

Application Number	11/0664/EXP	Agenda Item	
Date Received	20th June 2011	Officer	Mr John Evans
Target Date	15th August 2011		
Ward	Coleridge		
Site	187 Cherry Hinton Road Cambridge Cambridgeshire CB1 7BX		
Proposal	The development proposed is the demolition of 187 Cherry Hinton Road and the erection of a three storey house of flats in its place, together with the erection of 4 semi-detached houses at the northern end of the site in place of the garages. (An approved road off Cherry Hinton Road serves the houses and flats. 14 car parking spaces and 7 bicycle parking spaces will be provided).		
Applicant	Mr Italo Verrecchia 69 Cavendish Avenue Cambridge CB1 7UR		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The proposals relate to an irregular shaped site on the north side of the Cherry Hinton Road. The site is located in a wholly residential part of Cherry Hinton Road, being surrounded on three sides by two storey detached and semi-detached houses. On either side of the site the main road is characterised by detached or semi detached houses. The opposite side of the main road is predominantly two storey terraced housing.
- 1.2 With a total area of 2,030 square metres the site is in two parts, the existing house at 187 occupies a frontage to Cherry Hinton Road, with a rear part currently occupied by an ice cream van depot. The two parts of the site are separate planning units connected in the application by a narrow strip of land. This strip of land is currently part of the curtilage of 169 Cherry Hinton Road. All of these properties and parcels of land are within the ownership of the applicant.

- 1.3 Alongside the site on the main road at 193 is a large three storey building in residential occupation as student flats. This building has been extended to the rear at considerably depth.
- 1.4 The larger rear part of the site is currently occupied by 18 disused lock up garages with a large central concrete hard standing with up to 12 ice cream vans parked at the time of the officers site visit. The rear part of the site is surrounded by houses with gardens of 20 metres or more and a substantial number of trees and mature vegetation.
- 1.5 The site does not fall within a Conservation Area and there are no listed buildings, Buildings of Local Interest or protected trees in the vicinity. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application seeks the replacement of an existing permission with a new permission to allow longer for implementation. The existing permission was granted at Appeal. The details of the application are unchanged and are as follows:
- 2.2 The proposals are in two parts. A three storey block of five residential flats are proposed to replace the house to be demolished. Two pairs of three storey semi detached houses would replace the lock up garages on the rear part of the site. The walls of the flats would be predominantly of block construction, faced with horizontal cedar boarding at the upper level. On the south elevation facing the road the central staircase would be expressed by glass blockwork. The lower levels of the external walls would be constructed with brick. The roof slope facing the road would be clad in slate. Similarly the walls of the four houses would be constructed with blockwork and faced with brick or render. A 900mm wide column of glass would run up the side elevation lighting the stairwell.
- 2.3 A new single vehicular access to the main road would be formed by combining the existing accesses to 187 with the existing access to 169 Cherry Hinton Road. This single access would be 4.5 metres wide in accordance with the requirement of the outline planning permission and would serve the proposed 5 flats, 169 Cherry Hinton Road and the proposed 4 houses on the rear plot. It is also proposed to retain a second access to

the rear part of the site that exists between 181 and 185 Cherry Hinton Road.

3.0 SITE HISTORY

C/93/0316	Outline permission for two bungalows	Refused 1993
C/98/0211	Change of use from a dwelling to a mixed use comprising a residential dwelling and guest house and two storey extension	Refused 1998
C/99/0372	Demolition of house, extension to existing guest house to provide 13 no. additional bedrooms, additional car parking and alterations to site access.	Refused 1999
C/00/0212	Demolition of house, extension to existing guest house to provide 13 no. additional bedrooms, erection of new two storey dwelling to the rear.	Approved 2000
C/04/0438	Outline application for residential development in place of existing garages	Approved 26.4.2004
05/0925	Erection of new house	Approved
07/1397/REM	Replacement of exiting house with a three storey building consisting of 5 flats; demolition of garages to the rear to be replaced with 4 semi-detached three storey town houses and off-road parking.	Withdrawn
08/0125/FUL	Demolition of 187 Cherry Hinton Road and the erection of a three storey building consisting of 5 flats, together with the erection of 4 semi-detached, three storey town houses at the northern end of the site in place of the garages. An approved road off Cherry Hinton Road	Refused, approved at appeal

	serves the houses and flats. 14 car parking spaces and 7 bicycle parking spaces will be provided.	
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4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition:	No
DC Forum:	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.

