

Application Number	14/1123/FUL	Agenda Item	
Date Received	9th July 2014	Officer	Miss Catherine Linford
Target Date	3rd September 2014		
Ward	Trumpington		
Site	21-25 Fitzwilliam Road Cambridge CB2 8BN		
Proposal	Fourth floor extension to the existing building and a four storey rear extension to create one three bedroom flat and four one bedroom flats.		
Applicant	Mr G Wieland Pynes House Chapel Street Duxford CB224RJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The revised scheme addresses the reasons for refusal of the previous very similar scheme.</p> <p>The development will have a positive impact on the conservation area.</p> <p>The development will deliver additional dwellings in an accessible location and mitigation measures to address the impact of the development are capable of being secured via a s106 Agreement.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 21-25 Fitzwilliam Road is a three storey, flat roofed block of flats situated on the northern side of Fitzwilliam Road. The surrounding area is predominantly residential consisting of flats, and two and three storey houses. The site is within a Conservation Area and the Controlled Parking Zone (CPZ).

2.0 THE PROPOSAL

2.1 Full planning permission is sought for a fourth floor extension to the existing building, and a four storey rear extension to create one additional three bedroom flat and four additional one bedroom flats.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement

2.3 The application follows on from a previous scheme for the same nature of development (application ref. 13/1541/FUL) which was refused under officer delegated powers in April this year. (It should be noted that the description of development in that case was given as a third floor extension and three storey rear extension which is not accurate). The reasons for refusal were as follows:

- 1 The proposed mansard roof would be an alien form in the streetscene which would not improve the appearance of the building and would neither preserve nor enhance the character or appearance of the Conservation Area. The proposals are therefore in conflict with policies 3/4 and 4/11 of the Cambridge Local Plan (2006)

- 2 The proposed three storey rear extension would be visible from Fitzwilliam Road and Shaftesbury Road and would appear as one long block of development. This is an unacceptable form in the Conservation Area and would be detrimental to its character and appearance. The proposals are therefore in conflict with policies 3/4 and 4/11 of the Cambridge Local Plan (2006).

- 3 Metal cladding is not widely used in the Conservation Area, and the proposed aluminium cladding to the front elevation of the building would therefore be out of character with the Conservation Area and would be visually detrimental. The proposals are therefore contrary to policies 3/4 and 4/11 of the Cambridge Local Plan (2006).

4 The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities, waste management 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, and Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.

This decision is a significant material consideration in the determination of the current application.

2.4 The current application includes the following revisions which have been made to address the reasons for refusal:

The mansard roof form has been changed to a straight sided extension. The materials have been clarified.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1542/FUL	Demolition of a flat roofed garage block in order to improve car parking	A/C
13/1541/FUL	Third floor extension to existing building and three storey rear extension to create a further 1x 3 bed flats and 4x 1 bed flats	Refused

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 3/8 3/12 3/14 4/4 4/11 5/1 5/14 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 Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) Cambridge City Council (2011) - Open Space and Recreation Strategy

	Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Cambridge City Council (2002)–Southern Corridor Area Transport Plan: Brooklands Avenue Conservation Area Appraisal (2013)

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 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site (either existing or new) will not qualify for Residents' Permits (other than visitor permits) within the existing Residents Parking Schemes operating on surrounding streets.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions relating to construction hours, construction delivery hours, piling and waste storage/access for refuse vehicles.

Urban Design and Conservation team

- 6.3 A previous application, 13/1541/FUL was not supported by the Conservation Team due to its detrimental effect on the character and appearance of the conservation area. The principle of the additions is supported. The concern is the materials that will be used to update and extend the building.

The existing colour palette for the building contrasts negatively with other buildings within the conservation area. In order to enable this building to fit within the local context, the materials for the cladding and the new extension need to be determined before the works commence. In this way, all the materials and the colour palette will be established and there should be a general improvement to the building as a whole. For example the use of white UPVC doors on the fourth floor to access the proposed terrace may not work well with the proposed zinc cladding to the roof. It will also be important to get a brick that works well with the existing orange/yellow building for the extensions.

