

Application Number	15/2063/FUL	Agenda Item	
Date Received	4th November 2015	Officer	Mr Sav Patel
Target Date	30th December 2015		
Ward	Cherry Hinton		
Site	Land Rear Of 268 Queen Ediths Way Cambridge Cambridgeshire CB1 8NL		
Proposal	Erection of 3.No four bed houses, internal access road, car and cycle parking and hard and soft landscaping.		
Applicant	C/O Agent United Kingdom		

Update Report: 15/2063/FUL, Land Rear of 268 Queen Edith's Way

0.0 Introduction

- 0.1 This application was reported to the 3 February 2016 Planning Committee with an officer recommendation of approval. During the consideration of the application, Members of the Committee raised a number of concerns about the proposal. The Committee voted not to accept the officer recommendation.
- 0.2 Following legal advice received during the meeting, the City Development Manager advised the Committee that the Adjourned Decision Protocol (ADP) could apply in this case because further investigation was required with reference to the previous decision made by the Planning Committee for a similar proposal and legal advice was required.
- 0.3 Members agreed to defer a decision on the application in accordance with the ADP and agreed a motion that they were minded to refuse the application on the grounds of context and character. The Committee agreed that a report should be brought back to the next meeting to help inform making a decision.
- 0.4 To ensure safe decision making, Members of the Planning Committee absent from the previous discussion, Ward

Members and third parties cannot not take part in the resumed debate. The purpose of the resumed debate is for Committee to determine if their original minded-to resolution is still appropriate, should be amended, or whether the original officer recommendation should be followed.

- 0.5 Further analysis is therefore required to understand the policy framework for the potential issues and possible reason for refusal, to consider any relevant legal advice, how an appeal might be considered and any other guidance available to members to help inform a decision.

Key Issue

- 0.6 As set out above, the issue of character and context was raised by Members of the Planning Committee as potentially forming the basis for a detailed reason for refusal. The refusal reason was similar to that put forward as part of the previous refused application for 15/0596/FUL. This would read as follows:

'The proposed development would, by virtue of its unsympathetic scale, bulky design and loss of trees, have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context. The proposed development would result in an alien form of development and unduly diminish the rural character of this green edge from Lime Kiln Road. The proposal therefore fails to sympathetically respond to the site context and setting of the city. For these reasons the proposed development conflicts with policies 3/2, 3/4, 3/12 and 4/4 of the Cambridge Local Plan (2006) and government guidance contained in the National Planning Policy Framework 2012'

- 0.7 The Committee also requested clarification of the relevance of the status of the 'East Green Corridor' referred to by the Ward Councillor, Councillor Ashton.

Assessment

- 0.8 The application is for the erection of three dwellings in a back-land position adjacent to the Green Belt, a SSSI and local nature reserves. The site is on the edge of the City and is undoubtedly in a sensitive position. Proposals on this site have attracted numerous objections on grounds of residential amenity and

character and context. The application is in effect a resubmission of a refused planning application (15/0596/FUL), also for three houses, that was presented to Planning Committee in October 2015. As part of the officer recommendation in October of last year, a refusal of planning permission was recommended on the grounds of context and character, as set out at paragraphs 8.4 – 8.19 of that report, which I quote below:

'Context of site, design and external spaces

Response to context

8.4 The application site is an undeveloped parcel of semi-rural land that, in this context, forms an important visual green buffer between the residential development along Queen Edith's Way, edge of the city and protected countryside beyond. To the south and east of the site is the Green Belt, the Cherry Hinton Pits is designated as a SSSI and a Local Nature Reserve. Whilst the application site is not designated, it plays an important role in buffering development from these sensitive designations and help to transition the urban environment into the rural landscape. The character of the site is therefore a significant factor of the site's special qualities.

8.5 The site has many trees; several of which are protected, dense shrub planting along the boundaries and a unique topography which provides an important corridor and habitat for a variety of wildlife. The trees that bound the site are important. Whilst many of them may not be of high quality in term of health, as a group they are greater than the sum of its parts. The trees and shrub on the eastern boundary help to create the feel of a rural corridor along Lime Kiln Road which is important particularly when entering and leaving the site.

8.6 It is this context that any development on this site would need to be assessed against.

8.7 The proposed development has maintained the three-storey rectangular and flat roof form with large glazed windows, not unlike the refused scheme. The main three storey element now has a two storey flat roof annex attached to it. The floor area of the three dwellings has increased by between 74sqm and 96sqm. The increase in the floor area has resulted in proposed

dwellings taking up circa 75% of the site that was previously proposed for seven units.

8.8 Whilst the proposed development has reduced in the amount of dwellings on the site, I do not believe this has addressed my original concern with the impact the development would have on the character and setting of this site. The increase in mass and footprint of the proposed dwellings would appear dominant and overly urbanise the rural landscape setting when viewed from the rear of the properties in Queen Edith's Way and from Lime Kiln Road.

8.9 The site is located on the south-eastern edge of the city. Therefore policy 3/2 (Setting of the City) is an important consideration. The policy states that development will only be permitted on the urban edge if it conserves or enhances the setting and special character of Cambridge and the biodiversity, connectivity and amenity of the urban edge is improved.

8.10 Whilst officers are of the view that some form of development is acceptable on this site, the proposed development, in my view, fails to comply with 3/2, as it would not conserve or enhance the setting and special character of the city edge. The development would introduce a form of development that would appear incongruous and significantly alter the setting and character of this edge of city location. Whilst the applicant has reduced the number of dwellings, the design and form of the proposed development would appear incongruous. Also, whilst the applicant is proposing to carry out replacement planting, this would not only take time to mature but would also not effectively screen the development. The loss of trees and vegetation along the south, east and western boundaries would further open up views into the site, emphasising its change from semi-rural land to a hard and uncompromising form of development.

8.11 Whilst officers are of the view that the principle of some form of residential development on this site would be acceptable, the proposed form is not considered to be appropriate and would not successfully or sensitively assimilate into the site. The proposed development fails to respond to the existing landscape and context such that it would appear alien and intrusive. The proposal would therefore conflict with policies 3/2 and 3/4 (Responding to Context) which requires

development to demonstrate that has responded to context and taken key characteristics of the surroundings.

