

<b>Application Number</b>	11/1321/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd November 2011	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	29th December 2011		
<b>Ward</b>	Romsey		
<b>Site</b>	129 - 131 Vinery Road Cambridge Cambridgeshire CB1 3DW		
<b>Proposal</b>	Erection of a terrace of 3no three bedroom dwellings and 2no semi-detached four bedroom dwellings, following the demolition of the existing bungalows at 129 and 131 Vinery Road, Cambridge.		
<b>Applicant</b>	C/O: Agent		

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 129-131 Vinery Road are a pair of semi-detached bungalows situated on the western side of Vinery Road. This section of Vinery Road is one-way, and the site is situated on the bend in the road. The surrounding area is predominantly residential, with the area of housing to the south and east of the site differing in character to the area to the north.
- 1.2 The streets surrounding Vinery Road and the section of Vinery Road to the south and east of the application site are consistent in layout, mainly consisting of terrace and semi-detached houses, which are consistent in terms of materials, with a strong repetition of design elements, including bay windows. The palette of materials is generally a buff brick set under tiled pitched roofs of slate or concrete tiles.
- 1.3 The area to the north is more varied in character, with buildings that differ in terms of siting, scale and materials.
- 1.4 The application site is an irregular shape, with the buildings angled to the highway, set back a distance of 11m at its closest

point. There is a Yew Tree subject to a TPO close to the southern boundary and some unprotected but mature cherry trees towards the rear of the site, which are to be retained.

- 1.5 The site is not within a Conservation Area or the Controlled Parking Zone (CPZ).

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for the erection of three 2.5 storey, three-bedroom terrace houses, and a pair of 2.5 storey, semi-detached houses, following the demolition of the existing pair of semi-detached bungalows.
- 2.2 The three terrace houses (plots 1-3) are to be situated at the front of the site, in the same position as the existing pair of semi-detached bungalows. These houses would be part 2.5-storey, part two storey and part single storey. At the front the houses would be 2.5 storeys in height, incorporating dormer windows in the roof, and would then step down to a two-storey gable-end, and would then step down again to a single storey flat-roof element. To the south of the houses an access road would be constructed, leading to the pair of semi-detached houses.
- 2.3 The pair of semi-detached houses (plots 4-5) would be situated at the end of the access road, and would stand roughly opposite 40-44 Vinery Park. These houses would be part 2.5 storey, part 2 storey, and part single storey with a 'L-shaped' footprint. At the front (when viewed from the access road) the houses would be 2.5 storeys in height, incorporating dormer windows in the roof, and would then step down to a two storey gable-ended wing, with a single storey mono-pitched element at the end of this wing. At ground floor level, each of the houses would have a bay window at the side.
- 2.4 On the site as a whole, seven car parking spaces are proposed – three off Vinery Road at the front of the terrace, two to the front of plot 5, on the common boundary with Vinery Park, and two within a car port situated to the rear of plot 1 and the side of plot 4, close to the common boundary with 135 Vinery Road. Individual cycle stores and bin stores are proposed for each house situated within the gardens. Two bin collection points are proposed – one to the front of plot 3, adjacent to the junction of

the access road and Vinery Road (for the use of plots 1-3) and one further along the access road (for the use of plots 4-5).

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Environmental Desk Study
4. Flood Risk Assessment
5. Ecological Assessment
6. Site Waste Management Plan
7. Utilities Statement
8. Arboricultural Report
9. Transport Note

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/78/0073	Erection of single storey extension to existing bungalow (129 Vinery Road)	Permitted
C/98/0216	Erection of a single detached garage (129 Vinery Road)	Permitted

### 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of 18 January 2012):	Yes

The minutes of the DC Forum will be attached to the Amendment Sheet.

### 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 (first published November 2006, 2nd edition published January 2010, 3rd edition published June 2010, 4th edition published June 2011):** 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.

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)

Technical amendments to Annex B: Definitions, to reflect the introduction of Affordable Rent. (June 2011)

- 5.4 **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.
- 5.5 **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.
- 5.6 **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.

