

Application Number	10/0519/FUL	Agenda Item	
Date Received	3rd June 2010	Officer	Miss Amy Lack
Target Date	29th July 2010		
Ward	Queen Ediths		
Site	115 - 117 Mowbray Road Cambridge Cambridgeshire CB1 7SP		
Proposal	Erection of 2 bungalows on land to the rear of 115 - 117 Mowbray Road.		
Applicant	Mr Edward Durrant 117 Mowbray Road Cambridge CB1 7SP		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Located on the eastern side of the road 115 and 117 Mowbray Road are the northernmost two of a row of four, two storey, terrace dwellings. These are characteristic of the dwellings along Mowbray Road which, although part of the City Ring Road is also a residential street where two storey terrace and semi-detached properties predominate.
- 1.2 The application site relates to the rear gardens of 115 and 117 Mowbray Road fronting onto a spur of Hulatt Road which runs parallel to Mowbray Road. This end of Hulatt Road is an exception to the predominantly surrounding two storey residential in the area locating a cluster of terrace bungalows to the east and northeast.
- 1.3 The site is not allocated in the Cambridge Local Plan (2006) nor does it fall within a City of Cambridge Conservation Area. The site falls outside of the controlled parking zone (CPZ).

2.0 THE PROPOSAL

- 2.1 This application seeks permission for the erection of a pair of semi-detached bungalows in the rear gardens of 115 and 117 Mowbray Road fronting onto Hulatt Road. It follows a previously refused planning application reference 09/0204/FUL, dismissed at appeal, which proposed an asymmetrical pair of detached bungalows (though these would have appeared as a pair of semi-detached dwellings given a very small separation distance) of a scale and mass similar to what is proposed here.
- 2.2 Built on an 'L' shaped plan the semi-detached pair of bungalow dwellings sit back to back as a mirror-image of one another. The mass toward the front of the site accommodates an open-plan living room under a flat roof with a maximum height of approximately 2.6 metres. Previously this element was beneath a mono-pitched roof with a maximum ridge height of 3.2 metres falling to an eaves height of 2.5 metres. This element is linked, via a mono-pitched roof corridor with a maximum height of 2.6 metres falling to a height of 2 metres (previously flat roofed, 2.7 metres in height) which leads to a larger flat roofed mass to the rear which accommodates a bathroom and a bedroom.
- 2.3 One car parking space is proposed to the side of each dwelling behind a sideways sliding gate. Refuse and recycling storage and cycle parking is also proposed in this area.
- 2.4 The fundamental difference between this application and the previous one is the screening of the semi-detached pair from the street scene of Hulatt Road by finishing their eastern elevations with a close-boarded fence, setting this back from the highway by 0.8 metres and dropping the ground level into the site so the development is almost entirely screened by boundary fencing along all elevations.
- 2.5 The application is accompanied by a Design and Access Statement and has been submitted in conjunction with an application for a Lawful Development Certificate (S192) for erection of a 4m high garage to the rear and the creation of vehicular access onto Hulatt Road (Planning application reference 10/0319/CL2PD).

3.0 SITE HISTORY

Reference	Description	Outcome
10/0319/CL2P D	Application for Lawful Development Certificate (S192) for erection of a 4m high garage to rear and creation of vehicular access onto Hulatt Road.	Pending
09/0204/FUL	Erection of two bungalows.	REF Dismissed at appeal.

3.1 Planning application reference 09/0204/FUL proposed a similar development of two detached bungalows as mentioned above. This proposal was recommended for refusal by officers and refused by South Area Committee for five reasons concerning: Overdevelopment; Character and context; Highway Safety; Comprehensive development; and the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy. The decision notice was issued on 27 May 2009.

3.2 The applicant appealed against the City Council's refusal and this appeal was dismissed by the Inspector, concluding that the proposal would unacceptably detract from the character and appearance of the area. This was with particular regard to the impact of the proposal within the street scene of Hulatt Road; the proximity of the development to neighbouring gardens and lessening the quality these gardens; that they would detract from the character of the area at the rear of the neighbouring Mowbray Road houses; and when viewed from the immediately adjacent and host dwellings they would appear as a cramped and intrusive presence.