Design

8.12 Whilst the Urban Design Team is supportive of the proposal in terms of design, having visited the site and neighbours gardens, I do not consider the design or scale to be appropriate or respectful of the site's qualities or its contextual relationship with the surrounding landscape. Whilst a modern approach can sometimes successfully contrast, the approach taken here does not, because the bulkiness of the dwellings and their appearance would not, in my view, mean that they would assimilate successfully. The proposed blocky design, use of zinc cladding, introduction of zinc louvered screens and large glazed windows is more akin to an urban city centre environment than this semi-rural context. The design also fails to draw any inspiration to its green, woodland setting. As a result it would appear alien, out of place and contrived from surrounding vantage points, particularly at night but also in winter months. The proposal therefore has failed, to overcome the concerns with the previously refused scheme. The site, in my view, is being made to fit the proposed development rather than the other way around.

8.13 The proposed amendment to set back the 'first floor' by 2 metres and introduces zinc louvered screens on the rear elevation which would appear contrived and undermine the original design concept, particular as this aspect would be visible from the properties in Queen Edith's Way. In my view, the character and setting of the site would be significantly and adversely eroded as a result of the development proposed.

8.14 In terms of layout, the applicant has amended the layout of plots 1 and 2 following concerns from officers regarding overlooking impact on existing residents in Queen Edith's Way. Plots 1 and 2 have been rotated 10-15 degrees anti-clockwise and louvered screened introduced. Plots 1 and 2 have also been moved 2 metres away from the western boundary giving additional amenity space. The layout of plot 3 has been unaltered.

8.15 The rotation of plots 1 and 2 has minimal impact on the proposal overall.

Open Space and Landscape

8.16 The proposed dwellings and roadway would dominate the surface area of the site which would diminish the site's rural qualities. The only area of open space would be located in the rear gardens of the plots and an area to the west of the access. Other than this the site would be dominated by hard-standing and the footprint of the proposed dwellings, which has increased compared to the previous scheme that was refused. The site's green and rural character would be eroded by the proposed development. The general character of the area is of modest semi-detached dwellings on generous plots. The proposed development contradicts this entirely with large detached dwellings on modest plots. Each plot has the potential to be used as a five bed dwelling. Whilst the city council does not have a space standard for private gardens, the proposal in my view would provide very modest gardens for the type of housing proposed.

8.17 The Landscape and Tree Officer had raised concerns with the limited size of outside space and the removal of trees in order to make these spaces usable. However, amendments to the layout of plots 1 & 2, has increased the area of usable garden space. The increase of between 2.5 and 1.2 metres is not considered significant enough to address my concerns with the proposal.

8.18 The proposal also includes the removal of 15 trees, 3 of which have tree preservation orders (TPO) from the site. The Tree Officer has expressed concerns with the extent of tree loss in order to achieve the proposed development on the site. However, she does not consider the tree loss could sustain a refusal on its own, particularly as the trees to the south of the application are now being retained. In my view the loss of established trees that define the northern, western and eastern boundaries of the site would result in opening up of the site thus increasing views of the proposed development. I therefore do not consider the loss of the trees to be acceptable as the proposed scheme is not of sufficient quality to justify such loss. The proposed level of tree removal would conflict with policy 4/4 (Trees), which does not permit development which would involve the felling, significant surgery or potential root damage to trees of amenity or other value unless the public benefits

outweighs the current and future amenity value of the trees. I do not consider the public benefits from the proposed development would outweigh the significant damage and detrimental impact to the site that would arise from the loss of the existing trees and the potential impact on the root system of those that are being retained.

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/4.'

- 0.9 Taken at face value, there do appear to be grounds to pursue a refusal of planning permission on issues of character and context.

Costs, Reasonableness and Context of Decision

- 0.10 Despite the previous officer recommendation, application 15/0596/FUL was refused last October by Planning Committee for a single reason:

'The proposal would, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/7 and 3/12 of the Cambridge Local Plan (2006).'

- 0.11 Members of the Planning Committee in October chose not to pursue a refusal reason on the grounds of context and character. The revised planning application currently before Members was, therefore, submitted on the basis of addressing the sole reason for refusal. The officer report sets out how the applicants have addressed the inter-looking issue. During the consideration of the application at the February Committee, there was no debate from Members that the latest application had indeed addressed this. The sequence of events raises the question as to how to reasonably approach the determination of the current planning application.

- 0.12 Members were advised by officers that, in effect, by suggesting the current application should be refused on the grounds of context and character, that it would result in an inconsistency in terms of its own decision making, effectively 'moving the goal

posts' and that it would be unreasonable to approach the determination of the application in this way. In particular, Members should note that the revised application (15/2063/FUL) is effectively the same in terms of its material impact on the surrounding context as the previous refused application (15/0596/FUL). Neither adopted policy, site characteristics or material considerations have altered since the previous determination. In light of these facts and that the make-up of Committee was different in October to February, officers have sought legal advice. This confirms that there is nothing in law to prevent the Planning Committee from coming to a different conclusion and to refuse an application for different reasons than those cited by the previous Committee. A member of the Planning Committee who was not present on the last occasion is entitled to raise any issue relating to the application and to express a different view.

0.13 However, in adopting this approach, it could make it very difficult for the Council to defend a costs application on the grounds of unreasonableness because there are no essential facts or significant material considerations affecting character or context which have changed between applications. Theoretically, if this application was refused, both applications could be appealed simultaneously and heard at the same time by an Inspector. In this scenario, explaining why the Council considers only one of two similar planning applications to cause harm in terms of context and character would be less than straightforward.

0.14 Member voting on proposals on this site have been close and there is no precedent that a particular Planning Committee decision then entitles the applicant to a legitimate expectation that a subsequent committee will be entirely consistent in terms of its approach to the same issues. In my view, it is likely that a subsequent appeal would attract an application for an award of costs for unreasonable behaviour. This would not impact on the decision to allow or dismiss an appeal but could be difficult to avoid.

