

Application Number	11/0613/FUL	Agenda Item	
Date Received	27th May 2011	Officer	Miss Amy Lack
Target Date	22nd July 2011		
Ward	Coleridge		
Site	Rear Of 22 And 23 Kelvin Close Cambridge Cambridgeshire CB1 8DN		
Proposal Applicant	Erection of 3 dwelling houses. Mr M Curley 60 Tiverton Way Cambridge Cambridgeshire CB1 3NX		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, measuring approximately 0.07 hectares in area, stands at the northwest end of Brother's Place. Occupying the rear garden land of 22 and 23 Kelvin Close, a 1930's semi-detached pair of dwellings to the west of the application site, access into the site is from Brother's Place.
- 1.2 The surrounding area is predominantly residential. The north of the site is bounded by a small drain and heavily grown hedgerow and shrubbery, beyond which is a mix of semi-detached and terrace dwellings in Chalmers Road.
- 1.3 Brother's Place is a relatively recently constructed terrace development (approved under planning reference C/00/0032) comprising three individual terrace blocks; two of which extend west to east immediately adjacent to the eastern boundary of the application site and the third which extends north to south, located south east of the application site.
- 1.4 Kelvin Close to the west of the application site is very uniform in character, comprises two storey, 1930's semi-detached houses replicated along the entirety of the close. Some properties have converted the roof space to provide additional accommodation, but the ridge height remains a consistent 2 storey height all along Kelvin Close.

1.5 The site is not located within the Controlled Parking Zone (CPZ) nor is it located within a City of Cambridge conservation area. There are very few trees of any notable amenity value and none of the trees on site are protected by a Tree Preservation Order (TPO).

2.0 THE PROPOSAL

2.1 This application proposes the erection of three, four bedroom dwellings. Two and a half storeys in height, these will stand as a terrace row of three to the northwest of an existing terrace row of six dwellings along the northern side of the cul-de-sac of Brother's Place.

2.2 Accessed from the end of Brother's Place a single car parking space for each dwelling will be positioned in front of proposed units 1 and 2. Cycle parking and refuse storage is proposed to the rear of each unit. Rear access to Units 1 and 2 is via a 1 metre width footpath along the east facing gable end of Unit 1. Access to the rear of Unit 3 is via a gate to the front of the dwelling adjacent to its west facing gable. This unit benefits from a generous side and rear garden.

2.3 The internal configuration of each of the units is very similar. The front entrance door opens into a hallway, off which a toilet is accessed at the front of the dwelling one side and an open plan kitchen and dining room the other. A living room occupies the width of the rear of the ground floor. The first floor accommodates three bedrooms and a bathroom to half of the width at the front of the dwelling. The second floor loftspace, served by one pitched roof dormer window to the front south elevation and two pitched roof dormer windows to the rear comprises a dual aspect bedroom and ensuite shower room to the rear.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement; and
2. Foul and Surface Water Drainage Statement.

3.0 SITE HISTORY

Reference	Description	Outcome
C/71/0678	Erection of a dwelling	REF
C/73/0646	Erection of wash house and toilet for use in conjunction with existing residential caravan	REF
C/93/0882	Erection of detached bungalow (class c3) (outline planning application).	REF
09/1106/FUL	Erection of 8 x 4 bed dwellings and a detached car port structure, cycle parking facilities, amenity areas and landscaping following the demolition of nos 22 and 23 Kelvin Close.	REF Dismissed at appeal
11/0375/FUL	4no Dwelling houses.	W/D

- 3.1 The decision notice for the previously refused application 09/1106/FUL is attached to this report as Appendix 1. The application was refused on the grounds that it was out of character with the area, the design and layout of the proposal was felt to be inappropriate in its promotion of a terrace form similar to Brother's Place despite access being taken from Kelvin Close from which the development would be read as part of the street scene. The proposal was also refused on a lack of information regarding surface water drainage and foul sewerage. A third reason for refusal was issued for failure to comply with the Planning Obligation Strategy.
- 3.2 The decision of the Planning Inspector for the appeal on previous planning application 09/1106/FUL is attached to this report as Appendix 2. While this decision is relevant to this current application and a material consideration, it should be noted that this refused application took access from Kelvin Close, required the demolition of the existing semi-detached pair 22 and 23 Kelvin Close and proposed a total of eight dwellings. This current application takes access from Brother's Place, is on a significantly smaller plot which retains the existing semi-detached pair 22 and 23 Kelvin Close and proposes only three dwellings.