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

5.0 POLICY

5.1 Central Government Advice

5.2 PPS1 Delivering Sustainable Development (2005):

Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Planning Policy Statement 3: Housing (2006):

Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously

developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

5.4 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.5 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.6 **Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(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.

5.7 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/11 The design of external spaces

3/10 Sub-division of existing plots

3/12 The design of new buildings

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development

10/1 Infrastructure improvements (transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects)

5.9 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

(For applications received on or after 16 March 2010)

Cambridge City Council (March 2010) – Planning Obligation Strategy: provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate

the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

5.10 Material Considerations

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

City Wide Guidance

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010) Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No objection on highway safety grounds. However, a 1.8 metres wide footway should be provided across the frontage of the site (the highway authority would be willing to adopt the footway in anticipation of further development on this frontage); car parking spaces must be a minimum 2.5 metres by 5 metres; the access must be hard paved for a distance of at least 6 metres from the

boundary with the public highway into the site.

- 6.2 Subject to these amendments to the proposed scheme, a condition requiring that the accesses be provided as shown on the drawings and standard highway informatives the proposal is not considered to have any significant impact upon the public highway.

Head of Environmental Services

- 6.3 No objection in principle. Standard conditions regarding: hours of construction/demolition; on-site storage for waste and recycling; and hours of collections/deliveries should be imposed.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations in objection:

- 75, Hulatt Road, Cambridge CB1 8TH
- 111, Mowbray Road, Cambridge CB1 7SP
- 191, Cambridge Road, Great Shelford, Cambridgeshire CB22 5JN

- 7.2 The representations can be summarised as follows:

- Why has this application been submitted again in conjunction with a garage, it all seem a bit dubious given one of the applicants works in the planning office;
- The additional residential dwellings accessing this section of Hulatt Road will create additional noise and disturbance to the already very busy and noisy turning and parking area, this is even more pertinent given that the majority of neighbouring occupiers are elderly and/or ill;
- The recent amendments to PPS3 now apply and has been changed to safeguard against development such as this;
- None of the reasons that the Inspector cited for refusing this application have been satisfactorily addressed;

- The development remains out of character with the prevailing pattern of development, mainly two storey semi-detached properties and this part of Mowbray road is characterised by large rear gardens;
- No similar backland developments along this part of Mowbray Road which will erode and be harmful to the character of the area;
- The proposed dwelling extends hard to the boundaries with limited amenity areas resulting in a cramped form of development; and
- If allowed this will set precedent for similar development along the road.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) explains that provision is to be made for an increase of 12,500 dwellings over the period 1999-2016, and while it is recognised that most of these will be from larger sites within the urban area and urban extensions, development of additional residential units on sites such as this will be permitted subject to the existing land use and compatibility with adjoining uses, which is assessed in the sections below within the main body of the report.

8.3 Pertinent to this proposed backland development is PPS3, as re-issued earlier this year, since refusal of the previous application and submission of this fresh application. This has reclassified garden areas from 'Brownfield Land' to 'Greenfield Land' and addresses the issue of minimum density. In my view the change in the legislation means that this land should be regarded as 'Greenfield'; the consequence of that change is not to preclude development altogether but to reduce the priority for this land to be developed. Although the re-issued PPS3 seeks to resist 'garden-grabbing', the idea of subdivision of gardens is not always unacceptable and it is necessary also to consider the site in the light of Local Plan policy 3/4 context and to recognise the issue of avoiding excessive density. The re-issued PPS3 also seeks to create diverse and responsive built environments, and protect or re-establish the biodiversity of areas where practicable. The Local Plan already has another policy aimed at safeguarding the loss of garden land unreasonably, policy 3/10 *Sub-division of existing plots*. This policy advises that residential development within the garden area or curtilage of existing properties will not be permitted if it would;

- a. have a significant adverse impact upon the amenities of neighbouring properties, through loss of light, loss of privacy an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b. provide inadequate amenity space, or vehicular access arrangements and parking spaces of the proposed and existing properties;
- c. detract from the prevailing character and appearance of the area;
- d. adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e. adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and

- f. prejudice the comprehensive redevelopment of the wider area of which the site forms part.