Chances of Winning an Appeal

0.15 The current application has the support of the Council's Urban Design and Conservation Team, the Landscaping Officer and the Nature Conservation Officer. Natural England has not objected to the scheme. The land has no formal designation and

the principle of residential development is acceptable. This is a low density residential scheme which would meet housing need. There is only one reason for refusal being pursued. There are grounds that could be advanced for dismissal, but I would consider the chances of success at appeal to be limited.

Other Matters

- 0.16 At the February Planning Committee meeting, the relevance of the status of the 'East Green Corridor' was referred to by third party speakers and Ward Councillor Ashton. It is a term that is found in the Cambridge Landscape Character Assessment 2003 (page 44):

'East Cambridge Corridor which links the complex of chalkland sites important for nature conservation around Lime Kiln with Cherry Hinton Hall, Blue Circle, Coldham's Common and eventually the Fenlands to the north-east'.

- 0.17 The adopted policy link is 3/2 'Setting of the City' and supporting paragraph 3.8, which is referenced in the draft refusal reason as set out above. The term 'East Cambridge Corridor' does not form part of a formal designation of land use as part of the adopted plan and I do not consider it necessarily shifts the debate, albeit that it is a useful term to describe a sequence of green spaces linked in this part of the City.

Recommendation

- 0.18 It is open to members to consider either:

1: To **APPROVE** the application in light of this further report, in accordance with the conditions as recommended and amended on the January amendment sheet

or

2: To **REFUSE** the application for the reason as set out above

and/or

3: Additionally or separately, put forward any **FURTHER REASONS FOR REFUSAL** with clear policy reasons and the harm identified.

SUMMARY	<p>The development accords with the Development Plan for the following reason:</p> <p>-The previous refusal reason has been overcome through amendments to the scheme for three houses which have increased garden depths and building distances from adjacent gardens and removed inter-looking issues between proposed plots. On this basis and in light of previous officer recommendations and committee decisions, approval is recommended.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located in the south-eastern corner of the City, on the southern side of Queen Edith's Way, close to the junction with Lime Kiln Road, which inclines from Queen Edith's Way. The site was a former chalk pit, which has been partly back-filled at the southern end of the site from spoil and fill from the construction of Addenbrooke's Hospital.
- 1.2 Queen Edith's Way is characterised as a suburban residential area consisting mainly of two storey detached and semi-detached dwellings with deep rear gardens and a good level of spacing between. The application site is located to the side (north-east) and rear (south) of No.268, which is a two storey detached dwellinghouse set back from the road. The site also adjoins the rear gardens of nos.252 to 266 Queen Edith's Way, which are two storey semi-detached dwellings with deep gardens. The garden depths of the dwellings that adjoin the site range from 71 metres (no.252) to 16 metres (no.268).
- 1.3 To the east is Lime Kiln Road which is a narrow rural road with limited footpaths and dense green verges on either side. There is no development along Lime Kiln Road. It is very much an exit and entry route into and out of the City from the south. The application site plays an important role in people's perception of having left the city and entering the countryside beyond.

- 1.4 The application site boundaries are defined by established tree and dense shrub planting which limits views into the site from Lime Kiln Road and Queen Edith's Way, particularly during summer months. Within the site, it is generally unmaintained and left to nature. Recently some of the trees within the site have been removed. There is also a wide opening at the south end of the site from the top of Lime Kiln Road which allows uninterrupted views into the site. Access is restricted into the site from here by a metal fence.
- 1.5 The application site is not designated within any site constraint or formally allocated. However, part of the designated Green Belt runs along the southern boundary. To the south of the application site is a caravan park, which is located within the Green Belt and designated as an area of Protected Open Space (POS), and also within a 'Site of Special Scientific Interest' (SSSI). To the east is Lime Kiln Road and to the east of this is Cherry Hinton Pit, which is designated as a SSSI, Local Nature Reserve (LNR), POS and is also within the Green Belt. To the north of Cherry Hinton Pit (and north-west of the application site) is an area of land known as Lime Kiln Close (also known as East Pit) which is designated as an area of POS, LNR, and is within the Green Belt.
- 1.6 The site contains several individually protected trees made up of two group tree protection areas. The group protection areas are located along the eastern boundary with Lime Kiln Road and at the southern end of the site. There are eight individually protected trees, which are located in the northern and southern sections of the site.

2.0 THE PROPOSAL

- 2.1 The proposal seeks full planning permission for the erection of 3.No four bed houses, internal access road, car and cycle parking and hard and soft landscaping.
- 2.2 The proposed houses would be arranged in a linear form within the plot with a vehicular access to the east of the site serving all of the properties from Queen Edith's Way. Gardens to the new dwellings would be to the west of the site.
- 2.3 The proposed houses are of a modern design and are part two / part three storeys in height with a sunken lower ground floor

level. All houses have 2 parking spaces at the lower ground floor level and all have a green roof on the lower two storey element of the houses with solar/PV panels on the higher flat roofed element. The materials proposed are brick and horizontal zinc cladding. Cycle storage and bin storage is also incorporated at the lower ground floor level.

2.4 The proposal is a resubmission of a refused planning application (15/0596/FUL) that was presented to Planning Committee in October 2015 with a recommendation of refusal. After some debate, the application was refused for the following reason:

1. The proposal would, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/7 and 3/12 of the Cambridge Local Plan (2006).

2.5 Committee's decision not pursue other officer recommended reasons for refusal under 15/0596/FUL (i.e. relating to design and urbanising impact on the rural qualities and setting of the site) is material to the consideration of this application.

