

Application Number	11/1183/FUL	Agenda Item	
Date Received	1st November 2011	Officer	Mr John Evans
Target Date	27th December 2011		
Ward	Trumpington		
Site	20 Panton Street Cambridge Cambridgeshire CB2 1HP		
Proposal	Erection of six studio units and removal of existing trees.		
Applicant	Trustees Of Toby Churchill Trust C/O Agent		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the western side of Panton Street. The site forms part of the side and rear garden of number 20 Panton Street, a detached dwelling which has its principal elevation at right angles to the street, facing south. The site takes pedestrian access off Panton Street and has a rear vehicle access onto St Eligius Place.
- 1.2 20 Panton Street currently has a 2m high wall abutting the pavement. There are various fruit trees within the site and 2 outbuildings used for ancillary residential accommodation.
- 1.3 The site falls within the Central Conservation Area and is within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 This application seeks consent for the erection of a new attached building accommodating 6 studio apartments arranged over 3 levels. The building projects 6.2m to the north, with a plan depth of 8.3m. There are 2 dormer windows set within the front and rear roof planes.

- 2.2 The building will be constructed in gault brick with a lime mortar. The roof will be natural slate with lead dormers.
- 2.3 Externally, refuse and bicycles are stored in an outbuilding located within the communal rear garden of number 20 Panton Street.
- 2.4 The application is accompanied by the following supporting information:
 - 1. Design, Access and Heritage Statement
 - 2. Tree Report

3.0 SITE HISTORY

No relevant history.

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

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

5.3 **Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable,

particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

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

5.5 Planning Policy Statement 5: Planning for the Historic Environment (2010): sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also

sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

5.6 **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.

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

5.8 **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.

5.9 **East of England Plan 2008**

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

5.10 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

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

5.11 Cambridge Local Plan 2006

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
4/11 Conservation Areas
4/13 Pollution and amenity
5/1 Housing provision
8/2 Transport impact

Planning Obligation Related Policies

3/7 Creating successful places
3/8 Open space and recreation provision through new development
3/12 The Design of New Buildings (*waste and recycling*)
5/14 Provision of community facilities through new development
10/1 Infrastructure improvements (*public open space, recreational and community facilities, waste recycling*)

5.12 Supplementary Planning Documents

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.

5.13 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

Roof Extensions Design Guide (2003) – Guidance on roof extensions.

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).

Advice Note on Development affecting Private Gardens June 2011 - This advice note sets out the existing policy framework within which the Council should determine applications for the erection of further residential units within garden areas or the curtilage of properties; and for developments, which propose the demolition of existing dwellings and their replacement with a greater number of residential units.

6.0 CONSULTATIONS

Historic Environment Manager

- 6.1 There are no objections to this proposal. As mentioned above, the site is not seen as an important open space as it is very private being behind a high wall. The tree which is visible over the wall is a welcome piece of vegetation in this urban environment, however there are others further along the street, which are better examples of soft landscaping and make a more positive contribution to the character and appearance of the conservation area.

The design of the building takes its references from the existing built form in the area but is a modern interpretation rather than being pastiche. It is taller than number 24, but there is a welcome randomness to the ridge heights along Panton Street which add to the area's charm. The proposal has a two storey square bay with a front and rear dormer. There is a precedent for front dormers of which there are a number in this part of the conservation area. However, this dormer is rather large and should be reduced in width, or some of the panes of glass should be replaced with solid forms, in order for it to make less of an impact. The faux chimney stack is welcome as it adds interest to the skyline.

The soldier arches over the windows and doors are not a good detail. More typical of the area would be a rubbed brick, flat arch which is a more decorative and pleasing detail. This element should be revised.

Cambridgeshire County Council (Transport)

- 6.2 No objections. New residents will not qualify for a residents car parking permit.

Head of Environmental Services

- 6.3 No objections, subject to noise and contaminated land related conditions.

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: 18, (owner of 19 and 19A) 19, 19A, 21, 24, 26 Panton Street, 35 Panton Street, 9 Brookside Lane, 1 and 3 St Eligius Place.

7.2 The representations can be summarised as follows:

Design comments

- The 3 storey building would be overpowering and out of keeping with Victorian houses on the street.
- The proposal is an overdevelopment of the site.
- The density of the development is unacceptable.
- The development would result in the loss of open space and trees.
- The garden is an oasis of space and greenery.
- A single or 2 storey building should be considered.
- The dormer window is too wide and too high.
- The front dormer is obtrusive, not in keeping with adjoining houses.
- Christopher Grillet and Oliver Churchill who built 1 St Eligius Place had no expectation of building in the garden of number 20.
- The design, shape and materials of the building are out of keeping with the Conservation Area.
- The proposal will result in the loss of the front wall, a key street scene feature.
- Undesirable precedent to fill in the garden.
- A single family dwelling house would be more in keeping.
- There will be limited opportunity to use the property as a family dwelling.
- Over the past 10 years every available piece of land in Cambridge is being filled to excess, to the detriment of the cityscape.