8.4 In this case where the proposal does not adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site; and does not adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; only criteria a, b, c and f are relevant here. Considering the proposal in each case I will address the above listed criteria a, b, c and f in turn;

- a. the proposed dwellings are approximately 12.8 metres at their maximum depth, sited on a 13.7 metre deep plot, reduced by 1.3 metres in depth from the previous scheme. This sees the proposed dwellings offering a separation distance of 15.7 metres, measured at their closet point to existing dwellings 115 and 117 Mowbray Road, which is very slightly reduced compared to the previous scheme given the proposed dwellings are marginally greater in depth. The proposed units are only set 0.6 metres off the common boundary with these existing properties. I believe that the introduction of the semi-detached forms, with the footprint and mass detailed on the submitted plans, into the rear gardens of 115 and 117 Mowbray Road, would result in a significant impact upon the quality of this space and the amenity currently enjoyed by the occupiers of the existing dwellings. While I acknowledge the development is only single storey and levels have been dropped within the site to lessen its impact upon neighbouring residences I believe it would dominate this rear garden area, appearing cramped and incongruous and cause a material change and reduction in outlook. There would also be a significant loss of rear garden space to the existing properties which this proposal will sub-divide, whilst still usable, the quality of the space will be significantly eroded.

- b. Given the dimensions of the proposed plot and the footprint of the dwellings proposed, I do not believe that it is possible, in terms of space, to provide adequate, usable, good quality external amenity space for the proposed dwellings. The required ancillary provision for cycle parking and refuse and recycling storage in addition to the onsite car parking seriously erode into this limited

space which will be exacerbated by the 'box-in' feeling created by the low level of the building and the high surrounding close-boarded fencing to all boundaries. I have read the justification for the layout in the Design and Access Statement, which argues that small affordable dwellings which offer on site parking and a small amount of easily maintained external amenity space are a welcome change from flats; however, while I agree with this argument in principle, I think the proposal fails to demonstrate that it can achieve this in even an acceptable let alone a successful way. The only space remaining as private outdoor amenity space is courtyard area to the side of each property. I believe all these aspects demonstrate the failure of the proposed development to recognise the constraints of the site.

- c. The introduction of a pair of dwellings into this rear garden area would detract from the prevailing character and appearance of the area. The site is currently a residential garden and although not of any particular merit to the character of the area given the high close boarded fence along the eastern boundary to Hulatt Road screens it from the outside of the site, it nonetheless serves to contribute to the open feel provided by the rear gardens to the dwellings along Mowbray Road. When viewed from Hulatt Road these gardens, all similar in size, provide a reasonable separation distance between the built form of Mowbray Road and Hulatt Road which along this section run parallel to one another. The erosion of this space by introducing a built form would detract from the prevailing character and appearance of the area and close down a space which currently has a feeling of openness, regardless of the efforts to 'hide' the development behind fencing as if it is not there. It will be clearly visible from neighbouring garden areas and upper floors of surrounding dwellings even if it is not at first obvious in the street scene.

- f. The development of this site in isolation from the rest of the rear garden plots to west of this section of Hulatt Road could seriously prejudice the comprehensive development of the rest of the immediate surrounding area. The application fails to demonstrate that the proposal would not pose a threat to achieving a comprehensive approach

should the adjacent plots come forward for development in the future and as such I do not believe that the benefits of two additional dwellings outweigh the potential to erode this area and result in a incompressive pattern of development. However, the Inspector has also considered this application site with regard to the aspirations of this policy and whilst conceding that development in this location could inhibit comprehensive development of the area he did not see any indication of any proposals to redevelop this land and does not believe that the refusal of permission at this time on these grounds would be justified. As such I concede that the proposal does at this time prejudice comprehensive development.