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)

- 5.4 **Planning Policy Statement 9: Biodiversity and Geological Conservation (2005):** Paragraph 1 states that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
- 5.5 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.6 **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.

- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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.

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

T2: Changing Travel Behaviour

T3 Managing Traffic Demand

T9: Walking, Cycling and other Non-Motorised Transport

T13 Public Transport Accessibility

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

P9/9 Cambridge Sub-Region Transport Strategy

5.13 Cambridge Local Plan 2006

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/8 Open space and recreation provision through new development

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

4/4 Trees

4/13 Pollution and amenity

4/15 Lighting

5/1 Housing provision

5/12 New community facilities

8/1 Spatial location of development

8/2 Transport impact

8/6 Cycle parking
8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places
3/8 Open space and recreation provision through new development
5/14 Provision of community facilities through new development
8/3 Mitigating measures (*transport*)
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.

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.

5.15 Material Considerations

Central Government Guidance

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.

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.

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

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

Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change and as a material consideration in the determination of planning applications and appeals.

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).

Cambridgeshire Design Guide For Streets and Public Realm (2007): The purpose of the Design Guide is to set out the key principles and aspirations that should underpin the detailed discussions about the design of streets and public spaces that will be taking place on a site-by-site basis.

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.

Area Guidelines

Cambridge City Council (2002)–Southern Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No comments.

Head of Environmental Services

6.2 Comments awaited.

Cambridgeshire County Council (Education and Life Long Learning)

6.3 There is no surplus capacity in relation to pre-school and primary education needs and therefore a commuted sum is required. There is sufficient capacity at Coleridge School to meet secondary education needs. A contribution towards LLL is required in accordance with the SPD.

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

7.0 REPRESENTATIONS

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

14 Coniston Road
15 Coniston Road
53 Beaumont Road (owner of 16 Coniston Road)

7.2 The representations can be summarised as follows:

No objections provided that there have been no change to the proposed development.

Loss of privacy to adjoining houses.

Increased noise.

Encroachment up to adjoining boundaries and loss of light.

No objection to the proposed flats but object to the houses for the following reasons:

Insufficient space to provide adequate amenity space particularly for families.

Impact on privacy.

Potential damage to trees.

Inadequate access for refuse and emergency vehicles.

Increased noise.

Increased number of cars and vehicles impacting on overcrowding and pollution.

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

8.0 ASSESSMENT

8.1 The application seeks an extension of time for the implementation of a development that was approved at Appeal. The proposed development is identical and therefore the assessment of the application turns on whether there have been any changes in planning policy or guidance and whether the site context has changed.

Changes to Planning Policy and Guidance

8.2 The following key changes have been made to Planning Policy and Guidance since the determination of the previous application:

- Planning Policy Statement 3 Housing has been reissued
- The Community Infrastructure Levy Regulations 2010 have been adopted
- The East of England Plan 2008 has been adopted
- The Planning Obligations Strategy 2010 has been adopted
- Draft National Planning Policy Framework (July 2011)
- Government Guidance has been produced which supports growth
- New Open Space Standards Guidance for Interpretation and Implementation has been adopted.
- Cycle Parking Guide for New Residential Developments has been adopted.

8.3 I have reviewed all of these documents and reached the view that none of them lead me to conclude that the application should be refused. In general the changes that have been made do not alter the policy background against which the proposal needs to be assessed. The East of England Plan constitutes new planning policy but for the determination of this application the relevant policies are already reflected in Local Plan policies against which the previous application was assessed. Central Government guidance adds weight to the argument that planning permission should be granted and changes to local guidance have greatest effect in terms of s106 matters, which are addressed below.

