

Application Number	14/0356/FUL	Agenda Item	
Date Received	7th March 2014	Officer	Miss Catherine Linford
Target Date	2nd May 2014		
Ward	Trumpington		
Site	Land Between 2 And 3 Shaftesbury Road Cambridge CB2 8BW		
Proposal	Construction of a new dwelling.		
Applicant	Mr G Race 6 Aberdeen Avenue Cambridge CB2 8DP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. It enhances the character and appearance of the Conservation Area. 2. It does not have significant detrimental impact on the residential amenity of neighbouring occupiers 3. It closely conforms to the extant permission for a dwelling on the site which is a significant material consideration.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated between Nos. 2 and 3 Shaftesbury Road, on the east side of the street, within City of Cambridge Conservation Area 10 (Brooklands). The site was formerly a car park, when No 2 was occupied by the Red Cross as offices.
- 1.2 The 'square' of roads formed by Shaftesbury Road, Brooklands Avenue (north), Clarendon Road (east), and Fitzwilliam Road (south) contains a mix of housing types and styles. Buildings are predominantly in residential use, though there are school

and CUP premises south of Fitzwilliam Road, offices east of Clarendon Road and at 5 Shaftesbury Road a house has been converted to office use. Nos. 2 and 3 Shaftesbury Road are substantial, double-fronted, Victorian villas, in residential use. The Accordia development, a scheme of approximately 380 houses and flats, is opposite the site on the west side of the road, set back behind trees and an area of green space. The Accordia development is now within the Conservation Area.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for the erection of a three storey, detached dwelling with basement. The house would be rectilinear in footprint, covering almost the full width of the plot, and would consist of a basement, ground floor, first floor and second floor. The house will be set off the north and south boundaries by 1 metre which it is understood is to comply with a restrictive covenant. The previously approved house on the plot occupied the full width. The restrictive covenant is not a material planning consideration.

2.2 The accommodation would be laid out as follows:

Basement/Lower ground floor: Utility/living room, studio, lower conservatory and store.

Ground floor: Entrance hall, kitchen/dining room, upper conservatory, cloakroom and bin and cycle store.

First floor: Salon and two bedrooms both with shared bathroom

Second floor: Study and bedroom with ensuite bathrooms/dressing room.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement

2.4 Amended plans have been submitted which include the following amendments:

- 1 All glazing to the North and South elevations has been confirmed as obscured glass.
- 2 The overall height of the building to the roof ridge is reduced by 0.5 metres
- 3 The eaves height is reduced by 0.55 metres

- 4 The second floor level and the associated external balcony are reduced by 0.1 metres
- 5 The profile and detail of the attic storey roof have been amended
- 6 The obscured glass balustrade at the second floor level has been moved in by 0.2 metres

3.0 SITE HISTORY

Reference	Description	Outcome
C/04/1040/FUL	Erection of one detached 3 bed dwelling house (following demolition of out buildings.	A/C
10/1143/FUL	Erection of eco-friendly house.	REF
12/0438/FUL	Construction of a new dwelling.	REF
12/0505/FUL	New dwelling on land adjacent to 2 and 3 Shaftesbury Road.	Withdrawn
13/0310/FUL	New dwelling on land adjacent to 2 and 3 Shaftesbury Road.(The Round House)	A/C

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 3/11 3/12 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 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Area Guidelines:</u> Conservation Area Appraisal: Brooklands Avenue (2002 and 2013)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 *Application as submitted*

The application states that a new dropped kerb or kerbs will be provided on the frontage of the site but provides no further details. The site is fronted by a residents parking bay, which is not shown on the plans. The proposed access would require the removal of the bay, which would require an amendment of the existing Traffic Regulation Order. The residents of the proposed dwelling would not be eligible for Residents Parking Permits. Further information is needed in relation to car parking spaces.

Conditions are recommended relating to the materials used for the driveway, gates, structures on the highway, drainage, manoeuvring space, access and the need for a TRO to address on street parking. Informatives are also recommended.

Application as amended

No further comments, previous comments apply.

Head of Refuse and Environment

6.2 *Application as submitted*

No objection in principle. Conditions are recommended in relation to construction hours and piling.

