

Application Number	10/0561/FUL	Agenda Item	
Date Received	15th June 2010	Officer	Mr James D'Arcy
Target Date	10th August 2010		
Ward	Trumpington		
Site	39 Shelford Road Cambridge Cambridgeshire CB2 9LZ		
Proposal	Erection of three new four-bed dwellings (following demolition of existing single storey dwelling) (re-submission of application reference 10/0215/FUL).		
Applicant	Mr Brian Tyler The Granary 13 Royston Road Harston Cambridge CB22 7NH		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 39 Shelford Road lies on the northern side of Shelford Road, in fairly close proximity to the southern boundary of Cambridge City. This application for full planning permission relates to the curtilage of No. 39 Shelford Road and a portion of land that previously formed part of the rear gardens of Nos. 37 and 41 Shelford Road, adjacent. The plot, therefore, is effectively 'T' shaped, and extends to the southeast and northwest, wrapping around the existing rear gardens of Nos. 37 and 41, adjacent. The plot is quite large, measuring just over 90 metres in depth, and towards the rear it is over 40 metres in width.
- 1.2 The existing property at 39 Shelford Road is a fairly large, hipped roof bungalow that has been considerably extended to the rear. It has a vehicular access to its northwestern side. Boundary treatments on site are varied, but include mature hedging and a line of substantial leylandii trees to the northeast. There are a number of trees on site and in close proximity to the site but located within adjacent gardens. The form and character of dwellings along the northern side of

Shelford Road is varied and a mix of both ages and styles.

- 1.3 Planning permission has previously been granted for the demolition of the existing bungalow at the front of the site and its replacement with a detached, two-storey dwellinghouse, located to the northwest side of the resulting plot, plus the erection of two bungalows to the rear (reference planning permissions C/02/0038/OP, C/06/1393/REM, & 07/0598/FUL).
- 1.4 The site is not located within a designated Conservation Area and the site falls outside the controlled parking zone (CPZ).

2.0 THE PROPOSAL

- 2.1 This application seeks full planning permission for the erection of 3 dwellings following the demolition of the existing bungalow, and broadly relates to revisions with regard to siting, footprint and design of the previous planning permissions for the site, specifically, reserved matters planning permission reference C/06/1393/REM, and Full Planning permission reference 07/0598/FUL which repositioned dwellings within the site to take into account the impact upon neighbouring amenity and the character of the area. Both of these applications are considered to have satisfactorily addressed the key constraints of this site. As such, whilst this application must be considered on its own merits, the previous planning permissions are significant material considerations in its determination.
- 2.2 The key differences between this scheme and the approved scheme (reference 07/0598/FUL) are as follows:
 - There is a reduction in the heights (measured at ridge) on the single storey dwellings to the rear, of 0.8 and 0.3m respectively, although Plot 1 retains the same height as that previously approved. Eaves heights are to remain unchanged.
 - Plot 1 and 2 have an increased floorspace and plot 3 features a slight (2sqm) reduction in floorspace.
 - The proposed garages serving the new dwellings have also been repositioned in relation to the prior approval, locating them closer to the boundaries of the site.
 - Further detailed design changes are set out in the assessment

paragraphs found below.

This application is a resubmission, of the withdrawn application 10/0215/FUL, which was necessary because of an alteration to the “red line” site plan, following a query about to the accuracy of the original application site boundaries. Otherwise, the application is identical. The paragraphs below therefore have similarities to what was put before Committee previously, but also account for changes in advice , particularly with regard to the re-issued PPS3.

