



PLANNING

To: Councillors Dryden (Chair), Blencowe (Vice-Chair), Gawthrope, Hart, Hipkin, Pippas, C. Smart and Tunnacliffe

Despatched: Tuesday, 21 April 2015

Date: Wednesday, 29 April 2015

Time: 10.00 am

Venue: Council Chamber - Guildhall

Contact: Claire Tunnicliffe **Direct Dial:** 01223 457013

AGENDA

1 ORDER OF AGENDA

The Planning Committee operates as a single committee meeting but is organised with a three part agenda and will be considered in the following order:

- **PART ONE**
Major Planning Applications
Start time: 10am

GENERAL ITEMS WILL BE TAKEN AFTER PART ONE

- **PART TWO**
Minor/Other Planning Applications
Start time: 12.30pm
- **PART THREE**
Enforcement Items
Start time: at conclusion of Part Two

There will be a thirty minute lunch break before part two of the agenda is considered. With a possible short break between agenda item two and three which will be subject to the Chair's discretion.

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned. If the decision is to adjourn the

Committee will agree the date and time of the continuation meeting which will be held no later than seven days from the original meeting.

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are asked to declare at this stage any interests, which they may have in any of the following items on the agenda. If any member is unsure whether or not they should declare an interest on a particular matter, they are requested to seek advice from the Head of Legal Services before the meeting.

4 MINUTES

To confirm the minutes of the meeting held on 01 April 2015.

Part 1: Major Planning Applications (10am)

5 HOMERTON COLLEGE PLANNING APPLICATION 14/1951/FUL
(Pages 19 - 52)

General Items

6 GENERAL PLANNING REPORT - WEST'S GARAGE SITE
(Pages 53 - 58)

7 FEEDBACK ON THE OPERATION OF THE PLANNING COMMITTEE SINCE OCTOBER 2014
(Pages 59 - 64)

Part 2: Minor/Other Planning Applications 12.30pm

8 58 FISHERS LANE - APPLICATION 14/2027/FUL
(Pages 65 - 86)

9 15A DERBY STREET - APPLICATION 14/2063/CLUED
(Pages 87 - 94)

10 15B DERBY STREET - APPLICATION 15/0065/FUL
(Pages 95 - 108)

- 11 VARSITY HOTEL - APPLICATION 15/0396/S73**
(Pages 109 - 122)
- 12 55 ROSEFORD ROAD - APPLICATION 15/0241/FUL**
(Pages 123 - 138)
- 13 3 FIELD WAY - APPLICATION 15/0322/FUL**
(Pages 139 - 150)
- 14 ADDENBROOKES ROAD - APPLICATION 15/0308/FUL**
(Pages 151 - 166)
- 15 90 AND 92 WULFSTAN WAY - APPLICATION 15/0031/FUL**
(Pages 167 - 178)
- 16 111 DERWENT CLOSE - APPLICATION 14/2067/FUL**
(Pages 179 - 190)
- 17 60 AKEMAN STREET - APPLICATION 15/0151/FUL**
(Pages 191 - 200)
- 18 463 NEWMARKET ROAD - APPLICATION 15/0148/FUL**
(Pages 201 - 210)
- 19 101 KENDALL WAY - APPLICATION 15/0201/FUL**
(Pages 211 - 220)
- 20 88 GREVILLE ROAD - APPLICATION 15/0234/FUL**
(Pages 221 - 228)

Part 3: Enforcement Items

- 21 ENFORCEMENT REPORT - 22 KINGSTON STREET**
(Pages 229 - 242)

Meeting Information

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2, the Council Chamber and the Small Hall) are on the first floor, and are accessible via lifts or stairs.

**Local
Government
(Access to
Information)
Act 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each of the above reports on planning applications:

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 Head of Planning Services (01223 457103) in the Planning Department.

**Development
Control
Forum** Meetings of the Development Control Forum are scheduled for a week after the meetings of Planning Committee if required

**Public
Participation** Some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

Members of the public who want to speak about an

application on the agenda for this meeting may do so, if they have submitted a written representation within the consultation period relating to the application and notified the Committee Manager that they wish to speak by **12.00 noon on the day before** the meeting.

Public speakers will not be allowed to circulate any additional written information to their speaking notes or any other drawings or other visual material in support of their case that has not been verified by officers and that is not already on public file.

For further information on speaking at committee please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Further information is available at

<https://www.cambridge.gov.uk/speaking-at-committee-meetings>

The Chair will adopt the principles of the public speaking scheme regarding planning applications for general items, enforcement items and tree items.

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk

Representations on Planning Applications

Public representations on a planning application should be made in writing (by e-mail or letter, in both cases stating your full postal address), within the deadline set for comments on that application. You are therefore strongly urged to submit your representations within this deadline.

The submission of late information after the officer's report has been published is to be avoided.

A written representation submitted to the Environment Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report. Any public

representation received by the Department after 12 noon two business days before the relevant Committee meeting (e.g by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

The same deadline will also apply to the receipt by the Department of additional information submitted by an applicant or an agent in connection with the relevant item on the Committee agenda (including letters, e-mails, reports, drawings and all other visual material), unless specifically requested by planning officers to help decision-making.

**Filming,
recording
and
photography**

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Anyone who does not want to be recorded should let the Chair of the meeting know. Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.

Fire Alarm

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**Facilities for
disabled
people**

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Accessible toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request.

For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

**Queries on
reports**

If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

**General
Information**

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APPENDIX 1 – DEVELOPMENT PLAN POLICY, PLANNING GUIDANCE AND MATERIAL CONSIDERATIONS

1.0 Central Government Advice

1.1 National Planning Policy Framework (March 2012) – 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.

1.2 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.

1.3 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.

2.0 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

3.0 Cambridge Local Plan 2006

3/1 Sustainable development

3/3 Setting of the City

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/9 Watercourses and other bodies of water

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

3/13 Tall buildings and the skyline

3/14 Extending buildings

3/15 Shopfronts and signage

- 4/1 Green Belt
- 4/2 Protection of open space
- 4/3 Safeguarding features of amenity or nature conservation value
- 4/4 Trees
- 4/6 Protection of sites of local nature conservation importance
- 4/8 Local Biodiversity Action Plans
- 4/9 Scheduled Ancient Monuments/Archaeological Areas
- 4/10 Listed Buildings
- 4/11 Conservation Areas
- 4/12 Buildings of Local Interest
- 4/13 Pollution and amenity
- 4/14 Air Quality Management Areas
- 4/15 Lighting

- 5/1 Housing provision
- 5/2 Conversion of large properties
- 5/3 Housing lost to other uses
- 5/4 Loss of housing
- 5/5 Meeting housing needs
- 5/7 Supported housing/Housing in multiple occupation
- 5/8 Travellers
- 5/9 Housing for people with disabilities
- 5/10 Dwelling mix
- 5/11 Protection of community facilities
- 5/12 New community facilities
- 5/15 Addenbrookes

- 6/1 Protection of leisure facilities
- 6/2 New leisure facilities
- 6/3 Tourist accommodation
- 6/4 Visitor attractions
- 6/6 Change of use in the City Centre
- 6/7 Shopping development and change of use in the District and Local Centres
- 6/8 Convenience shopping
- 6/9 Retail warehouses
- 6/10 Food and drink outlets.

- 7/1 Employment provision
- 7/2 Selective management of the Economy
- 7/3 Protection of Industrial and Storage Space
- 7/4 Promotion of cluster development
- 7/5 Faculty development in the Central Area, University of Cambridge
- 7/6 West Cambridge, South of Madingley Road
- 7/7 College and University of Cambridge Staff and Student Housing
- 7/8 Anglia Ruskin University East Road Campus
- 7/9 Student hostels for Anglia Ruskin University
- 7/10 Speculative Student Hostel Accommodation
- 7/11 Language Schools

8/1 Spatial location of development
8/2 Transport impact
8/4 Walking and Cycling accessibility
8/6 Cycle parking
8/8 Land for Public Transport
8/9 Commercial vehicles and servicing
8/10 Off-street car parking
8/11 New roads
8/12 Cambridge Airport
8/13 Cambridge Airport Safety Zone
8/14 Telecommunications development
8/15 Mullard Radio Astronomy Observatory, Lords Bridge
8/16 Renewable energy in major new developments
8/17 Renewable energy
8/18 Water, sewerage and drainage infrastructure

9/1 Further policy guidance for the Development of Areas of Major Change
9/2 Phasing of Areas of Major Change
9/3 Development in Urban Extensions
9/5 Southern Fringe
9/6 Northern Fringe
9/7 Land between Madingley Road and Huntingdon Road
9/8 Land between Huntingdon Road and Histon Road
9/9 Station Area

10/1 Infrastructure improvements

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*)
4/2 Protection of open space
5/13 Community facilities in Areas of Major Change
5/14 Provision of community facilities through new development
6/2 New leisure facilities
8/3 Mitigating measures (*transport*)
8/5 Pedestrian and cycle network
8/7 Public transport accessibility
9/2 Phasing of Areas of Major Change
9/3 Development in Urban Extensions
9/5 Southern Fringe
9/6 Northern Fringe
9/8 Land between Huntingdon Road and Histon Road
9/9 Station Area
10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

4.0 **Supplementary Planning Documents**

- 4.1 **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.
- 4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 4.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 4.4 **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.
- 4.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

- 4.6 **Old Press/Mill Lane Supplementary Planning Document (January 2010)** Guidance on the redevelopment of the Old Press/Mill Lane site.

Eastern Gate Supplementary Planning Document (October 2011)
Guidance on the redevelopment of the Eastern Gate site. The purpose of this development framework (SPD) is threefold:

- To articulate a clear vision about the future of the Eastern Gate area;
- To establish a development framework to co-ordinate redevelopment within
- the area and guide decisions (by the Council and others); and
- To identify a series of key projects, to attract and guide investment (by the Council and others) within the area.

5.0 **Material Considerations**

Central Government Guidance

- 5.1 **Letter from Secretary of State for Communities and Local Government (27 May 2010)**

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

- 5.2 **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.

5.3 City Wide Guidance

Arboricultural Strategy (2004) - City-wide arboricultural strategy.

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001) - This document aims to aid strategic and development control planners when considering biodiversity in both policy development and dealing with planning proposals.

Cambridge Landscape and Character Assessment (2003) – An analysis of the landscape and character of Cambridge.

Cambridge City Nature Conservation Strategy (2006) – Guidance on habitats should be conserved and enhanced, how this should be carried out and how this relates to Biodiversity Action Plans.

Criteria for the Designation of Wildlife Sites (2005) – Sets out the criteria for the designation of Wildlife Sites.

Cambridge City Wildlife Sites Register (2005) – Details of the City and County Wildlife Sites.

Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) - 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.

Cambridge City Council (2011) - Open Space and Recreation

Strategy: Gives guidance on the provision of open space and recreation facilities through development. It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

- sets out the protection of existing open spaces;
- promotes the improvement of and creation of new facilities on existing open spaces;
- sets out the standards for open space and sports provision in and through new development;
- supports the implementation of Section 106 monies and future Community Infrastructure Levy monies

As this strategy suggests new standards, the Cambridge Local Plan 2006 standards will stand as the adopted standards for the time-being. However, the strategy's new standards will form part of the evidence base for the review of the Local Plan

Balanced and Mixed Communities – A Good Practice Guide (2006)
– Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

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

A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridge Sub-Region Culture and Arts Strategy (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridgeshire Quality Charter for Growth (2008) – Sets out the core principles of the level of quality to be expected in new developments in the Cambridge Sub-Region

Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012) - sets out in more detail how existing council policy can

be applied to proposals for tall buildings or those of significant massing in the city.

Cambridge Walking and Cycling Strategy (2002) – A walking and cycling strategy for Cambridge.

Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004) – Guidance on how development can help achieve the implementation of the cycle network.

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

Cycle Parking Guide for New Residential Developments (2010) – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

Air Quality in Cambridge – Developers Guide (2008) - Provides information on the way in which air quality and air pollution issues will be dealt with through the development control system in Cambridge City. It compliments the Sustainable Design and Construction Supplementary Planning Document.

The Cambridge Shopfront Design Guide (1997) – Guidance on new shopfronts.

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

Modelling the Costs of Affordable Housing (2006) – Toolkit to enable negotiations on affordable housing provision through planning proposals.

5.6 Area Guidelines

Cambridge City Council (2003)–Northern Corridor Area Transport Plan:

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

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

Cambridge City Council (2003)–Western Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual

development sites in the area should contribute towards a fulfilment of that transport infrastructure.

Buildings of Local Interest (2005) – A schedule of buildings of local interest and associated guidance.

Brooklands Avenue Conservation Area Appraisal (2002)
Cambridge Historic Core Conservation Area Appraisal (2006)
Storeys Way Conservation Area Appraisal (2008)
Chesterton and Ferry Lane Conservation Area Appraisal (2009)
Conduit Head Road Conservation Area Appraisal (2009)
De Freville Conservation Area Appraisal (2009)
Kite Area Conservation Area Appraisal (1996)
Newnham Croft Conservation Area Appraisal (1999)
Southacre Conservation Area Appraisal (2000)
Trumpington Conservation Area Appraisal (2010)
Mill Road Area Conservation Area Appraisal (2011)
West Cambridge Conservation Area Appraisal (2011)

Guidance relating to development and the Conservation Area including a review of the boundaries.

Jesus Green Conservation Plan (1998)
Parkers Piece Conservation Plan (2001)
Sheeps Green/Coe Fen Conservation Plan (2001)
Christs Pieces/New Square Conservation Plan (2001)

Historic open space guidance.

Hills Road Suburbs and Approaches Study (March 2012)
Long Road Suburbs and Approaches Study (March 2012)
Barton Road Suburbs and Approaches Study (March 2009)
Huntingdon Road Suburbs and Approaches Study (March 2009)
Madingley Road Suburbs and Approaches Study (March 2009)
Newmarket Road Suburbs and Approaches Study (October 2011)

Provide assessments of local distinctiveness which can be used as a basis when considering planning proposals

Station Area Development Framework (2004) – Sets out a vision and Planning Framework for the development of a high density mixed use area including new transport interchange and includes the **Station Area Conservation Appraisal**.

Southern Fringe Area Development Framework (2006) – Guidance which will help to direct the future planning of development in the Southern Fringe.

West Cambridge Masterplan Design Guidelines and Legal Agreement (1999) – Sets out how the West Cambridge site should be developed.

Mitcham's Corner Area Strategic Planning and Development Brief (2003) – Guidance on the development and improvement of Mitcham's Corner.

Mill Road Development Brief (Robert Sayle Warehouse and Co-Op site) (2007) – Development Brief for Proposals Site 7.12 in the Cambridge Local Plan (2006)

Application Number	14/1951/FUL	Agenda Item	
Date Received	9th December 2014	Officer	Mr Sav Patel
Target Date	10th March 2015		
Ward	Queen Ediths		
Site	Homerton College Hills Road Cambridge Cambridgeshire CB2 8PH		
Proposal	Construction of 120-bedroom student residence block. Demolition of grounds maintenance building and construction of replacement building Alterations and extension to existing car parking		
Applicant	Mr Keith Waters Homerton College, Cambridge Cambridgeshire CB2 8PH United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposed building is located in a suitable location and on land that has consent for a four storey residential block and also would not affect the functional sports field to the south;</p> <p style="padding-left: 40px;">The scale, form and design of the proposed buildings are in keeping and respectful of the setting with the college campus whilst also offering architectural character from the wider setting.</p> <p style="padding-left: 40px;">The proposed development would integrate into the site without having an adverse impact on the residential amenity of the residents to the south of the site.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The Homerton College 'campus' lies to the west of Hills Road approximately 1.5 kilometres south of the city centre. The College buildings are of a diverse age and style, and are concentrated on the northern and eastern part of the Homerton College campus within extensive grounds of approximately 10 hectares. The dominant range of buildings run east-west, close to the northern boundary, and in recent times new buildings have been erected close to the eastern and southern boundaries, usually at 90 degrees or parallel to the principal range.
- 1.2 The site the subject of this application is at the western edge of the campus and is predominantly an area of open grass with some small trees planted within it. It is at the end of the Harrison Drive which runs along the northern edge of the campus separating the College from the recently permitted residential housing scheme to the north.
- 1.3 The Cambridge to London railway line defines the western boundary of the Homerton College grounds, but is screened, for almost the whole length of the boundary, by a row of hornbeam trees; it is only at the northern end that a balancing pond and gap leaves the site visible from the railway line. To the south of site, is a playing field with ancillary open space, and beyond the open fields are the houses in Luard Road and Sedley Taylor Road, which define the southern boundary of the college. These houses sit in extensive gardens and all are more than 40 metres from the common boundary which is marked by a brick wall, save for 2 Sedley Taylor Road, which is 27 metres from the boundary.
- 1.4 Harrison House is the existing four storey detached student accommodation building on the eastern extremity of the campus. The existing car parking area is located to the east with the vehicular access to the north off Harrison Drive.
- 1.5 The site is not in a Conservation Area and the whole of that site, including the application site, is the subject of an area Tree Protection Order. The site lies outside the Controlled Parking Zone (CPZ).

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a part four and part three storey 120 study-bed graduate accommodation building (GAB) and replacement ground maintenance building (GMB) including external cycle shelters and bin storage provision and landscaping around the building. 120 cycle stands are proposed to serve the proposed development. The proposal also includes a new entrance into the site with the existing access closed off. At the entrance security gate and a parking barrier are proposed.
- 2.2 The proposed GAB would also include a common room serving postgraduate students, 24 kitchens (1 per 5 bedrooms), two changing facilities serving the sport fields, 6 rooms accessible rooms, and linen storage, plant room and bulk storage provision. All the study-bedrooms would be between 15sqm and 19sqm and have en-suites, desk space, bed, storage provision and a window.
- 2.3 The original proposal included alterations and extensions to the existing car parking which would increase the parking spaces from 145 spaces to 173 spaces. This was a net increase of 28 spaces.
- 2.4 The proposed GAB would be located to the south of the existing GAB known as Harrison House. The footprint of the proposed GAB would be similar to the building that was approved at appeal which formed part of a large residential housing scheme which included the sport field to the south (application ref. 07/1093/REM). The proposed GAB would consist of a four storey core in an 'L' shape with two three storey wings projecting off the main core. These three storey elements would house the common room, changing facilities, plant room, linen store etc...
- 2.5 In terms of dimensions, the proposed GAB would be 13.2 metres in height with a shallow hipped roof and the three storey wings would be 9.7 metres with flat roofs. The main the four storey element would be 46 metres wide and 16.6 metres in depth. The projecting wing would be smaller in scale at 29.5 metres wide and 11.5 metre in depth. The GMB would be located to the west of the GAB

- 2.6 The site and land to the south has extant reserved matters planning permission for 'Residential development (85 dwellings; flat and houses), car parking, internal estate roads, LEAP, open space, landscaping, enlarged balancing pond'. (app ref: 07/1093/REM)
- 2.7 The principle of residential use of the site was established under outline planning permission in 1996 under application reference C/96/0749/OP for 'Residential development on 3.04 hectares of land'. Following subsequent renewals of the outline permission, a reserved matters application was made in 2007 registered as 07/1093/REM. The application was refused by Planning Committee on 10 August 2008 for the following reasons:
1. The proposed layout of the site is unacceptable in that it fails to create or enhance a distinctive character that relates well to the surroundings, that it is not well integrated with and complementary to neighbouring buildings, and that the proposed buildings do not relate well to each other. For these reasons the proposal is considered to constitute poor design that fails to take the opportunities available for improving the character and quality of an area and is therefore contrary to East of England Plan policy ENV7, Cambridge Local Plan policies 3/4, 3/7, 3/11, 3/12 and advice in Planning Policy Statement 3 - Housing (2006)
 2. Building A is unacceptable in that it constitutes a discordant design which is inappropriate in its context, poorly related to its surroundings and will not have a positive impact on its setting. It is therefore contrary to East of England Plan policy ENV7, Cambridge Local Plan policies 3/4 and, 3/12 and advice in Planning Policy Statement 3 - Housing (2006)
 3. The parking underneath the fastigate hornbeams close to the western boundary of the site is unacceptable in that it is likely to result in the loss of the trees to the detriment of the character and appearance of the site and the wider area. For these reasons the proposal is unacceptable and contrary to East of England Plan policy ENV7, Cambridge Local Plan policies 3/4, and 4/4
- 2.8 The refusal of the reserved matter application was the subject of an appeal that was dealt with by public inquiry (ref: APP/Q0505/A/08/2089180/NWF). The Inspector allowed the

appeal (decision date 21 April 2009) subject to conditions. The Inspector in his conclusion considered that the proposed scheme related well to its setting the college campus and to Harrison House its layout, landscaping and architecture. The Inspector also concluded that the proposal creates a distinctive character that would complement the main campus and provide an appropriate approach into Cambridge from the railway line. The reserved matters application was implemented by the construction of three car parking spaces. This approved scheme was known as the Western Housing site.