Amenity Concerns

- The 2 existing garages have already been converted. This will mean an additional 16 adults living on the site.
- The proposed short term accommodation is an inappropriate use of the building.
- The proposed dormer window will directly overlook the houses opposite.
- Students do not care for gardens and the garden of number 20 Panton Street makes a valuable contribution to the green areas of New Town.
- The bicycle store is very close to number 1 St Eligius Place.
- The owners of Panton Street houses which back onto St Eligius Place rarely contribute to its upkeep. It is an unadopted road.
- The single proposed gate onto St Eligius place would not sustain more traffic.
- There will be a loss of natural light and privacy to number 19A.
- The proposed rooms are very cramped and small.
- The garden is a welcome habitat for birds.

Other General comments

- The building will limit air circulation to number 24 Panton Street.
- Concerns regarding bicycle access off St Eligius Place, an unadopted road.

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety

6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

Principle of Development

- 8.2 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing, and policy H1 of the East of England Plan 2008. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 The revised PPS3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. Following several appeal decisions the Council has drafted an advice note on development affecting private gardens (June 2011). The key points from these changes are; a) more intensive development within residential curtilages remains possible; b) because residential gardens lie outside the 'previously developed land' which is a priority for development, any proposal to use garden land must be fully justified and explained, and c) considerable weight should be given to the 'open aspect' of residential gardens when assessing proposals against policies 3/4, 3/10 and 3/12. In my view the garden does not make a significant contribution to the open aspect of the street scene as to preclude development of the site.
- 8.4 In principle, policy 3/10, allows for proposals for the sub-division of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted however if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.

- 8.5 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, Cambridge Local Plan 2006.

Context of site, design and external spaces

- 8.6 The key design issue is the design and appearance of the extensions in their setting within the Conservation Area.
- 8.7 The existing plot can accommodate a building onto Panton Street, which, in combination with its logical rectangular dimensions, lends itself well to subdivision. The current gap in the street scene is not considered so significant to its character and appearance, as to justify refusal of the scheme. The form and proportions of the sub-divided plot would not detract from the prevailing building grain and plot layout. The new plot will not be formally divided with a garden boundary wall; the garden area remaining communal. As such I do not consider there to be any undue harm to the character and appearance of the Conservation Area, which is in accordance with Local Plan policies 3/10 and 4/11.
- 8.8 New buildings should have a positive impact upon their setting in terms of height, scale, form, materials, detailing and wider townscape views, in accordance with Local Plan policy 3/12. The proposed new building has been designed as a seamless extension to the size and scale of the adjacent building, continuing the eaves level, with a slightly higher overall roof height. Panton Street has a range of architectural styles and building heights. The proposed building would complement its immediate setting because the width of the frontage is similar to the adjoining building, and, the proposed layout follows the main building line.
- 8.9 I note concerns regarding the detailed design of the front elevation, particularly the square bay feature and dormer window. There is a range of projecting bays and front dormer windows along Panton Street. The Council's Conservation Officer is of the opinion that the dormer should be reduced in width or it the proportion of glazing reduced. I agree that reducing the amount of window casements to reflect the lower floors of the bay would create a more balanced relationship.

This can be ensured through the imposition of a suitable planning condition. While the proposed front dormer window will be prominent in the roofslope, I do not consider this to be harmful to the character and appearance of the Conservation Area. The faux chimney stack is welcomed by the Conservation Officer because it adds interest to the skyline.

8.10 With regard to detailed design, the Council's Conservation Officer considers the soldier arches over the windows and doors should be a rubbed brick, flat arch with decorative detailing. This relatively minor design element can be agreed through the imposition of a suitable planning condition, (condition 6).

8.11 In terms of external spaces, the front brick boundary wall is appropriate and will be constructed with reused bricks from the existing wall. The development provides a small but useable rear and side garden area which adequately accommodates refuse and cycle provision. The building is well designed because it would function effectively for future occupiers. In my opinion the plot can carry a building of this size and dimension, ensuring adequate amenity and essential ancillary services of refuse and bicycle provision, and is therefore a positive design response in its context and an appropriate plot subdivision, compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12 and Cambridge City Council Guidance on Development which Affects Private Gardens (June 2011).

