

Application Number	14/1970/FUL	Agenda Item	
Date Received	10th December 2014	Officer	Michael Hammond
Target Date	11th March 2015		
Ward	Cherry Hinton		
Site	Land At Former Rosemary Branch 503 Coldhams Lane Cambridge Cambridgeshire		
Proposal	Erection of 8 dwellings and 2 flats, car and cycle parking and landscaping, together with associated infrastructure.		
Applicant	c/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The development provides a high quality living environment for future occupiers.</p> <p>The revisions to the scheme address the concerns expressed by the inspector in relation to the previous appeal decision.</p> <p>The principle of developing this site for residential dwellings would not cause conflict with any policy in the Cambridge Local Plan 2006.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site was previously occupied by the Rosemary Branch Public House (now demolished) and is situated on the junction of Coldhams Lane and Rosemary Lane. To the southeast and southwest of the site (on the opposite side of Coldhams Lane and Rosemary Lane) there are industrial/commercial buildings. To the northwest of the site there are residential properties (Hathedene Close), backing on to the site, which are mainly terraced houses. To the northeast, there is a mixture of

residential properties, with a pair of semi-detached single storey dwellings directly adjacent to the site and two storey dwellings further along Rosemary Lane.

- 1.2 The site is not within a Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought to redevelop the site for residential use – eight houses and two flats.

- 2.2 Along the Coldhams Lane frontage, there would be four two-storey houses, with front roof dormer windows, that share a uniform design and scale. The built form would then tangent to face the corner junction between Rosemary Lane and Coldhams Lane, with a three storey element providing two flats. The built form would then tangent again along Rosemary Lane, providing four two-storey houses, two of which are staggered lower in height and without front roof dormer windows.

- 2.3 Between the final house and the common boundary with 1 Rosemary Lane there would be an electronically controlled gate providing access to a courtyard car parking area at the rear of the building, which would contain 10 car parking spaces are positioned along the rear common boundary with Hathedene Close. Four further car parking spaces would be located on the opposite side of the car parking courtyard. Individual cycle and bin stores would be provided in each of the rear gardens of the houses, within the garden of the 1-bed flat, and adjacent to the entrance hall of the 3-bed flat, accessed from a pathway.

- 2.4 The application is accompanied by the following supporting information.

1. Planning Design and Access Statement
2. Noise Assessment
3. Renewable Energy Statement (Feasibility and 10% Calculations)
4. Transport Statement
5. Surface Water Management Strategy
6. Landscape Plan
7. Plant List
8. Sustainability Statement

2.5 Revised drawings and information have been submitted to make the following amendments:

- Reconfigured access to bins/bikes in relation to parking space CP10.
- Amendments to landscaping.
- Sustainability amendments and statement.

2.6 The application has been submitted to overcome concerns raised by the Planning Inspector in his recent appeal decision and to allow development to come forward on the site.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0724/FUL	Residential redevelopment of eight houses and two flats following demolition of existing Public House.	Refused - Appeal dismissed
12/1411/DEMDET	Prior notification of the demolition of former Rosemary Public House, 503 Coldhams Lane, Cambridge.	Notification required
13/1171/FUL	Residential redevelopment of eight houses and two flats (following demolition of existing Public House).	Refused – Appeal Dismissed

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
<p>Cambridge Local Plan 2006</p>	<p>3/1 Sustainable Development</p> <p>3/4 Responding to context</p> <p>3/7 Creating successful places</p> <p>3/11 The design of external spaces</p> <p>3/12 The design of new buildings</p> <p>4/13 Pollution and amenity</p> <p>5/1 Housing provision</p> <p>8/2 Transport impact</p> <p>8/6 Cycle parking</p> <p>8/10 Off-street car parking</p> <p>Planning Obligation Related Policies</p> <p>3/7 Creating successful places</p> <p>3/8 Open space and recreation provision through new development</p> <p>3/12 The Design of New Buildings (waste and recycling)</p> <p>5/14 Provision of community facilities through new development</p> <p>10/1 Infrastructure improvements (transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects)</p>

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some

weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Original Comments (19/12/2015)

6.1 Further information is required. If the information is received and is satisfactory, the following conditions and informatives should be attached:

- No unbound material,*
- First use of vehicular access,*
- Drainage,*
- Visibility splays,*
- Manoeuvring area,*
- Redundant vehicle crossover,*
- Access as shown on drawings,*
- Traffic management plan,*
- Highways informative.*

Further comments (16/01/2015)

6.2 The amended plan is satisfactory.

Head of Refuse and Environment

6.3 No objection subject to comments regarding construction/demolition pollution, traffic noise and contaminated land, and the following conditions and informatives:

- Construction hours,*

- Collection or deliveries,*
- Piling,*
- Noise insulation scheme,*
- Contaminated land,*

Urban Design and Conservation Team

- 6.4 The proposed pitched roof form with lower ridge and eaves heights and accommodation within the pitched roof space has resulted in reducing the scale and massing of the proposed units. We support this approach, the units now reflect the domestic scale of existing houses on Rosemary Lane and Hatherdene Close.

The application is supported, subject to the following conditions:

- Samples of materials,*
- Boundary treatment.*

Senior Sustainability Officer (Design and Construction)

Original comments (19/01/2015)

- 6.5 The applications approach to renewable energy provision is supported. Further information related to the overall approach to sustainable development through the use of the principles of sustainable design and construction should be submitted prior to determination

Further comments (03/02/2015)

- 6.6 The additional information is adequate and the application is now supported.

Access Officer

- 6.7 No comment.

Landscape Team

Original comments (07/01/2014)

- 6.8 The landscape team supports the submitted application and feels that many of the comments regarding landscaping can be

dealt with under condition. The application is supported, subject to conditions:

- Hard and soft landscaping,*
- Hard and soft landscaping implementation,*
- Boundary treatment.*

Further comments (29/01/2015)

6.9 The original comments and conditions are still relevant.

Cambridgeshire Constabulary (Architectural Liaison Officer)

6.10 No objection.

Cambridgeshire County Council (Archaeology)

6.11 No objection, subject to condition:

- Archaeological investigation.*

Anglian Water

6.12 No objection, subject to condition:

- Surface water disposal.*

6.13 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 in support of the application:

- No.1 Rosemary Lane
- No.4 Rosemary Lane
- No.5 Rosemary Lane
- No.9 Rosemary Lane

7.2 The representations can be summarised as follows:

- No objection to application.
- BSS run a 24 hour operation.
- The provision of a wall between the access gate and boundary fence is welcomed.
- Request for wall to be extended for length of no.1 Rosemary Lane.
- Clarification needed regarding wall between tree and boundary fence.
- The design is appropriate and sensitive to surrounding area.
- A frequent bus service is required to prevent development contribution to traffic congestion from private car users.

7.3 The owners/occupiers of the following addresses have made representations in objection of the application:

- No.9 Neath Farm Court
- No.368 Mill Road

7.4 The representations can be summarised as follows:

- Overdevelopment.
- Potential increase of on-street parking along Rosemary Lane.
- The Rosemary Branch pub is listed as an important community facility in the IPPG on the protection of public houses and as such the application does not conform to policy.
- There is a need for a pub in this area.
- Highway safety.
- Disturbance from users of gate at vehicle entrance.

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 external spaces
3. Public Art
4. Renewable energy and sustainability
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Third party representations
10. Planning Obligation Strategy

Principle of Development

Loss of a Public House

- 8.2 A previous application for this site (12/0724/FUL) was refused for the following reason:

“Paragraph 70 of the National Planning Policy Framework states that Local Planning Authorities must 'guard against' the unnecessary loss of valued facilities and services. The site has not been adequately marketed and therefore there is no clearly substantiated evidence to demonstrate that there is no longer a need for the public house. The proposal is therefore contrary to the guidance provided by paragraph 70 of the National Planning Policy Framework (2012).”

- 8.3 In the Appeal Decision, the Inspector agreed with this viewpoint and concluded that ‘since public houses are identified as community facilities in the NPPF, I do not consider it unreasonable to expect supporting evidence to show that there is no realistic prospect of using the site for this purpose before alternative uses are contemplated. Without this evidence, it is considered that the proposal would be contrary to the objectives of the NPPF.’
- 8.4 However, since this decision, the site has been cleared of buildings, and it was determined in the previous application (13/1171/FUL) that it would be unreasonable to argue that paragraph 70 applies to a case such as this, where a building has been demolished and the use has been lost.
- 8.5 As the circumstances of this application are the same as the previous application (13/1171/FUL) I consider the loss of the public house to be acceptable.