2.9 The applicant (Homerton College) has no intention to bring forward the residential development on the site and wide area if the proposed development is approved. The applicant has confirmed this in their submission documents. The proposed GAB is great priority for the college and land would enable them to meeting and consolidate their student accommodation needs.

2.10 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Sustainability Statement (Appendix 1 of Design and Access Statement)
3. Sustainability Checklist (Appendix 2)
4. Travel Policy (Appendix 3)
5. Access Statement (Appendix 4)
6. Pre-application Opinion (Appendix 5)
7. Noise and Vibration Data (Appendix 6)
8. Renewable Energy Report
9. Transport Assessment
10. Archaeology Report
11. Phase 1 Geo-environmental Desk Study
12. Preliminary Ecological Appraisal
13. Drainage Strategy
14. Railway Noise Assessment
15. Site Waste Management Plan
16. Tree Survey, Arboricultural Impact Assessment, Preliminary Method Statement & Tree Protection Plan
17. External Lighting Statement
18. Utilities Report
19. Ventilation and Extract Statement
20. Water Efficiency Statement

2.11 The proposed scheme has been amended following issues raised by consultees. I set out below the main amendments:

- The red line boundary has been revised to include all of the areas of work including tree planting, extension to Harrison Drive, railings and tree planting to the north of the site and footpath links to the east.
- The four storey element has been reduced in footprint by 450mm around the entire perimeter in order to enable threshold space for planting around the building;
- The main entrance into the GAB has been better articulated by including a glass projecting canopy over the entrance, increasing the size of the paving at the entrance and widening the entrance recess;
- The location of the GMB has been turned 90 degree from Harrison Drive so that the side elevation faces Harrison Drive;
- The design GMB has also been revised to incorporate the external stores; The changes to the GMB would provide a more functional and secure arrangement for the grounds staff;
- Blank and additional windows and timber panels have been introduced in the north and east elevation;
- Two 1.1 metre high ventilation chimneys have been included on the roof;
- The disabled parking bays have been moved from the eastern side of the GAB to the northern side to enable better access. The two cycle storage area has shifted eastward from its original location, as a result and a new cycle shelter is proposed adjacent to the eastern elevation;
- The patio area for the MCR has been increased to make it a more usable space;
- The car parking provision has been reduced to 12 spaces (from 28) in order to comply with the maximum standards.

3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0749/OP	Residential development on 3.04 hectares of land	A/C
C/96/0838	Residential development on approximately 0.68ha of land and improvements to an existing access off Hills Road.	A/C

C/97/0424/FP	Construction of an access road as part of residential development	A/C
C/01/0364/FP	Full application for access road (renewal)	A/C
C/01/0365/OP	Outline application for residential development (renewal)	A/C
C/02/0389/FP	Change of use to open space accessible to all to act as informal open space in association with the adjacent residential development	A/C
04/1062/REM	64 affordable, key worker units on part of the residential site approved under C/01/0365/OP	A/C
05/0908/FUL	Erection of student accommodation (138 study bedrooms).	A/C
07/1093/REM	Residential development (85 dwellings), car parking, internal estate roads, LEAP, open space, landscaping, enlarged balancing pond.	REF – Allowed at Appeal

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/2 3/3 3/4 3/6 3/7 3/8 3/11 3/12 4/2 4/4 4/13 7/5 7/7

	8/1 8/2 8/3 8/4 8/5 8/6 8/10 8/16 8/18
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

<p>Central Government Guidance</p>	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
	<p><u>City Wide Guidance</u></p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p>

	Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Cambridge City Council (2002)–Southern Corridor Area Transport Plan: Trumpington Conservation Area Appraisal (2010) West Cambridge Conservation Area Appraisal (2011) Hills Road Suburbs and Approaches Study (March 2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

First comments:

- 6.1 Concerned by the amount of car parking proposed for the GAB; a net increase of 36 spaces. This additional provision is greater than maximum level set out in the car parking standards for student accommodation proposals. This would therefore not be compliant with the Local Plan and would lead to increased traffic levels which, given the congested nature of the Hills Road

corridor is of concern. No evidence has been put forward to demonstrate compliant with the car parking standards for college proposals. If the applicant revises the car parking provision to comply with the standard then this would overcome this concern. A travel plan / parking management plan is required to accompany the development to ensure the car parking provision is used for its stated purpose; *Car parking is proposed in order to accommodate parking requirements at the beginning and at the end of the year when students move in and move out. At all other times there will be no parking required, other than that required by people with disabilities* (Extract taken from page 4 of the transport technical note submitted by SLR).

Second comments:

- 6.2 Following the applicant's agreement to reduce the car parking provision so that it now complies with the Council's maximum standards, the County Council are satisfied with this from a transport assessment perspective. A Travel Plan/parking management plan is required to ensure that the proposed parking is used for this stated purpose.
- 6.3 No SCATP payments are required for the proposed development as the applicant has demonstrated that the proposed scheme would not have any more effect on the traffic generation over and above the extant residential housing scheme.

Head of Refuse and Environment

- 6.4 No objections in principle subject to conditions on contaminated land, construction hours, construction collection and delivery hours, piling, noise insulation scheme and plant/building noise insulation.

Urban Design and Conservation Team

Application as submitted

- 6.5 The UDC team are unable to support the proposals as currently envisaged and in the context of the limited contextual information submitted to date. Elevations are missing; scheme amendments are required; further design and materials details

need to be submitted; further contextual information needs to be provided.

As a minimum, we suggest the following should be provided:

- Plan of the proposals and red line boundary overlaid upon the entire approved masterplan and also a wider plan of the college complex.
- Missing elevation drawings (insets/returns) to be provided.
- Further larger scale detail drawings/cross section to be provided at this stage including the parapet/ coping, reveals to main brick openings, patent glazing system, and solar shades.
- Further details of main entrances to be provided and the northern entrance design revised.
- Car park layout to be revised, including provision for pedestrian desire lines.
- Further, full details of materials to be provided.

6.6 Following a meeting (on 26 January 2015) to go through the comments and submission of revised plans the following comments were received:

Application as amended

6.7 The revised submitted drawings have addressed a number of previous concerns raised relating to the legibility of the main entrance and desire lines. The introduction of the wider thresholds, the glazed canopy and connecting footpaths are supported in design terms.

6.8 The proposed blind windows to the luggage store, building services store and plant room at ground floor level on the north and east elevations are supported and help to break up the expanse of brickwork.

6.9 A number of amendments to the elevations are required and these could be conditioned should the application be approved:

- The proposed 25mm reveal depth (shown on the typical façade section drawing) should be increased to improve the articulation of the elevations.
- The colour of the spandrel panels needs to be reconsidered as the yellow forms a poor contrast with the buff brick, a grey panel (matching the windows) should be specified.

- Details of signage placeholders need to be provided.
- The proposed buff brick appears bland on the submitted CGI. A multi-tonal brick should be specified to provide more variation and add interest to the elevations.
- Details of the entrance canopy need to be provided.

6.10 The proposed amendments have addressed previous concerns raised by the Urban Design Team and are therefore supported in design terms.

Senior Sustainability Officer (Design and Construction)

Sustainable design and construction

- 6.11 A variety of measures are proposed such as consideration to the buildings orientation and fenestration to maximise daylight and benefits of solar gain. Brise soleil are also proposed to minimise excessive summer time solar gain to the south and west facades. This is welcome.
- 6.12 The use of water efficient appliances and sanitary ware with separate water meters to study bedrooms to achieve level 4 of the Code for Sustainable Homes. The collection of rainwater for use within ground maintenance is also supported.
- 6.13 The use of low embodied materials is welcome and it is recommended that the timber boarding is sourced from either FSC or PEFC certificated sources.
- 6.14 All the proposed sustainable design and construction measures are supported.
Renewable Energy Provision:
- 6.15 A number of onsite renewable energy options have been proposed to achieve 10% requirement such as Combined Heat and Power (CHP) linked to photovoltaics, or ground source heat pumps. As the precise technologies are still to be finalised this could be dealt with by way of condition and submission of a final Renewable Energy Report.

Head of Streets and Open Spaces (Tree Team)

6.15 Agree with the comments made by the Landscape Team.

Head of Streets and Open Spaces (Landscape Team)

- 6.16 Landscape has greater comfort in the proposals pending details for the grounds maintenance store and patio area. The grounds maintenance location must be finalised prior to full support but details of landscape proposals and patio design can be covered under condition. Recommend the following a soft and hard landscape condition and landscape management plan condition.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.17 Although the proposal to reduce the discharge rate to greenfield runoff is welcomed and supported, some calculation to support the proposals would be required.
- 6.18 Also measures to prevent the build-up of silt within the underground attenuation tanks should be provided and permeable paving should be used on all non-adoptable vehicular areas.

Sport England

- 6.19 Sport England raises no objection to this application provided a condition is imposed requiring the football pitch to the south is relocated in line with a plan to be submitted to and approved by the local planning authority, in consultation with Sport England.

Environment Agency

- 6.20 Planning permission should be granted for the proposed development subject to conditions relating to contaminated land, surface water disposal and pollution control of the water environment.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.21 No concerns raised regarding the layout and design of the student accommodation as it would be located with an area capable of being secured. No concerns raised regarding the GMB as it is also capable of being secured.

Cambridgeshire Fire and Rescue Services

- 6.22 If the Planning Authority is minded to grant approval, then adequate provision should be made for fire hydrants by way of a condition.

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:

- 27 Luard Road
- 33 Luard Road
- 35 Luard Road

- 7.2 The representations can be summarised as follows:

Scale, character and design:

- Four storey height of building is out of proportion in this location. Three storey would be more appropriate;
- Half of green field would be filled with this development which will result in a change in the character of the playing field and significantly urbanise the site;

Residential amenity:

- The location of the MCR [Middle Common Room] would increase disturbance and noise to nearby residents throughout the year;
- The proposal would significant increase light pollution;
- Several mature trees will be removed;
- Tree should be planted around the building to mitigate light pollution and to absorb noise on the properties in Luard Road;
- The proposed building will overlook the two storey properties in Luard Road;

Car parking:

- Increase in car parking spaces is against policy and would add to congestion;
- No increase in parking would mean retention of trees

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. Public Art
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy

Principle of Development

8.2 Policy 7/7 (College and University of Cambridge Staff and Student Housing) is directly related to this proposal. The policy states that development of additional student residential accommodation within existing college sites will be permitted.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 7/7.

Context of site, design and external spaces

8.4 The site is currently laid to lawn and forms an open parcel of land that is to the south of four storey Harrison House building and east of an existing single storey landscape maintenance building. The site appears to be an area of ancillary open space

to the existing designated football pitch. It is also important to note that the forms part of an area of land that has outline and reserved matters planning permission. The layout of the proposed student building is similar to the layout of the building that was approved (at appeal) on this site. In terms of site context, the proposed building is well related to the existing college buildings and campus.

- 8.5 The design of the proposed GAB is acceptable in this context. The four storey scale of the main block is broken down by the use of timber cladding and aluminum panels and the arrangement of the fenestration and two recessed sections; one of which defines the main entrance. Furthermore, the entire four floor would also be set in from the third floor to give it an ancillary appearance, which further reduces the scale and mass of the four storey form. This is similar to Harrison House which has a recessed third floor. The proposed GAB in design terms is of high quality and no concerns have been raised with the general form and scale of the building from the Urban Design and Conservation team. They have however requested additional details regarding the materials and fenestration and I have recommended conditions (Conditions 3, 4 and 5) for such details to be submitted and agreed.
- 8.6 As for the external space, the applicant is proposing to incorporate soft landscaping around the building. On the southern side of the building, the proposal includes a ramp disabled access and threshold area from the changing rooms to the sport field. An external terrace is also proposed to serve the common room. The general arrangement of the external space around the building is considered to be acceptable. I have recommended a soft and hard landscape condition (Condition 6) and landscape maintenance condition (Condition 7) to ensure the treatment of the external space around the building can be agreed
- 8.7 I am of the view that the proposed building would sympathetically integrate into the site and present a positive feature in the landscape. I have recommendation a hard and soft landscaping condition to ensure the external space around the proposed development is submitted for agreement. The proposal would not, in my view, have a significantly adverse impact on the form and character of the site context.

- 8.8 The proposed GMB would be located on the opposite side of the access road (Harrison Drive) to the west of Harrison House. This parcel of land also formed part of the approved residential development and included a block a flats.
- 8.9 The GMB would be single storey with a pitched timber construction building. The GMB would contain a small office, changing area with w/c, a storage room and equipment store; which would take up the main area of the GMB. The GMB would also contain a small mezzanine section for storage. The GMB is considered to be acceptable in terms of its design and scale. The timber construction would give the GMB subservient appearance and reflect it ancillary purposes within the college campus. The revised location of the GMB would result in a number of trees from the removed. However, these trees were due to be removed as part of the residential scheme and so could be removed at any point. The college is however proposing to carry out replacement planting as part of this application. The specific details of which can be agreed under soft landscaping (condition 6).
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Public Art

- 8.11 The applicant is proposing to incorporate on site provision for public art but recognises that the site is not in the most publically accessible location being on the east extremity of the campus. A public art delivery plan has been submitted which gives an outline programme of how the public art would come forward. The delivery plan also gives an indication of the 1% capital construction cost (£85,000).
- 8.12 Given the site's enclosed location, I consider it to be acceptable for on-site provision to be made, as it would be publically visible enough, particularly to students attending/residing at the college. I have recommended a public art condition (condition 22) to secure this provision. A further update on this will be reported on the amendment sheet or verbally at the meeting.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

Renewable energy and sustainability

Renewable energy

- 8.14 A variety of renewable energy measures have been put forward for consideration all of which are considered to be acceptable by the Senior Sustainability Officer. I have therefore recommended a condition (Condition 19) so that a specific technology can be identified and the details agreed.

Sustainability

- 8.15 The proposal includes several measures to enhance the sustainability of the building such as external treatment and orientation of the buildings, all of which are supported by our Sustainability Officer.
- 8.16 The site is highly accessible by public transport and is on several direct routes into and from the city centre including Trumpington Park and Ride and the railway station. Bus stops are located a short distance from the site.
- 8.17 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

Disabled access

- 8.18 The proposed GAB has been designed to ensure the main entrance and all external doors have a level threshold and the lifts are centrally located and close to the main entrance.
- 8.19 Six accessible rooms are proposed on the first and second floor with adaptable and accessible kitchens adjacent to these rooms. Also 6 accessible car parking spaces are proposed.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.21 Concerns have been raised from occupiers of properties in Luard Road on the proposed development. Whilst any proposed development is likely to have a degree of impact on the surrounding environment, it is the degree of harm that needs to be carefully assessed. In this instance, the properties in Luard Road have deep rear gardens of approximately 40+metres that are defined by the southern brick wall boundary of the college. The proposed GAB would be located approximately 68 metres from the southern boundary; which on its own is a considerable level of separation. In total, this would give a total level of separation between the existing dwellings in Luard Road and proposed GAB of over 100 metres. I consider this to be a significant level of separation. The scale of the proposed GAB at this distance would not appear unduly dominant or overbearing. Therefore, in these terms, the visual impact of the proposed GAB would not, in my view, have a significantly adverse impact on the residential amenity of the neighbouring occupiers.
- 8.22 It should also be noted that the Inspector allowed the residential scheme which consisted of a six storey block of flats and 30 dwellinghouses the closest of which would have been located approximately 10 metres from the southern boundary. Therefore, in this context, I do not consider the proposed GAB would have any adverse impact over and above the impact that could have resulted from the residential housing scheme.
- 8.23 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

- 8.24 The proposed development would in my view provide a high quality living environment for future occupiers. All rooms have en-suite and the majority of the rooms are 17sqm in floorspace. The smallest rooms are 15sqm with the remainder of the rooms being between 19sqm and 22sqm in size. All rooms would have external facing floor windows to ensure they have exposure to daylight and access to the sports-field and college buildings. The proposed building will also be fully accessible and includes two lifts access.

8.25 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

8.26 The refuse and service arrangements for the proposed building will be achieved via the college's existing management programme. The proposal includes a detached refuse store close to the main entrance into the site. There is enough space for refuse and emergency vehicles to approach and turn within the site from the access road.

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

Highway Safety

8.28 The proposal would not result in any adverse highway safety issue.

8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car Parking

8.30 The proposal includes 12 car parking spaces for the GAB. This is compliant with the maximum standards in the Local Plan (one space per 10 rooms – 120 room = 12 spaces). However, the students are not permitted to own a car. Therefore the spaces would provide provision for students moving in and moving out at the beginning and at the end of the year. The proposal also includes 6 car parking spaces for wheelchair access (5%) which are located to the east of the GAB.

8.31 The County Council has requested a car parking management plan to ensure the proposed car parking spaces are used for their intended purpose. I have agreed to recommend such a condition (Condition 17) as well as a Travel Plan condition to

ensure the college encourages sustainable modes of transports (Condition 16).

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

Third Party Representations

- 8.33 Concerns have been received from neighbouring occupiers regarding the proposed development. I set out below my response to the issues/concerns that I have not already addressed above:

Scale of development not appropriate for this site

- 8.34 The site had extant permission for a residential housing scheme which included a four storey block of flats similar to the proposed GAB. The Western Housing site also consists of a 6 storey block of flats. Therefore, in my view, the scale of development is acceptable in this location and particularly in context with the existing college buildings, which are of a similar scale, such as South Court.

Change to character of area by urbanisation

- 8.35 As mentioned above, the site forms part of a larger area that had permission for a housing scheme which included the loss of the sports-field. Therefore, as the proposal includes the retention of the sports-field, the character of the area would not be significantly affected such that it would appear urbanised. A significant level of open separation would exist between the site and southern boundary to maintain the green openness from the properties in Luard Road.