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the

density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **Planning Policy Statement 3: Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010).
- 5.5 **Planning Policy Statement 23: Planning and Pollution Control (2004)**: States that 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use'. It highlights the fact that the planning system has a key role in determining the location of development which may give rise to pollution. Appendix A sets out those matters which may be material in taking decisions on individual planning applications including the environmental benefits of reducing the need for travel and the existence of Air Quality Management Areas.
- 5.6 **Planning Policy Guidance 24 - Planning and Noise (1994)**: States at paragraph 12, that planning authorities should consider carefully whether new noise-sensitive development would be incompatible with existing activities. At paragraph 13, a number of mitigation measures are suggested which could be introduced to control the source of, or limit exposure to, noise.
- 5.7 **Planning Policy Statement 25: Development and Flood Risk (2006)**: States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower

flood risk and benefits of the development outweigh the risks from flooding.

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

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

5.10 **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.

5.11 **East of England Plan 2008**

SS1: Achieving Sustainable Development

H1: Regional Housing Provision 2001 to 2021

T1: Regional Transport Strategy Objectives and Outcomes

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.12 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision
P9/8 Infrastructure Provision

5.13 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 3/4 Responding to context
- 3/7 Creating successful places
- 3/9 Watercourses and other bodies of water
- 3/10 Sub-division of existing plots
- 3/12 The design of new buildings

- 4/13 Pollution and amenity

- 5/1 Housing provision

- 8/2 Transport impact
- 8/6 Cycle parking
- 8/10 Off-street car parking
- 8/18 Water, sewerage and drainage infrastructure

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*)
- 5/14 Provision of community facilities through new development
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.14 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would

like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

- 5.15 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

5.16 **Material Considerations**

Central Government Guidance

5.17 **Draft National Planning Policy Framework (July 2011)**

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be 'yes', except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices,

- commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
 5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
 6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
 7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
 8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
 9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
 10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

5.18 Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government 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.

5.19 **Written Ministerial Statement: Planning for Growth (23 March 2011)**

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

City Wide Guidance

- 5.20 **Cambridge and South Cambridgeshire Strategic Flood Risk Assessment** - in November 2010 the Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (SFRA) was adopted by the City Council as a material consideration in planning decisions. The SFRA is primarily a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.
- 5.21 **Strategic Flood Risk Assessment (2005)** – Study assessing the risk of flooding in Cambridge.
- 5.22 **Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.
- 5.23 **Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)** Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).
- 5.24 **Cycle Parking Guide for New Residential Developments (2010)** – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The access serves 7 dwellings which is more than is recommended as adequate to serve residential amenity without provision of an adopted highway. The layout of the access, without a suitably sized turning head is unsuitable for adoption as a public highway. Confirmation should be provided that there is no intention to dedicate the access as public highway.

Head of Environmental Services

- 6.2 No objection in principle but it is recommended that standard conditions are imposed: to control the hours of construction; collections and deliveries to site; piling; and residential waste arrangements.
- 6.3 The site is bordered by two infilled drainages and a former laundry which included a tank. Accordingly the full contaminated land condition should be imposed.

Sustainable drainage

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- 6.4 If the foul is to be discharged into the Mains Sewer, an existing system, a plan should be provided. SuDS is a greywater recycling system, re-using mains water and is generally a water efficiency method. However, there is no proposed method of surface water disposal. The proposal has not adequately demonstrated a suitable method of surface waster disposal which could lead to an offsite flood risk.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations in objection to the proposed development:
- 3, Brother's Place
 - 6, Brother's Place
 - 7, Brother's Place
 - 9, Brother's Place
 - 10, Brother's Place
 - 14, Brother's Place
 - 17, Brother's Place
 - 18, Brother's Place
 - 26, Kelvin Close

7.2 The representations can be summarised as follows:

Character and context

- This is garden grabbing and therefore contrary to PPS3;

Residential Amenity

- This will disturb and inconvenience the existing residents of Brother's Place;
- The proposal will result in an increase of noise, during construction and upon occupation with the additional cars which will serve each dwelling.

