

Application Number	10/1249/FUL	Agenda Item	
Date Received	13th December 2010	Officer	Mr John Evans
Target Date	7th February 2011		
Ward	Castle		
Site	Land Rear Of 34 - 38 Windsor Road Cambridge Cambridgeshire CB4 3JW		
Proposal	Erection of three 2-bed dwellings, together with two integral garages and one integrated car port.		
Applicant	Mr Tim Dean Unit D3 2/4 Station Road Swavesey Cambs CB24 4QJ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located immediately south of the turning head end of Warwick Road, a wide cul-de-sac, which is the western end of the Histon Road/Gilbert Road/Warwick Road traffic-signalled crossroad junction. Warwick Road was laid out in the 1960's and was once expected to form part of an inner ring road, an idea abandoned in the 1970's.
- 1.2 The site has been formed by sub-dividing the rear, rectangular gardens of 34, 36 and 38 Windsor Road. 36 and 38 Windsor Road, have car parking at the end of their back gardens, access to which is taken from Warwick Road. The application site is divided by a public footpath/cycleway which connects Warwick Road to Windsor Road.
- 1.3 To the north of the site on the west side of Warwick Road is Mayfield primary school and day nursery, the boundary with the street being formed by 2m high open railings. On the east side of the Warwick Road frontage north of the site are two short terraces (4 and 3 dwellings) of residential dwellings.

1.4 The site does not fall within a Conservation Area. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

2.1 This application seeks consent for the erection of 1 detached, two-storey house, and 2 semi-detached houses. The buildings are sited with their front (principal) elevation facing north to Warwick Road; the pair of houses is east of the footpath and the single house to the west.

2.2 The houses rise approximately 5m to the eaves level, with an overall ridge height of about 7m. The roof pitches are asymmetrical in form, sloping back to a rear eaves level of approximately 3.5m. All of the buildings have single storey rear projections about 5.5m deep, which accommodate a dining/kitchen. The two semi-detached properties have integral garages and the detached dwelling has a carport.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Tree Survey

3.0 SITE HISTORY

Reference	Description	Outcome
C/89/0426	Erection of house	Refused

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006):

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

Planning Policy Guidance 13: Transport (2001)

Circular 11/95 – The Use of Conditions in Planning Permissions

Circular 05/2005 - Planning Obligations:

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.

5.2 **East of England Plan 2008**

ENV7: Quality in the Built Environment

5.3 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

5.4 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/10 Subdivision of existing plots
3/11 The design of external spaces
3/12 The design of new buildings
4/13 Pollution and amenity
5/1 Housing provision
8/2 Transport impact
8/6 Cycle parking

Planning Obligation Related Policies

3/7 Creating successful places
3/8 Open space and recreation provision through new development
3/12 The Design of New Buildings (*waste and recycling*)
10/1 Infrastructure improvements (*public open space, recreational and community facilities, waste recycling*).

5.5 Material Considerations

Central Government Guidance

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

City Wide Guidance

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Area Guidelines

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

First consultation

- 6.1 The proposal uses an existing vehicular access, and a modified access to provide access for off-street parking.

The accesses give onto an existing public highway turning head, which is busy during times of pick-up and drop-off at the school.

The turning head is also accessed by a passageway providing pedestrian and cycle linkage between Windsor Road and Warwick Road.

The passageway is well used, and is safeguarded at its Warwick Road end by a safety barrier.

Given that the accesses already exist, albeit serving two dwellings instead of the three proposed, and the use of the area for turning vehicles, it is doubtful that the additional traffic movements, which will be at low speed and, in the vast majority of cases by drivers familiar with the site, would provide a demonstrably significant increased hazard to pedestrians and cyclists using the passageway.

Inter-visibility between the plot to the north-west of the passageway and pedestrians/cyclists on the passageway is provided, although the height of the hedge adjacent to the passageway should be restricted by condition to 600mm to safeguard this provision.

I am concerned by the set-back of the parking space on that access, as it could lead to a second car being parked half within the site and the rest blocking footway/cycle passage.

The parking space should therefore be moved forward to the edge of the highway to reduce this temptation.

The application removes existing parking provision for the dwellings fronting Windsor Road.

Additional Comments

- 6.2 The car parking space on the northernmost plot has been moved forward. This would resolve the potential issue of a second vehicle obstructing the footway.

Information has been provided to clarify the parking provision for the existing dwellings, which would retain a level that would comply with the Planning Authority's current parking standards.

The applicant shows dimensions for the proposed car parking spaces, which all exceed 2.5m x 5m, however, the two southernmost plots are bounded on both sides by walls, and the 2.7 metres provided would still leave it difficult to park and access the cars as the doors would be limited in their opening by the walls. A three metre space would be recommended for these.