Application as amended

No further comments, previous comments apply.

Urban Design and Conservation Team

6.3 The UDC team considers that innovative design in conservation areas can be supported when it enhances the character or appearance of that area. They note that in regard to this particular property, the recently updated Brooklands Avenue Conservation Area (2013) notes: "the poor condition of a small

empty site between Nos. 2 and 3 – this needs to be developed sensitively”. The appraisal therefore contemplates in some way the eventual development of this property. Policy 4/11b) of the 2006 Cambridge Local Plan permits new buildings which can “provide a successful contrast” with the character or appearance of the conservation area.

The UDC team are of the view that the recently consented scheme, the previous “round house” design represented a more appropriate scale and mass to fit with the rhythm of the street. In so doing it was considered “innovative” in its immediate context.

The property is small relative to neighbouring properties, however the property would be “sterilised” permanently if it could not be developed. The revised scheme within this current application creates a dwelling with a form more narrow and vertical in appearance when contrasted to adjacent dwellings in Shaftsbury Road. The resulting “streetscape” is one where the proposal, just in terms of its scale, appears as more of an anomaly within this side of Shaftsbury Road, its most relevant context. In particular, the building width (its façade to Shaftsbury Road) measures 8 metres; adjacent dwellings measure 17 metres for no. 2 and 18 metres for no. 3, inclusive of side extensions (when scaled from plan SRC226 submitted with the application). Numbers 1, 4 and 5 similarly are significantly wider than the proposed elevation to Shaftsbury Road.

Irrespective of the building width, the UDC team consider that the architecture of this current proposal is well considered, employs good materials and is a good example of “innovative” design in this location.

The view of the UDC team is that the judgement of whether the application is acceptable in planning terms therefore comes down to one question alone: is it appropriate to develop a property of this size in this location? The answer must follow a finely balanced judgement of this question, and it is therefore not as much a question of design, or even conservation, as it is about the principle of development of the property. The updated Brooklands Avenue Conservation Area does however appear to anticipate the development of the parcel, provided as it notes it is done “sensitively”.

Conclusion:

A modern building which enhances the conservation area could sit well in this site providing it respects the character of the immediate locality, particularly Shaftesbury Road. The current house design represents a “successful contrast” in the Brooklands Avenue Conservation Area. This is the case not so much in terms of its scale (as explained above) but in the contemporary nature of its design.

The approved round house was a better design overall as it better “filled out” the property. Ideally a lot of this size should not have been created in this location given its relatively smaller scale to neighbouring properties; nevertheless it exists.

In conclusion, it is therefore principally a planning “question” as to whether it is appropriate to develop this property. If, in planning terms, it is appropriate to develop, then the latest design is considered suitable for this site. If not, then the question of design is a relatively moot point and the property should not be developed in the first place.

Suggested Conditions:

External building materials
Boundary treatment
External hard and soft landscape

Head of Streets and Open Spaces (Tree Team)

- 6.4 The Arboriculture Officer has not commented on the current application but her comments on the previous application were as follows:

Satisfied that the remaining tree on the site can be excluded from the construction area and remain unaffected by the development subject to installation of tree protection barriers at the edge of the root protection area.

- 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 owners/occupiers of the following addresses have made representations:

- 1 Shaftesbury Road
- 2 Shaftesbury Road
- 3 Shaftesbury Road
- 4 Shaftesbury Road
- Ravensworth, 21 Brooklands Avenue
- 5 Clarendon Road
- 7 Clarendon Road
- 9 Clarendon Road
- 17 Clarendon Road (x3)
- Brooklands Avenue Residents Association (BAARA)

7.2 *Application as submitted*

The representations can be summarised as follows:

Character, context and impact on the Conservation Area

- The proposed building is very wide and tall relative to its plot and would detract from the feel of the Conservation Area
- A house with a similar design was rejected in 2010 and 2012. The proposal is very similar to those and has not changed enough to be an enhancement to the conservation area
- Out of context
- The footprint is too large for the plot and the building will loom over adjacent Victorian buildings
- The footprint is larger than the permitted Round House and the rectangular form will make the building more dominant and overbearing
- If approved it would set a precedent for the infilling of gaps between houses, which would lead to the loss of important green space in the City
- Would alter the symmetry and the spacing between buildings
- Prevent views between buildings into gardens
- Balconies and large areas of glazing would be out of character with the rest of the street
- Unacceptable mass and height