Access and Highway Safety

- There is already inadequate parking space for cars. A result of many of the properties in Brother's Place being let and owning more than one car making access all the way off Derwent Close into Brother's Place difficult. These proposed dwellings will bring additional vehicles and a single parking space is not enough for the size of dwelling proposed;
- The road is used by children as a playing area, during construction large HGV's with poor visibility will compromise their safety;
- The road cannot accommodate large vehicles, damage to parked vehicles and property frequently results from delivery vehicles, construction vehicles will only result in further similar damage;
- The access to the application site is via a private driveway owned by 12 Brother's Place and used by nos. 9-12 to park cars due to a lack of parking in the road;

Sustainable Drainage

- This must be investigated into.

7.3 The owners/occupier of the following address have made a representation in support of the proposed development:

- 202, Perne Road

7.4 The representation can be summarised as follows:

- The proposal offers more, much needed housing. Affordable and situated near to walking and cycling routes. The proposal fits in well with the existing area.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 The proposal involves the redevelopment of a site which currently comprises the back gardens of a pair of semi-detached dwellings, 22 and 23 Kelvin Close to the west of the application site.

8.3 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 sections below. The proposal is therefore in compliance with these policy objectives.

8.4 The revised PPS3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. Following several recent appeal decisions the Council has drafted an advice note on

development affecting private gardens (June 2011). The key points from these changes are; a) more intensive development within residential curtilages remains possible; b) because residential gardens lie outside the 'previously developed land' which is a priority for development, any proposal to use garden land must be fully justified and explained, and c) considerable weight should be given to the 'open aspect' of residential gardens when assessing proposals against policies 3/4, 3/10 and 3/12. This site is considered 'garden land' and the proposal involves the subdivision of an existing plot for residential purposes, whereby the criteria of policy 3/10 is relevant.

8.5 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part. The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.

8.6 Given the above I am of the view that the principle of residential development is acceptable and in accordance with policies SS1 and ENV7 of the East of England Plan (2008), policies 3/1, 5/1 and 3/10 of the Cambridge Local Plan (2006) and Cambridge City Council Guidance on Development which Affects Private Gardens (June 2011) subject to the proposed development being assessed against the criteria of other relevant development plan policies.