2.3 The application is accompanied by the following supporting information:

1. Design and access statement
2. Arboricultural statement
3. Plans and elevations

3.0 SITE HISTORY

Reference	Description	A/C, REF, W/D
C/87/1034	Outline application for the erection of 2 no. detached bungalows.	Appeal dismissed
C/01/0916/OP	Erection of 5 dwellings, demolition of existing dwelling on frontage and creation of a new vehicular access.	REF
C/02/0038/OP	Erection of 3 dwellings, demolition of existing dwelling on frontage and creation of new vehicular access.	A/C
C/02/0869/OP	Erection of 4 no. detached dwellings, demolition of existing dwelling and creation of new vehicular access.	REF Appeal dismissed
C/04/1041/OP	Erection of 2 no. bungalows.	REF
C/06/1393/REM	Erection of 3 dwellings following the demolition of the existing bungalow.	A/C
07/0598/FUL	Erection of three dwellings following the demolition of the existing bungalow (revised scheme)	A/C

10/0215/FUL	Erection of 3 four-bed dwellings (following demolition of existing dwelling).	Withdrawn following decision of Committee to approve, because of inaccurate boundary plan
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4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	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 (PPS 3) Housing** (reissued 2010): 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. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

The updated PPS3 (June 1020) reclassifies private residential gardens from previously developed or brownfield land to greenfield land. This does not, however, mean that garden land cannot be developed under any circumstances. At the present time, national policy does not preclude the development of private gardens, but garden land is now not considered to be brownfield land and is not, therefore, of the same priority for development as was the case previously. Proposals for the development of garden land will continue to be assessed against Policy 3/10 of the Cambridge Local Plan (2006) relating to the subdivision of plots.

- 5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including World Heritage Sites, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not

designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

5.6 **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.

5.7 **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.

5.8 **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.

5.9 **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
3/12 The design of new buildings
4/4 Trees
4/13 Pollution and amenity
5/1 Housing provision
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

5.10 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.

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.

5.11 **Material Considerations**

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

6.0 **CONSULTATIONS**

Cambridgeshire County Council (Engineering)

6.1 The footway and verge crossing must comply with the Highway Authority's specification for such works, rather than that proposed by the applicant. Informatives also recommended.

Head of Environmental Services

6.2 No objection in principle, subject to a condition regarding traffic related noise.

Arboricultural Section

6.3 No comment received.

Cambridgeshire County Council (Archaeology)

6.4 The site has been subject to prior investigation, and as such in this instance no further action is required.

Cambridge City Council Access Officer

6.5 No comments received. Comments on prior applications relating to the need for level access.

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

7.0 REPRESENTATIONS

7.1 The owner/occupier of the following address has made representations:

- 48 Foster Road

7.2 The representations can be summarised as follows:

- The design and layout of the three blocks looks acceptable. Concerns focus on retention and long term maintenance on the north-east boundary of plots 2 and 3, which needs to be managed. A recommendation of a maximum height of 8-10 feet is suggested and would best be done before development commences. Left alone it will unduly dominate the houses to the north in Foster Road.

7.3 Although no comment has been received on this occasion, at the time of the last application there was a letter from 1 The Brambles, which was mislaid and therefore only reported on the amendment sheet, as follows:

¶ A further letter not reported on the agenda has been received from 1 The Brambles, objecting to the planning application. The grounds for objecting focus on the planning document accompanying the application and argue that:

- a) the size increase of 7% (it is reported in the accompanying Design and Access Statement that the internal area of the buildings increases by 7%) is inaccurate – it should be 11% and that is very significant.
- b) the previous permission stipulated that there should no dormers or dormer windows in upper floor levels or the roof slopes of the bungalows – to protect the amenity of neighbours. The application has four doors and one window facing west, none obscure glazed previously any windows facing in this direction were obscure glazed. This is considered to be in breach of policies 3/10 and 3/12 of the Local Plan.
- c) The current plan does not demonstrate storage of bicycles as the previous proposal did.
- d) The pre-application correspondence contains incorrect information regarding the proposed location of the garages;
- e) there is concern about the re-positioning of trees closer to the boundaries which will damage trees in adjacent gardens; and

- f) surface water run off into the main sewer is not acceptable to Anglian Water and will cause problems like those experienced at Cambourne.