8.4 There have been no changes to the site context, which lead me to conclude that the period for implementation of the planning application should not be extended. The remainder of my report updates the assessment that was made in relation to the previous application to address changes in planning policy and guidance and the s106 process.

8.5 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 Disabled access
- 4 Residential amenity
- 5 Refuse arrangements
- 6 Highway safety
- 7 Car and cycle parking
- 8 Third party representations
- 9 Planning Obligation Strategy

Principle of Development

- 8.6 The principle of development has been established by the previous permission for an identical development.

Context of site, design and external spaces

- 8.7 The site is within a residential area that is characterised by two storey houses of between 7.5 and 8.5 metres in height. The exception to this is the large guest house alongside the site at 193 which is three storey and higher than surrounding properties. At 8.3 metres high and a width of just over 13 metres the flats would be very similar in height and scale to the majority of buildings along this part of Cherry Hinton Road.
- 8.8 The flats are designed with a pitched roof and two storey appearance to the front elevation with a flat roof three storey section to the rear. Because of the proximity of buildings on either side the general view from the street will be of the two storey part of the development. The flats are positioned within the plot to accurately reflect the well defined building line of the street.
- 8.9 The flats blend several modern features such as a central curved, glazed and recessed entrance and timber cladding at first floor level with traditional features of symmetrical window design and layout, brick and slate external materials and a 25 degree hipped roof on the front elevation. The eaves line corresponds closely to the eaves line of other buildings in the street.
- 8.10 The four houses to the rear are much more overtly modern in design incorporating an asymmetrical roof with roof lights to the north elevation and a flat roof three storey south facing elevation. The building has clearly been designed to respond to

the limitations imposed by the proximity of surrounding residential properties and the north south orientation, which allows advantage to be taken from passive solar gain. External materials would be brick with render.

- 8.11 At 9.8 metres high to the top of the asymmetrical roof the houses would be between one and two metres higher than surrounding houses. I do not feel that the buildings would be unduly high or out of scale with their surroundings, given the limited difference in height and the separation distances between them and surrounding buildings. I am satisfied that the scale of the houses would not be harmful having regard to their spacious and discrete setting that is not readily visible from public vantage points.
- 8.12 In my view, both the flats and the houses successfully respond to the scale and context of the site and its setting in an appropriate manner that is acceptable in terms of the character and appearance of the existing street scene. In my opinion the proposal is compliant with East of England Plan 2008 and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Renewable energy and sustainability

- 8.13 The development proposals are below the threshold where there is a policy requirement to provide an on site renewable energy source.
- 8.14 The applicant has confirmed that the houses and flats will be of cavity wall block construction faced with brick and render and that this mode of construction provides high levels of insulation to improve on the standards set by the building regulations. The cedar cladding will be sustainably sourced.
- 8.15 The orientation of the houses maximises the potential for natural heating during the day from southern sun, while minimising openings on the north elevation to minimise heat loss. Living rooms in the flats all face south.
- 8.16 The proposals represent development of previously developed land, and would result in the replacement of a single dwelling and 18 unused lock up garages with nine dwellings which would provide homes for people in a highly sustainable location near to services and public transport. I consider that the proposal is

sustainable and compliant with policy 3/1 of the Cambridge Local Plan 2006 and the Sustainable Development SPD.

Residential Amenity

The amenity of occupiers of the proposed development

- 8.17 The open amenity spaces of both the flats and the houses are small, however, the council does not set standards of minimum garden sizes. The houses have a floor area of 134 square metres each and are therefore suitable for family occupation. The open amenity space for each of these family houses provides limited opportunity for outside relaxation and recreation. The siting of the flats and the houses however provides generous distances to neighbouring properties thereby ensuring adequate light, air and privacy without the feeling of being cramped and enclosed.
- 8.18 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.