This particular problem would not be anticipated to occur on the northernmost plot, as a wall only occurs on one side.

Head of Environmental Services

- 6.3 Awaiting Comments.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 Councillor John Hipkin has commented on this application. I have set out his comments below:

Further to my previous email I would like to call in this application for committee determination on the grounds that i have concerns about the impact of the development on the safety of pedestrians using the Warwick Road passageway and more general concerns about traffic movements in this confined turning area.

Best wishes

John

7.2 Councillor Simon Kightley has also made comments which I have set out below:

John,

*I would like 10/1249/FUL to come to West/Central for determination
(unless you were minded to refuse under delegated powers).*

Regards,

Simon Kightley

7.3 The owners/occupiers of the following addresses have made representations: 18, 22 and 26 Warwick Road, 38 Lingholme Close, 37 Eachard Road, 32, 45, 66 and 89 Windsor Road, 38 Oxford Road, 2 and 32 Woodlark Road, 9 Cavesson Court and 7 Strokes Close, Longstanton.

The representations can be summarised as follows:

Design comments

- Front elevations of new dwellings are industrial and unattractive
- Not in keeping with the character of the area being sited so near to the front of the footpath where most houses have front gardens.
- Development would form a closed built up area in what is currently as open residential area.
- An application for a new dwelling was previously refused in 1989.

Amenity issues

- Loss of sunlight to number 18 Warwick Road and shadow cast over turning area.
- Overshadowing to number 32 Windsor Road.
- Loss of wildlife.

Highway safety concerns

- The road is already very busy and congested. This proposal will bring extra dangers.

- When the cycle way on Gilbert Road is completed there will be even more traffic.
- Cars driving on and off the turnaround will bring added danger.
- Little consideration is given to the potential danger to pedestrians and cyclists.
- The existing rear car parking bays are not used.
- Funding should be secured for the consideration of car parking controls on the turning space.
- The footpath should be widened to 4m.
- Car port number 3 is an accident waiting to happen.
- There will be pressure for car parking on Warwick Road, Oxford Road and Windsor Road.

Mayfield Primary School and the Under Fives Roundabout Preschool representations

- The Head Teacher and Governing body wish to object to the proposed scheme.
- It is not thought to be safe to have 3 access/egress points for vehicles crossing the footpaths where young children arrive, in particular number 38.
- Concerns about safety during construction work.
- The preschool garden will be overshadowed and overlooked.

In addition to the above a **petition containing approximately 150 signatures** has been received opposing the erection of 3 houses on the grounds that the development would endanger users of the passageway and nearby pavements.

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.

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
8. Planning Obligation Strategy

Principle of Development

- 8.2 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 The recently revised PPS 3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots, which recognises the important part of the character and amenity value gardens contribute to the City.
- 8.4 Planning permission was refused for a new dwelling in 1989 on the basis of the scheme being 'backland development' and detrimental to neighbouring amenity. Planning policy has changed markedly since, and in my view this previous decision carries limited weight in assessing the current proposal. In principle, policy 3/10, allows for proposals for the sub-division of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted, however, if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.
- 8.5 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, Cambridge Local Plan 2006.

Context of site, design and external spaces

- 8.6 The key issue in this regard is the design and appearance of the new dwellings in their context.
- 8.7 New buildings should have a positive impact upon their setting in terms of height, scale, form, materials, detailing and wider townscape views, in accordance with Local Plan policy 3/12. New developments should also demonstrate that they have drawn positive inspiration from their setting in accordance with Local Plan policy 3/4. The scale and massing of the proposed dwellings is broadly consistent with the character of the surrounding properties constructed in the 1960's. In my view the overall width of the road frontage of 16m, can adequately accommodate the 3 dwellings that are proposed.
- 8.8 There is some concern raised regarding the siting of the dwellings. I recognise that the new dwellings are to be sited closer to the edge of Warwick Road, only about 2m back into the plot (compared with about 7m at No.18, which allows space for a front garden). However, I do not feel that their siting would be unduly harmful to the character and appearance of the street scene as they would for the most part be seen head on, rather than sideways on. I feel they would positively enclose and address the end of Warwick Road, which is currently defined by boarded fencing.
- 8.9 The wider townscape view towards the site from further north along Warwick Road, will not be adversely affected. The scheme would create a new frontage which takes advantage of the unusually wide Warwick Road, and would not be out of keeping with the general character of the area and not conflicting with that element of Local Plan policy 3/10.
- 8.10 To the rear of the new dwellings, their asymmetric roof falls to an eaves height of about 3.6m, to reduce the visual impact from residential properties along Windsor Road. This is seen to demonstrate that the design of the new dwellings has responded to the constraints of this particular site and that they would be well integrated to the houses to the south, in accordance with Local Plan policy 3/4.
- 8.11 In terms of detailed design, the proposed materials will broadly reflect the surrounding houses, with brindle colour brickwork,

cedar cladding and a clay roof tile. The cedar cladding will give the dwellings a more modern character, but one which has been informed by the characteristics of the locality, as required with Local Plan policy 3/4.