Noise and disturbance from MCR

- 8.36 It is the college's intention for the proposed MCR to be only serve the postgraduate students. The postgraduate students currently reside in Harrison House but are proposed to be relocated into the GAB. The MCR is proposed to be used for group dining, watching TV, meetings and general socialising. There will be no bar facility.

Light pollution

- 8.37 All rooms within the proposed GAB are will have fitted blinds and curtains. Some low level external security lighting is proposed along the ground floor of the southern elevation. This additional lighting would not in my view cause any significant level of light pollution overspill onto the occupiers of Luard Road mainly because of the site level of separation that would existing and existing boundary treatment.

Tree planting around the GAB

- 8.38 Any new tree planting to the south of the proposed GAB is likely to encroach onto the safety run off area for the sportsfield. Also I do not consider there to be any justification for tree planting to screen the building and it would not have a significant detrimental impact on the residential amenity of the neighbouring occupiers.

Tree removal

- 8.39 There are no mature trees within the footprint of the proposed GAB. There are some young saplings which can be relocated. The trees that are proposed to be removed to accommodate the revised location of the GMB are not protected and already have consent to the removed as part of the Western Housing site scheme.

Overlooking

- 8.40 Due to the level of separation between the southern boundary and proposed GAB being approximately 68 metres, I do not consider there would be any adverse levels of overlooking such that it would cause significant harm.

Increase in car parking

- 8.41 The applicant has agreed to revise the proposed car parking provision so that it complies with the maximum standards in the Local Plan. The original proposal sought to provide 16 car parking spaces over the maximum requirement without sufficient justification. I have recommended a car parking management plan to ensure the car parking spaces are used

for their intended purposes which is to drop off and pick up students at the beginning and end of year/term.

Planning Obligation Strategy

Planning Obligations

8.42 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 Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art. 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

8.43 The proposed development does not require any open space contribution to be made towards as the college has demonstrated it can provide outdoor, indoor sport facilities and informal open space for students in accordance with the provisions in the Planning Obligations Strategy. I have attached in appendix 1 the applicant's open space and recreational standards assessment of provisions, which set out why no open space provision is required.

Public Art

- 8.44 I will provide an update regarding public art on the Amendment Sheet or orally at the Committee meeting.

9.0 CONCLUSION

- 9.1 The proposed development for a part four and part three storey building including new ground maintenance building, bin and cycle storage, car parking and landscaping is considered to be acceptable in terms of its design, scale and layout.
- 9.2 In terms of the impact on the character of the area, the college campus contains a variety of four+ storey buildings and so the proposal would not appear out of place.
- 9.3 The elevational treatment and use of timber and metal panelling, fenestration arrangement with recessed sections, set back of the third storey and landscaping would, in my view, mitigates the mass and scale of the building, soften its appearance and give it a sense of identity and architectural interest which relates with the modern appearance of Harrison House.
- 9.4 The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers due to the level of separation.
- 9.5 The proposed development is of high quality design and there are no issues that would warrant this scheme to be refused.

10.0 RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No development shall take place until samples of all 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

5. No development shall commence until such time as details at a scale of 1:20 including plans, elevations and sections showing full details of the following:

- .Framing for the main entrance (north elevation) including glass canopy;
- .Window and door sections showing reveal depth,
- .Sills thresholds;
- .Signage placeholders;
- .RAL colour and finish of the Brise Soleil;
- RAL colour of the spandrel panels;

- Details of the finish treatment (stain) for the timber panels and maintenance regime;

shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to enhance the appearance of the building (Cambridge Local Plan 2006 policy 3/4).

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

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

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

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

8. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/11)

9. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary. (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.

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f). (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: To avoid adverse effects of pollution (Cambridge Local Plan 2006 policy 4/13).

10. Except with the prior written agreement of the local planning authority 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)

11. 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).

12. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

13. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

14. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

15. The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of community safety Cambridge Local Plan 2006 policy 3/7 (h).

16. Prior to the occupation of the building hereby approved, full details of a travel plan detailing the measures taken to promote sustainable travel modes shall be submitted to and approved by the Local Planning Authority. The travel plan shall be implemented in accordance with that agreed.

Reason: In the interests of promoting sustainable travel modes for future users of the building, Cambridge Local Plan 2006 policy 8/3.

17. Prior to the commencement of the use hereby permitted, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the parking for the proposed use is managed on site. The car parking arrangements for the approved use shall thereafter be carried out in accordance with the approved management plan.

Thereafter, any proposal to replace the approved system of parking shall be submitted to and approved by the local planning authority before the approved system is discontinued and the replacement is introduced.

Reason: To ensure the existing car park is adequately management and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

18. 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)

19. No development shall take place until full details (including ongoing maintenance schedules) of the selected renewable energy strategy have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to occupation, and shall be maintained in place thereafter.

Reason: To reduce carbon emissions (Cambridge Local Plan 2006 policy 8/16)

20. A scheme for surface water disposal needs to be submitted to and approved by the local planning authority. The scheme shall be implemented as approved. Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

21. Prior to the commencement of the development hereby approved, a scheme for the provision and implementation of pollution control of the water environment, which shall include foul and surface water drainage, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

Reason. To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment.

22. Prior to commencement of development, full details of the capital construction costs of the development shall be submitted to and approved by the local planning authority in writing.

To expend not less than 1% of capital construction costs on the provision of the Public Art.

Prior to the commencement of development, with the exception of any works of demolition or below ground works, a Public Art Delivery Plan and Public Art Maintenance Plan shall be submitted to and approved in writing by the local planning authority.

The Public Art Delivery Plan shall include:

Details of the Public Art and artist commission; Details of how the Public Art will be delivered, including a timetable for delivery; Details of the location of the proposed Public Art on the application site or within the development, including a location plan; A breakdown of costs and how one percent of the capital construction costs will be spent on the provision of Public Art;

The proposed consultation to be undertaken with the local community including ward councillors on the proposed Public Art; and the proposed engagement with the local community to promote the Public Art once completed.

The Public Art Maintenance Plan shall include:

Details of how the Public Art will be maintained for the life of the Public Art, including how often maintenance will be needed; The proposed insurance of the Public Art against loss or damage for the life of the Public Art; How any repairs would be carried out, including how and to where the Public Art would be moved, if that is necessary; and how the Public Art would be repaired/replaced in the event that it is damaged/destroyed completely;

The approved Public Art Delivery Plan shall be fully implemented in accordance with the approved timetable.

On completion of the Public Art it shall be maintained, repaired, insured and (if necessary) replaced in accordance with the approved Public Art Maintenance Plan, unless otherwise agreed in writing by the local planning authority.

Once in place, the Public Art shall not be moved or removed otherwise than in accordance with the approved Public Art Maintenance Plan.

Reason: To ensure the public art makes a positive and contribution to the site (Cambridge Local Plan 2006 policy 3/7).

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee

29/04/2015

WARDS: All

ADJOURNED DECISION PROTOCOL

DECISION ON PLANNING APPLICATION 14/1154/FUL AT WEST'S GARAGE SITE, 217 NEWMARKET ROAD

1 INTRODUCTION

- 1.1 This report is prepared and brought before Committee in accordance with the Adjourned Decision Protocol, following the Committee resolution on April 1st 2015 that it was minded to determine a major planning application contrary to the officer recommendation.
- 1.2 Officers have taken further advice on the committee's intended reasons for refusal. Minor changes are suggested to make them as specific as possible but they are considered to be based on arguable planning grounds.

2. RECOMMENDATIONS

- 2.1 That if Planning Committee resolves to confirm its provisional decision of 1st April 2015 that the planning application (14/1154/FUL) for new student housing (202 study bedrooms) and associated communal facilities, cycle parking, and external landscaping at West's Garage site, 217 Newmarket Road, should be refused contrary to the case officer's recommendation, it cite the following reasons for that decision.

1. Because of its height and massing, the Newmarket Road range of the building would be poorly integrated into the locality, reading discordantly against the prevailing character on the north side of this road, creating an uncomfortable discontinuity of scale against the Corner House public house at its eastern end, and the rear of this range causing an unacceptable sense of visual domination for occupiers of houses on the east side of Godesdone Road. It would hence have a harmful impact on the surrounding context, and would be contrary to the Eastern Gate SPD 2011, policies 3/4 and 3/12 of the Cambridge Local Plan 2006, and government guidance on good design in Section 7 of the National Planning Policy Framework 2012.
2. Despite the realignment of the River lane frontage introduced in the most recent amendments to the proposal, the eastern range of the building would overwhelm the houses on the opposite side of River Lane, visually dominating them to an undue extent and creating an unacceptable sense of enclosure, contrary to policies 3/4 and 3/12 of the Cambridge Local Plan 2006 and government guidance on good design in Section 7 of the National Planning Policy Framework 2012.
3. Notwithstanding the amended roof configuration, the height and massing of the northern Rowlinson Way range and the western 'pavilion' building would create a sense of overbearing bulk which would not respect the established character of surrounding buildings in Godesdone Road, River Lane and Beche Road, would be poorly integrated with the locality, and would detract from the character of the Riverside section of City of Cambridge Conservation Area No.1 (Central), contrary to policies 3/1, 3/4, 3/12 and 4/11 of the Cambridge Local Plan 2006, and government guidance on good design and conserving the historic environment in Sections 7 and 12 of the National Planning Policy Framework 2012.

4. Despite the introduction of a dual-height communal space within the building adjacent to it, the proposed sunken courtyard, made more narrow as amended than in the original submission, would be very limited in size, and would be highly enclosed and appear cramped and overwhelmed by the height of buildings surrounding it. It would not be usable or enjoyable, and future occupiers of the development would consequently not be provided with an attractive, high-quality or stimulating living environment, contrary to policies 3/7 and 3/11 of the Cambridge Local Plan 2006 and government guidance on good design in Section 7 of the National Planning Policy Framework 2012.
5. Occupancy of the speculative purpose-built student accommodation proposed is not limited to full-time students of the University of Cambridge or Anglia Ruskin University, nor do management arrangements exist to ensure occupiers do not keep cars in the city, nor could it be guaranteed that this location is suitably close to the educational institution involved. These failings render the proposal contrary to policy 7/10 of the Cambridge Local Plan 2006.
6. The proposed development does not make appropriate provision for open space and sports facilities, waste facilities or public art, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12 and 10/1, and as detailed in the Planning Obligation Strategy 2010, Public Art SPD 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

3. BACKGROUND

- 3.1 At its meeting on 1st April 2015, Planning Committee resolved that it was minded to refuse permission for the application 14/1154/FUL. This resolution was contrary to the officer recommendation and therefore the provisions of the Adjourned Decision Protocol, as adopted by Full Council on 24th July 2014 were triggered. Officers are charged with preparing reasons for refusal of the application in line with the view expressed by Committee at the April 1st 2015 meeting and providing advice on any likely consequences of a decision to confirm refusal of the application.

4 CONSULTATIONS

- 4.1 Urban Design and Conservation Manager
Head of Legal Services.

5 OPTIONS

- 5.1 Option 1 To confirm the resolution of April 1st and refuse planning permission for the reasons given in this report. This option is recommended.

Option 2 To confirm the resolution of April 1st and refuse planning permission, but to amend the reasons for refusal recommended.

Option 3 To further defer a decision on the application, and seek further information from officers, having provided a reason for so doing.

Option 4 To reverse the earlier decision and grant planning permission.

6 CONCLUSIONS

- 6.1 If the application is refused, the applicants may appeal to the Planning Inspectorate. Officers are of the view that that a reasonable case for refusal can be made, and that the Council might succeed in defending that decision at appeal. It would be necessary for the Council to engage external consultants to make this case.
- 6.2 The applicants might also make a claim for costs. However, costs could only be awarded against the Council if it was judged to have acted unreasonably. It is a well-established principle that it can be reasonable for elected members of a local planning authority to reject the case officer's recommendation on a planning application if they provide appropriate planning reasons for doing so.
- 6.3 In this instance, the reasons for refusal recommended are all matters of judgement (apart from reasons 5 and 6, which are issues which could be, and in officers' view are likely to be, resolved by the completion of a legal agreement before the appeal is determined). The draft reasons recommended avoid reliance on technical matters such as daylight and sunlight levels, or highway

safety, about which it would be difficult to defend a decision which was contrary to the advice provided by the relevant technically qualified professional advisers such as the County Council's highway engineers or the independent daylight and sunlight consultants engaged by the City Council.

- 6.4 Provided the recommended text of reasons for refusal is used, or textual amendments are minor, and do not contradict or override the technical advice provided by external professionally qualified sources, the risk that the Council would be judged to have acted unreasonably in refusing the application is considered to be low.

IMPLICATIONS

(a) Financial Implications

The main possible implication of this decision is that the applicants might elect to lodge an appeal and seek costs on the basis that the Council had acted unreasonably.

All appeals have costs for the local planning authority in preparing the council's case and appointing legal and other representation as applicable. An appeal that proceeds to public inquiry on a number of grounds could take several days to be considered and may involve both sides in technical argument and cross-examination of witnesses. The council could be liable for an award of costs against it if it cannot provide sound planning reasons for the refusal of planning permission. This would be deemed to be 'unreasonable behaviour'.

Given the wording of the reasons recommended, and provided that an appeal statement is prepared and lodged, in accordance with the appeal timetable, which justifies the reasons why Committee took a different view from that presented by the case officer on these issues, there is no reason why the Council should be judged to have acted unreasonably. Officers are of the view that such a statement could be prepared by external consultants. However, at any hearing or enquiry, it might be necessary for a member of the planning committee to support the case put by those consultants by explaining the reasons for the committee decision on behalf of the committee. The decision on costs, if a claim is made, would be for the Inspector to make, but in officers' view, there is a low risk of the Council being judged to have acted unreasonably.

Potential costs of appointing Counsel and a Planning Consultant/Expert Witnesses to defend an appeal in view of the fact that officers recommended approval of the application and are therefore professionally compromised.

- (b) **Staffing Implications** – Officer time in appointing and supporting a Planning Consultant/Expert Witnesses to defend an appeal.
- (c) **Equalities and Poverty Implications** - None
- (d) **Environmental Implications** – None
- (e) **Community Safety** - None

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- Proposed new convention for planning committee relating to decisions contrary to officer advice - report to Full Council July 2014
- Case officer's report to Planning Committee 1st April 2015 on planning application 14/1154/FUL
- Case officer's report to Planning Committee 3rd December 2014 on planning application 14/1154/FUL

To inspect these documents contact Tony Collins on extension 7157

The author and contact officer for queries on the report is Tony Collins on extension 7157.

Report file:

Date originated: 17 April 2015
Date of last revision: 17 April 2015

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee

WARD: All Wards

FEEDBACK ON THE OPERATION OF PLANNING COMMITTEE SINCE OCTOBER 2014

1. INTRODUCTION

- 1.1 In 2014 the Council changed the way that planning decisions were to be made. From October 2014 all planning applications requiring a committee decision would be considered only by the main Planning Committee (or where appropriate, the Joint Development Control Committee). The scheme of delegation in the Council's Constitution was amended so that the four Area Committees no longer had responsibility for determining specific types of planning applications.
- 1.2 These changes have now been in operation for over six months and a review and report back on how the first few meetings have functioned was promised at the outset of this change.
- 1.2 Over 96 planning application and other items have been considered by the committee since last October. The meetings have been attended by over 230 people¹ and 142 speakers have used public speaking rights to address the committee about planning items.

2. RECOMMENDATIONS

- 2.1 That Committee notes the feedback on the first seven meetings under the new operating arrangements and agrees that no changes are necessary at the current time; and
- 2.2 That each October an annual report on the overall performance and work of the planning service, including statistics on the operation of the Planning Committee will be submitted for the committee's consideration.

¹ Figures for October and November were not recorded

3.0 BACKGROUND

3.1 In July 2014 Environment Scrutiny Committee and then Council considered proposed changes to the way that planning matters were dealt with by the council at Area, Joint Development Control and main Planning Committees. It was agreed that from 1 October 2014 Planning applications and enforcement matters would no longer be considered at the four Area Committees.

3.2 In detail the Council agreed:

[1] To rescind the delegation of powers to Area Committees to determine planning applications and enforcement matters set out in paragraph 11.3 of the terms of reference for Area Committees (section 11 of Part 3 of the Constitution) to come into effect from 1 October 2014

[2] To delegate responsibility for determining those applications and enforcement matters to the Planning Committee with effect from 1 October 2014,

[3] To endorse the operating principles for the Planning Committee set out in paragraph 3.10 of this report [The July 2014 reports] and adopting the approach set out in option 1 in the report,

[4] To delegate authority to the Heads of Corporate Strategy, Legal and Planning Services to make changes to the constitution, committee operating arrangements, publications, procedures and any other matters as necessary to secure the smooth implementation of this change, consulting with the Executive Councillor, Chair and Vice Chair and opposition spokes of Planning Committee as appropriate and necessary.

3.3 From the 1st October Planning Committee the following operating principles were adopted:

- The Planning Committee and Development Control Forum to continue to operate on a monthly cycle
- Planning Committee to operate on a single committee meeting format but organised with a three part agenda, arranged as follows:
 - Part One agenda – city wide major items
 - Part Two agenda – city wide items that would previously have been dealt with at Area Committee
 - Part Three agenda – General and Enforcement items
- Agenda timings:
 - Part One – 10.00 am start (including where there is a scheduled member briefing/development session

- beforehand – these will be programmed to start at 9.00 or 9.30 am)
- Part Two – advertised in advance to start no earlier than 1.00pm
 - Part Three – to follow on from part two agenda items with earliest start time advertised where this is appropriate
 - Breaks:
 - A 30 minute lunch break takes place before the part two agenda is heard
 - There may be a short break between agenda part two and three at the Chair’s discretion
 - Other comfort breaks at the Chair’s discretion during the meeting
 - Where a meeting lasts to 6pm, a vote will be taken as to whether or not the meeting will be adjourned. A decision to adjourn the meeting will also agree the date and time of the continuation meeting which will be held no later than 7 days from the original meeting.
 - Public speaking will operate with the addition of public speaking rights on Enforcement items to operate in the same manner as the current scheme provides for planning applications.

3.4 It was also agreed that the operation of the new arrangements would be looked at after 6 meetings to see if any adjustments or changes would be needed. The table below sets out the data gathered on the first seven meetings.