- 8.5 While the principle of the development complies with policy 5/1 of the Cambridge Local Plan 2006 in that the surrounding area is primarily residential, which makes the acceptability of housing development here possible in theory, in practice, the site has a number of constraints, and I indicate below, that in my opinion, this proposal fails to respond to them satisfactorily. I stated in my report on the previous application on this site (09/0204/FUL) that the nature of this site, in terms of it sub-dividing the rear gardens of 115 and 117 Mowbray Road and the relationship with adjoining properties, that it is rendered unsuitable to accommodate new residential development. This remains my view. I also consider the proposal unacceptable, by failing to meet the tests of policy 3/10 of the Cambridge Local Plan (2006) with particular reference to criteria a, b, and c of the above mentioned policy and as such I recommend that application be refused.

Context of site, design and external spaces

- 8.6 This proposal has gone to unconventional lengths to try and hide from the street scene of Hulatt Road. Where the previous application presented a pair of detached bungalow properties to the frontage of Hulatt Road which failed to reflect the very uniform character and the design of bungalows on the opposite side of Hulatt Road, this current application proposes close-boarded fencing along the length of the eastern boundary adjacent to Hulatt Road with two entrances to each dwelling concealed within the fencing. One to access a garage and one to access the dwelling house. By doing so, the impact of the proposal within this street scene is essentially neutral, and will

appear much unchanged from the existing situation where high garden fences demarcate the eastern boundaries of the rear gardens to the properties along Mowbray Road. However, while the buildings will be largely unseen from street level I still remain unconvinced, as I did with the previous scheme, that the development will have a positive impact upon its setting or the prevailing character of the immediate streetscape, but instead will appear out of keeping, heightened by their being the only buildings on this side of the street of Hulatt Road. I acknowledge the Inspector's concern that the buildings previously proposed would not reflect the character of the buildings in the vicinity being set within a run of back garden fencing and that the applicant has inventively tried to lessen the impact of their being there by retaining a fence treatment along this boundary in order to screen the dwellings from the street view. I have reservations about whether this can be built as shown and that elements (solar collectors, aerial, flues) will almost inevitably protrude above the fence in due course. Also, I believe this raises other concerns with regard to character. Such an arrangement means that the dwellings do not have a presence which should be commanded by their function as home. For the building to have to be screened to this extent in order to hide it entirely from the street I think demonstrates the inappropriateness of locating a significant residential mass in this location. Also, I do not consider this scheme to have overcome the Inspector's concerns with regard to massing of this scale in this rear garden area, still appearing cramped and incongruous.

- 8.7 The presence of the dwellings, occupying almost the width of two rear garden plots, will be obvious from neighbouring properties and their upper floors. The Inspector also commented on the view from the host dwellings and from those dwellings north and south in Mowbray Road. From here the proposed dwellings would appear as a cramped and intrusive presence that would unacceptably detract from the open character at the rear of houses. The Inspector also considered the proximity of the proposed dwellings to the neighbouring gardens likely to inhibit the use of those gardens.
- 8.8 The subdivision of the rear gardens to 115 and 117 Mowbray Road will reduce the area currently enjoyed by almost half. Whilst I consider this to result in a garden space uncharacteristic of the prevailing character of the area which is

contrary to policy 3/10 of the Cambridge Local Plan 2006, as mentioned above, the Inspector considered a similar distance demonstrated by the previous application and was satisfied that the amount of garden retained by the host dwellings would be sufficient to meet the reasonable needs of the occupiers of those houses, albeit the quality of these spaces and those adjacent gardens would be significantly eroded by the proposed bungalows in that they would further detract from the character of the area at the rear of the Mowbray Road houses.

8.9 The Inspector responded to the appellant's indication that a garden building built as 'permitted development' could be larger than the proposed bungalows which could have a similar, if not greater impact upon the character of the surrounding area. This was prior to the applicant submitting a Lawful Development Certificate to the local planning authority (planning reference 10/0319/CL2PD). The Inspector remarked that he considered it unlikely that such buildings would share the design approach of a dwelling and they would not result in separate occupation and activity or the domestic paraphernalia that would be associated with two independent dwellings and this argument did not persuade him that the proposal for two dwelling houses was acceptable.