5.7 **East of England Plan 2008**

SS1: Achieving Sustainable Development  
ENV7: Quality in the Built Environment

5.8 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

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

## 5.9 Cambridge Local Plan 2006

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/10 Subdivision of existing plots  
3/11 The design of external spaces  
3/12 The design of new buildings  
4/4 Trees  
4/13 Pollution and amenity  
5/1 Housing provision  
5/2 Conversion of large properties  
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  
3/12 The Design of New Buildings (*waste and recycling*)  
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*)

## 5.10 Supplementary Planning Documents

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

accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

## 5.11 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 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.

**Strategic Flood Risk Assessment (2005)** – Study assessing the risk of flooding in Cambridge.

**Cambridge and Milton Surface Water Management Plan (2011)** – A SWMP outlines the preferred long term strategy for the management of surface water. Alongside the SFRA they are the starting point for local flood risk management.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

- 6.1 No Objection: The size of these houses is likely to generate demand to keep more than one car. Current guidance from Central Government is moving away from maximum car parking standards and moving towards car parking provision reflecting patterns in the locality. As it stands it is likely that increased parking demand will appear on-street. The site is located on a bend on the road. It will be necessary to verify that contractors working arrangements carry no undue risk to the public.

### **Head of Environmental Services**

- 6.2 No objection, but concerns are raised regarding the bin collection point which is to be used by plots 4 and 5. The pulling distance from the collection point to Vinery Road is excessive and therefore it is recommended that this is relocated to the same location as the proposed bin collection point for plots 1-3. Conditions are also recommended relating to construction hours and dust suppression.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Saunders has commented on this application and has requested that the application is brought to Committee for consideration if it is recommended for approval. The representation is attached to this report as Appendix 2.
- 7.2 The owners/occupiers of the following addresses have made representations:

### Objections

- 30 Vinery Park
- 34 Vinery Park
- 36 Vinery Park
- 38 Vinery Park
- 44 Vinery Park
- 46 Vinery Park
- Petit Catel, La Rue Des Landes, St John, Jersey (owners of 40 Vinery Park)
- 470 Lunsford Lane, Larkfield, Kent (co-owners of 42 Vinery Park)
- 135 Vinery Road
- Petition containing 70 signatures

### Support

- 32 Vinery Park
- 7 Vinery Way

7.3 The issues raised in the representations objecting to the application can be summarised as follows:

### Character and design

- Trees and shrubs will be removed to the front of the bin store on Vinery Park, to create the visibility splays. This also breaches a covenant placed on Vinery Park
- Plots 4 and 5 would be built on garden land. Gardens are low priority land for the purposes of development.
- Precedent
- Loss of green space
- The proposed alterations to Vinery Park

### Residential amenity

- Plot 5 about the Vinery Park boundary wall resulting in a loss of privacy for 38-48 Vinery Park
- Noise and disturbance
- Sense of enclosure
- Loss of light

### Traffic

- Increase in traffic
- The introduction of a further junction to Vinery Road would render it unable to cope with additional traffic due to the complicated one-way system and sharp bend

- Close proximity to St Philip's School – the increase in traffic will constitute a safety risk to children
- The area is already heavily congested with a significant amount of kerb parking – pedestrians already have to walk in the road
- Inadequate provision of off-street parking spaces

#### Other

- Lack of appropriate consultation by the developer
- It is not clear who will maintain the visibility splay

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. Policy 3/10 of the Local Plan, however, makes it clear that in order to be acceptable, a housing proposal which involves the subdivision of an existing residential curtilage must meet six criteria. Two of these criteria (the wish to promote comprehensive development, and impact on listed buildings or buildings of local interest) are not relevant to this site. To be acceptable under this policy, the proposal must show that it meets the following four criteria:

- No adverse impact on the residential amenity of neighbours
- No adverse impact on trees, wildlife features or architectural features of local interest
- No detracting from the character and appearance of the area
- Adequate amenity space, vehicular access and car parking spaces

8.3 I test this proposal against the first of these criteria under the heading of residential amenity below, and against the other three criteria under the heading of context and design below.

8.4 The proposed terrace of three houses at the front of the site, will be built in the same location as the existing pair of semi-detached bungalows. The footprint of these three houses is very similar, and slightly shallower than the existing pair of bungalows, and therefore, these houses are to be built on previously developed land. It is my opinion, that these houses are acceptable in principle. The design of these houses and their potential impact on the residential amenity of the occupiers of neighbouring dwellings will be addressed under the appropriate headings below.