- 8.12 The external spaces of each house are adequate in size to accommodate a useable amenity area, and appropriate refuse and bicycle storage. I have discussed this further in the relevant sections below.
- 8.13 Of particular concern is the treatment of proposed boundaries on either side of the cycleway. There is a strong concern from residents and users of the footway, that the siting of houses on either side of the access will compromise safety. The proposed development will however improve the existing boundary treatment of the cycleway. The existing boarded fence which is a barrier to sightlines at the junction with Warwick Road, for both cyclists and pedestrians, will be removed. The proposed open railings will be an attractive boundary treatment which will enable clear sightlines for the benefit of all users of the footpath. In the view of the Highway Authority this boundary treatment should be no higher than 0.6m. A planning condition can be imposed requiring such railings remain in place, at the agreed height.
- 8.14 Beyond the proposed plot 3, there is a mature tree within the rear garden of number 40 Warwick Road. I do not consider this so significant as to constrain development and the tree can be protected during the construction through the imposition of a suitable planning condition.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.16 Number 18 Warwick Road will be most affected by the development, being closest to the new dwelling on plot 1. Substantial conifers within the rear garden of number 23 Windsor Road currently delineate the southern boundary of number 18. The conifers cast a shadow, particularly in the winter months, over the front garden and at the end of Warwick

Road generally. The occupier of number 18 Warwick Road considers them overbearing and is seeking their removal.

- 8.17 The proposed dwelling would be sited at 90 degrees to 18 Warwick Road and would result in the removal of the conifers. Clearly this would result in a permanent imposition for number 18 and I recognise that some shadow is likely to be cast over number 18 and its front garden, particularly in the winter months when the sun is lower. This would not, however be as acute as the visual impact and shadow created by the existing conifers, because plot 1 is set back from the common boundary with number 18 and the eaves level of the new building would be lower than the conifers. I do not consider that the harm by way of visual impact and overshadowing to be so great as to justify refusal. It is the front elevation of number 18 which is affected, rather than the private rear elevation, where occupiers can expect greater privacy.
- 8.18 The fenestration of the 3 proposed new dwellings has been arranged to reduce overlooking to both number 18 Warwick Road and the day nursery to the north. The main windows are positioned more centrally, which will help to reduce any overlooking onto either the grounds of the day nursery or the front garden area of number 18 Warwick Road.
- 8.19 The new dwellings are sited over 20m from the rear outlook of numbers 34 to 38 Windsor Road. The rear of the new dwellings have also been designed with low rear eaves to reduce their visual impact. I do not consider there to be significant harm by reason of visual impact to those properties along Windsor Road. The rear velux windows serve the studies, bathroom and stairway and they are set higher than 1.8m, so would not create an overlooking issue.
- 8.20 Numbers 34 to 38 Windsor Road will be left with an adequate rear garden as a result of the subdivided plots.
- 8.21 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.22 The 2 bedroom properties will provide a high level of amenity for future occupiers. The ground floor rooms are dual aspect, with patio doors to the rear to take advantage of their southerly aspect. Garden areas are limited in size, but adequate. Their manageable size will no doubt be preferred by many prospective occupiers.
- 8.23 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

- 8.24 There is adequate space for refuse within the rear garden areas which is secure and convenient to access. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.25 The County Council, the Local Highway Authority has been consulted on the scheme and does not object. I recognise that there is strong concern with regard to pedestrian safety during peak school drop off and pick times, but it must also be recognized that the houses will generate relatively few movements as a whole and only a small number (probably no more than one vehicle movement per dwelling) in peak hours, with the morning peak hour being the most likely conflict with movements to school. As rehearsed in paragraph 8.10, I am of the view that the proposals do offer the opportunity for improved visibility for pedestrians and cyclists using the cycleway, through the proposed low 0.6m high fencing boundary treatment (secured by condition 7). I also consider it important that there is the opportunity to consider further whether there would be merit in changing the safety railing at the northern end of the footpath/cyclepath; to that end I suggest that a condition is imposed precluding development until such time as an appropriate new safety rail system is agreed to the satisfaction of the City Council and that the agreed railing must be installed

at the expense of the developer prior to the houses being first occupied.