Table 1 – Planning Committee Statistics October 2014 – April 2015

Date of Planning Committee Meeting	Duration of the meeting	Number of Applications considered (Agenda Part 1:Part 2:Part 3)	Number of public speakers	Members of Public attending
1/10/14	10:00am – 3:00 pm	11 items in total split: 2:8:1	12	Not recorded
5/11/14	10:00am – 3:25 pm	19 items in total split:1:9:9	34	Not recorded
3/12/14	10:00am – 3:00 pm	13 items in total split:3:3:7	12	33
7/01/15	1:00pm – 3:00 pm	9 items in total, no part 1 items, the split part 2 and part 3 agenda 8:1	11	15
4/02/15	10:00 am –	11 items in total, split	24	73 ²

Date of Planning Committee Meeting	Duration of the meeting	Number of Applications considered (Agenda Part 1:Part 2:Part 3)	Number of public speakers	Members of Public attending
	4:00pm	2:8:1		
4/03/15	10:00am – 6:30 pm	21 items in total split 6:8:7	32	62
1/04/15	10:00am – 5:00 pm	11 ³ items in total split 5:6:1	17	47
Totals	5 hours 30 mins average duration	96 items	142	230

- 3.5 As Members will see from table one above, the number of planning applications at each meeting has varied with five meetings considering under 13 items and two meetings with 19 or more items. This is in part because the number of major planning applications and enforcement/tree items that need to be considered can vary from meeting to meeting. As the numbers of planning applications being submitted can vary across a year, the sample is not necessarily fully representative of the committee workload that can be expected in any twelve month period. The 1st April meeting also saw the first use of the newly introduced Adjourned Decision Protocol by the council.
- 3.6 The three part committee agenda and clearly advertised start times has helped organise the meeting items, provide some flexibility and signposting for people wishing to attend the meetings. The meeting agenda is also arranged to ensure those items that would formerly have been dealt with at Area Committee (Part two agenda items) are always taken after 1pm. Part three agenda items are now also advertised as having the possibility of being brought forward to be considered in the morning at those meetings where there are only a small number of part one items for consideration. This helps avoid unproductive gaps in the meeting and make efficient use of committee time.
- 3.7 Where there is a complex agenda as at February’s meeting it can be difficult to give specific advice about what time agenda items will be discussed by the committee. Whilst it would be helpful for those attending the meetings to have an accurate prediction of when items

² Astra Zeneca Planning Application considered, these numbers include security staff and police

³ Includes first use of the Adjourned Decision Protocol by the Planning Committee

will be discussed, in practice this is quite difficult to do. Committee Managers advise people of the earliest time when that part of the agenda will be considered and this would appear to be the safest advice that can be given at the present time.

- 3.8 There have been no training/briefing sessions in the period before planning committee so far but there are plans to start these in the new municipal year.
- 3.9 One complaint has been received about an item considered by the planning committee in January and this has been dealt with under the council's two stage complaints procedure. The complaint did not relate to the specific operating principles being considered here.

Conclusion

- 3.10 Planning Committee meetings undertaken under the new operating principles has enabled them to be thoroughly tested over the last seven months. Overall the operating arrangements appear to be working well. Some sensible flexibility in agenda ordering has been introduced to make best use of committee time where the number of items to be considered permits this.
- 3.11 Consideration of former Area Committee items have been kept to the afternoon part of the agenda and this appears to strike an appropriate balance of convenience for those people attending for those items and efficient conduct of decision making business by the council.
- 3.12 No further changes to the arrangements as now operating are recommended. Annual reporting of planning service performance as well as the statistics for decision making by the Planning Committee would offer a useful periodic monitoring opportunity in future.

4.0 CONSULTATIONS

- 4.1 Planning Committee is asked to give feedback during the discussion of this item. Officers from Planning and Democratic Services have fed into the preparation of this report.

5.0 OPTIONS

5.1 The options are to continue with the arrangements that have been introduced and operated over the last seven months or to ask officers to investigate and report back on the feasibility of further changes.

6.0 IMPLICATIONS

(a) **Financial Implications** – As noted in earlier reports approving this change. No additional resource implications have arisen since the change to the committee system was introduced last October.

(b) **Staffing Implications** – None above those identified last July.

(c) **Equalities and Anti-Poverty Implications** – None

(d) **Environmental Implications** – None

Climate Change Impact: Nil

(e) **Procurement** – None

(f) **Consultation and Communication** - None

(g) **Community Safety** - None

7. **BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

1. Reports to Environment Scrutiny Committee and Council July 2014

The author and contact officer for queries on the report is Patsy Dell, Head of Planning Services on extension 7103.

Report file: Date originated: 15 March 2015

Date of last revision: 20 April 2015

Application Number	14/2027/FUL	Agenda Item	
Date Received	6th January 2015	Officer	Mr Toby Williams
Target Date	3rd March 2015		
Ward	Cherry Hinton		
Site	Royal British Legion Hall 58 Fishers Lane Cambridge Cambridgeshire CB1 9HR		
Proposal	Proposed residential development to erect 8 semi-detached dwellings with 8 car parking spaces and covered cycle storage facilities at Fishers Lane, Cherry Hinton		
Applicant	Mr Paul Harney C/O Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The recent demolition of the Hall on the site is a significant material consideration and there would be no loss of a community facility. -The proposal would adequately respect the residential amenity of adjacent occupants. -The design and layout of the scheme is acceptable.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is situated on the south side of Fisher’s Lane within Cherry Hinton. Opposite and north of the site is the residential development of Wenvoe Close. The site is located due north of the consented Colville Road City Council housing site (application ref: 13/1129/FUL). To the east are the two storey houses of nos. 54-58 Fisher’s lane fronting the road with the 1.5 storey nos. 50-52 located behind. To the west is the two-storey

Cherry Hinton Medical Centre and public right of way (footpath) linking Fisher's Lane to Colville Road.

- 1.2 There is vehicular access to the site from Fisher's Lane and the majority of the site is open, formerly used for car parking.
- 1.3 The former Royal British Legion Hall (the Hall) stood on the site until recently. This was a single storey building which was effectively a Nissen hut. It was demolished the week beginning 23 February 2015 following the approval of a prior notification application for its demolition granted on 19 February 2015.
- 1.4 The site is not within a Conservation Area and there are no listed buildings adjacent. It is outside the controlled parking zone.
- 1.5 The Hall was listed as an 'asset of community value' in Nov 2013. The Council's List of Community Assets states that the initial 6-week interim moratorium period expired without a notification of interest from a potential bidder from a qualifying community interest group and that there is now a protected period of 18 months during which time there can be no moratorium on disposal of the Hall. The applicants have confirmed that the Hall was sold to Starfelt Ltd on 11 November 2014, following which the planning application for residential development was lodged.

2.0 THE PROPOSAL

- 2.1 The application seeks permission for the proposed residential development of 8 semi-detached dwellings with 8 car parking spaces and covered cycle storage facilities. The application originally sought planning permission for the demolition of the Hall but this has subsequently been removed from the description of development following its demolition.
- 2.2 The proposal is laid out to provide four dwellings on the frontage of Fisher's Lane and four at the rear. They would be arranged as semi-detached properties with a central access point leading to a landscaped car parking court in the middle of the site. All the properties would have rear gardens of 6m+ length. They would all be 3 bedroom properties. They would be constructed from a gault brick with pitched roofs (accommodating rear dormer windows) consisting of grey roof

tiles. The internal configuration of the site has been amended to address concerns raised by landscaping and urban design colleagues.

2.3 The application is accompanied by the following supporting information:

- Community Facilities Plan
- Planning Statement (including covering letter)
- Heads of Terms
- Transport Statement
- Design and Access Statement
- Report on the Marketing of the Former Royal British Legion Premises
- Contaminative Risk Assessment
- Two legal opinions obtained from Counsel provided for the applicants.

2.4 The first opinion concerns the following issues:

- a) whether the Hall is a community facility
- b) whether the demolition of the Hall would result in a 'nil-use' of the site and in that circumstance whether planning policies applicable to its previous use would continue to apply.

2.5 The second opinion concerns the following issue:

- a) Whether further information from the former caretaker of the Hall alters the previous advice regarding the use status of it as a potential community facility.

2.6 The two opinions of Counsel are attached to the public file viewable on the Council's web-site. In summary, it advises that the Hall was not a community facility and that policy 5/11 (regarding the protection of community facilities) is not applicable. It also advises that even if the Hall was considered a community facility, its recent demolition means it is not safeguarded under current policy.

3.0 SITE HISTORY

Reference	Description	Outcome
06/0495/OUT	Outline application for residential development of 12 two-storey flats.	Refused
15/0139/DEMDET	Prior notification of the demolition of existing dilapidated nissen hut building.	A/C
C/80/0706	Use of existing British Legion Hall for the holding of Saturday Markets	W/d

- 3.1 The 2006 application was refused for two reasons. The first reason is relevant to the consideration of this application. It states:

'The proposed residential development would result in the loss of use of the premises as a public hall (Class D1) and is considered to be the loss of a community facility. The proposal fails to demonstrate that there is no longer a need within the local community for this facility or that it is to be replaced to other appropriate premises with equal accessibility or replaced within the development and is, therefore, contrary to policy P3/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and policy 5/11 of the Cambridge Local Plan (2006).'

- 3.2 The officer report at 8.7 states:

'However, in assessing the principle of developing this site there is also a need to consider the current use of the building. Many of the third party representations have recognised the use of the building as providing an essential facility for the local community such as for meetings of the Scouts, Cubs, dances for the Elderly, Committee meetings and events such as birthday parties. Advice has been sought from the Policy Department as to whether this building constitutes a community facility, and the view has been given that it does fall under Class D1 in the form of a meeting place. Therefore the existing building is considered to come under the definition of community facility as set out in the Cambridge Local Plan (2006).'

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/4 3/7 3/8 3/11 3/12 5/1 5/11 5/14 8/2 8/4 8/6 8/10 10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance 2015 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste

	Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u> Cambridgeshire Design Guide For Streets and Public Realm (2007) Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19th July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan which are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No Objection: Whilst the visibility splay to the east is less than the standard set down in Manual for Streets for a 30 MPH speed limit, there is already an existing access to the site which carried a similar level of use.

- 6.2 There would be an improved width of access and layout. It is considered that the proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions and informatives requested below into any permission that the Planning Authority is minded to grant in regard to this application.
- 6.3 Conditions and informatives are proposed to control: no unbound material at the access point, no gates, detailed access plans, drainage measures, visibility splays, manoeuvring areas, cross-overs, the access width and traffic management during construction.

Refuse and Environment

- 6.4 No objection, subject to recommended conditions/informatives relating to: construction/demolition/delivery hours, piling, dust, contaminated land, waste receptacles and access construction for waste vehicles.

Urban Design and Conservation Team

- 6.5 Comments on original submission:

The proposed 2.5 storey scale of units and arrangement of Plots 1-4 fronting Fisher's Lane has the potential to work well with the overall character of the area. However we are concerned that the proposed number of units results in over development of the site. The high density (72dph) has given rise to a number of design issues including site layout, provision and arrangement of amenity space, cycle and refuse storage and car parking. The proposal has not adequately shown how it will relate to the adjacent Colville Road City Council housing site (application ref 13/1129/FUL). The proposed arrangement of units and the boundary treatment along the western site boundary will also result in reducing surveillance of the footpath. The submitted scheme is therefore not supported in design terms. The submitted scheme is not supported in design terms.

- 6.6 Comments on amendments:

The applicants sought to address these issues raised in a further submission of 17 February 2015 and in a subsequent

meeting. The Urban Design and Conservation Team has indicated that the amendments reflect what was discussed and incorporate a number of suggestions put forward. However they are still concerned that the proposed 8 units represents an over-development of the site and that fewer unit numbers would allow the functional design issues to be fully resolved.

Landscape Architect

6.7 Comments on original submission:

The parking court is considered a tight and hard space. The proposed site plan indicates greening of the perimeter of this area with trees/shrubs/plants, however there is very little space for the establishment of any meaningful landscape. A minimum of 1m wide beds (excluding hunching) is required to sustain planting around the car park. As the proposal stands, the proposed development cannot be supported from a landscape perspective.

6.8 Comments on amendments:

The applicants sought to address these issues raised in a further submission of 17 February 2015 and in a subsequent meeting. Landscape colleagues have indicated that the amendments reflect what was discussed but that they still have concerns regarding the number of units on the site.

Drainage Officer

6.9 The development proposed is a significant increase in impermeable surfacing compared to the existing site and the current building does not appear to have any kind of surface water drainage present. This would mean that the development would need to adhere to greenfield runoff rates, which in Cambridge are 2 l/s/ha. This will mean a significant amount of onsite attenuation would be required. It is not clear from the proposals and a lack of surface water drainage strategy if this can be achieved and, therefore without this high level assessment, the application is not supported.

Cambridgeshire County Council (Archaeology)

- 6.10 Records indicate that the site lies in an area of high archaeological potential. The site should be subject to a programme of archaeological investigation secured by condition.

Planning Policy Officer

- 6.11 Although consulted, no formal comment has been provided from colleagues in the planning policy team. Policy colleagues have however been involved in discussions with the applicants regarding the community facility issues raised by the application. They have verbally accepted that the site should be regarded as having a 'nil-use'.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.12 There have been crime issues in the area and there is a public right of way footpath adjacent. The scheme generally provides good natural surveillance of all external public and semi-public areas in particular areas of car parking. The design/location of the cycle stores could be improved to improve surveillance.
- 6.13 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 No representations objecting to or supporting the scheme have been received from third parties.
- 7.2 The former caretaker of the Hall has written to the Council setting out his recollection of the use of the Hall over the last 10 years.

8.0 ASSESSMENT

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

1. Marketing
2. Previous Use Status
3. Current Use Status
4. Principle of Development
5. Context of site, design and external spaces
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Planning Obligation Strategy

Marketing

- 8.2 When the application was first submitted the Hall was still standing on site and the proposal also sought permission for its demolition. The application includes a marketing report for the premises as per the requirements of policy 5/11. The marketing report seeks to demonstrate that there is no longer a need within the local community for the facility and that the need can be adequately met at an alternative facility(s) of similar accessibility for its users. The report sets out the details of the marketing campaign, including a proposed freehold price of £300,000. It resulted in enquires from a mixture of community groups/organisations and residential developers resulting in 8 bids. Of the 8 bids, 2 wished to use the building as a place of worship, 1 as a religious college, 1 as a nursery and 4 bids were from residential house-builders. Officers have asked for information regarding the bid amounts but this has not been provided.
- 8.3 It is difficult to judge whether the 4 community use bids amounted to realistic offers because the applicants have not provided the financial details of them. It does, however, suggest that there was a legitimate interest in purchasing the site from less transient community institutions/business than those who previously rented the Hall. I recognise that former community users of the Hall may now be using other facilities nearby, but that does not negate the interest expressed in the purchase of the site by the community bidders as opposed to its previous rental from the Royal British Legion. Were it not for the fact that the Hall has now been demolished, I would have been of the view that the provisions of 5/11 and paragraph 70 of the NPPF 2012 would not have been satisfied regarding the unnecessary loss of the community facility.

Previous Use Status of the Hall

- 8.4 The applicants contend that the Hall was primarily a private members club for ex-servicemen and women and that under the provisions of 5/11 it would not have constituted a community facility. The applicants have sought Counsel's opinion on this matter, which considers the range of uses the Hall was put to and previous examples of how other Royal British Legion premises have been treated on appeal. It concludes that the starting point is that the Hall is/was a *sui generis* use and 5/11 is not applicable.
- 8.5 All of the appeal decisions apart from one are prior to 2012 when the NPPF was introduced and relate to differing circumstances and patterns of use to the associated RBL premises. I do not think they are necessarily directly comparable either in terms of the establishment of use or the application of current policy, particularly in light of paragraph 70 of the NPPF 2012 which provides a wide scope for the protection of community facilities including local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 8.6 I am not persuaded that even if it was concluded that the primary use of the Hall was *sui generis* with ancillary community use that it would therefore exclude it from being considered as a community facility under the provisions of paragraph 70 of the NPPF. In fact, it is precisely the type of use of this facility that I consider the NPPF seeks to protect.
- 8.7 From the evidence of the previous use of the Hall set out by the applicants and from the recollection of the former caretaker, it appears as though it was used to a greater extent and more regularly by community groups as a place for meeting or leisure/religious/educational activities than by the Royal British Legion (RBL) members themselves for RBL branch and committee meetings. Over the last 10 years, the community use of the Hall included: dance groups; music lessons; craft lessons; scouts/cubs groups; craft groups; clairvoyants; blood transfusion; wedding parties; church services; first learning classes; keep fit; boys and girls youth clubs; bingo; charity nights; City Council, Resident Association, Union, Allotment

Society and healthcare meetings; darts events; and other ad hoc groups.

- 8.8 It is difficult to establish the precise ebb and flow of the various users of the Hall over the last 10 years because the booking logs for it have been disposed of. I am also mindful that the RBL Cherry Hinton Membership was in decline. Whilst it is not the purpose of this application to determine precisely the use class of the former Hall, I consider, based on the wide variety and types of usage, that the Hall was probably a *sui-generis* use class as opposed to being a straight D1 use. However, for the reasons as set out in paragraph 8.6 above, I do not consider this of itself would exclude it from being considered as a community facility under policy 5/11. The policy specifies a range of protected uses of which many of the users of the Hall would fit. It also allows for *sui-generis* uses to be protected. Policy 5/11 is not, nor could it be, definitive regarding the range of *sui-generis* uses that are protected. The NPPF provides a wide scope to the idea of what a community facility could encapsulate. The former use of the Hall fits into this scope.
- 8.9 In my view, were it not for the fact that the Hall was demolished, policy 5/11 and paragraph 70 of the NPPF would be applicable. It is too narrow a view to conclude that the Hall was not a community facility, irrespective of its use class as either *sui generis* or D1.

Current Use Status of the Hall

- 8.10 The Hall was demolished in February of this year following the approval of a prior notification application for its demolition granted on 19 February 2015. These types of notification applications do not give the Council the ability to question whether the demolition is justified in wider planning terms; they only allow for the means of demolition to be considered, not the principle.
- 8.11 As there is no community facility to protect because the Hall is demolished and the site has a 'nil-use', policies for the protection of the former Hall are no longer relevant and cannot be applied. Current Council policy seeks to protect the facility (i.e. the building) not the site or a former use. In effect, the demolition has ended a chapter in the land's planning history.

8.12 This is my view, the view of the Council's Solicitor and the view of the applicant's Barrister. It is reinforced in various appeal decisions, including the recent appeal at the St Colette's site.

Principle of Development

8.13 The application site could be considered a windfall site under policy 5/1. It would provide housing on what is in effect a brownfield site. I see no reason why residential development would not be acceptable.

Context of site, design and external spaces

8.14 The proposed development has been amended from the original proposal to take into account the concerns of the urban design and conservation team and landscape team comments.

8.15 Amendments to the scheme have resulted in the provision of the following revisions:

- a brick boundary wall or alternatively a low brick wall topped by hit and miss panel fence to the rear of plots 1 to 4.
- a low brick wall topped by railings between the rear and front boundaries of plots 8 and 4 respectively to open up views on the western site boundary and increase visibility/surveillance of the footpath.
- dual aspect to plots 2 and 3 on both the ground and first floor levels.
- bin store enclosures for each dwelling.
- sedum roofs to each cycle store.
- plaques for each parking space rather than painted numbers.
- motion sensor lighting for the bike sheds.
- increased planting bed sizes
- alternative bicycle shelter provision

8.16 In light of these changes, I recognise that the concerns of the urban design and landscape officers are not fully resolved but the applicants have addressed a number of functional issues with the scheme. Better surveillance of the pathway and of the parking court is also provided which has addressed the issues raised by the architectural liaison officer. It is difficult justify this is an overdevelopment (7dph) of the site given that surrounding development has been approved at a similar scale and density. My view is that the site would function properly and that

sufficient space is given over to landscaping, parking (one space per plot), bins and bikes.

