

<b>Application Number</b>	14/1248/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st August 2014	<b>Officer</b>	Mrs Angela Briggs
<b>Target Date</b>	26th September 2014		
<b>Ward</b>	Market		
<b>Site Proposal</b>	19 New Square Cambridge CB1 1EY Erection of 1No. 3 bedroom dwelling with associated landscaping and access, following part demolition of rear boundary wall fronting Elm Street and part demolition of side boundary wall fronting Jesus Terrace (forming the rear garden of No.20 New Square). To include a new pedestrian access via Jesus Terrace		
<b>Applicant</b>	Mr Simon Hawkey C/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed development is acceptable in principle;</li> <li><input type="checkbox"/> The proposed dwelling would enhance the character and appearance of the Conservation Area;</li> <li><input type="checkbox"/> The proposed dwelling would not have an adverse impact on neighbour amenity or harm the historic fabric of the adjacent Listed Building, 10 Jesus Terrace.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site, situated between nos. 9 Elm Street and 10 Jesus Terrace, forms the bottom of the rear garden currently serving no.19 New Square. The site is garden land. There is a short length brick wall between the rear garden of no.19 and the front of 9 Elm Street. There is a single pear tree situated in the middle of the site which can be seen from Elm Street and the

neighbouring properties. To the rear, the site is closed off by a set of black stained timber gates which allow vehicular access to the rear garden area and a small 'hardstanding' area. The brick wall of no.20 New Square, which runs along the pavement edge to Jesus Terrace has been re-built in the recent past. The outbuilding to no.20 New Square has also been rebuilt and is a curtilage listed structure.

- 1.2 The site falls within the Conservation Area and therefore the Kite Conservation Area Appraisal is relevant. No.19 New Square is a Grade II Listed Building. No. 10 Jesus Terrace is also a Grade II Listed Building. The site is close to the City Centre, The Grafton Centre, and to Christ's Piece. The area is predominantly residential in character.

## **2.0 THE PROPOSAL**

- 2.1 The full application proposes to erect a new 3-bedroom dwelling to the rear of no.19 New Square, and between nos. 9 Elm Street and 10 Jesus Terrace. The proposed dwelling would front onto, and be mainly accessed from, Elm Street. A new opening/gate would also be created along the existing wall on Jesus Terrace which would allow side access to the site, and to the rear of nos.19 and 20 New Square. This would be mainly for bins and cycle access.
- 2.2 The application has been amended to address concerns raised by Officers relating to the accuracy of the plans and impact on the adjacent Listed Building (10 Jesus Terrace). I have also requested a shadow diagram (received 10<sup>th</sup> September 2014), showing the impact on the neighbouring properties during the March/September equinoxes, and the June and December equinoxes at 9am, 12pm, 1pm, 2pm, 3pm, 4pm (Until December only), 5pm, and 6pm (for March, June and September). I attach this shadow study as Appendix 2.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
11/1297/LBC	Phased installation of secondary glazing to existing sash and casement windows of properties 1-48 New Square (excluding properties 26, 35, 43 and 44).	Approved.

#### 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 Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 4/10 4/11 4/13 5/1 5/14 8/2 8/6 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 Guidance	Sustainable Design and Construction (May 2007) 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> Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Kite Area Conservation Area Appraisal (1996)

#### 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. The application removes an existing off-street parking space, whilst the existing dwelling will retain full rights to Residents Permits. The proposal may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is

potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application. Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

If the Planning Authority is minded to issue a permission, conditions concerning the vehicular cross-over and a construction management plan are recommended.

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

#### **6.2 Original Comments**

The principle of a new dwelling and its proposed material are supported as it will leave a suitable garden which will not compromise the setting of no. 19 New Square which is a listed building. However some of the detailing on the submitted plans is unclear.

Clarity is required as to the position of the new building. The new dwelling should not butt up to this listed building: the slate of the roof overhangs the side wall and may be compromised by the new building if it is too close. In addition the garden wall to no. 10 Jesus Terrace is buttressed along its length on the site of the new dwelling and therefore the new building should stand clear of this wall. Some of the submitted plans do show that there will be a gap between the existing listed building and the new property, others are not clear.

Should the application be approved, a condition should be imposed to ensure that the stability of the listed building (no. 10 Jesus Terrace) is monitored.

The proposal to access the rear of the property through a new gate in the boundary wall to no. 20 New Square is acceptable. The gate should be vertical timber.