Provided that an appropriate palette of materials can be agreed for the extensions to this property and its refurbishment, the proposals will not be detrimental to the character or appearance of the conservation area. The application conforms to policy 4/11 of the Cambridge Local Plan 2006.

Arboricultural Officer

- 6.4 The Arboricultural Officer made the following comments in relation to the previous application:

There is a substantial tree to the rear of the site that is protected by a TPO which will be significantly impacted on by the proposal. Crown reduction of 2m is required to the tree to allow construction of the new building. This will further unbalance the tree crown and impact on the tree's amenity contribution. Once built there will be significant pressure to reduce the tree further

and even remove it as it will continue to grow towards the new flats and block windows. In addition the development will breach the tree's RPA significantly.

- 6.5 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 owner/occupiers of the following address have made a representation:

- 378 Glenalmond Avenue

- 7.2 The representation can be summarised as follows:

- There are ongoing developments in the area and residents should have some 'development free time'

- 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. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. This is a predominantly residential area and it is therefore my opinion that additional dwellings here would be compatible with the existing land use and adjoining

land uses. There was no objection in principle to the previous application for the same development on the site.

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

Context of site, design and external spaces

- 8.4 The existing block of flats dates from the 1960s and is constructed in a yellow/brown brick and has a flat, felt roof. The windows are casement and there are some large fixed panes in the building. To the rear of the building there is a graveled open space with a large mature tree, which is the subject of a Tree Protection Order (TPO). This is a car parking area for the residents of 21-25 Fitzwilliam Road and the residents of 15 Fitzwilliam Road. It is proposed that the building is increased in height by one storey; that a four storey extension is added to the rear; and that the front elevation is altered by replacement windows and aluminum cladding.
- 8.5 The principle of an additional floor is acceptable as there are a number of taller buildings close to the application site. However, the acceptability of an additional floor is wholly dependent on the design of the additional floor. The existing building is an anomaly in the streetscene and is surrounded by Victorian villas on Shaftesbury Road, Victorian townhouses on Fitzwilliam Road and the contemporary flat roofed development, Kaleidoscope, opposite the site on Fitzwilliam Road. Whilst the surrounding area is largely mixed in terms of design, the previously proposed mansard roof was considered to be alien in the streetscene as no other buildings in the immediate locality have mansard roofs. This element of the scheme has been revised and the straight-sided roof extension would improve the appearance of the building and would enhance the conservation area. The Conservation Officer shares this view.
- 8.6 The proposed aluminum cladding to the front elevation has been clarified in this application and the Conservation Officer is of the view that, subject to detailed conditions it would enhance the character of the Conservation Area.
- 8.7 The principle of some form of rear extension is acceptable. The previously refused scheme was considered to present a long

block of development visible from both Fitzwilliam Road and Shaftesbury Road which would be detrimental to the conservation area. The current scheme is of the same depth, height and mass, however now that the materials have been clarified and the fourth floor extension revised the Conservation Officer has raised no objections on these grounds. In my view the extension will be visible but will not have such an adverse impact on the visual amenity of the conservation area as to justify a recommendation of refusal.

- 8.8 At the rear of the site, with the car park, there is a substantial tree, which is the subject of a Tree Protection Order (TPO). This tree would be significantly impacted on by the proposals. To allow for the construction of the proposed extensions to the building, the crown of the tree would need to be reduced by 2m. This would unbalance the tree crown and impact on the tree's amenity contribution to the area. Once the extension is built, the tree would continue to grow towards the new flats and block windows, and it is likely that there would be significant pressure to reduce the tree further and even remove it. The proposed development would also breach the tree's Root Protection Area significantly. The submitted Tree Protection Plan states that the foundation would be 'no-dig' but given the need to match the ground levels, the City Council's Arboricultural Officer has advised that a no-dig foundation may not be appropriate.
- 8.9 Although the development could potentially impact on the protected tree this was not the basis for a refusal of planning permission for the earlier scheme which would have had the same impact. I am of the view that appropriate protection can be afforded to the tree and have recommended conditions to secure the submission and approval of foundation details and protection measures for the tree (conditions 11 and 12).
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/4. I have recommended the conditions suggested by the Conservation Officer (conditions 7, 8, 9 and 10).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The neighbouring properties that may potentially be impacted on by the proposals are 5 Shaftesbury Road to the west and 15 Fitzwilliam Road to the east.