- 8.17 This is a relatively modest housing scheme that would sit comfortably on the site and work well for its occupants. All of the properties have ample, south facing gardens of at least 6m in depth. The scale, being 2.5 storeys, is entirely in keeping with its surroundings. A gault brick material would be an acceptable facing material.
- 8.18 The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

- 8.19 I do not consider that any of the front four plots would give rise to amenity impacts for adjacent residents. Nearby houses are sufficiently far enough away and the proposed houses are so modest in scale as to not give rise to unacceptable impacts in terms of loss of light, enclosure or overlooking.
- 8.20 The rear four plots are set in from the eastern and western edges of the site by 2.5 and 1.5m - 2m respectively. No. 50 Fisher's Lane to the east was already enclosed by the footprint and form of the former Hall. The footprint of plot 8 adjacent to no. 50 is further away from the boundary than the Hall was and does not extend as deeply. I consider the relationship acceptable even though the new house would be taller. Plot 5 to the west would partly enclose outlook from the medical centre, but this itself is set back from the intervening footway and the new house would only partly enclose this space. I consider the relationship of built form to be acceptable.
- 8.21 In my view, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Refuse Arrangements

- 8.22 Space is provided within the individual plots for three bins for the each house. Space is also laid out for a pick-up point for bins closer to Fisher's Lane. I agree with the recommendations of the Environmental Health officer that the surface access

should be made suitable for refuse vehicles. I have recommended conditions accordingly.

- 8.23 The proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.24 There are no highway safety issues raised by the highway authority who refer to an 'improved width of access and layout'. The advice is made on the basis that the amount of parking from existing to proposed is reduced. I accept this advice and recommend conditions accordingly.

- 8.25 The proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.26 The scheme provides one car parking space per dwelling and 24 cycle parking spaces. The provision accords with the adopted standards. The proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Drainage

- 8.27 The Council's Drainage officer is not supportive of the proposal due to the increase in proposed impermeable surfacing and the lack of detail regarding how surface water is to be attenuated. I agree that the proposal fails to provide sufficient detail but I do not consider this a reason for refusal. Attenuation could be provided underneath the parking/access areas or individually within gardens. Permeable paving could be used for the surfacing of the access road but this would have to be subject to infiltration tests. In this case, I consider it reasonable to impose a condition to seek these details prior to the commencement of development.

Planning Obligations

- 8.28 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or

less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 Policies for the protection of community facilities cannot be applied to the site as the former Royal British Legion Hall has been demolished. The development would provide additional family housing on a brownfield site in a sustainable location. The scale and design of the units is acceptable. The impact on adjacent neighbours is acceptable. Highway safety would not be compromised. Drainage issues can be overcome through the imposition of a surface water condition.

10.0 RECOMMENDATION

APPROVE subject to 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

4. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5. Prior to the commencement of the first use, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

6. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

Reason: To prevent surface water discharging to the highway.

7. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawings. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety.

8. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

Reason: In the interests of highway safety.

9. The redundant vehicle crossover of the footway shall be returned to normal footway and kerb prior to the occupation of the houses.

Reason: for the safe and efficient operation of the public highway

10. The access shall be provided as shown on the approved drawings and a width of access of 5 metres provided for a minimum distance of ten metres from the highway boundary and retained free of obstruction.

Reason: In the interests of highway safety.

11. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety

12. Prior to the commencement of development details of surface water drainage and what measures will be implemented must be submitted and agreed in writing by the local planning. The development shall be carried out in accordance with the approved details

Reason: due to the significant increase in impermeable surfacing and lack of information submitted with the application.

13. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

14. Except with the prior written agreement of the local planning authority 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)

15. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Reason: Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

Reason: In the interest of health and safety

17. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(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.

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(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 interest of public safety

18. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: in the interest of health and safety

19. Dust condition informative
To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

Councils Supplementary Planning Document - Sustainable Design and Construction 2007:

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

Control of dust and emissions during construction and demolition - supplementary planning guidance

https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

20. Secured by Design
Paragraph 5.6 of the Design and Access Statement outlines, it is anticipated that Secured by Design Accreditation (SBD) could be achieved. The new developments of Colville Road and Augers Way are hoping to achieve Secured by Design accreditation. The Architectural Liaison Officer is willing to work with the applicants towards this scheme achieving SBD.

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Application Number	14/2063/CLUED	Agenda Item	
Date Received	6th January 2015	Officer	Michael Hammond
Target Date	3rd March 2015		
Ward	Newnham		
Site	15A Derby Street Cambridge Cambridgeshire CB3 9JE		
Proposal	Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3)		
Applicant	Mr Desmond & Dr Pam Hirsch C/O Agent United Kingdom		

SUMMARY	There is sufficient evidence to suggest, on the balance of probability, that the first floor studio of the application site building has been used as a separate dwelling (c3) for a continuous period of more than 10 years and that the continued residential use of it is lawful and immune from enforcement action.
RECOMMENDATION	That a Certificate of Lawfulness be granted

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 15A Derby Street is comprised of the first floor of a two-storey outbuilding which is attached to the end terrace 15 Derby Street. The building is situated on the east side of Derby Street, close to the junction with Merton Street. The surrounding area is predominantly residential and the site is within a Conservation Area. The building was originally built as a garage to 31 Grantchester Street.

2.0 BACKGROUND

2.1 This is an application for a Certificate of Lawfulness of an existing use in breach of a planning condition. The application is

made under Section 191 of the Town and Country Planning Act 1990. **It is not a planning application.**

- 2.2 On 24th June 1998 planning permission was granted for the erection of a first floor extension over the existing double garage to form a studio room (98/0129). That permission was granted on the condition that the studio was only to be used in conjunction with and incidental to 31 Grantchester Street (the host dwelling). The extension over the garage was subsequently built (as amended under 99/0931). The application for the certificate of lawfulness sets out to demonstrate that since April 2000 (in breach of the condition) the studio has been occupied continuously as an independent dwellinghouse (C3).
- 2.3 The application is being brought to Committee because of the public interest in the application and an associated planning application for the conversion of the ground floor garage element of the outbuilding (15/0065/FUL) for a 1 bedroom studio -flat.

3.0 CERTIFICATES OF LAWFULNESS

- 3.1 Applications for Certificates of Lawfulness are not normally considered by Committee and are routinely dealt with by officers under delegated powers. An application for a Certificate of Lawfulness differs from a planning application in that its purpose is to establish whether:
- a) any existing use of buildings or other land is lawful
 - b) any operations which have been carried out in, on, over or under land are lawful
 - c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful
- 3.2 Criteria C applies in this case.
- 3.3 Uses and operations are considered lawful if no enforcement action can be taken against them and the uses and operations do not contravene the requirement of an enforcement notice.
- 3.4 If a Certificate is granted then the development is immune from enforcement action. The judgment as to whether a use or

operation is lawful is based on an assessment of evidence; the planning merits of the proposed development cannot be considered. For applications involving an unauthorised change of use in breach of a condition, the applicants have to prove, on the balance of probability, that the breach and separate use occurred more than 10 years ago and has been continuous up to the date of the application.

- 3.5 When an application for a Lawful Development Certificate is made, the onus of proof is on the applicant to demonstrate to the local planning authority that a certificate should be issued. The evidence submitted should be clear and convincing.
- 3.6 Without sufficient or precise enough information, the authority will be justified in refusing a certificate. This does not preclude another application if more information can be produced later on.

4.0 THE PROPOSAL

- 4.1 This is an application for a Certificate of Lawfulness (s191) for the use of the first floor of the building as an independent dwelling (C3).
- 4.2 The application is supported by the following evidence:
- Statutory declaration (including details of furnished letting agreements from 2000)
 - Site Location Plan
 - Floor plans

5.0 SITE HISTORY

Reference	Description	Outcome
C/67/0159	Erection of double garage (31 Grantchester Street)	A/C
15/0065/FUL	Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3)	Pending
C/98/0129	Erection of first floor extension over existing double garage fronting onto Derby Street to provide studio room.	Approved with conditions.

C/99/0931	Amendment to planning permission ref: C/98/0129/FP, for alterations to rear elevations and roof.	Approved with conditions.
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6.0 PUBLICITY

6.1 Advertisement:	No
Adjoining Owners:	No
Site Notice Displayed:	No

7.0 POLICY

7.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

7.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Town and Country Planning Act 1990	Section 191: Certificate of lawfulness of existing use or development

8.0 REPRESENTATIONS

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

- 1 Merton Street
- 3 Merton Street
- 1 The Cenacle
- 13 Newnham Croft Street

8.2 The representations can be summarised as follows:

- The garage has always been within the boundary of 31 Grantchester Street and is registered there for council tax purposes.
- The studio described in the application has only 'existed' since early 2014 due to the attachment of this new address

to the garden gate and so there is no letting history and this should be treated as a new application.

- There are no UPRN numbers attached to these house numbers.

8.3 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.

9.0 ASSESSMENT

9.1 The application is accompanied by a statutory declaration from a Mr Desmond Hirsch of 31 Grantchester Street. This includes a detailed chronology of the use of the studio building and details of furnished letting agreements from 2000 under short-hold tenancy agreements. The table below outlines the supporting information submitted with the application.

LIST OF DOCUMENTS

Reference	Document	Date
Plan 1	Plans showing 31 Grantchester Street outlined in blue and The Loft 15A Derby Street outlined in red	09/12/2014
Plan 2	Copy plans submitted for Planning Permission C/99/0931/FP and Building Regulations 99/0014/FP. Plan reference DRG GS/02.	Undated
Plan 3	Plan showing internal layout of The Loft 15A Derby Street as laid out since construction in 2000	17/12/2014
Exhibit A	Planning Permission C/98/0129/FP	24/06/1998
Exhibit B	Planning Permission C/99/0931/FP	03/11/1999
Exhibit C	Cambridge City Council Building Regulations Department Certificate of Completion ref: 99/0014/FP	17/10/2000
Exhibit D	Cambridge City Council Finance Department Notice of Council Tax assessment of Studio Flat, 31 Grantchester Street as completed on 30 th May 2000	24/05/2000
Exhibit E	Direct Gov District Valuer Council Tax assessment Band B from on-line records	Effective 01/04/2000
Exhibit F	Exterior and Interior photographs	11/9/2004
Exhibit G1	Assured Shorthold Tenancy Furnished Letting Agreement (AST) to [REDACTED]	01/04/2000
Exhibit G2	First and last pages of AST to [REDACTED]	30/09/2001
Exhibit G3	First and last pages of AST to [REDACTED]	28/09/2002
Exhibit H 1	First and last pages of AST to [REDACTED]	08/04 2003
Exhibit H 2	First and last pages of AST to [REDACTED]	18/09/2004
Exhibit H 3A	First and last pages of AST to [REDACTED]	19/09/2005
Exhibit H3B	First and last pages of AST to [REDACTED]	15/09/2006
Exhibit H3C	Tenancy extension letter to [REDACTED]	09/09/2007
Exhibit H3D	Tenancy extension letter to [REDACTED]	04/02/2008
Exhibit H 4	First and last pages of AST to [REDACTED]	29/06/2009
Exhibit H 5	First and last pages of AST to [REDACTED]	04/08/2010
Exhibit H 6	First and last pages of AST to [REDACTED]	22/07/2011
Exhibit H7A	First and last pages of AST to [REDACTED]	25/08/2012
Exhibit H7B	First and last pages of AST to [REDACTED]	29/06/2013
Exhibit I1	E mail from [REDACTED] Revenues Officer, Cambridge City Council regarding 'unoccupied liability' when available to let short term	14/11/2014
Exhibit I2	E mail from [REDACTED] regarding tenant responsibility for Council Tax	19/12/2014
Exhibit J	Cambridge Accommodation web page description for short-term availability of Studio, 15A Derby Street.	Created 2007

9.2 I have reviewed all of the supporting information included with the statutory declaration and considered the third party representations. I give no weight to the lack of a separate UPRN number for the property or the recent attachment of a new address to it. From the evidence put forward it appears as though the property has been subject to separate Council tax payments.

9.3 Based on the evidence provided in the application and in consideration of the information received from residents, I am satisfied that on the balance of probability there is sufficient evidence to be satisfied that the first floor studio at 15A Derby

Street has been rented out as an independent dwelling and used continuously for a period of 10 years up until the point of the application having being made to the Council and is therefore immune from enforcement action and a lawful use.

- 9.4 I have sought legal advice on the submission and they confirm my view and that the evidence provided is sufficient to determine the application.

10.0 RECOMMENDATION

- 10.1 That a Certificate of Lawfulness be granted under Section 191 of the Town and Country Planning Act 1990 (as amended) for use of the first floor of the garage as an independent dwelling (C3).

1. It appears to the Local Planning Authority that on the basis of probability and evidence submitted, the premises has been used as self contained residential unit for more than 10 years.
2. 15A Derby Street, Cambridge, as identified outlined in RED on the location plan attached to this Certificate.
3. The use of the first floor of the garage of no.31 Grantchester Street, known as 15A Derby Street, as an independent dwelling (C3).

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Application Number	15/0065/FUL	Agenda Item	
Date Received	15th January 2015	Officer	Michael Hammond
Target Date	12th March 2015		
Ward	Newnham		
Site	15B Derby Street Cambridge Cambridgeshire CB3 9JE		
Proposal	Conversion of ground floor store to 1 Bedroom Studio flat (retrospective)		
Applicant	Mr Desmond & Dr Pamela Hirsch C/O Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> – The proposal does not harm the amenity of neighbouring properties. – The proposal does not harm the character of the Conservation Area. – The level of parking provision on site is acceptable.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 15B Derby Street is the ground floor element of a two-storey building situated at the end of the Derby terrace. It is situated on the eastern side of Derby Street, close to the junction of Derby Street and Merton Street, and set back from the road behind the established building line. The surrounding area is predominantly residential and the site is within a Conservation Area. The building was originally built as a garage to 31 Grantchester Street.

2.0 THE PROPOSAL

- 2.1 The proposal seeks retrospective planning permission for the change of use of the ground floor of the garage of no.31 Grantchester Street into a one-bedroom self-contained dwelling (c3).
- 2.2 The proposal does not involve any extensions or significant alterations to the built form of the building. The garage doors on the front elevation of the building would be replaced with glazing. There are also internal arrangements in terms of the internal floor area of the ground floor flat.
- 2.3 One parking space and bin storage is provided on-site at the front of the building and there is a rear garden 3.5m x 6m proposed.
- 2.4 Amendments have been made to the internal arrangement of rooms and the front fenestration of the building.

3.0 SITE HISTORY

Reference	Description	Outcome
C/67/0159	Erection of double garage (31 Grantchester Street)	A/C
14/2063/CLUED	Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3)	Pending
C/98/0129	Erection of first floor extension over existing double garage fronting onto Derby Street to provide studio room.	Approved with conditions.
C/99/0931	Amendment to planning permission ref: C/98/0129/FP, for alterations to rear elevations and roof.	Approved with conditions.

4.0 PUBLICITY

- 4.1 Advertisement: No
Adjoining Owners: Yes
Site Notice Displayed: No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 4/11 5/1 5/2 8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

	<p style="text-align: center;"><u>Area Guidelines</u></p> <p>Newnham Croft Conservation Area Appraisal (2013)</p>
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5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The application allocates parking provision for the existing dwelling to the proposed dwelling. The existing dwelling is a sizeable property and thus the development would be likely to generate additional parking demand on-street. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application. The remaining parking provision may not be of sufficient depth to accommodate many models of car currently in production, but without dimensions this cannot be confirmed. Please require the applicant to provide the depth of the area, clear of the public

highway. If the spaces are too short, vehicles will overhang the public highway, obstructing the footway.

Urban Design and Conservation Team

6.2 The proposed alterations to the front elevation of the building to provide an additional room for the existing flat will not be detrimental to the character or appearance of the conservation area. This application conforms to policy 4/11 of the Cambridge Local Plan 2006.

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

1 Merton Street	3 Merton Street
5 Merton Street	6 Merton Street
1 The Cenacle	2 The Cenacle
3 The Cenacle	6 The Cenacle
10 Derby Street	12 Derby Street
14 Derby Street	15 Derby Street
19 Derby Street	2 West View
3 West View	4 West View
33 Grantchester Street	38 Eltisley Avenue

7.2 The representations can be summarised as follows:

- Increase in traffic
- Increase in parking congestion
- The two parking spaces outside the flats are used by no.31 Grantchester Street and would not be available for tenants of the flats.
- The increase in population density changes the character of the neighbourhood in the Conservation Area.
- The appearance of the elevation is not sympathetic to the appearance of the Victorian terrace.

- The addresses 15A/ 15B Derby Street are not legal street names.
- The increase in bins on the street would block the public footpath and highway.
- The application should be considered alongside the application for the Certificate of Lawfulness (14/2063/CLUED)
- The condition (no.2) placed on the previous application (c/98/0129) was implemented because permission would have been refused for a separate dwelling due to inadequate parking and amenity space, increase in traffic and amenity of existing and future occupiers.
- The flats provide inadequate amenity space, including for bins and cycles.
- A tree was illegally felled on this site.
- The adjacent wall of the flats causes damp that damages the neighbouring property.
- Overlooking
- Noise and disturbance from change of use
- Layout and density of building.
- Cars parking outside the proposed bedrooms would harm the amenity of future occupiers.
- The proposal is contrary to policies 3/14, 3/10 and 4/11 of the Local Plan (2006).
- 15A Derby Street does not have a letting history and should be treated as a new application.
- Planning permission should be sought prior to undertaking works and not afterwards.
- The change of use is illegal and contradictory to condition 2 of the previous permission (c/98/0129).

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 and impact on conservation area
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) is relevant. The policy generally supports additional residential development within the City:

“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”.

- 8.3 The site is situated within an existing and established residential area I therefore consider that residential development on this site could be supported.

- 8.4 Policy 5/2 of the Cambridge Local Plan (2006) is also relevant. It states that the conversion of single residential properties and the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

- The residential property has a floorspace of less than 110 square meters;
- The likely impact upon on-street parking would be unacceptable;
- The living accommodation provided would be unsatisfactory;
- The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity

- 8.5 Policy 3/10 of the Cambridge Local Plan (2006) is also relevant. It states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) - Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance

- b) – Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) – Detract from the prevailing character and appearance of the area;
- d) - Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) - Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) - Prejudice the comprehensive development of the wider area of which the site forms part.

8.6 Of the above criteria, d), e) and f) are not relevant to the proposal as there are no listed buildings or related constraints within close proximity to the site; the site would not affect any trees or any established wildlife sites; and the proposal would not, in my view, prejudice comprehensive development of the wider area due to the site context. Therefore, criteria a) to c) are relevant and will be used to assess the proposed development.

8.7 In my opinion, subject to meeting the criteria of policies 3/10 and 5/2 of the Cambridge Local Plan (2006), the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces and impact on conservation area

8.8 The front of the building is visible from the street scene of Derby Street. The garage doors on the front of the building will be infilled and replaced with glazed windows. The built form of the two-storey building in this position was approved under a previous permission (c/98/0129).

8.9 I note that objections have been received regarding the elevation not being in keeping with the character of the area. However, given that the alterations are relatively minor and are recessed from the established building line of no.15 Derby Street, I do not consider that the alterations would detrimentally harm the character of the conservation area and neither do I consider that any additional traffic generation would harm the conservation area. The Conservation Team has raised no issues with the scheme and I agree with this advice.

8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.11 As the built form of the building is unaltered by the proposed change of use, there are no concerns regarding visual enclosure or loss of light.

8.12 The proposed windows on the front elevation would not lead to any significant loss of privacy at neighbouring properties due to the mutual sense of overlooking between the fronts of properties that already exists along Derby Street.