8.10 Despite attempts to reduce the impact that the proposed dwellings will have upon the character of the street scene I consider this to have been achieved in a contrived and inadequate way, much like you would expect to screen a refuse store, not a dwelling. I have considered the views of the Inspector on the previous scheme and the amendments subsequently made in light of the Inspector's decision, and I still consider the proposal contrary with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Residential Amenity

8.11 The issue of residential amenity needs to be considered both from the perspective of the impact upon neighbouring residents/occupiers, but also in terms of the amenity the proposal would offer to prospective occupiers.

8.12 In order to safeguard the privacy of both the prospective and existing occupiers a 2metre high close boarded fence is proposed to demarcate the common boundaries with adjacent

neighbouring properties, in addition to this the ground level is dropped and given that the proposal is only single storey I do not consider there to be any opportunities for mutual overlooking. Greater opportunities will be afforded to the existing dwellings 115 and 117 Mowbray Road to overlook the proposed bungalows from the rear rooms on the upper floors, however I am confident that the proposed fencing will sufficiently screen the proposal site and such views will be very limited and not significantly compromise the privacy of prospective occupiers.

- 8.13 However, despite measures successfully protecting neighbouring properties from overlooking, I believe the presence of the proposed dwellings will create a very invasive relationship and permanent presence, as did the Inspector considering the previous scheme, at an extremely short distance from both 115 and 117 Mowbray Road, and to a lesser, but still significant degree, 113 and 119 Mowbray Road. I believe this relationship is a consequence of an attempt to try to site too much development on too small a plot. This in turn is likely to compromise the quality of life of the potential occupiers through lack of space. The required ancillary provisions for cycle storage, refuse and recycling store and the on-site car parking space all encroaching upon the small amount of usable external amenity space. However, the Inspector did not consider this as significant as he did the impact upon the neighbouring occupiers and the erosion upon the quality of their garden space. As such, I am of the opinion that the proposal fails to respect the residential amenity of its neighbours, or provide an attractive, high quality living environment and therefore consider it contrary Cambridge Local Plan (2006) policies 3/4 and 3/7.

Refuse Arrangements

- 8.15 The submitted plans indicate refuse and recycling storage to the side of each dwelling within the proposed garage area also allocated for the on site parking of one car and one cycle. This arrangement further strengthens the argument above that the proposal represents an overdevelopment of the site for the manoeuvring of refuse to and from the street on collection days will be impeded by the parked car. However, despite this obstacle to the functionality of the site layout, I am satisfied that there is adequate space within the site as a whole to

accommodate the required number of wheelie bins and a bicycle should the garage not prove suitable. Accordingly I consider the proposal compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.16 The County Council's Highway Engineer who considered the application on behalf of the Highway Authority raises no objection towards the proposal on grounds of highway safety. This is subject to a 1.8 metres wide footway being provided across the frontage of the site, ensuring that the car parking spaces are a minimum 2.5 metres by 5 metres and that the access into the site from the boundary with the highway is hard paved for a distance of at least 6 metres.
- 8.17 1.8 metres does not appear to be achieved. If steps have to be provided down to the front door in the 'highway', it is certainly not possible. That said, the Inspector in his previous decision did not consider highway safety to be sufficient of an issue to justify refusal and, therefore, on balance I do not consider the impact on the highway solely to be in conflict with Cambridge Local Plan (2006) policy 8/2 to a degree that would justify refusal.