The misleading and inaccurate information means the application should be refused. 『

- 7.4 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. Any further representations will be referred to on the amendment sheet.

8.0 ASSESSMENT

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

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

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) supports the provision of extra housing within the City and states that windfalls are an essential component of future housing provision in the City.
- 8.3 The principle of the development of this site has already been established by the granting of prior outline and full planning permission. As such, this is a material planning consideration. The updated PPS3 (June 1020) reclassification of private residential gardens from previously developed or brownfield land to greenfield land is however, also a material consideration. This does not, however, mean that garden land cannot be developed under any circumstances. At the present time, national policy does not preclude the development of private gardens, but garden land is now not considered to be brownfield land and is not, therefore, of the same priority for

development as was the case previously. Proposals for the development of garden land will continue to be assessed against Policy 3/10 of the Cambridge Local Plan (2006) relating to the subdivision of plots. Furthermore, given that the density would remain the same as those permissions, then I have no concerns in that regard, given that previously higher densities have been refused on this site.

- 8.4 In my opinion, and notwithstanding the new guidance about the status of garden land, the broad principle of development is acceptable and in accordance with policy 5/1, but must be considered in the light of the re-issued PPS 3 - Housing and other policies of the Local Plan 2006, including policy 3/10 which addresses the subdivision of gardens.

Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

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

- 8.5 These six elements are not uniformly relevant to this site. I do not think that the development of this site would prejudice the comprehensive development of the wider area of which the site forms part, and it would not prejudice the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site; on that basis I consider neither d) or f) to be

relevant here. The other parts of this policy will be discussed later on in the report.

- 8.6 The key considerations in the determination of this planning application are whether the revised siting of the two bungalows to the rear, the modifications to the scale, footprint and design raise issues that significantly and detrimentally impact upon the character, appearance of the site and street scene, and whether as a result of these changes, there are adverse impacts upon the amenity of the occupiers of adjacent residential properties.

Context of site, design and external spaces

- 8.7 In terms of the siting, design, external appearance and scale of the proposed dwellings, the main differences are noted as:-

Plot 1

- 8.8 Plot 1 retains the same design as previously approved, although it is positioned approximately 0.3 metres closer to the boundary with number 37 Shelford Road. There is also a reduction in depth of approximately 0.2 metres at the rear of the property (the single storey element).

Plot 2

- 8.9 Plot 2 is subject to a larger amount of visual alterations. The front elevation (southwest) now features two gables, with a centrally located front entrance. The building is moved 1m further away from the western boundary than the building previously approved. It is now 17.8m in width, in comparison with 14metres of the same elevation on the previous approval. The ridge height of the roof is reduced by 0.8 metres, and this reduction in height is exaggerated by the increased width and change in design.
- 8.10 The northwest elevation (side) remains largely consistent in depth with the prior approval, but has an increased ridge height in the stepped element to the rear of the building of 0.7m. This however is again offset by the reduction in overall height by 0.8 metres. The building is also repositioned 1.4 metres further away from the rear boundary of the site.

8.11 The extended side and rear elevations echo the above in terms of distances from boundaries, and reduction in ridge heights. There are no rooflights or velux windows proposed on this building, although there are floor to ceiling windows/doors on the rear elevation, located centrally and on the northern projecting element.

Plot 3

8.12 With regard to plot 3, various fenestration changes are proposed at ground floor level. These do not unduly alter the character of the proposal, and are consistent with the design of Plot 2. The footprint of the dwelling would reduce from 22.25 metres in width (measured along the front elevation) to 16.2 metres, and its depth (measured along the north west elevation) from 19.5 metres to 18.6 metres. The building is also moved 3.1 metres further from the rear of the plot in comparison with the previous approval. The maximum previous height of the building is also reduced by 0.3 metres, which is emphasized with the double gable frontage which is consistent with the dwelling on Plot 2.