8.13 The window on the rear elevation would not compromise the privacy of no.15 Derby Street to the north. There is a mutual sense of overlooking over the gardens of properties in this area due to the compact nature of the built form and so the introduction of a ground floor window would not exacerbate levels of overlooking. There is a separation distance of over 15m from the rear window of the building to the rear of no.31 Grantchester Street with a fence between the two gardens. As a result I do not consider that the rear ground floor window of the building or the use of the garden would lead to a loss of privacy at no.31 Grantchester Street.

8.14 Objections have been raised regarding noise and disturbance issues arising from the change of use. However, I do not consider that the introduction of a one-bedroom dwelling in a predominantly residential area would result in a significant increase of comings and goings or activities that would harm residential amenity of nearby properties to such an extent as to warrant refusal.

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, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.16 The application provides a one-bedroom home with outdoor amenity space. The site is located in a sustainable location, with adequate cycle provision, close to services and facilities in the immediate area, as well as within walking distance to nearby bus stops. In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Refuse Arrangements

- 8.17 A bin collection point is already in use outside the front of the building to the south of the existing parking spaces which serves both the upstairs and downstairs flats. Whilst the refuse arrangements outside the front of the property are not ideal, they do not protrude over the footpath of Derby Street and are set behind the established building line of properties to the north and so are deemed to be satisfactory.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 5/2 and 3/12.

Highway Safety

- 8.19 As the proposed access and number of parking spaces in front of the building is not altered by the proposed development, the proposal will not exacerbate issues of highway safety any more than existing.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.21 The proposal includes a cycle store attached to the rear of the property which has sufficient space to accommodate cycle space on site for future occupiers and so this is acceptable.
- 8.22 Concerns have been raised regarding the increase in demand for on-street parking that the proposed dwelling would cause. The existing two parking spaces are used by the owner/

occupier of no.31 Grantchester Street. Under the proposed change of use, the northern-most parking space would be allocated for the occupiers of the proposed ground floor flat. I do not consider that the displacement of one of the car parking spaces of 31 Grantchester Street, or the use of the garage structure for separate use and subsequent use of the external parking space by the ground floor flat would significantly exacerbate parking demand on surrounding streets to such an extent as to warrant refusal.

8.23 With regard to these objections around the pressure on car parking in the surrounding area, it is my view that the on-site provision is acceptable for this development, and is in accordance with the Council's parking standards (which are expressed as maximum standards). The existing pressure on on-street car parking space will in itself be a disincentive to additional car ownership. The site is also located in a sustainable location; close to existing facilities and services, within cycling distance of the city centre and within walking distance of nearby bus stops and so it is considered that there is not necessarily a strong dependency for the private car arising from the unit as a means of travel.

8.24 In coming to this conclusion, I am also mindful of condition 3 of the previously approved application (c/98/0129) which states:

'The existing garages to the rear of 31 Grantchester Street shall be retained for the sole use of the occupants of 31 Grantchester Street and for no other purpose.

Reason: To ensure that parking is retained and available for 31 Grantchester Street'

8.25 The policies on which the condition are related to are now out of date. This does not necessarily mean that the condition is irrelevant but clearly the Council's parking standards are expressed as maximums and the proposal is not contrary to them. The question for members of Committee is whether the resulting provision of two car parking spaces, one for the host dwelling no. 31 and one for the new ground floor flat, would give rise to unacceptable on-street parking impacts, detracting from residential amenity (see policies 3/10b and 5/2b). My view is that it would be very difficult to argue the additional harm, if any, that would arise from increased on street parking demand given

the small-scale nature of the proposal and existing conditions on street, which I acknowledge suggest that parking is at or over capacity.

- 8.26 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and also 3/10, 5/2 and 4/11 with respect to issues of amenity and impact on the conservation area arising from parking demand.

Third Party Representations

- 8.27 The majority of concerns have been addressed in the main body of this report.
- 8.28 The designation of this site under the Newnham Croft Conservation Area does not negate a change of use of the building. I am not in receipt of an objection from the Urban Design and Conservation Team.
- 8.29 The concerns raised regarding the legality of the street names are not planning considerations.
- 8.30 The other concerns are not planning considerations and so have not been addressed in this report.

Planning Obligation Strategy

Planning Obligations

- 8.31 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

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

4. Except with the prior written agreement of the local planning authority 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. The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10).

Application Number	15/0396/S73	Agenda Item	
Date Received	2nd March 2015	Officer	Mr Tony Collins
Target Date	27th April 2015		
Ward	Market		
Site	The Varsity Hotel And Spa 24 Thompsons Lane Cambridge Cambridgeshire CB5 8AQ		
Proposal	S73 application to remove the prohibition of restaurant, cafe, bar use on the sixth floor - removal of condition 3 of planning permission 09/0447/FUL.		
Applicant	Mr Roberto Pintus The Varsity Hotel And Spa 24 Thompsons Lane Cambridge Cambridgeshire CB5 8AQ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> It would not have a significant impact on residential amenity (when compared to the restaurant use on lower floors already permitted) <input type="checkbox"/> It would not have a significant impact on the highway network or highway safety (when compared to the restaurant use on lower floors already permitted)
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is occupied by a seven-storey building. Its erection as a residential block was approved by Planning Committee under C/03/0808/FP, with a modified design subsequently approved under 04/1270/FUL. A number of non-material amendments to this design have been approved by officers; they mostly involve minor changes to window

configuration or the elimination of approved windows. There has been no change to the height of the building as originally approved.

- 1.2 The Glassworks gym and its associated restaurant occupy a converted warehouse building which adjoins the application building to the north. Other than this, the area to the north, east and south of the site is predominantly residential. Nineteenth century and early twentieth century terraced houses predominate, some occupied by individuals and families, others in use by colleges for student accommodation. On the opposite side of Thompson's Lane a site for student accommodation for Trinity Hall is under development. To the south-west and west are the relatively modern buildings of the Quayside development, in a mixture of residential and commercial uses. The south face of the building directly abuts the service area of Maltings Yard, which serves bars and restaurants in Half Moon Yard and facing the river on Quayside.
- 1.3 Thompson's Lane itself, which runs along the eastern side of the application site, is a narrow street. The carriageway width in front of the application site is 4.5m, the distance between buildings 7m. Normally, the street forms the only vehicle access to the residential enclave south-west of Jesus Green (Park Parade, New Park Street, St John's Road, Beaufort Place, Thompson's Lane, Portugal Street and Park Street) and the service area in Maltings Yard. However, at present, Thompson's Lane is closed to vehicles because of construction work on the student accommodation site referred to in the previous paragraph, and access is via Park Street.
- 1.4 The site falls within the City of Cambridge Conservation Area No.1 (Central) and is within the controlled parking zone (CPZ).

2.0 BACKGROUND

- 2.1 Permission was granted under 08/1610/FUL for change of use of all but the uppermost floor of the building from residential (Use Class C3) (Use Class C1) to hotel. Permission was subsequently granted under 09/0447/FUL (in June 2009) for change of use of the top floor from residential to hotel. Each of these applications was approved subject to a condition prohibiting the inclusion within the hotel use of any bar café or restaurant.

2.2 Following the approval of 08/1610/FUL, which relates to the ground, first, second, third, fourth and fifth floors, three applications were made to delete the condition from that permission prohibiting restaurant use. The first of these, 09/0344/S73, was refused by Planning Committee contrary to officer recommendation on 27th May 2009. Two further applications followed, (09/0498/S73 and 09/0775/S73) each of which sought, by providing additional evidence, to demonstrate that a restaurant within the hotel would not have a harmful impact. 09/0498/S73 was also refused, but 09/0775/S73 was approved with a number of conditions. A subsequent decision by the Planning Inspectorate (in February 2010) allowed an appeal which had been lodged against the refusal of 09/0334/S73. The Inspector declined to adopt the majority of the conditions which the Council had imposed on 09/0775/S73; he imposed only two conditions: that no bar or café was permitted, and that details of fume extract and ventilation equipment must be approved by the local planning authority.

3.0 THE PROPOSAL

3.1 The application seeks to remove Condition 3 from the permission (for hotel use on the sixth floor) granted under 09/0447. The wording of that condition is as follows:

The hotel use on the sixth floor hereby permitted shall not include restaurant, café, or bar provision except with the express permission of the local planning authority.

3.2 The reason given for the imposition of this condition was:

The incorporation of such activities would generate a different pattern of activity from the hotel operation proposed in the application and its attached drawings, whose impact on neighbour amenity would require testing through the planning application process.

3.3 The application is brought to Committee at the request of Coun. Blencowe in order that the significance of changes in planning circumstances since 2009 can be fully considered.

4.0 SITE HISTORY since 1980

4.1

Reference	Description	Outcome
03/0412/FP	Erection of residential block containing 19 apartments and 9 live/work units	Withdrawn
03/0413/CAC	Demolition of building	Withdrawn
03/0808/FP	Erection of residential block containing 19 apartments	Approved with conditions
03/0809/CAC	Demolition of building	Approved with conditions
04/0105/FUL	Erection of residential block containing 19 apartments (amendments to N and E elevations of scheme approved under 03/0808)	Withdrawn
04/1270/FUL	Erection of residential block containing 19 apartments (amendments to elevations of scheme approved under 03/0808)	Approved with conditions
07/0180/FUL	Modification of EDF electricity substation	Approved with conditions
08/1610/FUL	Change of use from residential to hotel, with two residential units on the top floor	Approved with conditions
09/0344/S73	Variation of Condition of 08/0161/FUL to allow the possibility of a restaurant	Refused; appeal allowed
09/0447/FUL	Change of use of top floor from residential to hotel	Approved with conditions
09/0498/S73	Variation of Condition of 08/0161/FUL to allow the	Refused

09/0775/S73	possibility of a restaurant Variation of Condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant	Approved
14/0499/S73	Variation of Condition 2 of planning permission 08/1610/FUL to replace on- site disabled parking by valet parking for disabled guests'.	Refused

4.2 There have also been four applications in the recent past in connection with the installation of public art, but they are not relevant to the present application.

4.3 The Inspector's decision on 09/0344/S73 is attached to this agenda.

5.0 PUBLICITY

5.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

6.0 POLICY

6.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Circular 11/95 – The Use of Conditions in Planning Permissions
(Annex A)

6.2 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
4/10 Listed buildings
4/11 Conservation Areas
4/13 Pollution and amenity
6/3 Tourist accommodation

- 8/2 Transport impact
- 8/9 Commercial vehicles and servicing
- 8/10 Off-street car parking

6.3 **Material Considerations: Area Guidelines**

Cambridge Historic Core Conservation Area Appraisal (2006)

6.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

- 6.5 For the application considered in this report, there are no policies in the emerging Local Plan which are of relevance.

7.0 **CONSULTATIONS**

Cambridgeshire County Council (Engineering)

- 7.1 No comment.

Head of Environment and Waste

- 7.2 No objection. Conditions recommended on construction hours, odour extraction and plant noise.
- 7.3 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.

8.0 REPRESENTATIONS

8.1 Representations objecting to the application have been received from the owners/occupiers of the following addresses:

7 Beaufort Place
13 Beaufort Place
29 Beaufort Place
33 Beaufort Place
36 Beaufort Place
38 Beaufort Place
40 Beaufort Place
41 Beaufort Place
49 Beaufort Place
7 Park Parade
8 Park Parade
14 Park Parade
5 Cornwall Court, Eaton Socon
81 North End, Meldreth (owner of flat in Beaufort Place)
2 residents of St John's College

8.2 The representations received can be summarised as follows:

- exacerbation of obstructions to traffic
- increased deliveries
- odour
- increased loss of privacy
- traffic
- increased noise and disturbance
- increased illegal parking
- hotel already causes illegal parking
- Any changes to the building should attempt to mitigate the poor planning decision to allow it, not exacerbate it.

8.3 The owners or occupiers of the following addresses and the proprietors of the following businesses have made representations in support of the application

87 Eastfield
118 Huntingdon Road
94 King Street
18 Madingley Road
8 Mill Park (Flat 32 Huxley House)
20 New Park Street

3 North Terrace
28 Northampton Street,
14 Richmond Terrace
14 St John's Road
25 Willow Walk
Resident of St John's College
Catherine Jones Jewellery, 9 Bridge Street
15 Tenison Manor, Cottenham
3 - 4 Lundy Court, Rougham Industrial Estate, Bury St
Edmunds
St John's Way, St John's Business Estate, Downham
Market
Burtons Catering Butchers, Unit 3, Shire Hill Industrial
Estate, Saffron Walden

8.4 The representations can be summarised as follows.

- Valuable facility
- Helpful to the city's economy
- Not likely to cause increased noise
- Not likely to cause increased problems from parking or delivery vehicles

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

9.0 ASSESSMENT

9.1 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. Residential amenity
3. Transport impact and highway safety
4. Third party representations

Principle of development

9.2 The principle of restaurant use as part of the hotel has been established as acceptable by the Planning Inspector's decision on 09/0344/S73. The only issues which fall to be examined are:

1. Whether restaurant use at sixth floor level, rather than any of the lower floors, would have a significant harmful impact on neighbour amenity.
2. Whether restaurant use at sixth floor, rather than any of the lower floors, would have a significant harmful impact on the highway network and highway safety, and
3. Whether there have been significant changes in planning circumstances since 2009 which are material to this application.

9.3 I deal with the first two of these points under the respective headings below. The main changes in planning circumstances since 2009 are the introduction of the Framework in 2012 and the National Planning Practice Guidance in 2014. I do not consider that these documents raise any principles with which the application might conflict. If anything, the Framework's emphasis on supporting sustainable development, supporting existing business sectors, and avoiding the creation of impediments to growth in Paragraphs 19 and 21 of the Framework lend weight to the applicant's case that the application should be approved.

Residential amenity

9.4 The creation of a restaurant at sixth floor level might have impacts on neighbour amenity in four ways: through overlooking, through noise, through odours, and through light pollution. It is likely that restaurant use on any floor would lead to some increase in overlooking when compared to bedroom use, because it would be more intensively used. It would probably also lead to some increase in noise, for the same reason, especially as there are outside terraces. There would probably also be a small increase in the degree of light given out from the relevant floor. I do not consider that any of these three changes would be significant. I do not think odour impact at sixth floor level would be significant, but in any event, I support the environmental health officer's request for a condition to control this. I also recommend a condition to ensure that any flue required for odour extraction does not impinge on the skyline.

9.5 Importantly, a planning Inspector has already considered all these impacts for the floors from ground up to five and ruled the likely impact acceptable. I do not consider that the impact of any

of them from the sixth floor would be different from that at the lower floors. It must also be noted that the rooms at sixth floor level are already used regularly as function rooms (which is not prohibited by condition) and I do not consider that there would be any noticeable difference in the impact of restaurant use as compared to function room use.

- 9.6 In my view, restaurant use at sixth floor level would have no different impact from restaurant use at fifth floor level, and is in accordance with policies 3/4 and 4/13 of the Cambridge Local Plan 2006.

Transport impact

- 9.7 It has already been established by the Inspector's decision on 09/0344/S73 that restaurant use as a part of the hotel would not cause any unacceptable harm to the highway network or to highway safety. I do not consider that the floor level at which restaurant use takes place is likely to make any significant difference to this issue. In my view, the proposal is in accordance with policies 8/2 and 8/9 of the Cambridge Local Plan 2006.

Third Party Comments

- 9.8 Many of the third party comments opposed to the development are concerns about the form of the existing hotel or its present impact on traffic or the character of the area. I do not consider that any of the suggestions that a restaurant on the sixth floor would have more harmful impacts than the restaurant use already permitted on other floors are well-founded.

10.0 CONCLUSION

- 10.1 In my view, the application raises no issues different from those raised by the application for restaurant use on lower floors, and refusal could not be justified in the light of the previous Inspector's decision.

11.0 RECOMMENDATION

APPROVE 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 bar or cafe shall be operated on the sixth floor.

Reason: Bar or cafe use would raise different issues in terms of neighbour amenity impact and movements to and from the site, which would require examination through a planning application. (Cambridge Local Plan policies 3/4, 4/11, 4/13, 8/2 and 8/9)

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

Reason: To protect the residential amenity of neighbours. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

4. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the residential amenity of neighbours (Cambridge Local Plan 2006 policies 3/4 and 4/13)

5. Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

Reason: To protect the residential amenity of neighbours.
(Cambridge Local Plan 2006, policies 3/4 and 4/13)

6. No flues, extract grilles or external plant shall be added to the exterior of the sixth floor or the roof of the building unless full details of the appearance of those additions have first been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure no adverse impact on the skyline, the setting of surrounding buildings, or the conservation area.
(Cambridge Local Plan 2006 policies 3/4, 4/10 and 4/11)

INFORMATIVE: The applicant is advised that to satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 2014 Methods for rating and assessing industrial and commercial sound or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises. It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into a noise assessment as described within this informative. Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

INFORMATIVE: The applicant is advised that to satisfy the Odour/Fume Filtration/Extraction condition, details should be provided in accordance with Annex B and C of the, Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at:

<http://webarchive.nationalarchives.gov.uk/20130123162956/http://www.defra.gov.uk/environment/quality/noise/research/kitchenexhaust/documents/kitchenreport.pdf>

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Application Number	15/0241/FUL	Agenda Item	
Date Received	11th February 2015	Officer	Miss Catherine Linford
Target Date	8th April 2015		
Ward	Arbury		
Site	55 Roseford Road Cambridge Cambridgeshire CB4 2HA		
Proposal	Roof extension incorporating rear dormer, and conversion of existing house into five 1-bed flats and one 2-bed flat.		
Applicant	Mr R Dixon 55 Roseford Road Cambridge Cambridgeshire CB4 2HA		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Considering what could be done under permitted development the proposal could not be considered to have a significant detrimental visual impact on the street <input type="checkbox"/> The proposal would not have a significant detrimental impact on neighbouring properties or highway safety
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 55 Roseford Road is a two-storey detached house situated on the northern side of Roseford Road. The surrounding area is predominantly residential in character. The site is not within a Conservation Area. The house has an existing two storey, flat roofed extension on the eastern side.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for a roof extension incorporating a rear dormer, and the conversion of the existing house into five 1-bed flats and one 2-bed flat.
- 2.2 The proposed dormer would extend across the width of the roof of the original house. Altering the design of the roof from hipped to gable. The house would be split into six flats, with three 1-bed flats located on the ground floor, two 1-bed flats located on the first floor, and one 2-bed flat located in the roof.
- 2.3 Four car parking spaces would be provided at the front of the house, and communal bin and cycle stores would be situated in the rear garden.