Context of site, design and external spaces

- 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.
- 8.8 The scheme has been wholly informed by the development of Brother's Place and almost replicates this exactly. The proposed terrace row maintains the building line and the ridge height, of approximately 9 metres, of the existing terrace to the northwest corner of the Brother's Place cul-de-sac. The only noticeable difference to the front elevation is the addition of a small window to the west of the entrance door which is to serve a ground floor toilet. This unfortunately upsets the symmetry of the fenestration to the front elevation when compared to the existing terrace in Brother's Place but not to an unacceptable degree. On the whole I believe this replication of the existing terrace is the obvious and most successful design approach to developing this site when it will be read in the street scene of Brother's Place. Any other response is unlikely to have demonstrated inspiration from its setting in accordance with Local Plan policy 3/4 as successfully given the very uniform and unaltered appearance of Brother's Place.
- 8.9 The retention of 22 and 23 Kelvin Close to the west will mean that there are very limited views of the proposed development from within the street scene of Kelvin Close. I am satisfied that it will not be read as part of the streetscape and will not have an undue impact upon the character and appearance of Kelvin Close.
- 8.10 Given the replication of the existing buildings in Brother's Place it is fundamental that the materials used in the external finish of the build also match the existing. Accordingly, I recommend the imposition of a condition to control these details (condition 9). Subject to this I am satisfied that the proposal is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The proposal will introduce three dwellings on the currently undeveloped rear gardens of 22 and 23 Kelvin close. In my view it will have greatest impact upon the residential amenity that is currently enjoyed by the occupiers of 24 Kelvin Close, the semi-detached dwelling to the south east of the application site. Also, to a lesser extent, but nonetheless pertinent, its adjoining neighbour 26 Kelvin Close. 24 Kelvin Close has a shared boundary with the application site for the last 14 metres of its rear garden. Whilst I acknowledge the separation distance of 14 metres to the host dwellings of 22 and 23 Kelvin Close is shorter than that to 24 Kelvin Close which is approximately 22 metres, the orientation of the proposed terrace row would mean that there will be greater opportunities afforded to the proposed dwellings, particularly unit 3 (the western most terrace) to overlook the garden and back into the property of 24 Kelvin Close. However, despite this material increase in overlooking I am of the view that a separation distance of 22 metres is a satisfactory distance so as not to have a significant adverse impact on the living conditions of the occupiers of no.24 and as is common with many residential area the rear gardens of properties are overlooked from the first floor windows of neighbouring properties.
- 8.12 I am satisfied that while there will be a perceived loss of privacy, predominantly to the rear gardens of 24 and 26 Kelvin Close, and to a lesser extent host dwellings 22 and 23 Kelvin Close, I do not consider this so significant as to warrant the refusal of the application. For the reasons given above I do not believe that the proposed buildings would lead to an unacceptable loss of privacy to these neighbouring occupiers, but this is subject to the imposition of a condition to restrict the addition of further windows (condition 3) similarly I do not believe these neighbouring occupiers would suffer unreasonable enclosure or loss of light as a result of this proposal but this also is subject to the imposition of a condition to restrict the erection of further additions to the dwelling under permitted development (condition 3).
- 8.13 Another key issue raised by objectors was the potential increase of noise and disturbance. That generated during the

demolition and construction phases, both in terms of works on the site and the movement up and down the road of construction traffic and then further to completion and occupation of the development, noise and disturbance from the increased occupation of the site, and movements to and from the site. With regard to the demolition and construction phases I am satisfied that the imposition of conditions as suggested by the Environmental Health Officer to control the hours of construction and demolition (condition 4), deliveries and collections to and from the site (condition 5), and details of the mitigation of noise and vibrations from the engineering of foundations (condition 6), would satisfactorily protect the amenity of neighbouring occupiers. With regard to the occupation of the site I acknowledge that an additional three dwellings on this site will mean it is more intensely occupied, compared to the existing situation. In turn this will mean an increased number of movements to and from the site and additional background noise. I believe, however, that the orientation of the dwellings will mean that the activity of the prospective occupiers in or around the properties will not cause any undue noise or disturbance that cannot be satisfactorily absorbed by the surrounding area. The limited amount of on-site car parking, whilst considered by objectors to be inadequate with regard to highway safety and the potential implications for on street car parking, will limit the number of vehicular movements to and from site.

- 8.14 I do not consider there to be any significant impact upon the residential amenity currently enjoyed by the occupiers at Brother's Place. Immediately east of the site, given the similar height and depth of the proposed terrace building to these existing properties, on the same building line, they are unlikely to result in any significant overshadowing of the neighbouring terrace. Any increase in overlooking is characteristic of terrace dwelling houses and while the proposal will increase overlooking of the rear gardens of neighbouring 12 Brother's Place and to a lesser extent 11 Brother's place this is commonplace in the road and will not have any significant adverse impact upon the privacy currently enjoyed by these existing dwellings.
- 8.15 Subject to the imposition of these conditions I am of the view that the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that

it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Amenity for future occupiers of the site

- 8.16 I believe the proposed dwellings will offer a high-quality living environment and an appropriate standard of residential amenity for future occupiers. The orientation of the dwellings in relation to the existing built form which surrounds the site will not compromise the privacy of the prospective occupiers and all necessary provision have been successfully accommodated on site. A standard condition to assess the land for contamination should be imposed (condition 7) in order to protect prospective occupier of the site from contamination. Subject to this I consider that with respect to the residential amenity for future occupiers the proposal is it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/7 and 3/12.