There is some concern over the division of the garden between the existing outbuildings and no. 20 New Square. There was an approved consent in 2008 (08/1558/LBC) to rebuild this structure which had fallen into disrepair. The building is curtilage listed to no. 20 and therefore the introduction of a wall to form a division between the existing garden and the outbuilding to allow for a pathway to access the rear of no. 19 New Square and the new dwelling is not acceptable as it would lose its connection to the listed building. A demarcation in the ground or the introduction of a new path is all that could be supported.

The plans show the division of the outbuilding into two areas for bin and cycle storage for nos. 19 and 20 New Square. This may not be possible. Any proposed works to this outbuilding will require Listed Building Consent which may not be supported by the Conservation Team if it would alter its character.

Some clarification is required regarding the position of the new dwelling and the bin and cycle storage as proposed. Until these issues are appropriately dealt with, the application cannot be supported as it cannot be properly assessed how the application will impact on the adjacent listed building (no. 10 Jesus Terrace) and the curtilage listed out building to no. 20 New Square.

#### Comments on the amended plans:

The new plan (061 PL (21)02 B) shows that the proposed building will butt up against the existing buildings on either side of the plot. In addition a photograph has also been submitted as an example of how the roofing detail will work so that there is no potential for water or any other materials to get between the two buildings. The single storey element of the proposed building will have a new wall which will butt up to the garden wall of no. 10. This will remove the need for the buttresses which are currently supporting the wall on the side of the garden to no. 19 New Square. Provided that the roofing detail can be implemented successfully, the new building will not compromise the character or special interest of the listed building.

The area to the front garden of the proposed building will be required to show that there will be no additional non-porous

surfaces against the wall of no. 10 Jesus Terrace as this may be detrimental to the fabric of the listed building.

The removal of the proposals for the existing curtilage listed outbuilding is welcomed. However there is still no detail regarding the boundary treatment for no. 20 New Square. This should be submitted for written approval prior to the commencement of these works.

**The application can now be supported.** Provided the suggested conditions can be appropriately discharged, the proposal will not have a detrimental impact on the character or special interest of the listed buildings, nor the appearance of the conservation area. It therefore complies with policies 4/10 and 4/11 of the Cambridge Local Plan 2006.

### **Environmental Health Officer**

- 6.3 No objection subject to the following conditions: contaminated land, dust, piling, waste.
- 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:
- 10 Jesus Terrace
  - 9 Elm Street
  - 12, 13 Orchard Street
  - 1 Pearson Court (on behalf of the Cambridge Cycling Campaign)
- 7.2 The representations can be summarised as follows:
- Impact on over-looking into Orchard Street and immediate neighbouring properties;
  - Impact on the character of the Conservation Area. Infilling this gap could ruin the character and integrity of the area and the surrounding listed buildings. The double height window

on the side elevation is not at a scale in keeping with those in the surroundings;

- Concern about the construction process and impact on cyclists (including children) which use Elm Street regularly to get to school and work;
- Object to the side window over-looking 9 Elm Street;
- Concern about impact on structural stability during construction on 9 Elm Street;
- The development would lead to an unacceptable level of over-shadowing on 10 Jesus Terrace;
- New dwelling is crammed in and does not respect the setting of the Listed Building 10 Jesus Terrace;
- Concern about structural damage to 10 Jesus Terrace;
- No car parking provision;
- Concern about the new side access onto a very narrow footpath. If bins are placed here, there would be no room for pedestrians and mobility scooters/wheelchairs to pass.
- The proposal would add significantly to the existing problems of parking, noise and general disturbance;
- Concern about the 'bare brick' feature that would be against 10 Jesus Terrace. Concern about resultant noise and disturbance emanating through the 9" bricks between us;
- Concern about the single storey element of the proposal and impact on 10 Jesus Terrace.

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. Impact on the Conservation Area and Listed Building
4. Residential amenity
5. Refuse arrangements
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy



## Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) is relevant; *“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”*. The site is considered to be a windfall site and situated within a residential area. The proposed dwelling would have a street frontage and its own separate curtilage. I therefore consider that the principle of development for a residential dwelling on this site, is acceptable.