Impact on 5 Shaftesbury Road

- 8.12 5 Shaftesbury Road is a large detached villa, which is in B1a) (office) Use which has been the subject of a successful application for change of use to education use (Stephen Perse Sixth Form College). This building had been extended on its southern side, with the extension standing adjacent to part of 21-25 Fitzwilliam Road, 5m from the common boundary. The extension has windows in the rear (eastern) elevation, which are obscure glazed.
- 8.13 The common boundary between 5 Shaftesbury Avenue is angled, and the proposed rear extension to the building would stand between 0.7m and 2m from the common boundary adjacent to the extension to 5 Shaftesbury Road.
- 8.14 Due to the orientation of the buildings, the proposed rear extension and additional storey within the mansard roof would cast shadow over 5 Shaftesbury Road in the afternoon. However, considering this neighbouring building is in commercial/educational use, and that the open plan office space is also lit by windows in the western and southern elevations, on balance, it is my opinion, that the impact of overshadowing is not so significant that it would warrant refusal of planning permission. Due to the separation distance between the buildings it is my view that the proposal would not be excessively dominant.
- 8.15 Windows are proposed in the western elevation of the proposed rear extension, and it is proposed that windows are also added to the western elevation of the existing building. The windows in the existing building would look out towards an open area of the 5 Shaftesbury Road site, and would serve bedrooms. As the neighbouring building is in commercial/educational use, it is my opinion that any overlooking would not impact on the users of No. 5 to such a degree as to warrant refusal of the

application. The proposed windows in the rear extension would serve the stairwell and bathrooms. The windows on the eastern elevation of the extension to No. 5 are obscure glazed and there is therefore no potential for interlooking. Given the intended use of the rooms that these windows serve in the proposed extension, it is my view that it would be reasonable to insist that these windows are obscure glazed which would address any potential overlooking impact (condition 13).

Impact on 15 Fitzwilliam Road

- 8.16 21-25 Fitzwilliam Road and 15 Fitzwilliam Road stand 4.6m apart, on either side of a driveway which leads to a shared parking area between the two buildings. Due to the orientation of the buildings, the proposed rear extension would cast shadow over the car parking area to the rear of 15 Fitzwilliam Road in the morning, and the proposed additional storey within the roof would cast shadow over 15 Fitzwilliam Road in the morning. In my opinion, the loss of light created by the additional storey would not be significant enough to warrant refusal of the application. The extension to the rear would overshadow the car park and this would not have a detrimental impact on residential amenity, in my view. In my opinion, neither the additional storey nor the rear extension would be overly dominant.
- 8.17 There are existing windows on the eastern elevation of 21-25 Fitzwilliam Road. The windows in the eastern elevation of the proposed rear extension, serving bedrooms, kitchens and living rooms would have views into the communal parking area, which would not have any impact on residential amenity.
- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7. I have recommended the conditions suggested by the Environmental Health Officer relating to the construction phase of the development (conditions 3, 4 and 5)

Amenity for future occupiers of the site

- 8.19 The development will provide good quality accommodation in an accessible location and I consider that in this respect it is

compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

Refuse Arrangements

- 8.20 The submitted plans indicate that only two refuse bins at the rear of the building are to be provided. The Council operates a three stream waste and recycling system and the number of bins shown would not be sufficient. Although the submitted details are not acceptable, I am satisfied that there is room on the site to accommodate sufficient bin storage in an acceptable location. I have recommended a condition to secure waste bin provision and collection arrangements (condition 7).
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