Drainage

- 8.17 The impact upon the existing foul and surface water drainage was frequently cited in the third party objections that were received with regard to the previous application on this site and also formed a reason for refusal of the application. This matter was later resolved before the Inspector considered the appeal but given this history I consider it important to ensure that the site can deal with the three additional dwellings proposed by this application.
- 8.18 The applicant has been in discussion with City Council's Sustainable Drainage Engineer to devise a sustainable urban drainage scheme that would result in the developed site having a similar surface water run off rate as the existing 'green field' site in order to ensure that the proposal will not exacerbate any problems with surface water drainage in Brother's Place or Kelvin Close. To ensure that these details are controlled I suggest the imposition of a condition to agree an on-site scheme for the drainage of surface water, and, if existing capacity is not available, the pumping of foul sewerage (condition 10). Subject to this condition I am satisfied that the proposal will not result in an unacceptable risk of flooding, or increase the risk of flooding elsewhere and is therefore

considered compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policy 4/16.

Refuse Arrangements

- 8.19 Provision for the storage of recyclables and waste is made within the rear garden of each dwelling by a purpose built structure accommodating bicycle parking and wheelie bin storage. Subject to a condition requiring these stores to be erected prior to the occupation of the proposed dwellings (condition 8) I am satisfied that the proposal is compliant with East of England (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.20 No objections have been raised by the Highway Engineer with regard to highway safety. Third party representations have raised concern with regard to highway safety and hazardous conditions for pedestrians and children playing in the Brother's Place as well as access for construction vehicles whilst the site is being developed. During site visits to Brother's Place as part of my assessment of this application I have viewed the width of the road and parking arrangements. Mindful of the additional movements and on street car parking to increase as a result of this proposal, I am of the view that the additional dwellings and three parking spaces is unlikely to have any significant adverse impact upon highway safety in Brother's Place. The additional access and turning space which is created will help accommodate these additional movements.
- 8.21 Given that the Highway Engineer has raised no concerns with regard to highway safety I am satisfied that the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.22 One space per dwelling is proposed. These are positioned in front of units 1 and 2, the eastern two dwellings of the terrace row. A number of the objections received have raised concern at the inadequacy of the number of spaces proposed on site, which they see as falling short of the provision required. In turn, the lack of better provision will, it is argued, have an

unacceptable impact upon the competition between residents and visitors for on street parking which is already fierce. I acknowledge from my visits to the site that competition for on street car parking in Brother's Place is intense and that this proposal has the potential to increase this. However, this site falls outside the Controlled Parking Zone (CPZ) and the provision proposed is in accordance with the City Council's Car parking standards as set out in Appendix C of the Cambridge Local Plan (2006).

8.23 I acknowledge that there is real potential for prospective occupiers of four bedroom properties to have more than one car per household, and for these properties to be used as houses in multiple occupation as opposed to family homes, however, these properties will be purchased in the knowledge that there is only one allocated parking space per dwelling. It is not possible for the local planning authority to enforce reduced car ownership and given that the proposed provision for car parking is in accordance with the City Council's Car Parking Standards, in my opinion the proposal is compliant with East of England Plan (2008) policy T14, and Cambridge Local Plan (2006) policy 8/10.

8.24 Cycle parking provision is made to the rear of each unit, within the garden area, in a purpose built structure that will also accommodate three wheelie bins for refuse and recycling. Two 'Sheffield' type stands will allow covered and secure parking for four bicycles in accordance with the Cycle Parking Standards as set out in Appendix D of the Cambridge Local Plan (2006) and guidance provided within Cycle Parking Guide for New Residential Developments (2010). As such I consider the proposal compliant with East of England Plan (2008) policy T9 and Cambridge Local Plan (2006) policy 8/6.

Third Party Representations

8.25 I am satisfied that I have covered all concerns and issues raised in the third party representations received within the main body of the report above.