Residential development

- 8.6 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. There are residential properties situated to the northwest and northeast of the site, and in my opinion this site is appropriate for residential development, subject to compliance with other policies of the Cambridge Local Plan (2006) and the NPPF.
- 8.7 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

- 8.8 The previous application was refused for the following reason:

“The resultant emphasis on the staggered profile would impose a conspicuously jarring building form compared to the modest, simple massing of nearby housing and the utilitarian appearance of nearby commercial buildings.”

“The appellant submits that the development would provide a distinctive facade which would enliven and animate the public realm at this point in Coldhams Lane. However, in this regard I share the Council’s concerns that the appeal proposal would lack sufficient legibility by virtue of presenting an incoherent hybrid of residential accommodation in a scheme of commercial scale and massing. As such it would not appropriately reflect the local context described above and would appear noticeably incongruous at this prominent location.”

- 8.9 The current proposal shares a similar layout to the previous proposal. The proposed buildings would sit approximately 5.5m further forward on the Rosemary Lane frontage than the neighbouring house at no.1 Rosemary Lane. In light of this, the proposed building would have a very strong presence in the street, especially as it would occupy a corner.

- 8.10 Planning policies require that new buildings to be of high quality design, and that they reflect some of the characteristics of their surroundings. The proposed scheme, in my opinion, achieves this.
- 8.11 The proposal has addressed the concern relating to the staggered profile raised in the previously refused scheme by reducing the variation in roof height along the Rosemary Lane and Coldhams Lane frontages down from the previously refused (7.1m to 10m) to the proposed scheme (8.8m to 10m). The reduction in variation in terms of ridge height provides smooth transitions, creates a more integrated relationship between the houses and the flats on the corner in terms of bulk and scale, and makes the corner less visually obtrusive than the previously refused scheme.
- 8.12 The removal of the 'gull wing roofs' and proposed replacement with more traditional pitched roofs with front dormer windows and chimneys is far more reflective of the residential context of the site and in keeping with the residential character of the area.
- 8.13 The proposed facade of the building reads effectively as a residential development and addresses the concerns raised in the previously refused application regarding it appearing as a commercial building in scale and massing. The external materials, roof design, articulation of doors, rhythm and design of windows all contribute towards the successful reflection of the scheme to residential properties in the surrounding area and the proposed design of the houses is in keeping with the character of the area.
- 8.14 The urban design and landscape teams are both supportive of the application, subject to conditions, and I agree with this advice.
- 8.15 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Public Art

- 8.16 A Public Art Delivery Plan has not been submitted as part of this application, which is stipulated as a requirement in paragraph

7.12 of the City Council's Public Art Supplementary Planning Document (SPD). The Public Art SPD states that 'where public art proposals are not submitted with planning applications, the City Council may refuse the application. At this late stage in the design process it will not be possible to include public art that mitigates against the development and has any quality'.

8.17 The SPD sets out that it is the City Council's preference that public art is delivered on site but it is recognised that there may be cases with smaller major developments where it would be inappropriate or physically impossible to include public art on site, and this includes proposals that are submitted late in the design process. In my opinion, this proposal fits these criteria and therefore if permission were to be granted a commuted sum could be paid towards the delivery of off-site art works. This is due to the developments limited public access and it being too late in the design process to integrate public art and provide a demonstrable public benefit.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

Renewable energy and sustainability

8.19 A Sustainable Development Checklist has been submitted and the submitted Energy Statement meets the requirements set out in the Sustainable Design and Construction SPD. The sustainability officer has confirmed this and supports this application, and I agree with this advice.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.21 The neighbouring properties that may be affected by this proposal are the neighbouring residential properties to the northwest on Hathedene Close and the neighbouring residential properties to the northeast on Rosemary Lane.