Car Parking

- 8.22 As a result of the proposed rear extension, three car parking spaces would be lost within the car park at the rear. Five car parking spaces would be available for the occupants of the building, which would contain eight flats in total. The site is within the Controlled Parking Zone (CPZ) and Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that a maximum of 10 off-street car parking spaces could be provided for the building. The Local Highway Authority has explained that the residents would not qualify for residents parking permits. Considering the sites proximity to the City Centre, public transport routes and the railway station it is my opinion that the proposed number of car parking spaces is justified and would not put pressure on the demand for on-street parking spaces. I have recommended the informative requested by the highway engineer.

Cycle Parking

- 8.23 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that at least one secure covered cycle parking space must be provided for each bedroom. This equates to sixteen spaces for the building. Twenty spaces are proposed, which is acceptable.

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

Third Party Representations

8.25 I appreciate that a lot of development is ongoing in this area and sympathise with the effect this has on local residents but it is not a material planning consideration.

Planning Obligation Strategy

Planning Obligations

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

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

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

Open Space

8.27 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.

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

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	£
studio	1	238	238		
1 bed	1.5	238	357	4	1428
2-bed	2	238	476		
3-bed	3	238	714	1	714
4-bed	4	238	952		
Total					2142

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	4	1614
2-bed	2	269	538		
3-bed	3	269	807	1	807
4-bed	4	269	1076		
Total					2421

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	4	1452
2-bed	2	242	484		
3-bed	3	242	726	1	726
4-bed	4	242	968		
Total					2178

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

8.29 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

8.30 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	4	5024
2-bed	1256		
3-bed	1882	1	1882
4-bed	1882		
Total			6906

8.31 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

8.32 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	5	750
Total			750

8.33 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.

Household Recycling Centres

8.34 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.

8.35 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.

8.36 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	
<u>£22 million</u> 115,793	x 24,273	= £4,611,730
Total Developer Contribution per household = £190		

The net gain is five flats therefore the necessary contribution towards HRC is £950.

- 8.37 Subject to the completion 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), I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

Education

- 8.38 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.
- 8.39 In this case, five additional residential units are created. 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.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	4	0
2+- beds	2		810	1	810
Total					810

Primary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	4	0
2+- beds	2		1350	1	1350
Total					1350

Secondary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	4	0
2+- beds	2		1520	1	1520
Total					1520

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	4	640
2+- beds	2		160	1	160
Total					800

8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.41 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
- 8.42 For this application a monitoring fee of £1039 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

- 8.43 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 my opinion, the revisions that have been made to the fourth floor extension and the clarification that has been provided in relation to the use of external materials have addressed the reasons for refusal of the previous scheme. The applicants are willing to enter into a s106 Agreement to secure mitigation measures which address the fourth reason for refusal. The application is recommended for approval.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 31 December 2014 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

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

3. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

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

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

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

6. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

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

7. Before starting any works, 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 of the bricks and the cladding for the walls. These 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 3/14 and 4/11)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policies 3/14 and 4/11)

9. All new joinery shall be recessed at least 75mm back from the face of the wall. The means of finishing of the reveal shall 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: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policies 3/14 and 4/11)

10. Prior to the installation of any non-timber windows and doors, full details including samples of materials showing profiles, cross-sections, surface finishes, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policies 3/14 and 4/11)

11. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/4)

12. Prior to commencement of development full details of the foundations and a methodology to ensure that the construction of the development will not be harmful to the protected tree on the site shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/4)

13. The windows on the west elevation at ground/first/second/third floor level serving bathrooms and stairwells shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use of the extension and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

INFORMATIVE: The residents of the site, whether in existing or the proposed residential units will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets

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: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

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 31 December 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason:

The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 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 Open Space Standards Guidance for Interpretation and Implementation 2010 and

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