8.5 The majority of the representations received object to the principle of new residential development at the rear of the site on the basis that it is an example of 'garden grabbing', which should not be permitted. This issue must be examined in relation to the amendments made to government guidance in Planning Policy Statement 3: Housing (PPS3) (2010).

8.6 The Secretary of State's letter to Chief Planning Officers of 15 June 2010 states that the objective of the changes made to PPS3 are 'to give local authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden grabbing'. The letter does not define the term 'garden grabbing', but there is no indication in the letter, or in the revisions to PPS3, that development in private residential development should be prohibited. The major change relevant to this application in the revised PPS3 is that the definition of 'previously developed land' in the guidance now specifically excludes the gardens of existing residential curtilages.

- 8.7 Therefore, the rear portion of the site (ie the area where the pair of semi-detached houses will stand, along with part of the access road, car parking spaces and the car port) is not 'previously developed land. Government advice in paragraph 41 of PPS3 (2010) that 60% of new housing development should be on previously developed land, and in paragraph 36 of the same revised policy statement that the priority for residential development should be previously developed land mean that this part of the application site would not be considered a priority for new housing development. However, land formerly used for commercial and industrial purposes in Cambridge has undergone rapid redevelopment for residential use in the last decade, and the supply of such previously developed land has dwindled. In my view, it is not realistic to expect new residential development to be confined only to previously developed land, albeit that such sites should be regarded as a priority.
- 8.8 Paragraph 38 of PPS3 (2010) also states that Local Planning Authorities are advised to take into account a number of options for accommodating new housing growth, which may include, for example...additional housing in established residential areas...' For the reasons indicated above I consider that this option is one, which must form part of the Council's strategy. In my view, this garden site is an example of a location where the erection of an additional dwelling would be consistent, in principle, with that advice, and should be considered acceptable, provided that it complies with the criteria set out in policy 3/10 of the Cambridge Local Plan (2006), which is designed, as paragraph 3.29 of the Local Plan states 'to avoid...adversely affecting the amenity of local residents, or the character of the area.
- 8.9 Paragraph 36 of PPS (2010) states that government policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and good access to key services, jobs and infrastructure. Paragraph 38 of PPS3 (2010) states that the selection of suitable sites for housing should take into account 'the contribution to made to cutting carbon emissions from focussing new development in locations with good public transport accessibility'. In my view, the erection of additional dwellings on this site is, in principle, in accordance with both these objectives of the revised guidance, as the site is located close to bus services, and is easily accessible from the city centre.

- 8.10 Paragraph 49 of PPS3 (2010) advises that 'when well-designed, and built in the right location [more intensive development] can enhance the character and quality of an area'.
- 8.11 Bearing in mind the above advice from paragraphs 36, 38 and 49 of PPS3 (2010), it is my view that increasing the amount of built form on the application site would not be in conflict with the revised PPS3, and would not, in principle, lead to the overdevelopment, which the Secretary of State's letter of 15 June 2010 seeks to give Councils the opportunity to prevent. I address below the separate question of whether the design of this specific proposal is an appropriate response to the immediate context and the requirement of both development plan policy and national planning guidance to respect that context.
- 8.12 The majority of the representations received express concern about development on this garden land, and whether or not this had been adequately justified. In the Planning Statement, submitted as part of the application, it has been argued that the proposed pair of semi-detached houses at the rear of the site relate to Vinery Park, which has changed the context and character of the area. The streets surrounding Vinery Road, and the section of Vinery Road to the south and east of the application site are consistent in layout, mainly consisting of two-storey, terrace and semi-detached houses. The section of Vinery Road to the north of the site is, in my view, entirely different with individual houses built in different eras, with no uniform building line, or style of dwelling, although all of the houses do front onto Vinery Road. Vinery Park is entirely different in character again, and introduces an access road off Vinery Road, with the terrace of houses fronting onto this access road and not Vinery Road. In my opinion, this change in character with no uniformity, makes it entirely acceptable, in principle, for this site to be developed in the way proposed.
- 8.13 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and part c) of policy 3/10 of the Cambridge Local Plan (2006).