2.6 The application is accompanied by the following information:

- 1 Plans
- 2 Planning Statement
- 3 Ecology Report
- 4 Environmental Report
- 5 Flood Risk Assessment
- 6 Landscaping details
- 7 Heritage Asset Assessment
- 8 Tree Survey
- 9 Transport Assessment
- 10 Utility Statement

3.0 SITE HISTORY

Reference	Description	Outcome
14/1382/FUL	Erection of a residential	REFU

15/0596/FUL	development consisting of 1 x 5 Bedroom House and 6 x 4 Bedroom Houses, along with internal access road, car and cycle parking and hard and soft landscaping.	dated 16.02.2015
06/0475/TELDET	Erection of 3No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping.	REFU dated 02.11.2015
07/0191/TELDET	Installation of a 11m mock telegraph pole with associated ground based cabinets and the antennae enclosed within a shroud at the top of the mast.	REFU dated 30.06.2006
	Installation of 12m telegraph pole with 3 antenna in a shroud and equipment cabinet and ancillary development.	REFU dated 11.04.2007

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/2 3/3 3/4 3/7 3/8 3/11 3/12 4/1 4/2 4/3 4/4 4/6 5/1

	8/4 8/6 8/10
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be given any significant weight. For example, those emerging policies referenced by objectors, such as policy 8, which references the setting of the city, are equally covered through adopted policy 3/2.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The junction and access details are the same as for applications 14/1382/FUL and 15/0596/FUL, but for reduced usage. They are therefore acceptable subject to the imposition of the same conditions.
- 6.2 The road is neither to an adoptable standard nor serves enough dwellings to justify requirement of same and so will remain as a private Access way. The applicant should be made aware of this.

Environmental Health

- 6.3 The proposals are acceptable subject to conditions and informatives being imposed on the following:
- Contaminated land;
 - Construction hours
 - Piling
 - Site investigation informative
 - Remedial works informative
 - Materials chemical testing informative

Refuse and Recycling

- 6.4 No response received to date.

Urban Design and Conservation Team

- 6.5 The submitted application follows on from a previous scheme (15/0596/FUL) for 3 No. units which despite being supported by all consultees was refused at committee on the 7th October

2015. The reasons cited for refusal related to the potential overlooking into adjacent plots within the development site and the limited amount of amenity space provided to each dwelling.

- 6.6 The revised submitted scheme amends the layout and form of the units; all units are now the same and arranged as simple interlocking rectangular forms. Accommodation at first floor level has also been reconfigured to prevent overlooking from the rear elevations. The only windows on these elevations serve bathrooms and en-suites and are shown to include obscured glazing on the submitted floor plans. We support this approach which has addressed previous reasons for refusal.
- 6.7 Plots 1 and 2 are now aligned with the access road and eastern site boundary, matching the alignment and position of Plot 3. As a result the depth and size of the rear gardens associated with Plots 1 and 2 have increased from approximately 109m² (Plot 1) and 129m² (Plot 2) to approximately 188m² (as measured from the submitted site plan). The rear gardens of Plots 1 and 2 are therefore approximately 72% (Plot 1) and 45% (Plot 2) larger compared to the previous refused scheme. We support this approach, the larger rear gardens associated with Plots 1 and 2 have addressed previous reasons for refusal.
- 6.8 The submitted site plan (drawing P-01 Rev K) shows that the external stairs to the side of Plot 2 leading up to the rear garden of Plot 1. We assume that this is a drawing error; the boundary separating these rear gardens needs to be adjusted so that the stairs do not provide access to the rear garden of Plot 1.

Conclusion

- 6.9 The changes incorporated within the revised submitted application are supported in design terms and have addressed previous reasons for refusal cited for application 15/0596/FUL. The arrangement of the boundary separating the rear gardens of Plots 1 and Plot 2 needs to be adjusted so that the external staircase to the side of Plot 2 does not provide access to the rear garden of Plot 1.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.10 The proposed development is acceptable subject to condition on surface water drainage.

Head of Streets and Open Spaces (Tree Team)

- 6.11 No comments received to date. I will report any comments on the amendment sheet or orally in my presentation to Committee.

Head of Streets and Open Spaces (Landscape Team)

- 6.12 The proposal is supported subject to conditions on hard and soft landscaping, landscape maintenance and management plan and boundary treatment.
- 6.13 General principle:

By rotating the buildings to a more parallel layout with the access road the amenity space for each house has become larger and more usable.

Tree removal

There is reasonable justification for the loss of the existing trees and TPO trees as identified. The tree planting strategy is acceptable subject to minor changes to the species which can be addressed under condition.

Landscape

The landscape strategy is supported subject to few minor concerns regarding species which can be addressed under condition.

The proposed gabion wall to support the embankment which has been a consistent concern and overcome concerns due to the proposed ground lifting, no-dig and careful root pruning which will aid the retention and continued longevity of the existing trees. This is now supported. The new trees planted on the embankment will infill gaps created by tree loss. Again, species can be addressed under condition.

Head of Streets and Open Spaces (Nature Conservation Officer)

- 6.14 The proposed site is adjacent to The Cherry Hinton Pits SSSI and Limekiln LNR and Protected Roadside verges. Together these designations form an important ecological network within the chalk edge landscape. The proposals recognise potential impacts on these sites and seek to address them by not raising site levels and retaining the tree screen along Limekiln Road. The Ecology Report prepared by Applied Ecology (dated Oct 2015) makes a number of ecology recommendations I would like to see secured through conditions such as bat boxes and lighting design strategy for light-sensitive biodiversity.

Natural England

- 6.15 No objection. The proposed development will not damage or destroy the interest features for which Cherry Hinton Pit has been notified and the Site of Special Scientific Interest (SSSI) does not represent a constraint in determining this application.

Green Infrastructure

The site is located within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England encourages the incorporation of GI into this development.

Protected Species

The proposal should be assessed in accordance with the Standing Advice on protected species.

Bio-diversity enhancements

The application represents an opportunity to incorporate features into the design that are beneficial to wildlife such as rooting opportunities for bats or bird nest boxes.

Landscape enhancements

The application represents an opportunity to enhance the character and local distinctiveness of the surrounding natural

and built environment; use natural resources more sustainably; and bring benefit for the local community. The proposal should make a positive contribution in terms of design, form and location to the character and functions of the landscape and avoids any unacceptable impacts.