Car and Cycle Parking

- 8.18 The provision of a single on-site car parking space is made for both dwellings in the garage which is also designated for the storage of refuse and recycling and cycle parking. The allocated on-site car parking for a single car falls within the maximum provision dictated by the City Council's Car Parking Standards (2004) as set out in Appendix C of the Cambridge Local Plan for a single bedroom dwelling located outside the Controlled Parking Zone. A sideways sliding opening entrance off the highway ensures that the door does not over-hang the public highway and as such no objection is raised by the County Council's Highway Engineer who considered the application on behalf of the Highway Authority. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/10.
- 8.19 The proposal is required to accommodate space for at least one cycle per dwelling to accord with the adopted Cycle Parking Standards (2004) as set out in Appendix D of the Cambridge

Local Plan (2006). While I consider there to be space on site to achieve this required provision (although this will erode the very limited amenity space shown) I do not think there is space in the garage for a car, a bicycle and the refuse storage, if a sliding garage door is installed. Parking in the spaces will be difficult. There is technically room on the site but only at the cost of already very limited amenity space. A condition could make the proposal compliant with the Council's supplementary planning guidance in the form of the Cycle Parking Standards (2004) and Cambridge Local Plan (2006) policy 8/6.

Third Party Representations

8.20 I believe most of the issues raised by the third party representations received have been sufficiently addressed in the main body of the report.

8.21 I am aware that the applicant has been employed by the City Council, for a period of time on secondment from another authority. He is no longer working for the City Council, but his previous employment with the City Council is the reason that planning reference 10/0319/CL2PD, an application for a Lawful Development Certificate (S192) seeking confirmation that the erection of a 4m high garage does not require planning permission, (submitted in conjunction with this planning application), has come before Area Committee for decision. Both applications would have been considered by Committee even had there been no representations.

Planning Obligation Strategy

8.22 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. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.23 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.

8.24 The application proposes the erection of two, one-bedroom dwellings. No residential units will be removed, so the net total of additional residential units is two. 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 children's play space are not required from one-bedroom units. The totals required for the two 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	714.00
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					714.00

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	807.00
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total					807.00

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	726.00
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					484.00

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		
4-bed	4	316	1264		
Total					0

8.25 A draft Unilateral Undertaking was sent to the applicant on 22nd June 2010. It has not been returned. In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and in accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

- 8.26 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	2512.00
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			2512.00

- 8.27 A draft Unilateral Undertaking was sent to the applicant on 22nd June 2010. It has not been returned. In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Waste

- 8.28 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	2	150.00
Flat	150		
Total			150.00

8.29 A draft Unilateral Undertaking was sent to the applicant on 22nd June 2010. It has not been returned. In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Conclusion

8.30 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 RECOMMENDATION

9.1 Cramped and incongruous, the proposed development unacceptably detracts from the character and appearance of the area; impacts upon the quality of neighbouring rear gardens; and fails to secure the requirements of the Planning Obligation Strategy (2010). I recommend that the application be refused.

10.0 REFUSE for the following reason/s:

1. The proposed development would unreasonably erode the existing rear garden space and create a visually intrusive and incongruous form. When viewed from the host dwellings and from neighbouring properties to the north and south in Mowbray Road they would appear as a cramped and intrusive presence that would unacceptably detract from the prevailing open character and appearance of the rear garden areas along this stretch of road, also impacting upon the quality of those rear gardens immediately adjacent to the development site. The proposed development therefore fails to positively enhance the townscape and fails to respond to the local context or recognise the constraints of the site. The development is contrary to policies 3/4 and 3/10 of the Cambridge Local Plan (2006) and advice provided by PPS1 Delivering Sustainable Development and PPS3 Housing.

2. The proposed development, because of the subdivision of the site to accommodate an additional two dwellings with associated requirements for car parking, cycle parking, bin storage and amenity space, in the rear gardens of 115 and 117 Mowbray Road, would result in a contrived and cramped development out of character with the surrounding area on this rear garden plot, which would not provide the attractive, high quality living environment that Local Plan policy 3/7 aspires to provide. This demonstrates a failure of the development to respond to the context of the site and its constraints and the development is therefore contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10 and advice provided by PPS1 Delivering Sustainable Development and PPS3 Housing.
3. The proposed development does not make appropriate provision for open space, community development and waste facilities in accordance with policies 3/7, 3/8, 3/12 and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003 and the Planning Obligation Strategy 2010 and Guidance for Interpretation and Implementation of Open Space Standards 2010.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.