8.3 Policy 3/10 of the Local Plan is also relevant. This policy seeks to ensure that proposed development to sub-divide existing residential plots meet the following criteria:

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

*a. have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;*

*b. provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;*

*c. detract from the prevailing character and appearance of the area;*

*d. adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;*

*e. adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and*

*f. prejudice the comprehensive development of the wider area of which the site forms part.*

8.4 I will explain the impacts of those highlighted from a-e in more detail in this report. However, in my view, on balance, I consider that the proposal meets the above policy criteria. With regard to criterion ‘f’, I do not consider that this proposal would

compromise the development of the wider area of which the site forms part as this is a single gap between two existing properties, with no other land around it. I therefore consider that the proposal meets this criteria.

- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1 of the Cambridge Local Plan (2006).

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

- 8.6 The area is predominantly residential in character, mainly of 2 storeys. The Georgian architecture of New Square and Jesus Terrace is quite formal. This part of Elm Street is less formal, in my view, and is formed by flat roof garage blocks belonging to the New Square properties and the rear facades/walls of the Orchard Street properties, most of which are Listed. Elm Street is relatively narrow and quite enclosing. 10 Jesus Terrace is a corner property and has been extended along the Jesus Terrace elevation. The property has a small enclosed courtyard garden, which is entirely hard landscaped. The boundary between 10 Jesus Terrace and the site is a high brick wall. It is important to also note that there is a difference in the ground level between 10 Jesus Terrace and the site so that the boundary brick wall appears taller when seen from 10 Jesus Terrace. I have asked the agent for further clarification on this issue and will report it on the Amendment sheet. No.9 Elm Street is a detached Victorian property. It is set back from the road with metal railings along the frontage.
- 8.7 The rear garden of no.19 New Square is long and rectangular. Half way down the garden is an old privy brick building which is in poor condition but still standing. This building would be rebuilt and would be contained within the grounds of the new dwelling, and serve as a cycle store. The garden is otherwise laid to lawn, with a small hardstanding area at the rear where a car could park.
- 8.8 The proposed dwelling would essentially fill the 'gap' between 9 Elm Street and 10 Jesus Terrace. The property would be 2 storeys in height, and reflect the architectural detailing of 9 Elm Street in terms of fenestration proportions, size, roof pitch and chimney design. The side elevation of the proposed dwelling would incorporate a large asymmetric window which would be

clear and provide light into a full height atrium, behind which would be the front bedrooms. This window would also allow views through the building so that people are able to see the brick work of No 10 Jesus Terrace through this window as a feature point when walking down Elm Street towards Jesus Terrace. This is an architectural detail which would contrast with the traditional character of adjacent properties. However, I consider that the window is a successful design feature which adds interest to the street and is supported.

8.9 The dwelling would stagger between the two neighbouring properties, so from Elm Street, the dwelling would be stepped back from 10 Jesus Terrace, but stepped forward of 9 Elm Street. To the rear, the proposed dwelling would have a two-storey wing which reflects the design of the two storey wing at no.9 Elm Street, and a single storey flat, parapet, roof element which would rise up to 3m in height and extend the width of the site. It is proposed that this flat roof would be sedum planted. In design terms, I consider that the approach is acceptable and would complement the historic architecture of the locality.

8.10 The external areas have been designed to provide the proposed dwelling with its own private amenity space to the rear. A smaller rear garden area would remain as part of no.19 New Square, which I consider is of an acceptable size, commensurate to the dwelling. There would be a distance of over 20m back-to-back between no.19 New Square and the rear of the proposed dwelling which I consider is an acceptable separating distance between residential properties in an urban setting. An opening, secured by a gate, would be created within the existing wall along Jesus Terrace which would allow access for the proposed dwelling and Nos.19 & 20 New square. There is an existing outbuilding, to the rear of 20 New Square, which is also a curtilage listed building. The outer flank wall of the outbuilding forms part of the boundary wall along Jesus Terrace. This outbuilding would remain and still form part of no.20 New Square. The new opening/access would be adjacent to the flank wall of the outbuilding. A new dividing internal wall would also be erected to the rear of no.20 New Square which would create an 'alley-way' access to the rear of nos.19 & 20 New Square and to the new dwelling. This access is to allow bins and cycles to enter and exit. I consider that the alteration in the internal configuration of the rear garden areas, is acceptable. The proposed gate within the existing wall would

not adversely affect the character of the area, in my view, subject to appropriate materials.

- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

### **Impact on the Conservation Area and Listed Building**

- 8.12 The Conservation Officer has raised no objections. The plans were amended to correct inaccuracies on the previous plans and to provide more details of how the proposed dwelling would face-up to the party wall of the adjacent dwellings. No.9 Elm Street is not a listed building or building of local interest. No.10 Jesus Lane is a Grade II Listed Building, which has been extended fairly recently. No.19 New Square is also a Grade II Listed building (as is no.20). The properties of Orchard Terrace, to the south, are also listed buildings. The locality, therefore, has historic significance.
- 8.13 I agree with the Conservation Officer's view, on the basis of the amended plans. I consider that the proposed dwelling would complement the historic character of the area, whilst respecting the integrity of the neighbouring listed properties. Furthermore, I consider that it is reasonable to append conditions to secure material samples, in order to achieve a high quality construction and to ensure that they are appropriate in context.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 4/10 and 4/11.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.15 The neighbours who would be most affected are those either side of the site. I consider that the impact on the host dwelling, no.19 New Square, would be low. Their outlook would change as they would be used to seeing a long green garden. However, I do not consider that it would change, detrimentally, as some of the New Square properties already look out onto other residential properties or other domestic buildings of some kind. I understand that residents of Orchard Terrace are also concerned about the change in character and their outlook. Orchard Terrace properties have very shallow gardens, and

therefore their outlook is dominated by other dwellings or the rather high wall running along Elm Street which forms their rear boundaries. I do not consider that the proposed dwelling would adversely harm their outlook, over and above the existing situation.

- 8.16 Turning to the impact on no.10 Jesus Terrace. The site is due west of 10 Jesus Terrace. The amenity space is comparably small for the size of property and is all hard landscaped with plants growing along the boundary walls. I visited the neighbour and was able to stand in the courtyard. It is an enclosed space. The agent has submitted shadow diagrams which show that the courtyard area is already overshadowed at various times throughout the year. The shadow diagrams indicate there will be some further over-shadowing of the courtyard area, as well as over the kitchen extension during the March and September equinoxes at 3pm through to 5pm. However, I have concluded, that, on balance, the impact would not be significant enough to warrant refusal of this application.
- 8.17 In terms of over-looking, there are two first floor level windows, to the rear, on the proposed dwelling. The nearest window to no. 10 Jesus Terrace, would serve a bathroom. This window could be obscurely glazed, and fixed shut to avoid any direct over-looking. There is also another window in the gable end second storey element, which would serve a bedroom. This window would be set further away and would only have an oblique angle of over-looking which would not be direct. I therefore consider that in terms of loss of privacy, 10 Jesus Terrace, would not be detrimentally affected. The windows at ground floor level (the bi-folding doors), would not cause any loss of privacy to either neighbours.
- 8.18 Turning to the impact on no.9 Elm Street. The site is due east of 9 Elm Street. The shadow diagrams indicate that additional over-shadowing to the front of the property occurs at 9am during the June Equinox, which then significantly lessens by midday and beyond. The diagram indicates that during the other equinoxes at the times specified, the impact of over-shadowing, would be low.

- 8.19 In terms of over-looking, I consider that the proposed dwelling would not cause significant harm to neighbour amenity. The window to the bedroom to the rear is set back and therefore any over-looking would not be significant.
- 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, 3/7 and 3/12.

#### Amenity for future occupiers of the site

- 8.21 The future occupiers would enjoy a high quality living environment with adequate amenity space to the rear. The site is located close to the city centre and other local amenities such as schools and sports centres. I therefore consider that the amenity for future occupiers of the site is acceptable.
- 8.22 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**

- 8.23 Bin storage for the proposed dwelling would be to the rear, within the garden area, and close to the cycle store. The new access onto Jesus Terrace allows the bins to be taken out on collection days. Concern has been raised about the bins obstructing the narrow footpath on Jesus Terrace. There was evidence during my site visit that bins are generally grouped together in certain places within this locality. Residents then collect them after collection and bring them back to their property. I consider that a suitable arrangement can be achieved, to avoid the bins cluttering the streets. Access to bin storage has also been provided for 19 & 20 New Square, via the new gate.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Car and Cycle Parking**