Overlooking and loss of privacy

Impact on Rosemary Lane

8.22 On Rosemary Lane, the proposed dwellings would be staggered, and would sit approximately 5.5m further forward than the neighbouring dwelling, 1 Rosemary Lane. This positioning in the street would mean that the rear windows of the proposed houses would look out over their own and each others rear gardens and the courtyard carpark beyond, and towards the rear gardens of Hatherdene Close beyond this. Any oblique views towards the rear garden of the neighbouring house on Rosemary Lane would be blocked by the house itself. There are windows proposed on the side elevation of this house, but these would serve bathrooms and therefore a condition has been added requiring that the first floor windows are obscure glazed and fixed shut. A condition that removes permitted development rights for this end unit has also been attached to protect the amenity of this neighbouring property from overlooking.

Impact on Hatherdene Close

8.23 On Coldhams Lane, the end house, closest to the common boundary with Hatherdene Close would stand 4.2m back from the back of the footway, approximately 0.8m further back than the side elevation of 1 Hatherdene Close. This end house would have a window serving a dining room at ground floor level and a window serving a bathroom at first floor level. Again, conditions have been added requiring that this first floor window is obscure glazed and fixed shut, as well as the removal of permitted development rights for this end unit. Direct views from the ground floor level would be blocked by the proposed boundary wall and therefore it is my view that there would be no direct overlooking of the houses on Hatherdene Close. There will, however, be potential for oblique views across to the Hatherdene Close houses from the bedroom windows at first floor level. In my opinion, as the proposed row of dwellings and the existing houses on Hatherdene Close would stand at a right angle to one another, close oblique views would not be possible. Longer, oblique views would be possible but due to the distances involved it is my view that the overlooking

experienced would not be significant, and would not warrant refusal.

- 8.24 The houses on Hatherdene Close have relatively short rear gardens, which means that the rear wall of these houses is 10m from the common boundary with the site. The rear wall of the proposed houses standing on Rosemary Lane would be (at its closest point) 23.5m from the common boundary with the Hatherdene Close houses, and due to this separation distance it is my opinion that any overlooking would not be significant and would not warrant refusal.

Overshadowing and dominance

- 8.25 The proposed development would stand to the southwest of the neighbouring houses on Rosemary Lane, and therefore there is potential for them to overshadow the neighbouring house on Rosemary Lane in the late afternoon. The area of the site directly adjacent to this neighbour was open land used as the pub garden when the pub was open, and therefore there is a difference between the existing and proposed situations. However, the position of the proposed houses further forward than those on Rosemary Lane in conjunction with the additional separation distance between the proposed houses and the existing properties to the north along Rosemary Lane, it is my opinion that they will not overshadow or dominate the neighbouring houses or gardens.
- 8.26 The existing pub building has had a number of extensions over time, and the original, two-storey element of the building stood approximately 7m from the common boundary with 1 Hatherdene Close. The proposed development would stand to the southeast of the neighbouring houses on Hatherdene Close, 1.4m from the common boundary and therefore there is potential for the proposed dwellings to have a greater impact on 1 Hatherdene Close, in terms of overshadowing and dominance, than is currently experienced. This situation is the same as a previous proposal (12/0724/FUL), and this previous application was refused for this reason. However, in the Appeal decision the Inspector took the view that this would not be significant and that 'the outlook would not be dominated by the new dwelling whose unconventional design means it would be lower than a traditional house'. The proposed house would be of a similar height as this previous proposal (12/0724/FUL) and

of the same depth, but would be set further back. Considering the Inspector's view on the previous proposal I consider that it would be unreasonable to refuse the application on the grounds of overshadowing or dominance.

Noise and disturbance from the access road

8.27 A previous application (12/0724/FUL) was refused for the following reason:

Due to the positioning of the access road, adjacent to the boundary with 1 Rosemary Lane, the occupiers of this property would suffer from an unreasonable level of noise and disturbance associated with comings and goings to and from the development. For this reason the proposal are unacceptable and in conflict with Cambridge Local Plan 2006, policy 3/7.

8.28 The access to the car park at the rear of the site would be situated adjacent to the common boundary with 1 Rosemary Lane, in the same position as proposed in the previous application. As this access would serve a sizeable car park, the previous case officer was concerned that the neighbour, 1 Rosemary Lane, would experience a significant level of noise and disturbance from comings and goings, and the application was refused for this reason. In the Appeal decision, the Inspector took the view that 'the intention to install near silent gates at the entrance and a 1.8m to 2m high brick wall between the access and the bungalow would make a significant contribution in reducing noise and disturbance. The inspector judged this arrangement to be acceptable and therefore the inclusion of the brick wall and gates is considered to be acceptable.