### **Context of site, design and external spaces**

- 8.14 The three houses at the front of the site are two storeys in height with rooms in the roof, making them 2.5 storeys in height.

They are to be built in the same position as the existing bungalows. As previously explained, the section of Vinery Road to the north of the application site has no distinct character and it is my opinion that the proposed terrace houses would not be out of character with the surrounding area, but would have a positive visual impact on the streetscene.

- 8.15 The pair of semi-detached houses at the rear of the site would face out onto the new access road, which runs through the site. These houses would not address Vinery Road, but the use of bay window at the side, would in opinion help visually link the development to Vinery Park.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

### **Residential Amenity**

- 8.16 Due to the location of the houses and their orientation it is my opinion that the neighbouring properties who may potentially be directly affected by the proposals are the dwelling to the north of the proposed terrace, 135 Vinery Road and Vinery Park to the south of the site.

#### *Potential impact on 135 Vinery Road*

- 8.17 As there are currently bungalows on the site, the proposed 2.5 storey terrace dwellings, situated in the same position as the bungalows, could have a greater impact on the property to the north, 135 Vinery Road. In terms of footprint, the proposed houses are shallower than the existing bungalow, but as they are taller they could have a greater impact in terms of overlooking or overshadowing. The new houses are to the south of the neighbour and could therefore overshadow or enclose them, but as they are no deeper than the neighbouring house, it is my opinion that this would not be the case. There is a window at first floor level on the flank wall of 135 Vinery Road, and the level of light to this window would be reduced by the development. However, in my opinion the level of the potential loss of light would not be significant enough to warrant refusal of the application.
- 8.18 These houses on the frontage will have windows at the rear on the upper floors, serving bedrooms. Oblique view towards the

neighbouring gardens will be possible, but in my opinion, this is the type of overlooking which is common in an urban area, and is not something that would warrant refusal of the application.

### *Potential impact on Vinery Park*

- 8.19 Plot 5 (the semi-detached property at the rear of the site closest to the boundary with Vinery Park) would have a bay window at ground floor level, and the blind windows above on the upper floors. In the projecting wing, there would be a window at ground floor level and an obscure glazed window at first floor level (serving a bathroom). I understand that the occupiers of the houses Vinery Park are concerned about overlooking, as their living rooms are at first floor level, at the front of the house. Due to the layout of the proposed house and the use of obscure glazing there will be no potential to direct overlooking Vinery Park. I recommend that a condition is added to ensure that this window at first floor level remains obscure glazed (condition 4). Any views from the ground floor will be obscured by the boundary wall. There are windows in the rear elevation of the houses, but oblique views over to the front of Vinery Park would only really be possible with effort due to the angle of the houses.
- 8.20 As the proposed development is to the north of Vinery Park and there is a separation distance of 13.4m between the houses to the rear of the site and Vinery Park (excluding the bay window), I do not believe there is any potential for overshadowing or enclosing Vinery Park.
- 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.

### **Refuse Arrangements**

- 8.22 Individual bin stores are proposed for each of the proposed houses, with bin stores situated at the rear for plots 1-3 and at the side of plots 4 and 5. Two collection points are proposed; one to the front of plot 3, adjacent to the junction of the access road and Vinery Road (for the use of plots 1-3) and one further along the access road (for the use of plots 4-5). The Waste Development Officer is satisfied with the proposed bin storage

provision, but has concerns regarding the location of the bin collection point, which is to be used by plots 4 and 5, due to the pull distance from this to Vinery Road. It has been suggested that this bin collection point is relocated to the same location as the bin collection point, which is to be used by plots 1-3. My concern, is that this area will not be large enough for the bins for 5 houses. Therefore, I recommend a condition requiring details of the bin collection points or a management plan. (condition 5))

8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety and Car and Cycle Parking**

8.24 The majority of the representations received have raised concerns about highway safety, and more specifically the impact on safety for children walking or cycling to and from St Philips School. Following the Development Control Forum, further advice has been requested from the Local Highway Authority on this issue.