3.0 SITE HISTORY

Reference	Description	Outcome
C/73/0243	Erection of two-storey and single storey extension to existing dwelling house	A/C
C/78/0259	Erection of two storey extension to existing dwelling house	A/C

4.0 PUBLICITY

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

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 5/1 5/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some

weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policy in the emerging Local Plan is of relevance:

- Policy 50: Residential space standards

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal provides car parking at less than one space per dwelling unit. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Head of Refuse and Environment

- 6.2 No objection subject to a condition restricting construction hours.
- 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 The owners/occupiers of the following addresses have made representations:
- 45 Roseford Road
 - 50 Roseford Road
 - 51 Roseford Road

- 52 Roseford Road
- 53 Roseford Road
- 54 Roseford Road
- 57 Roseford Road
- 59 Roseford Road
- 5 St Albans Road
- 7 St Albans Road
- 9 St Albans Road

7.2 The representations can be summarised as follows:

Context and character

- Out of character
- As an HMO it would seriously and adversely alter the character of the street and area
- Overdevelopment
- The plans do not indicate where refuse is to be stored
- The roof extension would create a three storey house which would be out of character

Residential amenity

- Noise
- Intensification
- Loss of privacy
- The location of the cycle and bin stores will have an impact on security as it would enable trespassers to climb over the fence
- The bin store could attract vermin
- Overlooking
- Bins would block the pavement on collection day
- Loss of light
- Overbearing
- The fence between No. 55 and 9 St Albans Road is not secure

Car parking and highway safety

- Insufficient car parking spaces
- Increase in vehicles and ad hoc parking would be dangerous
- The parking spaces are not disabled parking spaces

Other

- Will set a precedent
- Additional demand on sewage system

- There is no provision for a lift
- For Building Regulations approval the flats will require automatic openable vents to the roof which are not shown on the plans, also no provision has been made for openable windows. Is it a case of lets get planning first and then make minor amendments
- For Building Regulations the scheme will require emergency lighting which will have an impact on the streetscene
- The only neighbour consulted by the applicant was the applicant's sister at 11 St Albans Road. A fence has been erected to screen this property

7.3 Cllr Todd-Jones has requested that the application is determined by Committee and has made the following comments:

The proposal relates to a family home at 55, Roseford Road, and its conversion in six flats.

The main element of the proposal comprises a loft conversion into a 2-bed flat, significantly altering and extending the roof configuration at the front elevation into a single expanse of mono-pitched roof extending to the side elevation with 53, Roseford Road. Together with the rear block effect of the loft conversion, this presents a visually dominating and overbearing side elevation at the boundary with 53, Roseford Road.

The impact of the mass and scale of the extension at the loft level adjacent to the boundary with no. 53 has an unacceptably overbearing effect on the amenity of no. 53 and contravenes the Cambridge Local Plan 2006 Policy 3/14: Extending buildings - b) the extension of existing buildings will be permitted if they do not unreasonably overlook, overshadow or visually dominate neighbouring properties.

Similarly, the proposal conflicts with the Cambridge Local Plan 2014: Proposed Submission (July 2013) Policy 58: Altering and extending existing buildings - e) which permits alterations and extensions if they do not unacceptably overlook, overshadow or visually dominate neighbouring properties. The supporting text notes that the design of alterations or extensions should avoid negatively impacting on the amenity of neighbouring properties or areas.

In addition, the mass and bulk of the loft extension and proposed reconfiguration of the roof conflicts with the Cambridge Local Plan 2014: Proposed Submission (July 2013) Policy 58: Altering and extending existing buildings - d) which permits alterations and extensions only if new roof profiles are sympathetic to the existing building and surrounding area and in keeping with the requirements of Appendix E (Roof extensions design guide). Appendix E - Massing and proportion (E.5) states: Roof extensions should relate well to the proportions, roof form and massing of the existing house and neighbouring properties. They must be appropriate in size, scale and proportion to the existing house and adjoining properties and must not be so large as to dominate the existing roof or overwhelm their immediate setting.

The overall proposal converting a family home into 6 flats and potential occupancy by 13 people is also in conflict with the Cambridge Local Plan 2006 Policy 5/7 where the development of properties for multiple occupation will be permitted subject to (a.) the potential impact on the residential amenity of the local area.

Roseford Road is characterised by family homes and there is no precedent for conversion of properties into a house in multiple occupation on this scale. The Cambridge Local Plan 2006 Policy 5/7, supporting text 5.14 states that the location of such provision requires careful consideration to ensure that the proposals respect the character and residential amenity of the local area. This proposal is clearly out of character with the existing residential nature of Roseford Road and likely to have a detrimental impact on the locality.

Cambridgeshire Highways have also stated that the proposal provides car parking at less than one space per dwelling unit and that the development may therefore impose additional parking demands upon the on-street parking, with a potential impact upon residential amenity.

- 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, car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is, therefore, my view that the proposal complies with policy 5/1 of the Local Plan.

8.3 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of single residential properties into self-contained dwellings will be permitted except where: a) the property has a floorspace of less than 110 square metres; b) the likely impact on on-street parking would be unacceptable, c) the living accommodation provided would be unsatisfactory; d) the proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and e) the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity. In my opinion the proposal meets the requirements of parts a) and e) of policy 5/2 of the Local Plan. Parts b), c) and d) relate to matters of detail and will be addressed later in this report.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and parts a) and e) of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.5 A roof extension is proposed, which would include a rear roof dormer and a hip to gable extension. The volume of the proposed roof extension is marginally larger than what would be considered to be permitted development. The character of Roseford Road changes at this point. No. 55 stands at the end of a row of detached and semi-detached houses built around the 1930s with hipped roofs. Beyond this are houses built around the 1960s with gables. In my opinion, due to the position of the house in the street the hip to gable extension would not appear out of character or have a detrimental impact on the streetscene. The proposed dormer would be set back from the eaves, set in from the sides of the roof and would not reach the ridge and it is my view that this would mean that the extended house would not be read as a three storey house. Considering that other houses on Roseford Road have rear dormers which are not dissimilar in scale or design to that proposed here it is my view that the proposed roof extension could not be considered to be out of character with its surroundings. I consider the proposed roof extension to be visually acceptable.
- 8.6 It is proposed that the house is converted into independent flats and not into a House in Multiple Occupation (HMO) and, therefore, policy 5/7 of the Local Plan does not apply.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

Overlooking

- 8.8 Unlike the existing situation where only bedrooms and bathrooms are provided on the first floor, the conversion of the house will result in living rooms and kitchens also being provided on the first floor, and in the extended roof. This would mean that there would be increased activity on the upper floors of the house. On the first floor living rooms and kitchens are proposed at the front of the building with bedrooms and bathrooms at the rear. The front windows would overlook the

street and would not have a significant detriment impact on those living opposite in my view and it is my opinion that the impact from the rear windows would be no worse than the existing situation.

- 8.9 A dormer window of a similar scale with window at the rear as proposed could be built without the need for planning permission. For this reason it is my opinion that it would be unreasonable to refuse planning permission due to overlooking from these windows.

Dominance, enclosure and overshadowing

- 8.10 The proposed dormer window would cast shadow over the roofs of 53 and 57 Roseford Road but it is my opinion that this would not have a significant detrimental impact on neighbouring properties.

Noise and disturbance

- 8.11 The proposal would result in an intensification of use of the site. In my opinion, the impact this would have on neighbours largely depends on how the development is managed, and to ensure that the development is well managed I recommend a condition requiring details of a management plan (5).

Security

- 8.12 I understand the concern raised that the positioning of the bin and cycle store adjacent to the boundary fence with 57 Roseford Road could enable trespassers to climb the fence more easily. However, as a shed could be erected adjacent to the fence, in the rear garden of the existing dwelling it is my opinion that it would be unreasonable to refuse the application for this reason.
- 8.13 The fence along the common boundary with 9 St Albans Road is not secure. In order to avoid insecurity I recommend a condition requiring details of boundary treatment (6).
- 8.14 Building works are disruptive and in order to minimise this I recommend that construction hours are restricted by condition (3), along with the hours of collections and deliveries (4).

- 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 proposed flats would share a large communal garden, which is considered to be acceptable.
- 8.17 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) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

- 8.18 It is proposed that a communal bin store is provided in the rear garden. Environmental Health have raised no concerns and I therefore consider the provision to be acceptable. To ensure that bins are not left at the front of the property I recommend a condition requiring a Management Plan (5). The prevention of vermin is a matter for Environmental Health.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety, Car and Cycle Parking

- 8.20 The Highway Authority have raised no concerns regarding the impact on highway safety. It is proposed that four off-street car parking spaces are provided at the front of the property. This is less than the maximum parking standards outlined in Appendix C of the Cambridge Local Plan (2006). The City Council promotes lower levels of private car parking particularly where good transport accessibility exists. There are bus stops on Histon Road and the city is within walking distance or cycling distance of shops on Arbury Court and the City Centre. It is, therefore, my view that it would be unreasonable to refuse the application for this reason. No disabled parking spaces are proposed but due to the layout of the frontage it would be possible for either of the two central spaces to be marked out as disabled spaces if required in the future.

8.21 A communal cycle store is proposed in the rear garden. Twelve cycle parking spaces would be provided. This exceeds the requirements of Appendix D of the Cambridge Local Plan and is acceptable.

8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and parts b) and d) of policy 5/2.

Third Party Representations

Will set a precedent

8.23 Each application is assessed on its own merits.

Additional demand on sewage system

8.24 This is not a planning consideration.

There is no provision for a lift

8.25 This is a matter for Building Control.

For Building Regulations approval the flats will require automatic openable vents to the roof which are not shown on the plans, also no provision has been made for openable windows. Is it a case of lets get planning first and then make minor amendments

For Building Regulations the scheme will require emergency lighting which will have an impact on the streetscene

8.26 If amendments needed to be made to the application the applicant would need to apply for a non-material amendment if the changes were considered to be minor or they would need to submit another planning application if the changes were considered to be major. In either circumstance the acceptability of the amendments would need to be assessed.

The only neighbour consulted by the applicant was the applicant's sister at 11 St Albans Road. A fence has been erected to screen this property

8.27 The applicant is not obliged to notify neighbours.

Planning Obligation Strategy

Planning Obligations

8.28 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

9.1 In my opinion, considering what could be done under permitted development the proposal could not be considered to have a significant detrimental visual impact on the street. It is also my opinion that the proposal would not have a significant detrimental impact on neighbouring properties or highway safety. I recommend that the application is approved subject to conditions.

10.0 RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

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

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

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

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

5. Prior to the occupation of the flats hereby approved a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The property shall be managed in accordance with the approved Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact on neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

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

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

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Application Number	15/0322/FUL	Agenda Item	
Date Received	20th February 2015	Officer	Miss Catherine Linford
Target Date	17th April 2015		
Ward	Queen Ediths		
Site	3 Field Way Cambridge Cambridgeshire CB1 8RW		
Proposal	Convert 3 Field Way into two separate dwellings and formation of a bicycle store		
Applicant	Mrs J Wong 3 Field Way Cambridge Cambridgeshire CB1 8RW		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposal has satisfactorily addressed the previous reasons for refusal <input type="checkbox"/> The proposal would not have a significant detrimental impact on the appearance of the street or neighbouring properties
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 3 Field Way is situated on the southern side of Field Way. Field Way is an attractive residential road of mixed character and is neither within nor near to a Conservation Area.

1.2 The property has an existing two storey side extension. At the rear, the property has been extended further by means of a two storey extension incorporating twin gable roofs set at 90° to the main roof of the house.

1.3 The site is not within a conservation area or the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 This application seeks to sub-divide the two-storey side extension approved under planning reference 13/0604/FUL into an independent two bedroom dwelling.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1830/FUL	Conversion of the side extension into a two bed separate dwelling	REF
13/0604/FUL	Demolition of single storey side extension and its replacement with a two storey side extension.	A/C
13/0038/FUL	Demolition of single storey side extension and its replacement with a 2 storey side extension	WDN
10/0455/EXP	Extension of time for implementation of 07/0427/FUL for demolition of single storey side extension and its replacement with a two storey side extension.	A/C
07/0427/FUL	Demolition of single storey side extension and its replacement with a two storey side extension.	A/C
C/95/0183	Two storey, full-width rear extension to existing house (c3).	A/C

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 5/1 5/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for

consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 The application form states that two parking spaces are provided within the site and that this level of provision will remain unchanged. The applicant must provide a dimensioned parking layout plan to allow informed comment upon the full impact of the proposals. The applicant must show the dimensions for the car parking spaces, which should be 2.5m x 5m and able to access the public highway independently of each other. Conditions are recommended relating to driveway materials, no gates, County Council Construction specification, water run-off, no obstruction and informatives relating to works within a highway, encroachment and public utilities.

Environmental Health

6.2 No objection subject to a condition restricting construction hours and informative regarding the need for adequate bin provision.

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 The owner/occupier of the following address has made a representation:

- 4 Field Way
- 2 Field Way
- 5 Field Way

7.2 The representations can be summarised as follows:

- Out of character
- A cycle store should not be situated in the front garden as all of the front gardens on Field Way are open
- Follow on application to the previously approved scheme under planning reference 13/0604/FUL where there is a condition preventing the extension being used as a separate house
- impact on residential amenity

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. Car parking
5. Third party representations

Principle of development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for developments on windfall sites will be permitted subject to the existing land use and compatibly with adjoining land uses. The surrounding area is predominantly residential and it is my view that the proposal, therefore, complies with policy 5/1 of the Local Plan.

8.3 Policy 5/2 explains that the conversion of single residential properties into self contained dwellings will be permitted except where: a) the residential property has a floorspace of less than 110 square metres; b) the likely impact upon on-street parking would be unacceptable; c) the living accommodation provided would be unsatisfactory; d) the proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and; e) the location of the property or the nature of nearby land uses would

not offer a satisfactory level of residential amenity. The existing property has a floorspace of more than 110 square metres and the surrounding area is predominantly residential. It is, therefore my view that the proposal complies with parts a) and e) of the Cambridge Local Plan (2006). Parts b), c) and d) of policy 5/2 of the Local Plan relate to detail and will be addressed later in the report.

Context of site, design and external spaces

- 8.4 No external changes are proposed except to the rear where a boundary fence will demarcate the new garden area for the proposed dwelling. Although there are no external changes comments have been received regarding the impact of the proposal on the area. There are no external changes proposed and considering the form and scale of the development was acceptable in the previously approved scheme (13/0604/FUL), I do not consider that it would be reasonable to refuse the application on these grounds.
- 8.5 The previous application to convert the house into two (14/1830/FUL) was refused for the following reason:

Provision for storage of cycles and waste bins for the development is unsatisfactory. The bin store location for the new unit would create visual clutter on the frontage, the storage of cycles in the small rear garden of the proposed new unit would detract further from an already inadequate space, and the requirement for both cycles and bins for the existing house to be moved from the rear garden by a circuitous route passing immediately in front of the kitchen door of the new unit would be inconvenient for the residents of the existing unit and a disturbance to those of the new unit. The development is therefore contrary to policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan (2006) and guidance in the National Planning Policy Framework (2012).

- 8.6 It is proposed that the bins are stored to the front of each house. The bins associated with No. 3 would be screened from the street by an existing hedge and it is my view that they would, therefore, not have a significant detrimental impact on the appearance of the street. It is proposed that the bins associated with No. 3A would be situated in clear view of the street, in the same location as previously proposed. I consider this to be

unacceptable. It would be entirely feasible to store the bins in the rear garden and I recommend a condition requiring details of a revised location (4). It is proposed that a shared cycle store is provided at the front of No. 3. To reduce visual clutter at the front of the houses I recommend that individual cycle stores are provided in the rear gardens and that details of these stores are required by condition (5).

- 8.7 In my opinion the proposal complies with Cambridge Local Plan (2006) policy 3/4 and part d) of policy 5/2.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 As no external alterations are proposed to the building it is my view that there would be no detrimental impact on neighbours in terms of dominance, enclosure, overshadowing or overlooking. In my opinion the proposed additional dwelling would not lead to significant noise and disturbance which would warrant refusal of planning permission.
- 8.9 Comments have been received regarding the application I note that the previous approval (13/0604/FUL) had a condition to prevent any separation of the two-storey element to create a new dwelling. This application seeks to create a separate unit. This application would be assessed accordingly and would over-ride the previous condition. The reason the previous condition was attached was to allow the Council to assess whether or not a separate dwelling was acceptable and not to stop the applicant from submitting an application to allow for this assessment.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site as such I consider that the development remains compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Amenity for future occupiers of the site

- 8.11 The previous application was refused for the following reason:

The proposed rear outdoor amenity space for the new unit is inadequate for a two-bedroom dwelling and would not provide a high quality space for future occupiers, contrary to policies 3/7

and 3/10 of the Cambridge Local Plan (2006) and guidance in the National Planning Policy Framework (2012).

- 8.12 The external space has been separated in a different way to how it was previously proposed. No. 3 now has the smaller garden, but this garden is 17m deep. Whilst this garden is smaller than the gardens to neighbouring properties it is my view that it is adequate and acceptable.
- 8.13 In my opinion the proposal provides an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it complies with Cambridge Local Plan (2006) policy 3/7 and part c) of policy 5/2.

Car Parking and cycle parking

- 8.14 One car parking space would be provided for each house, which is acceptable. I recommend that cycle stores are provided in the rear gardens with details of these stores required by condition (5).
- 8.15 In my opinion the proposal complies with policies 8/6, 8/10 and parts b) and d) of policy 5/2 of the Cambridge Local Plan (2006)

Planning Obligation Strategy

Planning Obligations

- 8.16 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

Third Party Representations

- 8.17 The issues raised have been addressed above.

9.0 CONCLUSION

- 9.1 In my opinion the proposal has satisfactorily addressed the previous reasons for refusal and would not have a significant detrimental impact on the appearance of the street or neighbouring properties. I recommend that the application is approved subject to conditions.

10.0 RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

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

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

4. No development shall commence until such time as full details of the on-site storage facilities for waste including waste for recycling within the rear gardens of the houses have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be in accordance with the approved details. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason; To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

5. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted within the rear gardens of the houses shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

6. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

7. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety. (Cambridge Local Plan 2006, policy 8/2)

8. The access shall be constructed with adequate drainage measures to prevent surface water runoff onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety. (Cambridge Local Plan 20006, policy 8/2)

9. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

Reason: In the interests of highway safety. (Cambridge Local Plan 20006, policy 8/2)

10. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety. (Cambridge Local Plan 20006, policy 8/2)

11. The curtilage for each house shall be provided as shown on dwg no. 0642:09A and will remain as such in perpetuity.

Reason: To ensure that the amenity space provided is satisfactory. (Cambridge Local Plan 2006, policy 5/2)

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Application Number	15/0308/FUL	Agenda Item	
Date Received	20th February 2015	Officer	Michael Hammond
Target Date	17th April 2015		
Ward	Trumpington		
Site	Addenbrookes Road Cambridge Cambridgeshire CB2 9NF		
Proposal	New 4 bedroom dwelling in the previous back garden of 112 Shelford Road.		
Applicant	Mr Malcolm Reed 26 High street Doddington March Cambs. PE15 0TH United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The principle of residential development on the site is acceptable; <input type="checkbox"/> The proposed development would not have a significant impact on neighbour amenity; <input type="checkbox"/> The proposed development would represent a modern and modest scale design within an established residential area, which would not appear oppressive or out of character in its context.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated on former garden land to the rear of no.112 Shelford Road. No.112 Shelford Road is a two storey detached dwelling on the junction of Shelford Road and the new Addenbrookes Road (now known as Dame Mary Archer Road). To the rear is a long rectangular garden.