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 objecting to the application:

- o Ainslea Cottage, The Street, Newmarket
- o 119 Coleridge Road
- o 21 The Meadows, Romsey
- o Netherhall School, Queen Ediths Way
- o 262 Queen Ediths Way (2 letters)
- o 234 Queen Ediths Way
- o 254 Queen Ediths Way
- o 256 Queen Ediths Way
- o 258 Queen Ediths Way
- o 260 Queen Ediths Way (2 letters)
- o 266 Queen Ediths Way

7.2 The representations can be summarised as follows:

Principle:

- The interpretation of 'white land' does not promote development;
- The proposal is contrary to policy 3/2 (Setting of the City) – degradation of the urban edge;
- Sites such as this should be preserved;
- There is no need for this type of housing in Cambridge;
- Contrary to Local Plan (2006) and policy 8 of emerging Local Plan

Design, scale and layout

- Modern design is out of keeping with other houses nearby;

- Potential for these proposed dwelling to increase to 3 or 4 storey houses in the future;
- If the proposal goes ahead it would allow development to further encroach into the Paddock to the south of the site;
- Box design of the building is alien to the surrounding properties;
- The proposed mass of the dwellings is out of context;
- The proposed development has only made some cosmetic modifications;
- The proposal development would form a wall and dominate the back gardens of no.268 and no.266.
- The revised layout has reduce the width of the access for passing traffic

Residential amenity

- Gardens will be overlooked;
- Overbearing presence;
- Loss of privacy and noise disturbance;
- Impact on the outlook from the gardens of existing residents
- Detrimental impact on the amenity of no.268 by being hemmed in;
- The amenity of future residents would be affected in terms of overshadowing from retained trees;
- Pressure on future residents to remove, prune or pollard trees, particularly the trees on the embankment;
- The rear gardens of the properties in Queen Ediths Way are not all the size of cricket pitches, particularly those nearest the no.268;
- Rear gardens are very small and would receive very little natural light;

Impact on the character of the area and wildlife

- The proposal does not respond to the character and context of the surrounding area;
- Loss of a unique rural location and vista on the edge of the city;
- Loss of wildlife habitat;
- Light pollution will have detrimental impact on wildlife;
- The proposal would complete change the character of the area;
- The proposal would appear overbearing
- This boarder site should be protected from urban creep

- The site is unsuitable for housing development on this scale
- The proposal neither conserves or enhances the urban edge
- Houses would be clearly visible from Lime Kiln Road
- The development would result in the loss of open space rather than create it;
- Half the site would be changed from plant land to developed land;
- Proposed tree and hedge planting is inferior to the trees and plant species on site and increase visibility of the houses;
- The proposal would be contrary to policy 3/2 (Setting of the City);
- Damage to tree roots from excavation works;
- The proposal would urbanise and degrade the city edge and the Eastern Green Corridor into the city;
- Rural character of Lime Kiln Road will be damaged;
- The proposal would set a precedent and lead to further development along Lime Kiln Road;
- Urbanisation of the site will cause a reduction in the quality of contact with the natural environment;
- The proposed 1.8 metre boundary fencing around the site and 2 metre steel fence around East Pit will create a barrier for larger mammals on both sides of the corridor;
- The site is corridor for a number and variety of animals;
- Loss of trees along the site boundaries;
- The land to the south of the site is sealed off and the applicant has not stated how this land will be used in the future;

Highway safety and traffic

- Creation of an additional traffic access onto a busy highway adjacent to the junction with Lime Kiln Road;
- The proposal new access would create a highway safety issue particularly during peak times;
- The proposed development would increase the chances of tragedy occurring;
- Risk to cyclists and pedestrian from vehicles existing and entering the access during peak times;

Other issues:

- The proposed development caters for the rich end of the market and will do nothing to ease the housing crisis;
- The proposal is not a single issue case;

- Three dwellings would result in large scale excavation works to accommodate the proposal which is contrary to the applicant's commitment not to excavate the in-filled land;
- The applicant has no engaged with neighbours on this application;
- Committee members should visit the site to understand the impact of the proposed development;
- The proposed development is not a 'single issue' application;
- The plot 1 has two stairs up to the garden area whereas plot 2 does not;

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

- o 21 The Meadows, Romsey
- o 28 Missleton Court

7.3 The representations can be summarised as follows:

- The developer has taken great care in the positioning of the houses.
- As seen by the neighbours the houses will appear as two storey dwellings.
- The density of the development is low and appropriate for the area.
- The development is set well away from the neighbouring properties and has been orientated so as to minimise overlooking.
- The design of the dwellings is such that the visual impact is minimised.
- Some trees are dead and/or in poor condition.
- The proposed works will safeguard the existing trees and will stabilise the bank with additional planting. This will reinforce the green boundary to the site.
- I fully support the development and believe that this is the best way to reserve the garden area for the future.

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.

Development Control Forum

- 7.5 The planning application also received a petition for a Development Control Forum (DCF). The DCF was held on 20 January 2015 at the Council Offices.
- 7.6 The DCF was also attended by Members of the Planning Committee (Cllr Blencowe, Cllr Smart and Cllr Pippas) and local ward Members (Cllr Ashton and Cllr Moore).
- 7.7 The petitioners wanted to discuss the following matters:
1. Road safety;
 2. Protection of urban edge of the City;
 3. Loss of amenity.
- 7.8 The minutes of the DCF contain the main areas that were discussed. However, I set out below the main points put forward by the petitioners as areas of amendments/consideration:
- o Concerned with the highway safety of the proposed junction being located close to a busy junction and within an area used by school children;
 - o Concerns have been raised by the Head of Netherhall School on location of the access;
 - o To reduce the scale of the dwellings from 3 storey to 2 storey to make them less visible from Lime Kiln Road and rear gardens of the dwellings in Queen Edith's Way;
 - o To rotate the dwellings to avoid any overlooking of existing gardens;
 - o To restrict any external lighting within the site to prevent further light pollution/leakage;
 - o To introduce a dedicated cycle lane within the site to Netherhall School;
 - o To introduce bio-diversity improvement and plant native trees/plants;
 - o Not to disturb the land profile;
 - o Members were encouraged to visit the site before Committee;
- 7.9 Having discussed these with the applicant they have decided not to amend the scheme as they do not consider the proposal would have adverse impact on the character of the area or on

the residential amenity of the existing residents and they believe some of the issues raised can be dealt with by condition.