- 8.25 The proposal results in the loss of a car parking space that is currently associated with no.19 New Square. This is accessed via the timber gates from Elm Street. No car parking is proposed for the new dwelling. The site is sustainably located where the need for a private car, in my view, is not warranted, and alternative modes of transport should be encouraged. I therefore conclude that car parking provision is not required for this proposed development.
- 8.26 In terms of cycle parking, it is intended to re-build the old privy and use this for cycle storage for the proposed dwelling. I consider this is acceptable. I am also confident that adequate cycle parking can be achieved for 19 New Square. (Access is also given to no.20 New Square for cycles and bins).
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.28 I have addressed most of the concerns in my report. However, I will address those issues which have not been explained:

Impact on cyclists during construction – I have recommended a condition relating to construction hours (condition 10)

Side window over-looking front of 9 Elm Street – this relates to the feature window on the side elevation of the proposed dwelling. This feature allows light to penetrate through it and does not allow someone to stand up to it and look out of it. Furthermore, the window would over-look the front garden area of 9 Elm Street. However, front garden areas are not private areas and as such are already over-looked by the public. It would be unreasonable, in my view, to argue that this window would cause over-looking.

Concern about structural damage to listed building and 9 Elm Street – This falls outside of the planning remit. The means of construction is a Building Control matter. Any damage is a private civil matters between parties.

The proposed dwelling is too cramped in and does not respect the listed buildings – The Conservation Officer raises no objection to the proposed dwelling and its impact on the historic fabric of the adjacent listed building. I agree with this view.

The proposed dwelling would increase noise and disturbance in the locality – A condition is recommended to ensure that collections and deliveries during construction are restricted (condition 11). The addition of one dwelling on this site is unlikely to generate a significant amount of noise and disturbance to residents, and as such it is supported.

Concern about the ‘bare brick’ feature that would be against 10 Jesus Terrace. Concern about resultant noise and disturbance emanating through the 9” bricks – This is a detailed internal design feature and falls outside of the planning remit. Building Control has advised that suitable noise insulation between buildings would need to be resolved through a Building Control application. The agent has indicated that a secondary glazing screen, meeting Building Regulations, could be inserted to overcome this issue and provide the necessary noise insulation requirements.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.29 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. It is worth noting that if permission was granted, the site (land) will need to be registered first before a Title Plan from the Land Registry can be issued. I have been advised that this can take some time, and hence the request for a long term completion deadline for the Unilateral Undertaking. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

- 8.30 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.
- 8.31 The application proposes the erection of one, three-bedroom house. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714	1	714
4-bed	4	238	952		
<b>Total</b>					<b>714</b>

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

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

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>948</b>

8.32 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

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

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

- 8.34 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

- 8.35 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

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

8.36 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

8.37 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

8.38 For this application a monitoring fee of £257.60 is required to cover monitoring of Council obligations plus the County Council monitoring fee and the monitoring fee associated with the provision of public art.

### Planning Obligations Conclusion

8.39 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.

## 10.0 RECOMMENDATION

**APPROVE** subject to completion of the s106 Agreement by 23<sup>rd</sup> January 2015 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 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)

3. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

4. All new joinery shall be recessed at least 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

5. No new walls shall be constructed until the details of the roof/wall junctions, including eaves, fascias and soffits, wall/floor junctions and wall/wall junctions have been submitted to and agreed in writing by the local planning authority. This includes junctions between historic and new work. Construction of walls shall thereafter take place only in accordance with the approved details.

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

6. Prior to the commencement of development, a system of monitoring the nearby listed building for movement during construction/excavation shall to be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of acceptable parameters, frequency and accuracy of measurements, location of monitoring points, etc.. Should movement outside the agreed parameters be detected, work on site will cease and the Local Planning Authority and structural engineers will be notified immediately. Thereafter the monitoring shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

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

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

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

8. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

9. 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)

10. 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)

11. 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)



12. 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 Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

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

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

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

14. No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris

The works shall be completed in accordance with the approved details.

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

15. 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)

16. 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)

17. The window identified as having obscured glass on drawing number PL (21) 02 Rev B on the rear elevation at first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall be fixed shut in perpetuity, unless otherwise agreed in writing by the Local Planning Authority on a separate application.

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

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).

**INFORMATIVE:** The applicant is advised that where a proposal involves works on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building, the provisions of the Party Wall Act 1996 shall apply. The granting of planning permission does not override any obligation arising from this or other legislation.

**INFORMATIVE:** Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.

**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 23<sup>rd</sup> January 2015, 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, and 10/1 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**