- 8.26 The development would result in one additional vehicle access onto Warwick Road, despite the case put that the existing two are little used. Given the location of the spaces at the end of the cul-de-sac and the knowledge that there are schools in the area, I do not think it likely that vehicles arriving at or leaving the site will travel at speed. I do think one has to consider whether in the circumstances it is reasonable to refuse permission because someone might on some occasion act inappropriately. The off-street car parking provision for each new house has adequate visibility and sightlines for future occupiers to safely drive onto/off Warwick Road; the visibility is significantly more than the current rear car parking spaces for serving numbers 36 and 38 Windsor Road. While it is accepted that this area of Warwick Road is very congested during the morning and afternoon, I do not consider this proposal will materially alter the current position or create additional harm for pedestrians and cyclists.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.28 The development provides car parking for each new dwelling which is in accordance with adopted car parking standards. I note the County Highways Authority consider the garages of the semi detached dwellings limited, but the Council does not have an adopted policy for garage widths. In my view, the size of the garage itself would encourage the ownership of a small or medium sized car, which is not an undesirable outcome. The garages are of ample depth. The applicant has submitted an amended plan with a slightly reduced depth for the car port to plot 3. This is in response to the County Council's concern of the potential for parking 2 vehicles (with 1 overhanging the pavement) on plot 3. This minor change would prevent this occurring.
- 8.29 The existing houses 34 to 38 Windsor Road will retain their on-street car parking on Windsor Road, which is an acceptable arrangement.

- 8.30 Bicycle parking can be adequately provided in an enclosed store within the rear garden of the new dwellings. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.31 The majority of the issues within the representation received have been covered in the above report. The following additional concerns have been raised:

Loss of wildlife and biodiversity

Some concerns have been raised regarding the loss of some trees and general green garden space to accommodate the proposed dwellings. It is believed that the trees attract great spotted and green woodpeckers, wrens and jays. Local Plan policy 3/10 states that the subdivision of plots will not be permitted where it will adversely affect trees or wildlife features of local importance. In my view, it cannot be argued that the limited site areas and planting within them are critical for any of the bird species mentioned. The site currently forms a stop rather than positively contributing to the street scene or a key part of the openness and development pattern of the area. As such I do not think there is adequate justification for retaining the gardens on the basis of wildlife and openness. The existing boarded fence is an abrupt termination of Warwick Road and the overall width of road frontage of the site creates a strong design case for completing the street frontage.

The Development should fund car parking controls

The creation of parking controls should be progressed through the County Council. This development would not in my view add significant pressure to off-street car parking provision.

Planning Obligation Strategy

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

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

(b) directly related to the development; and

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.33 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.

8.34 The application proposes the erection of 3 two-bedroom houses. 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	1,428
3-bed	3	238	714		

4-bed	4	238	952		
Total					1,428

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	1,614
3-bed	3	269	807		
4-bed	4	269	1076		
Total					1,614

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	1,452
3-bed	3	242	726		
4-bed	4	242	968		
Total					1,452

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		
1 bed	1.5	0	0		
2-bed	2	316	632	3	1,896
3-bed	3	316	948		
4-bed	4	316	1264		
Total					1,896

8.35 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

- 8.36 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	3,768
3-bed	1882		
4-bed	1882		
Total			3,768

- 8.37 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

- 8.38 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		
Flat	150	3	225
Total			225

8.39 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 3/7, 3/12 and 10/1.

Conclusion

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

9.0 CONCLUSION

9.1 The design of the proposed 3 dwellings positively responds to the residential context of Warwick Road, creating a street frontage to its southern end. The development does not in my view significantly detract from neighbouring amenity and the changes to the boundary treatment of the dividing footway present an opportunity for improving connectivity through the area and sightlines for pedestrians and cyclists. APPROVAL is recommended.

10.0 RECOMMENDATION

APPROVE subject to the completion of the S106 Agreement by 1 April 2011 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. 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)

4. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

5. 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 extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

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

7. The proposed railings to the south east flank elevation of plot 3 and to the north west flank elevation of plot 2, fronting the footpath/cycleway, shall be no erected no higher than 0.6m. 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 higher boundary treatment shall be erected.

Reason: In the interests of providing adequate sight lines for cyclists and pedestrians, Cambridge Local Plan policy 8/2.

8. 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)

9. No development shall commence, until full details of the siting, position and form of a new safety railing (to preclude the possibility of too fast an entrance into or exit from the cycle/footpath that divides the site), close to the junction of the footpath/cycleway with Warwick Road has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be carried out in accordance with a timetable agreed with the Local Planning Authority and at the expense of the developer before any of the three dwellings is occupied and the Local Planning Authority has confirmed in writing that the improvements have been carried out in accordance with the approved details.

Reason: In the interests of improving accessibility through the site to the Mayfield school and to ensure that the development is well integrated with the existing locality, Cambridge Local Plan 2006 policies 3/4, 8/2 and 8/4.

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).

Reasons for Approval

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

East of England plan 2008: ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8, P9/9

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/8, 3/10, 3/11, 3/12, 4/13, 5/1, 8/2, 8/6, 10/1

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.

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 on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.