Planning Obligations

8.26 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 Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.27 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.
- 8.28 The application proposes the erection of three, four-bedroom houses. No residential units will be removed, so the net total of additional residential units is three. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are

not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238	0	0
1 bed	1.5	238	357	0	0
2-bed	2	238	476	0	0
3-bed	3	238	714	0	0
4-bed	4	238	952	3	2856.00
Total					2856.00

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269	0	0
1 bed	1.5	269	403.50	0	0
2-bed	2	269	538	0	0
3-bed	3	269	807	0	0
4-bed	4	269	1076	3	3228.00
Total					3228.00

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242	0	0
1 bed	1.5	242	363	0	0
2-bed	2	242	484	0	0
3-bed	3	242	726	0	0
4-bed	4	242	968	3	2904.00
Total					2904.00

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0	0	0
1 bed	1.5	0	0	0	0

2-bed	2	316	632	0	0
3-bed	3	316	948	0	0
4-bed	4	316	1264	3	3792.00
Total					3792.00

8.29 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

8.30 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	0	0
2-bed	1256	0	0
3-bed	1882	0	0
4-bed	1882	3	5646.00
Total			5646.00

8.31 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, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	3	225.00
Flat	150	0	0
Total			225.00

8.33 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, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

8.34 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

8.35 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 proposal successfully draws inspiration from the design and character of Brother's Place alongside which I consider this row of three terrace dwellings to make a creditable addition to the street scene of the road. The proposal makes satisfactory on site provision for its prospective occupiers and has demonstrated consideration of the potential impacts upon the residential amenity of neighbouring occupiers. This proposal has successfully overcome the Planning Inspector's concerns of character, which related to the impact of developing this site in relation to Kelvin Close and subject to suggested conditions and completion of the S106 I recommend the application be approved.

10.0 RECOMMENDATION

APPROVE subject to the satisfactory completion of the s106 agreement by 30 November 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be constructed.

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

3. 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)

4. 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)

5. 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)

6. In the event of the foundations for the proposed development requiring piling, prior to the development taking place a report / method statement detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration, shall be submitted in writing and approved by the local planning authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 Part 4: 'COP for noise and vibration control applicable to piling operations'. The development shall be carried out in accordance with the approved details.

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

7. No development shall commence until such time as a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to, and approved in writing by the local planning authority.

(a) The contaminated land assessment shall include a desk study to be submitted to the local planning authority, in writing, for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority, in writing, prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority in writing. The local planning authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

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

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority in writing.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority in writing. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: To safeguard the residential amenity of prospective and neighbouring occupiers (Cambridge Local Plan 2006 policies 3/4 and 4/13)

8. The on-site facilities for the covered, secured parking of bicycles and the storage facilities for residual waste and for recycling for use in connection with the development hereby permitted shall implemented prior to the occupation of the dwellings hereby approved and retained in accordance with the plans hereby approved.

Reason: In order to ensure that the provision of cycle parking and refuse storage on-site is adequate to serve the approved development. (Cambridge Local Plan 2006 policy 8/6 and 3/7)

9. The development extension hereby permitted shall be constructed in external materials to match exactly the existing buildings of Brother's Place in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing buildings. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

10. No development shall commence until full details of an on-site scheme for the drainage of surface water, and, if existing capacity is not available, the pumping of foul sewerage, has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development will not increase the risk of flooding on the site or elsewhere. (Cambridge Local Plan 2006 policy 4/16).

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

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer. The developer will not be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connection. No window or door will be allowed to open over a highway and no foundation or footing for the structure will be allowed to encroach under the public highway.

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.

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

Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 30 November 2011 it is recommended that the application be refused for the following reason(s).

The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, transport mitigation measures, affordable housing, public realm improvements, public art, other as appropriate (DELETE NON-APPLICABLE REFERENCES) in accordance with the following policies, standards and proposals (INSERT APPROPRIATE REFERENCES) of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 (INSERT ANY ADDITIONAL REFERENCES AS APPROPRIATE) of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, Southern Corridor Area Transport Plan 2002, Eastern Corridor Area Transport Plan 2002, Northern Corridor Area Transport Plan 2003, Western Corridor Area Transport Plan 2003, Provision of Public Art as Part of New Development Schemes 2002, Guidance for Interpretation and Implementation of Open Space Standards 2006, add other references as appropriate (DELETE AS APPROPRIATE).

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: SS1, H1, T1, T9, T14, ENV7 and WM6

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/9, 3/12, 4/13, 5/1, 8/2, 8/6, 8/10, 8/18

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 by contacting John Summers (Ext.7103) in the Planning Department.