- 7.10 I have reconsulted with the Highway Authority on the proposed access in light of concerns by the school and timescale for the planned cycle path along Queen Edith's Way and whether the proposed access would affect this.
- 7.11 The Highway Authority does not consider the proposal would increase risk to highway users such that it would have a severe impact or undermine planned cycleways along this stretch of Queen Edith's Way given the number of existing accesses.
- 7.12 In terms of the other issues, the applicant is not willing to reduce the scale of the proposed dwellings particularly as the scale, design and layout has raised no objection from the Urban Design Team, Landscape Officer, Ecology Officer and Natural England, subject to conditions.
- 7.13 The proposal would not contain any habitable room windows that would cause overlooking. The windows in the north-west elevation would serve bathrooms and therefore would be obscurely glazed.
- 7.14 In terms of lighting, I have applied a lighting condition as recommended by the Environment Services Team.
- 7.15 In terms of bio-diversity, I have recommended conditions on bat and bird boxes to be provided to maintain and encourage wildlife within the site. I have also consulted with the Council's Nature Conservation Officer on whether there are any other areas bio-diversity improvement works that could be incorporated into the site. I will report any recommendation on the amendment sheet.
- 7.16 I would also encourage Members to visit the site to understand its character and context as an edge of city site.

8.0 ASSESSMENT

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

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

Principle of Development

- 8.2 The site is located on the edge of the city boundary with the Green Belt to the east and south, and Site of Special Scientific Interest and Local Nature Reserve to the east on the other side of Lime Kiln Road. The site itself is undesignated and has been left to nature as it has become overgrown and unmaintained. The site is located in an important location between the urban and rural edge. It is an important buffer that enables the gradual transition between the two environments. It is therefore important that any development maintains this sense of place, openness and rural character. Therefore, as the site is located within the city boundary and bound on the western side by housing, officers are of the view that, as it has not been designated for any particular use and subject to conditions, the principle of some form of high quality, sensitive and sympathetic residential development would be acceptable.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006)

Context of site, design and external spaces

Response to context

- 8.4 I have, in paragraphs 8.5 to 8.12 of my previous Committee Report (for refused planning application ref: 15/0596/FUL at October 2015 Planning Committee), set out my assessment of the merits of the proposal in terms of site context and the important features/designations that surround the site and how the site contributes to these landscape feature/designations. I therefore do not consider it necessary to reiterate that assessment here.

- 8.5 The site context and designations have not changed since the previous refused application. Therefore, whilst the proposal has been amended by orientating the layout of the dwellings so they are parallel to each other and have been pulled away from the rear boundaries of the properties in Queen Edith's Way to increase the gardens in each plot, these amendments have not, in my view, overcome the concerns I raised in previously regarding the scale, design and layout of the proposed dwellings. The design and scale of the proposed dwellings have not changed. Therefore, my professional opinion remains that the proposed development would have a significant detrimental impact on the character of this unique edge of city site.
- 8.6 However, notwithstanding my position, Members of the Planning Committee for the previous application, resolved not to accept the first refusal reason, which I have set out below for reference. My first recommended refusal reason was on the grounds the proposal would have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context.

First refusal reason for 15/0596/FUL:

1. The proposed development would, by virtue of its unsympathetic scale, bulky design and loss of trees, have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context. The proposed development would result in an alien form of development that would appear incongruous from the rear gardens of the properties in Queen Edith's Way and unduly diminish the rural character of this green edge from Lime Kiln Road. The proposal fails to sympathetically respond to the site context. For these reasons the proposed development conflicts with policies 3/2, 3/4, 3/12 and 4/4 of the Cambridge Local Plan (2006) and government guidance contained in the National Planning Policy Framework 2012.

- 8.7 Whilst each application is considered on its own merits, it would, for fairness and for consistency of decision making, now make the decision making context – given the extremely similar design and layout of the revised scheme - very difficult for members to adopt an alternative position in considering issues of character and setting, as the decision on the previous proposal is a clear material consideration that has weight.

- 8.8 Given also that no objection is provided by either the Urban Design and Conservation Team, Landscape Officer, Ecology Officer or Natural England, subject to conditions, it could be considered unreasonable if members were now to consider issues of setting, character and design to be problematic.
- 8.9 Therefore, in view of the history, I do not consider that the proposed development should be refused regarding issues of city setting, rural character, design or issues of tree loss as per adopted policies 3/2, 3/4, 3/7, 3/12 or 4/4 of the Cambridge Local Plan (2006), government guidance contained in the National Planning Policy Framework 2012 or emerging policies, particularly policy 8 (setting of the city).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 As with the site context issue, Members of the Planning Committee for the previous application did not consider the proposal would have a significant adverse impact on the residential amenity of existing occupiers due to the separation distances. Members dismissed part of my recommended second reason for refusal. However, the revised layout of the dwellings and revised internal layout, particularly for the first floor set back element which now proposes two bathroom windows in each plot facing the rear boundary of existing properties, would reduce any direct overlooking of existing gardens. The bathroom windows are proposed to be obscure glazed and I have recommended an obscure glazing condition to ensure this glazing remains.
- 8.11 Therefore, on balance and subject to conditions, the proposed development would not have a significant adverse impact on the residential amenity of the existing occupiers in Queen Edith's Way in terms of overlooking, the perception of overlooking, enclosure or loss of light. I have recommended a hard and soft landscaping and boundary treatment condition to ensure the sensitive boundaries of the site are carefully landscaped and planted up with native plants to mitigate the visual impact of the proposed development. In terms of wildlife, I have recommended conditions for details of bat and bird boxes to be provided to encourage and foster wildlife as part of

this proposal which addresses some of the issues raised in the DCF.

- 8.12 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.13 Members of the Planning Committee resolved to refuse the previous application solely on the basis that the louvre panels in plots 1 and 2 would direct views over the rear gardens of plot 2 and 3 and caused inter-overlooking which in conjunction with the size of the gardens would result in a poor quality living environment for future residents.
- 8.14 The applicant has amended the scheme by removing the louvre panels and pulling the dwellings away from the rear boundaries to increase the size of the rear gardens. The proposed dwellings would now not overlook each other and the garden sizes are considered to be appropriate for the type of dwellings proposed.
- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.16 The proposed refuse arrangements have not changed from that proposed in the previous scheme, which were considered to be acceptable. The proposal includes a bin collection point within 10 metres of the public highway. The bins will be collected from the proposed dwellings and taken to the collection point each week by the site management company.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.18 Concerns have been raised regarding highway safety as a result of the proposed access. The Highway Authority is of the view that the access would be one of many accesses along this side of Queen Edith's Way and would serve three dwellings. Vehicles associated with the three dwellings would also be able to enter and leave the site in forward gear and therefore, whilst the additional access will incrementally increase risk to highway users, it would not be considered such an increase that it could be considered as having a severe impact.
- 8.19 In my opinion, in light of this context and expert advice, which I have sought re-assurance from, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2. I have no evidence before me that the access would compromise any future plans for the cycleway improvements on Queen Edith's Way.