- The building has full height and width floors unlike the surrounding buildings that have pitched roofs
- Design does not reflect character and scale of Victorian villas and fails to respect the context or character of the conservation area
- The roof form should be altered
- The eaves height should conform with neighbouring houses and is higher than the approved Round House

Residential amenity

- Loss of privacy caused by the extensive glazing and balconies at the rear
- Proposed window to North elevation will overlook living space and child's bedroom
- The amount of glazing is more substantial than the approved Round House and Coach House and will result in more overlooking
- There should be obscured glazing on the Juliet balcony
- All windows on side elevations should be obscure glazed
- Site plan does not show full extent of impact on privacy
- Overshadowing and overlooking of neighbouring properties
- Dominance
- Light pollution from the large, modern windows
- The garden is not large enough for the house
- The height of the building facilitates overlooking of surrounding houses which adversely affects privacy
- Loss of light to neighbouring houses
- Overshadowing of windows serving living space
- Glazing to side elevations will affect privacy
- The development is much more dominant than the permitted Coach House building
- Neighbouring gardens would be faced with a 9 metre high wall
- Existing privacy is dependent on the retained tree which does not look healthy
- Obscure glazing may be changed to clear glass in the future

Car parking

- Insufficient parking spaces
- The loss of the on-street parking bay would be detrimental to existing households
- The Design and Access Statement does not refer to access and ignores the loss of a pay and display parking bay.

Other

- High water table and potential flooding of the basement
- There is no reference to bin storage
- Inadequate space for tree planting
- The proposed building looks like an apartment block and could be used for this purpose in the future
- There were no pre-application discussions with neighbours
- No scales are shown on the plans
- External materials are not shown
- There are errors in the Design and Access Statement in relation to the use of adjacent buildings, the roof form and incorrect annotations
- Statements regarding the restrictive covenant are misleading/not relevant

7.3 *Application as amended*

The occupiers of both 2 and 3 Shaftesbury Road have withdrawn their objections in the light of the amended plans. A preference for brick rather than stone is stated in relation to external treatment.

7.4 Brooklands Avenue Residents Association has made representations on the application as submitted as follows:

- o Supports the objections raised by the residents of 3 and 4 Shaftesbury Road and 5 Clarendon Road
- o Would welcome opportunity to comment on amended plans
- o Supports the principle of construction of a dwelling on the site but is concerned about the design and massing and impact on the Conservation Area and extent of overlooking of neighbours.

No further comments have been made by BAARA in the light of the amended plans.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and impact on the Conservation Area
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

Background

8.2 There have been a number of applications for single dwellings submitted for this plot. In 2004, planning permission was granted for a 'coach house' (04/1040/FUL) but this was not built. In 2010, another planning application was submitted for a large house (10/1143/FUL) which was refused.

8.3 In 2012 two applications were submitted. The first (12/0505/FUL) was a resubmission of the 2004 application. This was withdrawn before it could be determined. The other application, (12/0438/FUL) was for a contemporary building. This application was refused under delegated powers due to the dominance of the proposed building which abutted the common boundaries with numbers 2 and 3 Shaftesbury Road, and loss of privacy to the neighbours due to the levels of glazing and terracing to the rear.

8.4 In 2013 planning permission was granted for a 'Round House' (application reference 13/0310/FUL) which had a circular

footprint. This design pulled the building away from the boundaries to the north and south and the amount of glazing was controlled to address the objections in relation to the 2012 schemes.

Principle of Development

- 8.5 The provision of extra housing in the City is supported in the Cambridge Local Plan (2006). Policy 5/1 of the Cambridge Local Plan (2006) maintains that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. There are previous planning permissions for residential development on this site, therefore the principle of residential development is acceptable.