The amenity of neighbours

- 8.19 The flats and the houses have been designed with principle windows facing to the front and rear with only a few small secondary windows in flank walls. There are four larger flank windows serving bedrooms and a living room of the flats however these look toward the commercial operation of the guest house alongside where issues of privacy carry less weight. Where appropriate, side facing windows can be made the subject of obscure glazing conditions to protect the privacy of neighbours.
- 8.20 In terms of light and the potential to overshadow I am satisfied that the position of the flats alongside the neighbouring buildings and the location of the houses at a generous distance from neighbouring properties will ensure any overshadowing will be minimal, mostly of the bottom of rear gardens. The asymmetrical design of the roof to the four houses will reduce overshadowing of the garden of 193 Coleridge Road to the north. At their closest point the proposed houses are 22 metres

from the rear of neighbouring houses. In most cases the separation distance is more than 25 metres. The generous spacing will ensure that the development does not lead to an overbearing sense of enclosure for the neighbours.

- 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.

Disabled access

- 8.22 The proposal allows for adequate provision to be made for two disabled car parking spaces, the precise details of which can be required by condition (see car parking assessment below). Appropriate hard surfacing can be provided from these car parking spaces to the main entrances of the buildings. This, again, can be made the subject of a condition. With the imposition of appropriate conditions, the proposal is considered to be compliant with policies 3/7 and 3/12 of the Cambridge Local Plan 2006 with regard to accessibility.

Refuse Arrangements

- 8.23 Purpose built enclosed bin stores are proposed for both the flats and the four houses. This provision will ensure the proposals are compliant with Cambridge Local Plan (2006) policy 3/12 for refuse storage provision.

Highway Safety

- 8.24 On the recommendation of the highway authority a condition was imposed on the outline planning permission requiring the provision of a new 4.5 metres wide shared access. This is shown on the submitted site layout plan.
- 8.25 The Highway Authority has raised no objection on highway safety grounds. The proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.26 The adopted car parking standards allow for the maximum provision of 5 car parking spaces for the 5 proposed flats and

no more than 8 spaces for the 4 proposed houses. They also require one space be provided for disabled people, and spaces be provided for visitors at the ratio of one space per 4 units within an overall maximum total of no more than 1.5 spaces per dwelling. In this location, I consider that each flat should have at least one car parking space, and that visitor parking should be provided at the level specified by the standards. The proposal therefore generates a maximum provision of 13 car parking spaces.

8.27 The proposal incorporates 12 spaces, 2 of which can be designated for disabled drivers. I consider that the number of spaces proposed is acceptable.

8.28 The adopted cycle parking standards require that a minimum of 10 cycle parking spaces be provided for the five flats and 12 cycle spaces be provided for the houses. The application includes proposals for a covered cycle store for each house and a communal cycle store for the flats. Each store would provide cycle stands in accordance with the adopted standards.

8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.30 I have addressed the issues of privacy, loss of light and potential overbearing affects in the above assessment. Access to the site by refuse and emergency vehicle is not changed. The following additional issues have also been raised:

Potential damage to trees because of the close proximity of the four houses.

8.31 There are about five mature trees including a Willow and Cherry growing out of or very close to the northern site boundary. It is likely the roots of these trees extend onto the application site and would be severed in the process of development. It is likely some of the trees will be lost as a consequence of the development. Whilst the trees provide an attractive green canopy in this rear garden location they are individually of little merit and are not easily seen from public vantage points. In relation to the previous application the Arboricultural Officer

gave the view that the trees should not constrain the development.

Noise disturbance because of increased traffic

- 8.32 The new shared access between the flats and 193 will introduce additional traffic into the rear of the site. This must be compared with the current use of the site as an ice cream van depot and the potential for significant traffic movements, albeit those traffic movements are along the narrow track between 181 and 183. Traffic using the new shared access will have most impact on the new flats, the guest house at 193 and the recently constructed detached house to the rear of the proposed flats. Traffic noise on other neighbours will be modest because of the distances to these properties.

