the entrance and provide CCTV. The Surveillance Plan demonstrates that there will be some overlooking of the site from Nursery Walk. However, physical access to this site from the Nursery Walk houses requires a lengthy journey via Histon Road, Windsor Road, Oxford Road, Wentworth Road and Richmond Road. Given the limited level of surveillance and the inaccessibility of the site from Nursery Walk, I consider that there would be little to deter crime or anti-social behaviour in this location.
- 8.30 The relationship of the site to other land uses and particularly the presence of the large industrial building negate the possibility of creating a development which will integrate well with the surrounding area. While the provision of street lighting will improve the access it will be limited in extent as a result of third party land ownerships and does not address my concerns about the relationship of the site to its surroundings.
- 8.31 CCTV is to be provided which will be supervised from the concierge area inside the building. The applicants have suggested that this provision could be secured during the hours of darkness by a planning condition. In my view such a condition would be difficult to enforce and the comparatively small scale nature of the development would render long term concierge provision unlikely.

- 8.32 Part h) of policy 3/7 of the Cambridge Local Plan (2006) states that proposals should avoid the threat and perceived threat of crime. In my opinion despite the changes that have been made, the previous Inspector's concerns have not been resolved. Walking or cycling down the access road would continue to feel unsafe and the site is not well integrated into the surrounding area.
- 8.33 In my opinion the proposed development does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.34 The bin store shown on the submitted plans is not of a sufficient size, and the refuse lorry would need to access the site to collect the waste. As the access road is proposed to be un-adopted, a construction specification would be required for the road to ensure that the lorry could gain access to within 10m of the bin store, without damaging the road. This could be required by condition if the application were to be recommended for approval, along with details of a larger bin store.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.36 The application proposes a car free development, with the exception of one disabled parking space. Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that one parking space should be provided for each studio or one bedroom flat. This is a maximum and reduced levels of car parking can be acceptable where good public transport accessibility exists. The view of the Inspector is that the site is suitable for a car free development. In the light of the Inspectors views which have not been challenged it would be difficult to justify refusal on the basis of non-compliance with policy 8/10 on these grounds

8.37 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that at least one covered, secure cycle parking space should be provided for each bedroom. Here, this equates to 15 cycle parking spaces. 16 spaces are proposed within an internal store. This meets the standards and is acceptable.

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

Third Party Representations

8.39 The majority of issues raised by objectors to the application have been dealt with in my assessment and were also considered by the Inspector in making a decision on the most recent appeal. Had the application been recommended for approval a boundary treatment condition could have been added to secure an appropriate boundary height. There are also letters in support of the application but the issues raised by supporters do not alter my recommendation.

Planning Obligation Strategy

Planning Obligations

8.40 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 Public Art Supplementary Planning Document 2010 addresses

requirements in relation to public art (amend/delete as applicable). 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

8.41 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.

8.42 The application proposes the erection of six studio apartments and 9 one-bedroom flats. One residential unit would be removed, so the net total of additional residential units is fourteen. 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					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
3	15	12	12	238	2856

Indoor sports facilities					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
3	15	12	12	269	3228

Informal open space					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
3	15	12	12	242	2904

Provision for children and teenagers					
Existing total bedrooms	New total bedrooms	Net additional bedrooms not in 1-bed units	Assumed net additional persons not in 1-bed units	£ per person	Total £
3	15	0	0	316	0

8.43 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and in accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), the proposal is in conflict 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

8.44 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	14 additional	16328
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			16328

8.45 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

8.46 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		
Flat	150	14 additional	2100
Total			2100

8.47 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Public Art

8.48 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.18 to 8.19 above that in this case a commuted public art payment to the S106 Public Art Initiative is appropriate. This commuted sum needs to be secured by the S106 planning obligation.

8.49 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal is contrary to Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Household Recycling Centres

- 8.50 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.
- 8.51 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD.
- 8.52 For new development in Cambridge the relevant HRC is located at Milton. The following table sets out how the contribution per new dwelling has been calculated for the Milton HRC.

Notes for Milton	Infrastructure/households	Source
4 sites at £5.5 million	£22 million	Cost per site sourced from Mouchel Parkman indicative costs 2009
Total catchment (households)	115,793	WMT Recycling Centre catchment tables CCC mid 2009 dwelling figures
New households	24,273	CCC housing trajectory to 2025 as of December 2010

<u>Infrastructure costs</u>		
Total number of households in catchment	x New households in catchment in	
<u>£22 million</u> 115,793	x 24,273	= £4,611,730
Total Developer Contribution per household = £190		

The net gain is 14 dwellings therefore the necessary contribution towards HRC is £2660.

- 8.53 In the absence of a S106 planning obligation to secure the requirements of the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012), the proposal does not accord with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

Education

- 8.54 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.
- 8.55 In this case, fourteen additional residential units are created and the County Council has confirmed that there is insufficient capacity to meet demand for lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	14	2240
2+- beds	2		160		
Total					2240

8.56 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, the proposal is in conflict with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Transport

8.57 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies within the Northern Corridor Area Transport Plan where the contribution sought per trip is £399.

8.58 Using the County Council standard figures for the number of trips likely to be generated by residential units, contributions have been calculated as follows.

Northern Corridor Area Transport Plan				
Existing daily trips (all modes)	Predicted future daily trips (all modes)	Total net additional trips	Contribution per trip	Total £
8.5	127.5	119	£399 (NCATP)	47,481

8.59 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal is contrary to Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.60 The Planning Obligation Strategy (2010) requires that all new 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. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.61 For this application a monitoring fee of £1371 is required to cover monitoring of City Council obligations plus the County Council monitoring fee and the monitoring fee associated with the provision of public art.

Planning Obligations Conclusion

- 8.62 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 Inspectors decision in relation to the determination of the recent planning appeal is a significant factor in the determination of this application. The Inspector did not accept the Council's arguments regarding the need for a comprehensive development and the car free nature of the development proposals. However the Inspector did conclude that the development would not provide acceptable living conditions for future residents. The applicants have made changes to the scheme in an attempt to address these criticisms but in my view these changes do not address the key issue which is that this site is not well located for residential development and would not deliver a high quality environment for future residents.

9.2 The Inspectors decision letter focusses on the relationship between the site and its surroundings and the effect this has on the residential amenity of future residents. My recommendation reflects this.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The site is set back a considerable distance from the main road to the rear of an industrial unit and is accessed via a long and narrow track. It does not benefit from a high degree of natural surveillance. As a result future residents and visitors going to and from the site would be highly likely to feel unsafe, particularly more vulnerable people, and particularly so during hours of darkness. In this regard the site would not be well connected or integrated with the immediate locality. The provision of street lighting and CCTV coverage does not provide sufficient mitigation to address the adverse impact on the residential amenity of future residents. The development is therefore contrary to policies 3/7 and 3/12 of the Cambridge Local Plan 2006 and to guidance provided in the National Planning Policy Framework 2012.
2. The proposed development does not make appropriate provision for public open space, community development facilities, life-long learning facilities, transport mitigation measures, public art, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, 8/3 and 10/1 the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, the Northern Corridor Area Transport Plan 2003 and the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document

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