Context of site, design and impact on the Conservation Area

- 8.6 The site is currently vacant and overgrown with vegetation and was formerly the garden to what is now 2 Shaftesbury Road. When the Brooklands Avenue Conservation Area Appraisal (2002) was written, 2 Shaftesbury Road was still the County Headquarters of the British Red Cross Society 'part of whose rear and side garden has been taken over by car parking and storage sheds'. The Brooklands Avenue Conservation Area Appraisal (2013), refers to the fact that No.2 has now been converted back into a family home. It also mentions the poor condition of this site which 'needs to be developed sensitively'.
- 8.7 The Cambridge Local Plan Policy 4/11 (b) states that the design of any new building should preserve or enhance the character or appearance of the conservation area by 'faithfully reflecting its context or providing a successful contrast with it'. The National Planning Policy Framework in section 12, Conserving and Enhancing the Historic Environment, refers to the 'desirability of new development making a positive contribution to local character and distinctiveness', and that new development in conservation areas should enhance 'or better reveal their significance'. These matters must be taken into consideration when determining any application on this site.
- 8.8 The character of Shaftesbury Road is one of detached dwellings in plots that allow views through to the trees in the gardens

beyond. This is somewhat curtailed by the modern extension to No.5. In addition, due to a number of single storey side extensions, and garages, the original layout of the houses has been heavily altered and some of the gaps have been lessened as a result, albeit only at ground floor level.

- 8.9 The current application relates to a more traditional building footprint but retains a low pitched roof incorporating an 'attic storey, balconies and glazing which give the house a more contemporary appearance. The site is constrained in size particularly in comparison with adjacent plots and would not accommodate a house of similar footprint to its neighbours. In this sense the proposed dwelling could be regarded as out of character with the area. However as the UDC team have pointed out innovative design in Conservation Areas can be supported when it enhances the character or appearance of that area.
- 8.10 The approval of the 'Round House' has established that a dwelling is capable of being successfully accommodated on the site. The proposed dwelling would have the same effect as the approved dwelling in filling in a gap in the street frontage. At the time when the 'Round House' was permitted it was accepted that the streetscene of this part of the Conservation Area is not made up a consistent series of buildings and gaps and that towards the Brooklands Avenue end, the gaps are smaller due to a number of single storey extensions to dwellings. This situation has not changed and in my view it would be difficult to argue that principle of a building of similar height and mass to the Round House is unacceptable.

8.11 The following table compares the dimensions of the approved Round House with the proposed dwelling (as amended).

	Round House	Proposed dwelling
Maximum height	9.5m	9m
Height to eaves (Shaftesbury Road elevation)	7.9m	8m
Maximum width	10m	8m
Minimum/Maximum distance from North/South boundary	0.1m/2m*	1m
Maximum depth including balcony	10.1m	10.6m

*Measured at projecting balcony

8.12 The comparison table shows that at their maximum extent the Round House and the proposed house are very similar. However the footprint of the two dwellings is different and this has an influence upon both the impact on the streetscene and residential amenity. The latter is considered in the next section of my report.

8.13 The round footprint of the Round House is unconventional but does have the advantage of ‘pulling’ the built form away from the boundaries. However it is still a substantial building occupying the full width of the plot. The proposed house however is set off both the north and south boundaries allowing greater space between buildings on the Shaftesbury Road frontage. In my view the position of the respective buildings on the plot will result in them having a very similar impact on the streetscene. Given the extant permission for the Round House in my view it would be difficult to justify refusal on the grounds of impact on the streetscene and the Conservation Area.

8.14 There are both similarities and differences between the elevational treatment of the Round House and the proposed house. Both have full height projecting features and a strong vertical alignment of windows to the Shaftesbury Road elevation which responds well to the projecting bay elements on adjacent buildings. Both roofs feature a combination of set-backs, balconies and change in materials but the proposed houses has

a rectilinear roof shape whilst the Round House is circular. Both houses are proposed to be finished in a similar palette of materials although the use of brick or stone is yet to be agreed. The external space to the road frontage is shown in the same way on both schemes. I recommend that details of external materials, boundary treatment and the landscaping to the front of the proposed dwelling are required by conditions (5, 7 and 8)