8.13 In terms of siting, both the proposed bungalows would migrate south on the plot from the previously approved scheme. Whilst there is still only a relatively small area to the side of the proposed dwellings (eastern and western boundaries), which would make effective boundary planting difficult, it would not preclude other types of boundary treatment and the slightly increased spacing will allow for increased scope in terms of boundary treatment solutions. The amenity impacts of this siting will be discussed in the section on amenity below. As such, these changes in themselves are not so significant or detrimental in design, massing, or siting terms to warrant a recommendation of refusal.

8.14 Whilst the proposed dwellings are larger than those found in the immediate locality, given the location of development significantly to the rear of Nos. 37 to 41 Shelford Road (67 metres), and the lack of ability to see either dwelling in full from the street scene, the overall scale is not significantly harmful or such as to warrant a recommendation of refusal on the grounds of form, character or scale.

- 8.15 In terms of the size of retained gardens and external amenity areas, plot 1 would retain a garden measuring some 9.8 metres in width and 15 metres in length from the rear, albeit inclusive of the garage space. Plot 2 would have a private rear garden of over 22 metres in width and over 14 metres in length, and plot 3 would have a rear garden width of over 22 metres and 12 metres in depth. All of the dwellings would be framed with soft landscaping and include a degree of front garden space, (in the form of ‘courtyards’ to the bungalows), thereby demonstrating that this is not an overdevelopment of the site as each dwelling is framed by its own distinct garden and green amenity area, as well as providing external hardstanding areas.
- 8.16 Each dwelling has its own bicycle and bin storage areas that forms an integral part of the proposals. All properties are to be served by dedicated garages, encompassing cycle storage also. As such, whilst not contained within the envelope of the main buildings, this helps to prevent the proliferation of further structures on site.
- 8.17 I am of the opinion that the location, accessibility, simple design and roof arrangement of the proposed bike and car storage areas is complementary to the other development on this site and is of a scale that does not introduce any visual harm or have any wider adverse amenity impacts upon residents of the adjoining residential properties. No adverse comment or objection has been made in this regard by Environmental Health. I am of the opinion that the scale, height and location of all of the detached garages is such that they do not overbear or have any significant visual or amenity upon the character of the site, the wider street scene or upon the amenities of nearby residential occupiers.
- 8.18 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

Disabled access

- 8.19 The Council’s Access Officer has made suggestions regarding flat thresholds and outward opening toilet doors. Given that such requirements are not within the remit of this planning application and are more directly related to Building Regulations, it is considered pertinent to add an informative request that such matters be discussed with the Access

Officer.

8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

8.21 I am of the opinion that none of these revisions to siting, fenestration, or ridge height would introduce a significant or detrimental impact over and above the previously approved scheme, and will represent a reduction in impact upon the visual amenity of neighbours.

8.22 The previous planning permission removed permitted development rights for habitable accommodation in the roof space of the bungalows, and the insertion of roof lights and windows in the upper floor levels of both the bungalows and replacement dwelling fronting Shelford Road. This would ensure that there would be no overlooking of the garden areas or private amenity areas of adjacent residential properties whatsoever. Similar conditions have also been recommended for this proposal.

8.23 The proposed bungalow on plot 3 would be sited over 43 metres from the rear of Nos. 41 and 45 Shelford Road, as well as being to the north/north-east of those dwellings. Given this significant distance and relationship, this dwelling would not overshadow, visually dominate or enclose the rear or gardens of those properties.

8.24 The bungalows would also be sited over 30 metres from the rear of the properties fronting onto Foster Road to the northeast. As such, given the relatively low height of the proposed buildings, and that the main body of the two bungalows slope away from the rear of their gardens, I am of the opinion that this area would not be unduly overshadowed or enclosed by these properties.