8.25 At school dropping off and picking up times there is congestion in the area, including kerb parking and the blocking of junctions. There is concern from residents that this development will increase congestion and that the introduction of another junction would pose a danger. The Local Highway Authority have agreed that it is likely that some residents of these new houses will park on the street. Nonetheless, it is my view, and that of the Local Highway Authority that the existing problems of congestion and illegal parking in the area, will not be exacerbated by the proposed development to such a degree to warrant refusal of this application. The further advice received from the Local Highway Authority will be attached to the Amendment Sheet. The Local Highway Authority have explained that as the site is located on a bend in the road, contractors working arrangements will need to be verified to ensure that they carry no undue risk to the public. I recommend a condition requiring details of contractors working arrangements (condition 6).

8.26 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that for houses of this size, no more than two off-street parking spaces for each house should be provided. In

total, seven off-street parking spaces are proposed. The Planning Statement submitted as part of the application explains that the three frontage parking spaces on Vinery Road will serve each of the three terraced houses, one space for each house. There are four car parking spaces proposed at the rear of the site, and each of the semi-detached houses will have two parking spaces. This is below the maximum standards, but considering the site's location and the Government's aim to reduce dependence on the private car, it is my opinion that it would not be reasonable to refuse planning permission on these grounds.

8.27 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) maintains that for houses of this size, at least three secure, covered cycle spaces must be provided for each house. It is proposed that each house will have an individual cycle store accommodating three cycle spaces in each store. This meets the adopted standards and is acceptable.

8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

### **Third Party Representations**

8.29 The majority of the issues raised in the representations received have been addressed under the headings above. The issues not yet addressed are the lack of appropriate consultation by the developer, the maintenance of the area of land, which will become the visibility splay, and the proposed alterations to Vinery Park.

8.30 The developer is not obliged to consult with neighbours before a planning application is submitted, and therefore the concerns raised by residents regarding the lack of consultation by the developer cannot influence the determining of this application.

8.31 Further information regarding the other two issues raised has been requested from the application. This will be reported on the Amendment Sheet.

## **Planning Obligations**

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

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

(b) directly related to the development; and

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The 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

8.33 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.34 The application proposes the erection of two four-bedroom houses and three three-bedroom houses. Two residential units

would 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:

<b>Outdoor sports facilities</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
4	17	13	13	238	<b>3094</b>

<b>Indoor sports facilities</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
4	17	13	13	269	<b>3497</b>

<b>Informal open space</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
4	17	13	13	242	<b>3146</b>

<b>Provision for children and teenagers</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms not in 1-bed units	Assumed net additional persons not in 1-bed units	£ per person	<b>Total £</b>
4	17	13	13	316	<b>4108</b>

8.35 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

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	3	5646
4-bed	1882		
<b>Total</b>			<b>5646</b>

8.37 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

8.38 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats,

this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	3	225
Flat	150		
<b>Total</b>			<b>225</b>

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

#### Monitoring

8.40 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

8.41 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 In my opinion, the proposal would not have a detrimental impact on the character of the area; and would not have a significant detrimental impact on the occupiers of neighbouring properties. I understand the concerns raised about highway safety, but this is an existing problem which will not be significantly exacerbated but the net addition of three new dwellings. I

therefore recommend that the application is approved, subject to conditions and the completion of a S106 agreement.

## **10.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 09 May 2012 and subject to the following conditions and reasons for approval:**

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. The first floor window in the side elevation of plot 5 hereby approved shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent when first introduced to the building and remain as such thereafter.

Reason: In the interest of privacy (Cambridge Local Plan 2006 policy 3/12)

5. Prior to occupation, full details of the positioning of bin collection points, or a site waste management plan, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that waste can be collected from the approved dwellings. (Cambridge Local Plan 2006, policy 3/7)

6. 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)

7. 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)

## 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, ENV6, ENV7

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

Cambridge Local Plan (2006): 3/7, 3/8, 3/12, 5/14, 8/3, 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](http://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 Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 09 May 2012, or if Committee determine that the application be refused, 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, and life-long learning facilities, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, 8/3 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, and the Open Space**