- 8.15 I have carefully considered the comments of the Urban Design and Conservation (UDC) team. In my view the response to the question that they raise is 'yes' it is appropriate to develop the site. BAARA also agree with this view. I share the view of the UDC team that in many ways the Round House would have been a more successful building in the streetscene. However the current application needs to be considered on its own merits and in the light of the approved Round House which is a material consideration. In my opinion the current proposal will have a positive impact on the Conservation Area and is a successful building in its own right.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.17 The 2012 application was refused on the grounds of the impact that the proposed house would have on the amenities enjoyed by the occupiers of 2 and 3 Shaftesbury Road. In particular there were concerns about the dominance and overbearing nature of the proposed house and the potential for loss of privacy. I have reviewed this decision and considered the implications of the decision to approve the Round House and conclude that the proposed dwelling will not have an adverse impact on residential amenity for the reasons set out below. It is also worth noting that the occupiers of both houses have now withdrawn their objections to the current application and that the previous refusal only related to the impact on the occupiers of 2 and 3 Shaftesbury Road and no other neighbours.

Dominance and enclosure

- 8.18 I have visited the houses and gardens of 2 and 3 Shaftesbury Road. 2 Shaftesbury Road has single storey extensions on its southern side, and the side extension at the front only has windows on the side, which serve a ground floor room with a mezzanine floor above, facing the development site. 3 Shaftesbury Road has an extension on the northern side, which includes windows on the side that serve a utility room and study.
- 8.19 The side walls of the proposed house would be 7.8m in height and 10.6m in depth (excluding the conservatory which will be obscured by the boundary treatment). The height and depth of the refused scheme was 8.6m/7m and 11.9m respectively. The refused scheme also placed the dwelling on the boundary whereas the current scheme sets the house off the boundary by 1m on each side. The Round House scheme although also on the boundary at its nearest point had the benefit of 'pulling' away from the boundary so that the extent of wall within 1m of the boundary was limited to a 6m depth. In my view the reduced depth and increased set back from the boundary successfully mitigate against the adverse impact of dominance and being overbearing on the neighbouring houses.

Overshadowing and loss of light

- 8.20 Shadow diagrams have been submitted as part of the application. Due to the height of the proposed house, its close proximity to the neighbouring properties, and the orientation of the buildings, the proposed dwelling would cast some shadow over 2 Shaftesbury Road, as it would stand to the south of this neighbour. However, due to the positioning of the proposed house and layout of the neighbour's main rooms and size of its garden, it is my view that it will not significantly impact on the level of light reaching any of the neighbour's main living spaces or garden area.
- 8.21 I acknowledge that the windows in the side extension of No. 2 would experience less light as a result of the proposal, but this would not be to an extent that would be any significantly worse than the previously approved schemes.

Overlooking and loss of privacy

- 8.22 Currently the rear gardens of 2 and 3 Shaftesbury Road are predominantly private spaces. The most private part of the rear garden of 3 Shaftesbury Road (i.e. the area closest to the house) is overlooked by windows at the side of 2 Shaftesbury Road but at a distance of 20m. Interlooking into the remaining gardens between the properties is limited by tree planting, the generous space between the buildings and the angle of view.
- 8.23 The current scheme as amended includes obscured glazing to the north and south elevations. Concern has been raised that the obscure glazing would be replaced with clear glass in the future. To prevent this, I recommend a condition requiring that all obscured glass shown on the submitted plans will be installed prior to occupation and remain as such (9). If this condition is breached, it will be open to the local planning authority to consider enforcement action.
- 8.24 The rear elevation of the proposed house includes two Juliet balconies. The balcony to the first floor has a low level balustrade and will allow limited views over the garden. The second floor balcony has a high level obscured screen which will provide high level clear glazing to the study/dressing room only. The views over the retained garden of 2 Shaftesbury Road will therefore be very restricted in comparable way to the approved schemes.
- 8.25 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.26 The proposal includes a garden at the rear of the property of approximately 10m. This garden is not large, and is considerably smaller than the rear gardens of other houses in the area, but I consider it to be acceptable.
- 8.27 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

- 8.28 Bin storage is proposed within the building envelope. No concerns have been raised by Environmental Health but to ensure that the store is adequate I recommend a condition requiring details of bin storage (11).
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

Car Parking

- 8.30 In common with the approved Round House scheme off-street parking spaces will be available at the front of the house, and it is proposed that vehicles will be able to enter and leave the frontage in a forward gear. Similarly, due to the existence of an on-street parking bay and the positioning of a lamppost, access will be problematic but will be possible. It is my view that this is acceptable. It will be for the applicants to pursue any necessary Traffic Regulation Orders to relocate the parking bay and I have added an informative to this effect (17).