Residential Amenity

Impact on amenity of neighbouring occupiers

8.12 The proposal will be most visible from those residential properties directly opposite, numbers 19, 19A and 21 Panton Street. Given the orientation of the site and the layout of existing buildings, there is unlikely to be significant shadow cast from the proposed new building. I recognise the new apartments will overlook the residential properties directly opposite, but this is a conventional relationship between dwellings which front each other either side of a street. The interlooking which would result affects only the front street scene elevation of existing residential properties, which I do not consider to be unduly harmful.

- 8.13 The proposed new building will create a visual impact for the occupiers of the donor property, number 20 Panton Street. The form of the new building may cast shadow during the morning hours. Given the overall width of number 20's principal elevation, I do not consider there to be a significant erosion of the amenities currently enjoyed by the occupants of that property.
- 8.14 I do not consider the relative density of residential households to have any significant adverse impact on the amenities of adjacent residential properties. There will be increase in general comings and goings from the cycle store accessed off St Eligius Street, but I do not consider the likely distance from this activity to adversely affect nearby residential properties in St Eligius Place.
- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.16 The application proposes desirable, compact, studio dwellings which provide an adequate standard of amenity for future occupiers. The development is well served with refuse and bicycle storage and a communal rear garden. In my opinion the proposal provides 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.
- 8.17 The Council's Environmental Health officer identifies the site to be previously during the 19th Century as a buildings yard. As such the imposition of a ground contamination condition is considered reasonable. (Condition 3).

Refuse Arrangements

- 8.18 The application proposes to accommodate refuse within the rear garden accessed off St Eligius Place. There would also be sufficient space immediately behind the proposed new wall abutting Panton Street. The application makes adequate provision for waste and recycling and I consider that it is

therefore compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.19 The development does not provide car parking. Given the central, sustainable location of the site, close to services and transport links, this is acceptable. Future occupiers would not qualify for a residents car parking permit and would not therefore add to on-street car parking competition.
- 8.20 The application proposes a bicycle shelter within the rear garden area, accommodating 7 cycles, which accords with adopted standards. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.21 The issues raised in the representations received have been considered in the above report. The following issues have also been raised:

The proposed new building will restrict airflow to the basement of number 24 Panton Street

The proposal does not include a basement, therefore the ventilation ducts of number 24 Panton Street will be blocked. This is not however a material consideration and could be negotiated through the Party Wall Act. Alternative ventilation and extraction could be arranged to mitigate the loss of the air vents.

The garden is a welcome habitat for birds

The proposal will retain a generous sized garden for the occupants of number 20 Panton Street and those of the new studio apartments. Local Plan policy 3/10 states that the subdivision of plots will not be permitted where it will adversely affect trees or wildlife features of local importance. In my view, it cannot be argued that the limited site area and planting within them are critical for bird habitats. As such I do not think there is adequate justification for retaining the garden on the basis of wildlife and openness.

Planning Obligations

8.22 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 proposed development triggers the requirement for the following community infrastructure:

Open Space

8.23 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.

8.24 The application proposes the erection of 6 studio apartments. 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	6	1428
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					1428

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269	6	1614
1 bed	1.5	269	403.50		
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total					1614

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242	6	1452
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					1452

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		
3-bed	3	316	948		
4-bed	4	316	1264		
Total					0

8.25 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

8.26 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	6	7536
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			7536

8.27 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

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

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

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	6	900
Total			900

8.29 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

8.30 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.

8.31 In this case, 6 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for 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.

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	6	960
2+- beds	2		160		
Total					960

8.32 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

8.33 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

8.34 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 new building will not be harmful to the character and appearance of the street scene and Conservation Area, or the amenities of neighbouring residential properties. APPROVAL is recommended.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1 April 2012 and subject to the following conditions:

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

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. 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.

4. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

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

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

6. Prior to the commencement of development, large scale drawings of the flat arch detailing over all window openings, and the arrangement of window casements on the roof level front dormer window shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and appearance of the Conservation Area, Cambridge Local Plan 2006 policy 4/11.

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

Reasons for Approval

1. This development has been approved, conditionally, 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: ENV6, ENV7

Cambridge Local Plan (2006): 3/4, 3/7, 3/8, 3/10, 3/11, 3/12, 4/4, 4/11, 4/13, 5/1, 5/14, 8/2, 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 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 1 April 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, life-long learning facilities, waste facilities and monitoring 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 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 on the City Council website at:
www.cambridge.gov.uk/planningpublicaccess
or by visiting the Customer Service Centre at Mandela House.