Car and Cycle Parking

- 8.20 There is no change to the car and cycle parking provision from the previous scheme, which was considered to be acceptable.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.22 I set out below my response to the issues raised in the third party representations:

Objections	Response
The interpretation of 'white land' does not promote development;	The site is not located within an area of development constraint and within the city boundary.
The proposal is contrary to policy 3/2 (Setting of the City) – degradation of the urban edge;	See paragraphs 8.4 to 8.9
Sites such as this should be preserved;	There are no Local Plan designations on site that would restrict development of it. The type, scale and form of development needs to be carefully considered.

There is no need for this type of housing in Cambridge;	This site would not be appropriate to accommodate high density housing due to the site constraints. However, this is a low density scheme and would still meet identified housing need that would come from a windfall site.
Contrary to Local Plan (2006) and policy 8 of emerging Local Plan	The emerging Local Plan has limited weight. The adopted Local Plan is still relevant and takes precedent. Policy 3/2 sets out to protect the setting of the city.
Modern design is out of keeping with other houses nearby;	The modern approach is considered to a positive contrast to the existing 1930s built form. National policy does not allow for design style to be dictated.
Potential for these proposed dwelling to increase to 3 or 4 storey houses in the future;	Separate planning permission would be required to increase the size of the proposed dwellings. Each application would be considered on its own merits.
If the proposal goes ahead it would allow development to further encroach into the Paddock to the south of the site;	Each planning application is considered on its own merits.
Box design of the building is alien to the surrounding properties;	The alternative design approach is a positive contrast with the existing 1930s built form.
The proposed mass of the dwellings is out of context;	The proposed dwellings have been designed to integrate into the site contours without appearing unduly dominant.
The proposed development has only made some cosmetic modifications;	The changes are set out in the committee report.
The proposal development would form a wall and dominate the back gardens of no.268 and no.266.	The proposed dwellings have been set further away from the rear boundaries of no.268 and no.266 than the previous scheme.
The revised layout has	The width of the access road is

reduce the width of the access for passing traffic	sufficient to serve three dwellings. It is between 4.9 and 5.2 metres wide. This is enough to allow vehicles to pass if needed.
Residential amenity	
Gardens will be overlooked;	None of the gardens would be overlooked by habitable room windows. The first floor windows would serve bathrooms and so would be obscure glazed. I have recommended an obscure glazing condition.
Overbearing presence;	The proposed dwellings would be set further away from the rear boundaries of the existing properties and with the first floor set-backs would not appear overbearing or create an adverse sense of enclosure.
Loss of privacy and noise disturbance;	Three dwellings would be located a significant distance from the existing houses and further away from gardens such that it would be difficult to argue they would be adversely affected by noise disturbance or loss of privacy.
Detrimental impact on the amenity of no.268 by being hemmed in;	No.268 would maintain a generous curtilage and would not be adversely affect by the addition of three additional dwellings.
The amenity of future residents would be affected in terms of overshadowing from retained trees;	The proposed layout reduces the pressure that was previously raised about future occupiers needing to remove or prune existing trees as the gardens are bigger and would not be significantly overshadowed.
Pressure on future residents to remove, prune or pollard trees, particularly the trees on the embankment;	As above.
The rear gardens of the properties in Queen Ediths Way are not all the size of cricket pitches, particularly	Noted but they are generous.

those nearest the no.268;	
Rear gardens are very small and would receive very little natural light;	The revised layout has increased the size of the gardens which are considered to be more appropriate to the size of the dwellings.
Impact on the character of the area and wildlife	
The proposal does not respond to the character and context of the surrounding area;	The proposal is unique in its design and appearance to the existing built form but has some features such as grass screens and grass roofs to enable it to integrate into the site. See paragraphs 8.4-8.9
Loss of a unique rural location and vista on the edge of the city;	See paragraphs 8.4-8.9 and previous assessment 15/0596/FUL.
Loss of wildlife habitat;	Ecology Officer and Natural England do not consider the proposal would have a significant detrimental impact on the site or surrounding designations. See conditions re bat/bird boxes
Light pollution will have detrimental impact on wildlife;	As above. I have recommended a lighting condition.
The proposal would completely change the character of the area;	See paragraphs 8.4-8.9. It is for members to weigh-up whether the change in character would be harmful in light of previous recommendations, decisions and the current proposal.
The proposal would appear overbearing	The proposal would not appear overbearing on any of the adjoining neighbours due to the level of separation.
This boarder site should be protected from urban creep	The principle of development is acceptable.
The site is unsuitable for housing development on this scale	The proposed development is of an appropriate scale for this site.
The proposal neither	See paragraphs 8.4-8.9.

conserves or enhances the urban edge	
Houses would be clearly visible from Lime Kiln Road	The proposal includes boundary enhancement which will be controlled by condition to ensure native species are used where possible.
The development would result in the loss of open space rather than create it;	The site is bound on all its sides by vegetation and there is no public access into it.
Half the site would be changed from plant land to developed land;	The amount of hardstand has been reduced from the previous scheme and with further landscaping enhancements the built form will blend into the site.
Proposed tree and hedge planting is inferior to the trees and plant species on site and increase visibility of the houses;	The proposed trees and planting over time will screen the development from surrounding vantage points. However, I accept the development will be partly visible in approaches into and out of the City and the character of the site will alter as a result. Whether this change is harmful is something that has to be considered in light of previous recommendations, decisions members have made and material changes to the current proposal from that considered previously. See paras 8.4 - 8.8 and officer report for 15/0596/FUL.
The proposal would be contrary to policy 3/2 (Setting of the City);	This issue has been dealt with in paras 8.4 to 8.8.
Damage to tree roots from excavation works;	The Landscape Officer has not raised any concerns with the impact on tree roots from excavation works.
The proposal would urbanise and degrade the city edge and the Eastern Green Corridor into the city;	The proposal would incorporate development into the site but within the urban edge. This issue has been dealt with in paras 8.4 to 8.8.
Rural character of Lime Kiln Road will be damaged;	The rural character of Lime Kiln Road would be largely maintained as the boundary enhancements would soften