Cycle Parking

- 8.31 In common with the approved Round House scheme a cycle store is proposed within the house. This meets the standards detailed in Appendix D (Cycle Parking Standards) of Cambridge Local Plan (2006) and is acceptable.
- 8.32 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.33 I have dealt with issues raised regarding the character, context and impact on the Conservation Area and Residential Amenity in the sections above. Outstanding matters and my response are as follows:

Loss of on street parking bay

- 8.34 I do not consider that the loss of the on street parking bay will have a significantly detrimental impact on existing residents. Most residents have off street car parking on their property. The lack of reference to the on street parking bay in the Design and Access Statement (DAS) is not crucial to the assessment of the application and is clearly a matter that needs to be resolved outside the planning process.

High water table and potential flooding of the basement

- 8.35 This is not a material planning consideration.

Inadequate space for tree planting

- 8.36 There is adequate space for tree planting on the street frontage while still providing necessary car parking space.

The proposed building looks like an apartment block and could be used for this purpose in the future

- 8.37 I think it very unlikely that the house could be converted to flats but planning permission would be needed for such a change of use.

There were no pre-application discussions with neighbours

- 8.38 The applicant is encouraged to have pre-application discussions but the absence of such discussions is not adequate grounds for refusal.

No scales are shown on the plans, External materials are not shown, There are errors in the Design and Access Statement in relation to the use of adjacent buildings, the roof form and incorrect annotations

- 8.39 The plans are to scale and external materials are shown on the amended plans. There are minor errors in the DAS but these are not fatal to the proper consideration of the application.

Statements regarding the restrictive covenant are misleading/not relevant

- 8.40 The restrictive covenant is not a material planning consideration and the Committee should not take it into account in determining the application.

Planning Obligations

- 8.41 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

- 8.42 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.

8.43 The application proposes the erection of one three-bedroom house. A house or flat is assumed to accommodate one person for each bedroom. The totals required for the new buildings are calculated as follows:

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

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

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

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

8.44 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

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

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

8.46 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

- 8.47 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	1	75
Flat	150		
Total			75

- 8.48 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

- 8.49 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub-Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. For this application a monitoring fee of £257.60 is required.

Planning Obligations Conclusion

- 8.50 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 This site has a complex planning history and concerns have been raised about the impact which any development will have on the character of the Conservation Area and the amenities enjoyed by neighbours both in relation to this scheme and previous schemes. The approval of the Round House is a significant material consideration and my assessment has demonstrated that there is a high degree of similarity between that approved scheme and the current scheme.
- 9.2 In my view the proposed development will have a positive impact on the Conservation Area and potential adverse impacts on residential amenity have been successfully mitigated. I recommend that the application be approved.

10.0 RECOMMENDATION

APPROVE subject to the satisfactory completion of the s106 agreement by 31 August 2014 and subject to the following conditions and reasons for approval:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

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

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

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

4. Except with the prior 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)

5. 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. This should include a brick sample panel constructed on site. 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)

6. 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, 3/11, 3/12 and 4/4)

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. 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)

9. All glazing identified as being obscured glazing on the submitted plans shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and fixed shut prior to occupation and shall be retained as such thereafter.

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

10. Prior to the commencement of development full details of a method for of dust suppression 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 residential amenity. (Cambridge Local Plan 2006, policy 4/13)

11. Prior to occupation of the use hereby permitted, 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. The approved arrangements shall be retained thereafter.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

12. 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 windows or dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

13. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

14. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

15. The access shall be constructed with adequate drainage measures to prevent surface water runoff onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway. (Cambridge Local Plan 2006, policy 8/2)

16. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

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

INFORMATIVE: The applicant is advised that a Traffic Regulation Order will be required in order to relocate the on-street parking bay.

INFORMATIVE: The applicant is advised that 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

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).

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

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, and the Open Space Standards Guidance for Interpretation and Implementation 2010

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