Planning Obligations

- 8.33 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

- 8.34 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.
- 8.35 The application proposes the erection of 4 three-bedroom houses, and 5 two-bedroom flats. One residential unit would be removed, so the net total of additional residential units is eight. 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		
1 bed	1.5	238	357		
2-bed	2	238	476	5	2380
3-bed	3	238	714	3	2142
4-bed	4	238	952		
Total					4522

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	5	2690
3-bed	3	269	807	3	2421
4-bed	4	269	1076		
Total					5111

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	5	2420
3-bed	3	242	726	3	2178
4-bed	4	242	968		
Total					4598

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	5	3160
3-bed	3	316	948	3	2844
4-bed	4	316	1264		
Total					6004

8.36 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

- 8.37 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	5	6280
3-bed	1882	3	5646
4-bed	1882		
Total			11926

- 8.38 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

- 8.39 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
Flat	150	5	750
Total			975

8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Education

8.41 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.42 In this case, eight additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education, primary education and lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+-beds	2		810	8	6480
Total					6480

Primary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £

1 bed	1.5		0		
2+- beds	2		1350	8	10800
Total					10800

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+- beds	2		160	8	1280
Total					1280

8.43 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.

Monitoring

8.44 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

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

9.0 CONCLUSION

- 9.1 The proposed development would result in the replacement of one early twentieth century house and an unsightly group of lock up garages with new family houses and flats in a sustainable location near to public transport and local services. This more efficient use of land combined with a stimulating blend of contemporary and traditional design meets the key objectives of the local plan. I have addressed changes to planning policy and guidance and there have been no changes to the site context.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of a Section 106 agreement by 31 December 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. 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)

3. 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)

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

Reason: In the interests of the amenities of neighbouring residential properties, Cambridge Local Plan policy 4/13.

5. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.

(a)The contaminated land assessment shall include a desk study to be submitted to the LPA 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 LPA 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 LPA. The LPA 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 LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. 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: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

6. The facilities for on site storage of waste, including waste for recycling, as shown on the approved drawings, shall be provided prior to occupation of the dwellings to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the Local Planning Authority.

Reason: In order that adequate refuse facilities are provided on the site, Cambridge Local Plan 2006 policy 3/12.

7. Prior to the occupation of the 4 dwellings to the rear of the site, the windows in the side walls of each house shall be glazed with obscure glass that prevents overlooking of the rear gardens of neighbouring properties and shall be permanently retained as such.

Reason: In the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 3/4.

8. No dwelling shall be occupied until the proposed vehicular access, parking spaces, driveway, and turning spaces have been constructed in accordance with the approved details and finished with surfacing materials that have been approved in writing by the Local Planning Authority. The parking and turning spaces provided shall thereafter be retained and shall not be used for any other purpose.

Reason: In order that adequate car parking is provided and retained for the development, Cambridge Local Plan 2006 policy 8/10.

9. 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)

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

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

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

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

12. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. The facilities for cycle storage, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the Local Planning Authority.

Reason: In order that adequate provision is made for bicycle storage, Cambridge Local Plan 2006 policy 8/6.

14. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
 - i) contractors access arrangements for vehicles, plant and personnel,
 - ii) contractors site storage area/compound,
 - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
 - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

15. 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)

16. 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)

17. Notwithstanding the approved plans, prior to the commencement of development full details shall be submitted to and approved in writing by the local planning authority for an appropriate location for the storage of wheelie bins on collection days close to the site entrance. The development shall be carried out in accordance with the approved details.

Reason: In order that adequate provision is made for refuse collection, Cambridge Local Plan 2006 policy 3/12.

18. Prior to the commencement of the development hereby approved a bollard shall be introduced at the entrance of the western access to the site to ensure that it is not used for motor traffic.

Reason: In the interests of the amenities of the locality, Cambridge Local Plan policy 3/4 and 8/2.

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, T2, T3, T9, T13, T14, ENV7, WM6

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, 4/4, 4/13, 4/15, 5/1, 5/12, 8/1, 8/2, 8/6, 8/10, 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.

2. 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 31 December 2011 it is recommended that the application be refused for the following reason:

The proposed development does not make appropriate provision for open space, community facilities, education and Area Transport Contributions, in accordance with the following policies, standards and proposals: policies 3/8, 8/3 and 10/1 of the Cambridge Local Plan 2006; policies P6/1, P8/3, P9/8 and P9/9 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, Southern Corridor Area Transport Plan 2002 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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