	the development from public vantage points albeit I accept the character of the site is altered and the buildings would be partially visible.
The proposal would set a precedent and lead to further development along Lime Kiln Road;	Each planning application is considered on its own merits. I do not accept the precedent argument.
Urbanisation of the site will cause a reduction in the quality of contact with the natural environment;	I have recommended conditions to improve bio-diversity within the site.
Highway safety	
Creation of an additional traffic access onto a busy highway adjacent to the junction with Lime Kiln Road;	See para 8.17
The proposal new access would create a highway safety issue particularly during peak times;	See para 8.17
The proposed development would increase the chances of tragedy occurring;	See para 8.17
Risk to cyclists and pedestrian from vehicles existing and entering the access during peak times;	See para 8.17
Other issues	
The proposed development caters for the rich end of the market and will do nothing to ease the housing crisis;	Not material.
The proposal is not a single issue case;	Noted but previous decisions on similar applications are a material consideration for members

Three dwellings would result in large scale excavation works to accommodate the proposal which is contrary to the applicant's commitment not to excavate the in-filled land;	Not objectionable in terms of planning policy.
The applicant has not engaged with neighbours on this application;	This is noted but does not alter my recommendation.
Committee members should visit the site to understand the impact of the proposed development;	Noted.
The plot 1 has two stairs up to the garden area whereas plot 2 does not;	This has been amended to provide separate access to the garden of plot 2.

Planning Obligations (s106 Agreement)

8.23 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (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.

8.24 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific

projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.

- 8.25 It is not appropriate to seek commuted payments towards some or all of the local infrastructure categories in this case because such contributions would not be compliant with the CIL Regulations and I have not been advised of any specific projects towards which any monies could be spent.

9.0 CONCLUSION

- 9.1 The proposed development is for three 3 storey detached dwellings with vehicular and pedestrian access on an area of land to the rear of 268 Queen Edith's Way. The application site is naturalised green space that forms part of the rural setting of the City and which is bound by established and mature trees and vegetation. The site provides an important transition from the adjacent SSSI, Local Nature Reserve and Green Belt to the residential development on Queen Edith's Way.

- 9.2 Members should note my previous reservations on the refused application regarding issues of character, design and setting. However, they should also be mindful of their own decision and the differences between that proposal (15/0596/FUL) and the one now put before them as a material consideration. In particular and in light of the previous refusal reason, which the applicant has addressed in this application, the proposed development is considered to be acceptable. I have not reached this recommendation lightly or without reference to the considerable objections raised to it, including the DCF. However, I note that proposals for the redevelopment of this site have moved on significantly from the original application for seven units and even, when considering the changes from the last scheme which was refused by Committee, the amendments have been meaningful and significant. I have recommended a series of conditions to mitigate the visual and material impact of the proposed development. In my view, the revised scheme has addressed the previous refusal reason and should be approved.

10.0 RECOMMENDATION

APPROVE subject to completion of the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:

-Detailed history of the site uses and surrounding area (including any use of radioactive materials)

-General environmental setting.

-Site investigation strategy based on the information identified in the desk study.

(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:

(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

5. Implementation of remediation.

Prior to the first occupation of the development or (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.

(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:

- a) Include details of the volumes and types of material proposed to be imported or reused on site
- b) Include details of the proposed source(s) of the imported or reused material
- c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
- d) Include the results of the chemical testing which must show the material is suitable for use on the development
- e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

9. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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)

10. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

11. 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

12. Full details of all solar panels [water pre-heat, etc.] and/or photovoltaic cells, including type, dimensions, materials, location, fixing, etc., to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved plans.

Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

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

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

14. Prior to commencement, a site visit will be arranged with the retained arboriculturalist, developer and LPA Tree Officer to agree tree works and the location and specification of tree protection barriers and temporary ground protection.

15. The approved AMS and TPP will be implemented throughout the development and 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.
16. Prior to the commencement of development a long term arboricultural management plan will be submitted for approval. The plan will be aimed at enhancing the tree stock in the public areas of the site. The approved plan will be adopted and adhered to.
17. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

18. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

19. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary 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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

20. A landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

21. Prior to the occupation of the building, a scheme for the type and location of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To improve the bio-diversity contribution of the site (Cambridge Local Plan 2006 policy 3/1).

22. Prior to occupation, a "lighting design strategy for biodiversity" for the proposed buildings, gardens and access road shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used for foraging.

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution (Cambridge Local Plan 2006 policies 3/11, 4/13 and 4/15).

23. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. The system should be design such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. Where a sustainable drainage scheme is to be provided, the submitted details shall:

1. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rate and volume and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2. include a timetable for its implementation; and

3. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16)

24. The windows identified as having obscured glass on drawing number P-02 rev L shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

25. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

26. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

Reason: To protect the visual amenity of the neighbourhood and in the interests of highway safety (Cambridge Local Plan 2006 policies 3/4 and 8/2).

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

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

28. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

31. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety.

32. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority.

The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

33. Prior to the commencement of the use hereby permitted, the arrangements for the disposal of waste detailed on the approved plans shall be provided including details of the enclosure for storage during collection and information shall also be provided on the management arrangements for the receptacles to facilitate their collection from a kerbside collection point and return to the dwellings. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

34. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

35. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

INFORMATIVE: The site investigation, including relevant soil, soil gas, surface and groundwater sampling should be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling, analysis methodology and relevant guidance. The Council has produced a guidance document to provide information to developers on how to deal with contaminated land. The document, 'Contaminated Land in Cambridge- Developers Guide' can be downloaded from the City Council website on <https://www.cambridge.gov.uk/land-pollution>. Hard copies can also be provided upon request

INFORMATIVE: Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

INFORMATIVE: Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m³ or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.