8.29 The proposed scheme follows the guidelines set by the appeal decision, in keeping with the previously refused scheme (13/1171/FUL), which was considered acceptable from a residential amenity standpoint. As a result, it is considered that there will not be harm to neighbouring properties in terms of vehicle traffic accessing the rear of the site through the gate.

8.30 In my opinion the proposal respects the residential amenity of its neighbours and the constraints of the site and I consider that

it complies with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.31 The previous application was deemed acceptable in terms of providing a high quality and attractive living environment for future residents in relation to rear gardens and the courtyard at the rear of the site. In the current application, the proposed courtyard is broadly the same in terms of this rear courtyard and garden space and in my view, the proposed courtyard is consistent with the previous application which in relation to amenity was deemed acceptable.
- 8.32 All of the proposed houses would have private gardens, as would the ground floor, one-bedroom flat. The three-bedroom flat occupying the upper floors would have a garden room on the first floor, overlooking Coldhams Lane and the junction of Coldhams Lane and Rosemary Lane. There are no policies in the Cambridge Local Plan (2006), which give specific guidance on private amenity space, and in my opinion the amount of private amenity space proposed is adequate.
- 8.33 A noise report has been submitted in relation to the impact of traffic noise from Coldhams Lane on future occupiers of the proposed dwellings. The Environmental Health team has recommended that a noise insulation scheme be added as a condition to reduce the level of noise experienced in these residential units as a result of the proximity of the habitable rooms, including the first floor balcony overlooking the corner junction, to the high ambient noise levels in the area. I agree with this advice and have added the condition accordingly.
- 8.34 Due to the close proximity of the site to a previous landfill, the Environmental Health team have recommended a condition requiring a full contaminated land assessment, which I have recommended.
- 8.35 While it is identified that there are industrial premises opposite the site, these premises are used as warehouses and therefore would not create any significant level of noise or pollution to harm the amenity of future occupiers. The main implication of these industrial premises would be related to traffic noise, which would be addressed through the noise insulation scheme, as

described previously. The Environmental Health team have not raised any concerns with the industrial premises in the surrounding area and I agree with this advice.

- 8.36 In my opinion the proposal provides 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

- 8.37 It is proposed that each dwelling would have an individual refuse store within their garden. The three-bedroom flat, which does not have a garden and would have a refuse store adjacent to the hallway, accessed from a pathway. Five bin collection points will be provided, two on Rosemary Lane and three on Coldhams Lane. Amendments have been made to provide a new pedestrian gate to unit 10 to avoid the potential conflict between moving bins from the rear gardens and the parking spaces at the rear to the designated bin bay. The Environmental Health team has not raised any concerns with the proposed refuse arrangements.

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

Highway Safety

- 8.39 The highway authority has raised no objection to the proposed access of the scheme in relation to highway safety, and has recommended conditions to ensure that the access of the car park onto Rosemary Lane is safe. I agree with this advice and have recommended conditions.
- 8.40 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.41 Appendix C (Car Parking Standards) states that, at a maximum, dwellings with less than 3 bedrooms can have one parking space and dwellings with more than 3 bedrooms can have two parking spaces. This would equate to 15 spaces on this site. 14 spaces are provided. This is below the maximum standards

but, in my opinion, this is acceptable as the site is relatively close to amenities in the centre of Cherry Hinton. The site is not within the Controlled Parking Zone and residents could park on Rosemary Lane, with minimal impact on the occupiers of neighbouring properties.

8.42 It is proposed that an individual cycle store is provided for each dwelling. These stores are of an adequate size, and this approach is satisfactory and acceptable. Cyclists would need to cross the car park to leave the site, but as they can access and leave the site via pedestrian pathways and are not forced to use the vehicle access it is my opinion that this situation is acceptable.

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

Third Party Representations

8.44 The majority of the representations have been addressed in the main body of this report:

<u>Objection</u>	<u>Paragraph</u>
Disturbance from users of the gate.	8.28
Highway safety.	8.39
Increase of on-street parking.	8.41

8.45 Overdevelopment

8.46 The level of density of the site (63 dwellings per hectare) is reflective of the surrounding area where there are residential properties to the north at the end of Hatherdene Close which represent a higher density (72 dwellings per hectare), and in contrast a lower density (53 dwellings per hectare) of properties to the west along Hatherdene Close.