## **Standards Guidance for Interpretation and Implementation 2010.**

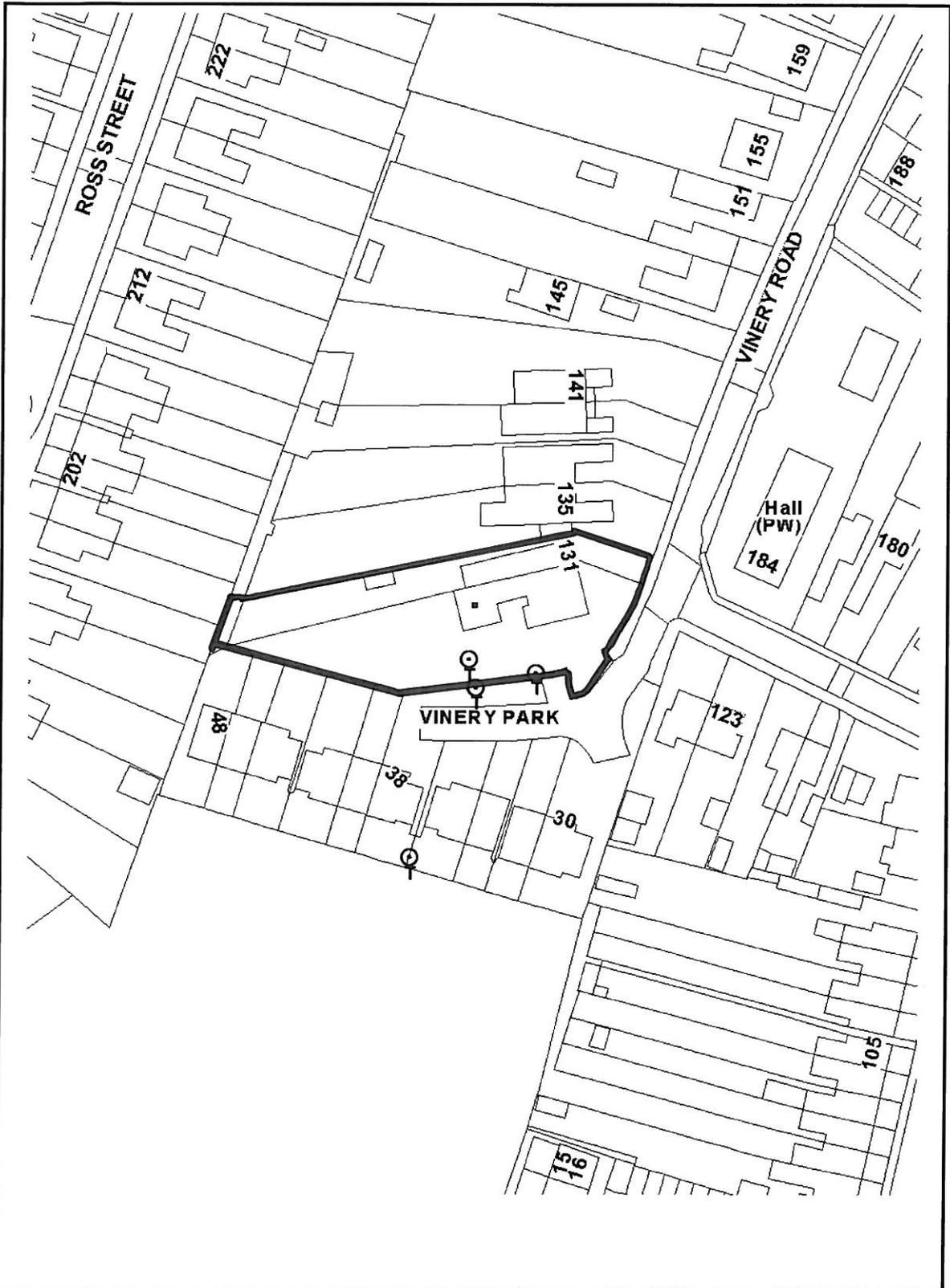
**3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development**

### **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.

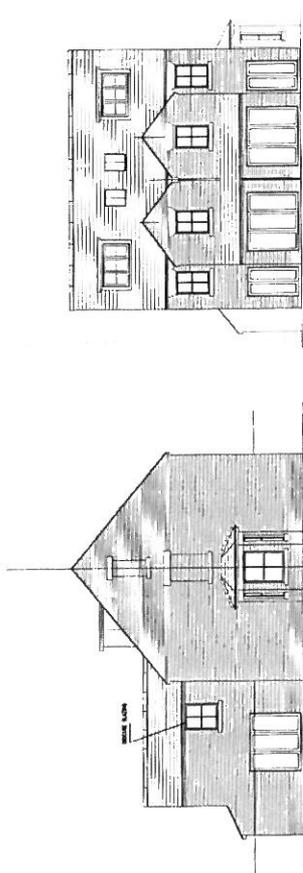
These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