8.25 The proposed larger bungalow on plot 2 would be sited over 23 metres to the rear of Nos. 1 and 2 The Brambles. With a suitable scheme of boundary treatment (as proposed by condition), I am of the opinion that due to the low eaves, only the roof line would be visible over such a boundary. Whilst something may be visible, this does not necessarily equate to

introducing significant visual harm. Given that the roof pitch would slope away from the rear of the dwellings and their garden area, and combined with their orientation and height, I consider that the development is unlikely to overshadow or overbear this space more than the previously approved scheme. With a large area of intervening garden, the reduction in proximity to the common boundary by 2 metres is not considered to be materially significant.

- 8.26 The rear projecting element of Plot 1 would be set some 4 metres off the boundary with No. 37 to the northwest, and despite its length, I consider that the proposal is set far enough off that boundary to not result in any significant sense of enclosure or overshadowing compared to the previously approved scheme(s). Only one window is proposed at upper floor level, and this would be in the northwest (side) elevation facing No. 37, serving a proposed bathroom. A condition has been recommended so that it would be fitted with obscure glazing and fixed shut to protect the residential amenity of the adjacent occupiers.
- 8.27 Environmental Health have requested a condition limiting the hours of operation during construction to mitigate these impacts to an acceptable level upon the residential amenity of neighbouring occupiers. I have added this to my recommendation.
- 8.28 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12 and 4/13.

Refuse Arrangements

- 8.29 The application makes provision for 3no. waste storage (wheelie bins) for each dwelling proposed. This is considered to be a fully acceptable location for these storage areas, and no adverse comment in this regard has been made by the Environmental Health section. Therefore, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

Highway Safety

- 8.30 Both the type of access (a shared surface) and its width, location and general layout within the plot remain consistent with the previously approved scheme. The Local Highway Authority have been consulted as part of the application process, and other than suggesting a number of standard informatives, have raised no specific objections or concerns, other than that the footway crossing and verge must comply with their specification for such works, not those that form part of this application. Given that it is considered reasonable and necessary to secure such provision via a planning condition, I do not consider that there is a such a significant or adverse potential impact upon highway safety, such as to warrant refusal on those grounds.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.32 The provision of bicycle and car parking is very similar to the previously approved scheme, ref 07/0598/FUL. The proposed double garages for each property satisfy the requirements for car parking, with the courtyard areas to the front of the bungalows providing an additional space for visitors.
- 8.33 Each garage indicates secure storage for two cycles, which is broadly compliant with the requirements for cycle storage.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 8/6 and 8/10.

Third Party Representations

- 8.35 I am of the opinion that the majority of the issues raised by third party representations have been fully considered in the text above. The one area where I retain doubts about the proposal is the issue of the siting of the two garages for plots 2 and 3. While I understand the wish of the applicant to have them sited close to the flank boundary and I am content that they will not cause an amenity problem in terms of overlooking or overshadowing or loss of light in those positions I have greater concern about the siting in relation to trees outside the site and

the potential implications for the roots of trees on neighbouring properties. However, subject to another condition to require the siting to be agreed with the council I think this matter can be adequately safeguarded. I Subject to conditions relating to boundary treatments I consider that the comments raised regarding the neighbouring hedges can be sufficiently addressed.

Planning Obligation Strategy

8.36 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.

8.37 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

8.38 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.

8.39 The application proposes the erection of 1 four-bedroom houses, and 2 four-bedroom bungalows. One residential unit would be removed, so the net total of additional residential units is one. 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 new buildings are calculated as follows:

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

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

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

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264	3	2884
Total					2884

8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with 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

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

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882		
4-bed	1882	2	3764
Total			3764

8.42 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 Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Waste

8.43 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	3	150
Flat	150		
Total			150

8.44 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 Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Planning Obligation - Conclusion

- 8.45 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.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 31 May 2010 and subject to the following conditions:

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate and that this aspect of the development is delivered in a sustainable manner. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

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

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

4. 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 treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

5. The building shall not be occupied until the area identified on the approved plans for car parking has been drained and surfaced in accordance with details submitted to and approved by the local planning authority in writing and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To avoid obstruction of the surrounding streets and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

6. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been submitted to and approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the satisfactory implementation of tree planting in the interests of visual amenity. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/7, 3/11, and 4/4)

7. Prior to the commencement of development, details of the method of all hardstanding and drive construction on site, as well as details of the foundation construction of the dwellings and garages hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such details shall take into account the Root Protection Areas (as defined by BS5837:2005 Trees in relation to construction : clause 5) of the trees on site, as well as the conifers in the rear gardens of 41 Shelford Road and 2 The Brambles whose roots systems are likely to extend into the property. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory protection of the existing trees in the interests of visual amenity, and to minimise any future impacts upon the new dwellings due to the proximity to those trees. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/7, 3/11, and 4/4)

8. 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), the two bungalows hereby permitted (plots 2 and 3) may not contain any habitable accommodation above ground floor level in the roof space.

Reason: To protect the amenity of adjoining residential occupiers. (Cambridge Local Plan 2006 policies 3/10 and 3/12)

9. 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 in the upper floor levels or roofslopes of the bungalows or replacement dwelling hereby permitted.

Reason: To protect the amenity of adjoining residential occupiers. (Cambridge Local Plan 2006 policies 3/10 and 3/12)

10. Notwithstanding the approved plans, full details of the footway and verge crossing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved plans.

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

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

Reason: To safeguard the amenity of neighbouring residents in accordance with the requirements of Cambridge Local Plan 2006 policy 4/13

12. Prior to the commencement of the use hereby permitted, the on-site storage facilities for waste including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall thereafter be maintained unless alternative arrangements are agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and in accordance with the requirements of Cambridge Local Plan 2006 policy 4/13.

13. Except with the prior written agreement of the local planning authority in writing 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)

14. Part A

Prior to the commencement of refurbishment/ development works a noise report prepared in accordance with the provisions of PPG 24 'Planning and Noise,' that considers the impact of noise on the Shelford Road façades upon the proposed development shall be submitted in writing for consideration by the local planning authority

Part B

Following the submission of a PPG 24 noise report and prior to the commencement of refurbishment/ development works, a noise insulation scheme having regard to acoustic ventilation, (complying with the background, purge and summer cooling requirements of Approved Document F), 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) for protecting the residential units from noise as a result of the proximity of the bedrooms/living rooms to the high ambient noise levels on the Shelford Road façades (dominated by traffic and vehicle noise), be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice.' The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To safeguard the amenity of neighbouring properties in accordance with the requirements of Cambridge Local Plan 2006 policy 4/13.

15. Notwithstanding the position of the proposed garages for plots 2 and 3 shown on the submitted drawings, that siting is not agreed and the development of the garages for the two bungalows to the rear of the plot may not proceed without the prior written agreement of the Local Planning Authority regarding the siting of the said garages, their proposed foundations and a report on the implications of the foundations for nearby trees.

Reason: To safeguard the nearby trees outside the site (Cambridge Local Plan 2006 policy 4/4).

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

INFORMATIVE: The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

INFORMATIVE: The developer should contact the Highway Authority, or it's Agent, to arrange construction of any works within, or disturbance of, or interference with, the Public Highway, and that all costs associated with such works shall be borne by the Developer; and an informative to the effect that the Developer will neither be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connexion; and an informative to the effect that no window nor door will be allowed to open over a highway, and no foundation nor footing for the structure will be allowed to encroach under the Public Highway.