8.47 The loss of the public house does not confirm with planning policy

8.48 I note that the IPPG lists the Rosemary Branch as a community asset that should be preserved and it is included in policy 76 of the emerging local plan (2014). However, the demolition of the

public house was carried out separately (12/1411/DEMDT) and the loss was justified in the previous application (13/1171/FUL) and so paragraph 70 of the NPPF no longer applies.

8.49 The boundary wall between the site and no.1 Rosemary Lane needs to be extended and clarification of boundary treatment is needed

8.50 A condition has been attached in relation to the boundary treatment. The Environmental Health team has not raised any objection to the noise from vehicles using the gate and the suggested extension of the boundary wall is a civil matter.

Planning Obligation Strategy

Planning Obligations

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

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art. 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

8.52 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.

8.53 The application proposes the erection of 6 three-bedroom houses, 1 three-bedroom flat, 2 two-bedroom houses and 1 one-bedroom flats. No residential units would be removed, so the net total of additional residential units is 10. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	1	357
2-bed	2	238	476	2	952
3-bed	3	238	714	7	4998
4-bed	4	238	952		
Total					6307

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	1	403.5
2-bed	2	269	538	2	1076
3-bed	3	269	807	7	5649
4-bed	4	269	1076		
Total					7128.5

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	1	363
2-bed	2	242	484	2	968
3-bed	3	242	726	7	5082
4-bed	4	242	968		
Total					6413

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	1	0
2-bed	2	316	632	2	1264
3-bed	3	316	948	7	6636
4-bed	4	316	1264		
Total					7900

8.54 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

8.55 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is J1256 for each unit of one or two bedrooms and J1882 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	1	1256
2-bed	1256	2	2512
3-bed	1882	7	13174
4-bed	1882		
Total			16942

8.56 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

8.57 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 J75 for each house and J150 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	8	600
Flat	150	2	300
Total			900

8.58 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

8.59 A network of Household Recycling Centres are 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.

8.60 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.

8.61 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.

Education

- 8.63 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.
- 8.64 In this case, 10 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education, primary education, secondary education, and lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	1	
2+-beds	2		810	9	7290
Total					7290

Primary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	1	
2+-beds	2		1350	9	12150
Total					12150

Secondary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	1	
2+-beds	2		1520	9	13680
Total					13680

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	1	160
2+-beds	2		160	9	1440
Total					1600

8.65 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.

Public Art

8.66 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.8 to 8.10 above that in this case a commuted public art payment to the S106 Public Art Initiative is appropriate. This commuted sum needs to be secured by the S106 planning obligation.

8.67 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Monitoring

8.68 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

- 8.69 For this application a monitoring fee of £2,279.53 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

- 8.70 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The application is considered to be acceptable as the design has addressed the reason why the Inspector dismissed the previous appeal. I therefore recommend the application for approval.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 17/04/2015 and the following conditions:

1. 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.

2. 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.

3. 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.

4. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

5. The access shall be constructed with adequate drainage measures to prevent surface water run-off 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.

6. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawings. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

8. Any redundant vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

Reason: for the safe and efficient operation of the public highway

9. The access shall be provided as shown on the approved drawings and a width of access of 5 metres provided for a minimum distance of ten metres from the highway boundary and retained free of obstruction.

Reason: In the interests of highway safety.

10. No demolition or construction works shall commence on site until a traffic management plan has been agreed 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, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway. Reason: in the interests of highway safety

11. The windows identified on the end elevations of units 10 and 1 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 and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

12. 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)

13. 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.
14. 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 from 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.
15. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

16. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary. (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site. (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology. (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f). (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. (f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the

closure report together with the necessary documentation detailing what waste materials have been removed from site.

17. 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. 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. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

18. 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. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

19. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

20. No development shall take place until samples of the materials 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).

21. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

22. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. Developers will wish to ensure that in drawing up their scheme, the timetable for the investigation is included within the details of the agreed scheme.

Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

23. 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 on unit nos. 10 and 1 as shown on drawing no. EDG/14/51/2B.

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

24. This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.