**11/1321/FUL**  
**129 - 131 Vinery Road Cambridge**

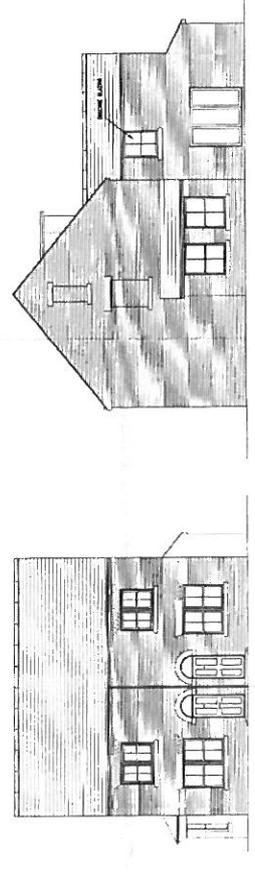






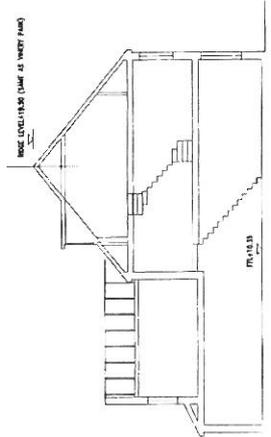
REAR ELEVATION

SIDE ELEVATION

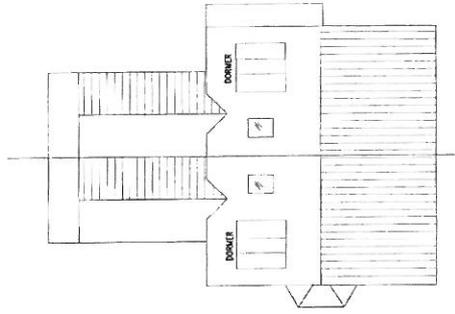


SIDE ELEVATION

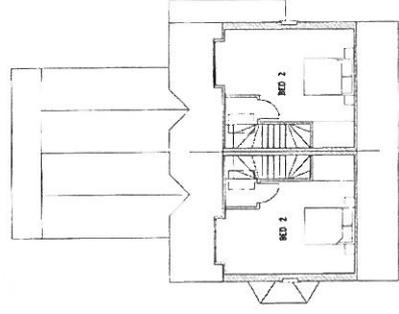
FRONT ELEVATION



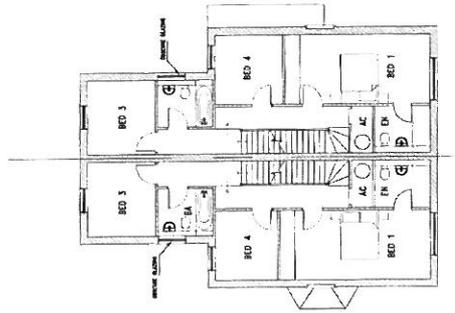
SECTION



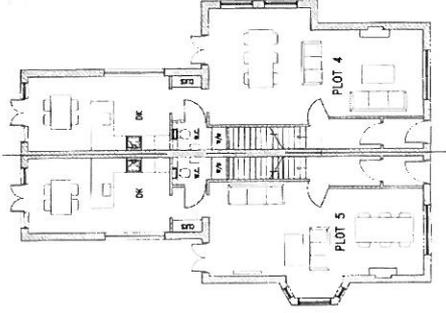
ROOF PLAN



SECOND FLOOR



FIRST FLOOR



GROUND FLOOR

PROJECT	PROPOSED HOUSING WEST END CAMPSIDE
TITLE	PLANS & ELEVATIONS
DATE	March '11
SCALE	1:100 @ 1/2"
DRAWN BY	MP
CHECKED BY	DP
DATE	March '11
PROJECT NO.	276
DATE	11-04
REV	0

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