Reasons for Approval

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/8, 3/10, 3/11, 3/14, 4/4, 8/2, 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

2. Unless prior agreement has been obtained from the Head of Development Services, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31 December 2010 it is recommended that the application be refused for the following reason

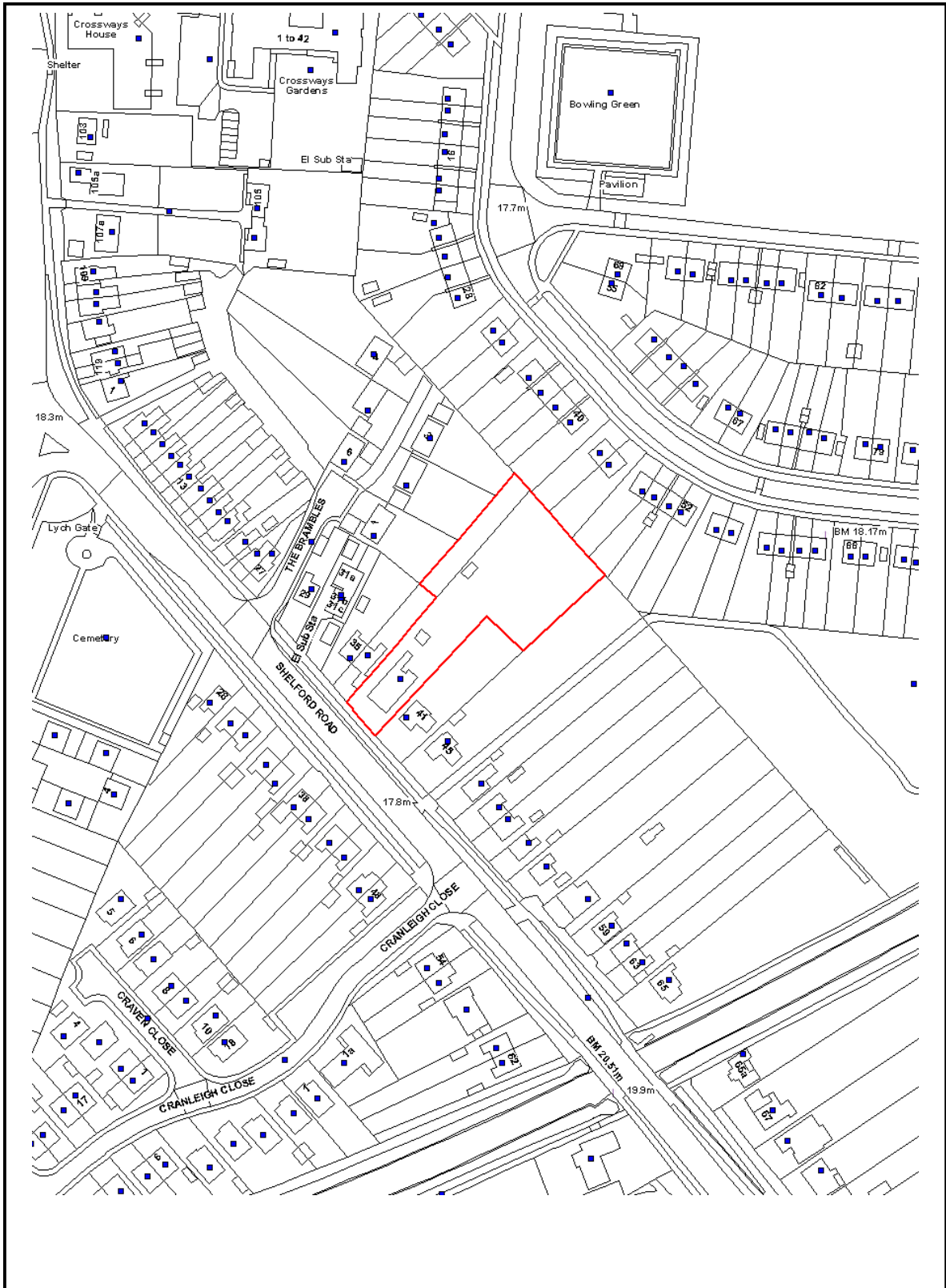
The proposed development does not make appropriate provision for indoor and outdoor sports facilities, informal open space and provision for children and teenagers, community facilities and waste and recycling containers in accordance with policies 3/8, 5/14, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

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.



10/0561/FUL
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