- 1.2 The surrounding area is residential in character with an eclectic mix of house designs and scales. To the north and north-west of the site there are more contemporary style dwellings which have a range of materials including timber cladding, render and zinc and a variety of roof forms and are generally three storeys in height. In contrast to the south and south-east of the site the properties are more traditional in character, predominantly one-and-a-half or two storeys in scale and designed in traditional but varying material styles, with hipped and pitched roof forms.
- 1.3 The site is not within a conservation area or controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal seeks full planning permission for the erection of a two-storey detached dwelling to the rear of no.112 Shelford Road. The proposal would involve the creation of a vehicular access to the site from Addenbrookes Road. The dwelling itself has been designed with a varied roof form. The north elevation, facing towards Addenbrookes Road, has been designed with a flat roof that marginally overhangs the wall of this elevation. The east elevation reads as a flat roof which then slopes down to the south in a mono-pitched roof style. The south elevation has the appearance of a mono-pitched roof, and the west elevation as a part-pitched, part-flat roof design. The ridge height measures at its highest point up to 6m.
- 2.2 Planning permission was previously approved for a one-and-a-half storey dwelling on this site (13/1622/ful). This previously approved a scheme was designed with a pitched roof that measured 6.5m to the ridge and was far more traditional in design. The footprint of this previously approved scheme was smaller than the proposed scheme under this application.
- 2.3 A further planning permission was then submitted to increase the ridge height by 1.65m and alter the design of the dwelling which was refused (14/1174/FUL). This was refused due to the proposed scheme being out of character with context of the site by way of its height and scale, and due to the enclosure it would cause on no.118 Shelford Road due to its height and proximity to this neighbouring property.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1174/FUL	Erection of a new house in, previously, the rear garden of 112 Shelford Road.	Refused.
13/1622/FUL	Erection of one detached dwelling involving construction of new vehicular access of Addenbrookes Road.	Permitted.

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/12 5/1 8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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	Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection: Whilst the access will create a degree of conflict with the access to the site opposite, both are likely to generate low levels of vehicle movements and the drivers using the access are likely to be very familiar with the use of that access. It is therefore considered that the degree of conflict is such that an objection based upon that issue could not be justified. No objection, subject to the following conditions.

Provision of footway, no unbound material, no gates, vehicular access, drainage, manoeuvring area, traffic management plan, access drawings, highways informative.

- 6.2 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 address have made a representation:

– No.118 Shelford Road

- 7.2 The representation can be summarised as follows:

- The scale and design of the dwelling are out of character with the low-lying bungalows nearby.
- The additional length of the dwelling will enclose and visually dominate their outlook.
- Loss of light.
- The motive is fiscal rather than personal.

- 7.3 The above representation is a summary of the comment that has been received. Full details of the representation 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

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) is relevant. The policy generally supports additional residential development within the City:

“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”.

8.3 The site is situated within an established residential area, where a degree of backland development already exists (no.118 Shelford Road, nos. 1-3 Merryvale). I therefore consider that residential development on this site could be supported.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

8.5 This built form of the south side of Shelford Road is characterized by a mix of two-storey semi-detached properties that face onto Shelford Road, as well as single storey detached dwellings situated on the backland of Shelford Road. To the north and north-west of the site there are more contemporary style dwellings which have a range of materials including timber cladding, render and zinc and a variety of roof forms and are generally three storeys in height.

- 8.6 The proposed building, by way of its roof form, design and materials has been designed to reflect the more contemporary developments that have taken place on the opposite side of Addenbrookes Road. The proposal would be two-storeys in form when viewed from Addenbrookes Road, but would only rise up to 6m in height, which I consider to be a scale which is close to that of a one-and-a-half storey dwelling. The proposed dwelling would be lower in height than the host dwelling of 112 Shelford Road, but would be higher than the bungalow style houses to the south. The proposed dwelling would also be a complete contrast to the prevailing architecture of this side of Shelford Road, but yet reflective of the architecture present to the north along Addenbrookes Road.
- 8.7 I consider that when viewed from the street, the proposal would not look out of character with the site due to the successful relationship formed between the proposed dwelling and the developments to the north in terms of design, form and materials. In addition, the proposal responds to the scale of dwellings to the south successfully as it does not appear visually intrusive or out of context in terms of the overall mass and height of the proposed dwelling when viewed from vantage points.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The main consideration is the impact of the proposed development on nos.112, 116 and 118 Shelford Road.

Overlooking

- 8.10 It is considered that the proposed dwelling would not overlook nos.112 and 116 Shelford Road. The only outlook to the east is from the French doors on the ground floor of the dwelling and considering that there would be a 2m high fence around the boundary of the property, as well as a separation distance of over 29m from the two properties, there would be no loss of privacy caused to either of these neighbouring properties.

- 8.11 The velux windows on the south elevation do not offer any opportunities to overlook no.118 due to the acute angle in terms of outlook that these windows offer. The windows on the groundfloor of the south elevation would be directly behind a 2m high fence and so I consider that these windows will not overlook the residents of no.118.

Enclosure/ visual dominance

- 8.12 The proposed dwelling would not visually enclose nos.112 and 116 Shelford Road due to the relatively modest ridge height and the extensive separation distance of the proposed dwelling from these neighbouring properties.
- 8.13 Objections have been raised from no.118 regarding the enclosure that the proposed dwelling would cause. However, given the close proximity of the side windows of no.118 to the existing 1.8m high fence, I do not consider that these side windows offer any significant visual outlook that benefit this neighbouring property's amenity. The kitchen window on the north side elevation of no.118 would only be blocked when looking out to the west of the window, and given the lack of a key outlook in this direction, coupled with the proximity of the nearby fence; I do not consider that the proposed dwelling would lead to any significant detrimental enclosure from this window. The side living room window on the north elevation is not the main visual outlook for this habitable room as this is formed by the large doors and window on the west elevation of this neighbouring property. As a result, whilst the proposed dwelling would partially block the outlook of this side window, this is not considered a key visual outlook, particularly in respect of the much greater outlook offered on the west elevation. The proposed dwelling would block part of the outlook from the large living room windows on the west elevation. However, it is considered that this blocked view to the north-west would be minor in comparison to the expansive views that would remain out to the west and south-west and so the enclosure experienced would be minor and not significant enough as to warrant refusal.

Overshadowing/ loss of light

- 8.14 Firstly, objections have been raised from no.118 regarding loss of light. However, the dwelling is positioned to the north-west of

no.118 and so the orientation in relation to the sun paths means there will be no detrimental loss of light experienced at this property. The only loss of light would be in the late afternoon hours, as demonstrated in the sun shade study, and so any overshadowing on the north side windows and west living room window will only be minor in comparison to the existing levels of sunlight and so the amenity of this property will not be detrimentally harmed by the proposed development.

- 8.15 Secondly, the proposed dwelling would not significantly overshadow no.116 Shelford Road. The existing mass of no.118 Shelford Road already overshadows part of the rear garden in the afternoon hours and the presence of the proposed dwelling would only lead to a marginal increase in overshadowing over the latter half of the rear garden of no.116 in the late afternoon hours, due to the extensive separation distance, and so is not significant enough as to warrant refusal.
- 8.16 Finally, the proposed dwelling would only overshadow the rear ground floor of no.112 Shelford Road during the late afternoon hours and would not affect this property's access to light throughout the majority of the day. The level of overshadowing would naturally be exacerbated when the sun is lower in the winter, but given the small proportion of the day that this effect would take place, I do not consider this overshadowing to detrimentally harm this neighbouring property to such an extent as to warrant refusal.
- 8.17 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, 3/7, 3/10 and 3/12.

Amenity for future occupiers of the site

- 8.18 In my view, I consider that the proposed development would blend in well within the established residential area. The site is located within a highly sustainable area of the City, close to public transport routes and local amenities. The design of the buildings and the site layout represents a high quality development, in my view, and I therefore consider that future occupiers would feel comfortable and safe in this environment. The garden would be 8.4m deep.

8.19 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

8.20 An outbuilding is proposed adjacent to the existing brick wall that runs alongside Addenbrookes Road which has been labelled for a bin and bike store. A condition has been attached requiring that full details of waste storage are provided prior to occupation.

8.21 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.22 The highway authority is satisfied that the proposed access does not pose a threat to highway safety. The highway authority has requested a condition to ensure that an appropriate footpath from the site to the Shelford Road junction is made and this has been included accordingly.

8.23 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.24 The proposal includes two parking spaces that are accessible from Addenbrookes Road. I consider this level of parking provision to be sufficient for this site.

8.25 The applicant has proposed two cycle spaces which is below the three spaces requirement necessary for a 4-bedroom dwelling. The outbuilding has been designated for cycle parking. I consider that the additional cycle space can be accommodated on site and I have attached a condition requiring full details of cycle storage and provision to be provided prior to occupation.

8.26 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.27 The majority of third party representations have been addressed in the main body of this report.
- 8.28 The comment regarding the motive of the development is not a planning consideration.

Planning Obligation Strategy

Planning Obligations

- 8.29 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

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

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

4. Prior to the occupation of the dwelling hereby permitted, details of the waste and recycling storage and their management shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be completed only in accordance with the approved plans.

Reason: To ensure adequate provision for waste and recyclables (Cambridge Local Plan Policy 3/11)

5. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

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

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

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

8. Prior to demolition or construction, the applicant must provide a continuous footway on the Addenbrookes Road between the westernmost limit of their property and the junction of Shelford Road. This footway shall be a minimum of 2 metres wide. The details of this must be submitted to and approved in writing by the Local Planning Authority before any works may commence.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

9. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

10. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

12. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway.

13. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction. Reason: In the interests of highway safety.

14. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety.

15. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety

16. This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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Application Number	15/0031/FUL	Agenda Item	
Date Received	19th January 2015	Officer	Michael Hammond
Target Date	16th March 2015		
Ward	Queen Ediths		
Site	90 And 92 Wulfstan Way Cambridge Cambridgeshire CB1 8QH		
Proposal	Erection of two new dwellings to the rear of 90 and 92 Wulfstan Way.		
Applicant	Mr Steve Geoghegan 4A Fanshawe Road Cambridge CB1 3QZ And Mrs Saville 41 Newport Mews, Brighton Road Worthing BN11 2HN		

SUMMARY	<p>The development is contrary to the Development Plan for the following reasons:</p> <p>1) The proposed sub-division of the plot would detrimentally harm the character of the surrounding area, contrary to policy 3/10 of the Local Plan (2006).</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.90 and 92 Wulfstan Way, is comprised of two, two-storey residential semi-detached properties situated on the west side of Wulfstan Way. The site is situated to the south-east of the city and is positioned to the east of Mowbray Road.

- 1.2 The gardens of the properties have been sub-divided, with the western half of the rear gardens occupied by a large single-storey outbuilding which is accessed to the west along Hulatt Road.

1.3 The surrounding area is residential in character and is formed primarily of two-storey semi-detached properties.

1.4 There are no site constraints.

2.0 THE PROPOSAL

2.1 The proposal, as amended, seeks full planning permission for the erection of two one-bedroom dwellings on the land to the rear of 90-92 Wulfstan Way.

2.2 The existing outbuilding that occupies the garden land would be demolished.

2.3 The proposed dwellings have been designed in a semi-detached style, two-storeys high and designed with front facing dormer windows. Car parking would be accessed along Hulatt Road to the west. Cycle parking and waste storage is provided in the south-east and north-east corners of the plots, with outdoor amenity space at the rear of the proposed dwellings. The gardens would be 5.8m deep.

2.4 The proposed dwellings would be attached and identical in design, measuring 2.9m to the eaves, 6.1m to the ridge, designed in a ridge roof style with tiles and brick externally.

2.5 The following amendments have been made to the original drawings:

- Relocation of bins/ bike stores.
- Reduction in height and removal of first floor windows.
- Addition of first floor front dormer windows.
- Insertion of velux window roof lights on rear elevation.

3.0 SITE HISTORY

3.1 There is no relevant planning history for this site.

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 5/1 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection: No information on impact on parking for existing dwelling. May impose additional demands on on-street parking.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions.

Head of Streets and Open Spaces (Landscape Team)

Original comments (29/01/2015)

- 6.3 The proposed development is broadly acceptable on landscape grounds.

Prior to issuing full support, however, we require details of the bike and bin stores proposed.

Second comments (09/03/2015)

- 6.4 No objection.

Drainage

6.5 There is no flood risk issue associated with this application.

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

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations in objection to the application:

- 92 Wulfstan Way

7.2 The representations can be summarised as follows:

- Loss of light
- Overshadowing
- Overlooking
- Reduction in garden space

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 Policy 5/1 supports residential development on windfall sites subject to the existing land use and compatibility with existing land uses. There is no conflict with this policy. Policy 3/10 supports the use of sub-divided residential curtilages for new development only if the proposal causes no harm to neighbour amenity or the character of the area, and provides acceptable amenity space, car and cycle parking and waste storage. I explain below that in my view the proposal does cause harm to the character of the area.
- 8.3 In my opinion, whilst the principle of residential development on this site is acceptable, I believe it is in conflict with policy 3/10 of the Cambridge Local Plan 2006 for the reasons as set out below.

Context of site, design and external spaces

- 8.4 The proposed design, scale and associated works of the proposed dwellings are generally reflective of properties in the surrounding area and are individually in keeping with the character of the area.
- 8.5 However, I consider that the sub-division and subsequent development of this plot would be harmful to the character of the area. Properties along Wulfstan Way to the north are characterized by long open rear gardens, with small ancillary outbuildings accessible to the west along Hulatt Road.
- 8.6 By sub-dividing this garden land and subsequently developing it for residential development, the character of the rear garden area will be altered significantly. None of the rear gardens of properties along Wulfstan Way to the north have been sub-divided into separate residential plots, and so the introduction of this type of development of this height would detract from it. The introduction of residential development on this site could open up the sub-division of similar plots nearby along Wulfstan Way which would remove the open tranquil feel of these long rear gardens and transform the context of the site. Members need to be conscious of this when determining this application as these two plots could potentially pave the way for frontage all the way along Hulatt Road.

- 8.7 The indicative drawings provided attempt to show the similarities between the proposed development in terms of scale and design to that of no.121 Hulatt Road, positioned to the south of the application site. However, I do not consider this nearby property to set a precedent for the development of the rear garden space of nos.90-92 Wulfstan Way. This is because the relationship between nos.90-92 and the proposed dwelling is noticeably different to the relationship between nos.94-96 Wulfstan Way and no.121 Hulatt Road. Nos.94-96 are set at a right angle compared to the other properties to the north along Wulfstan Way, and so no.121 was developed to the west side of nos.94-96, and not developed directly to the rear of these properties, as is proposed in this scheme. As a result, the sub-division proposed in this application is entirely different and not comparable to the existing development of no.121.
- 8.8 I consider that the sub-division of this plot in this manner would detract from the character of the area and is contrary to Cambridge Local Plan (2006) policy 3/10 criterion (c).

Residential Amenity

Impact on amenity of neighbouring occupiers

Overlooking

- 8.9 The original drawings of the proposed scheme included first floor rear windows which would have overlooked the neighbouring properties along Wulfstan Way.
- 8.10 However, the amended drawings have removed the original first floor rear windows and replaced these with velux roof lights which do not offer any visual outlook into the amenity spaces of these neighbouring properties.
- 8.11 The proposed first floor side window on the south elevation is obscure glazed and does not offer any visual outlook that compromises the privacy of no.121 Hulatt Road.
- 8.12 The first floor front dormer windows that look out to the west of the site do not lead to the loss of privacy at no.17 Hulatt Road as there are no windows on the side elevation of this neighbouring property.

Enclosure

- 8.13 Nos.88, 90 and 92 Wulfstan Way to the east are positioned approximately 19m from the proposed dwellings. While the proposal would be visible from the rear outlooks of these neighbouring properties, I consider the extensive separation distance coupled with the relatively modest height of 6.9m to be sufficient as to not detrimentally enclose or visually dominate any of these neighbouring properties to such an extent as to warrant refusal.
- 8.14 There are no important visual outlooks on the relevant side elevations of nos.121 and 17 Hulatt Road and so I consider that the proposed dwellings would not be perceived as visually enclosing from either of these neighbouring properties.

Overshadowing

- 8.15 The proposed dwellings would inevitably lead to some overshadowing of the western half of rear gardens of nos.88 and 86 Wulfstan Way in the afternoon. However as the majority of garden space and the rear elevations of these properties will be unaffected in relation to access to light, I consider this minor loss of light to be acceptable.
- 8.16 I note that concerns have been raised from no.92 Wulfstan Way regarding loss of light caused by the proposed dwellings. However, similar to the preceding paragraph, the proposed dwellings would only lead to a minor loss of sunlight in the rear gardens of nos.90 and 92 during late afternoon hours, and so I do not consider that this loss of light will detrimentally harm residential amenity to such an extent as to warrant refusal of the application.
- 8.17 The proposed dwellings would have no detrimental overshadowing impact on no.17 Hulatt Road in the morning hours as there are no windows or amenity areas that rely on access to light from the east.
- 8.18 No.121 Hulatt Road is positioned directly to the south of the application site and so will be unaffected by the proposed dwellings in terms of access to light.

- 8.19 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, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.20 The application provides two one-bedroom homes with outdoor amenity space with a depth of 5.8m and adequate parking provision. The site is located in a sustainable location, with adequate cycle provision, close to services and facilities in the immediate area, as well as within walking distance to nearby bus stops. In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.21 Adequate refuse arrangements have been provided for each dwelling with easy access for residents to and from the kerbside on Hulatt Road. The Environmental Health team are satisfied with the level of provision and the refuse arrangements overall.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.23 The Highway Authority has not raised any objections to the proposed scheme in terms of highway safety. The proposed dwellings do not alter any existing vehicular access and so there will be no implications in this regard.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 The proposed scheme would create two new parking spaces which would be accessed from Hulatt Road and I consider this level of parking provision appropriate for the application site.

8.26 Cycle parking for four spaces has been provided externally at the rear of the site and I consider this type and level of cycle provision to be acceptable for the proposed development.

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

Third Party Representations

8.28 The third party representations have been addressed in the main body of this report.

Planning Obligation Strategy

Planning Obligations

8.29 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

9.1 The development of garden land would fail to have a positive impact upon the rear garden setting of Wulfstan Way properties and would detract from the prevailing character and appearance of the area. The development is therefore an unacceptable plot subdivision, on garden land which is a low priority for development. Refusal is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The introduction of the proposed semi-detached properties into this backland site is unacceptable, because it introduces a level of development which would diminish the openness of the immediate locality and detract from the prevailing character and appearance of this suburban area. For these reason the proposal is in conflict with policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan (2006) and guidance within paragraph 53 of the NPPF (2012).

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Application Number	14/2067/FUL	Agenda Item	
Date Received	22nd December 2014	Officer	Mrs Angela Briggs
Target Date	16th February 2015		
Ward	Coleridge		
Site	111 Derwent Close Cambridge Cambridgeshire CB1 8DY		
Proposal	Erection of two bedroom dwelling adjacent to 111 Derwent Close.		
Applicant	Mr D Hughes 111 Derwent Close Cambridge Cambridgeshire CB1 8DY		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed dwelling would reflect the characteristics of the estate; <input type="checkbox"/> The proposed dwelling would not have a detrimental impact on neighbour amenity; <input type="checkbox"/> The proposed dwelling would not significantly impact on on-street car parking.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is currently the side garden area belonging to no.111 Derwent Close, which is an end of terrace two storey property on an established residential area. The site is bounded by a 2m high green painted close boarded fence. To the rear of the site is a narrow path which leads back onto Cherry Hinton Road to the south. Beyond this path is Limetree Close, a small residential cluster, built more recently. No.2 Limetree Close is

the property closest to the rear boundary of the site. The wider area is otherwise predominantly residential in character. The site does not fall within a Conservation Area.

2.0 THE PROPOSAL

2.1 The full application seeks planning consent for a two bedroom dwelling attached to, and adjacent to, 111 Derwent Close. There would be a small rear garden area with access onto the path behind. A garden area would remain for 111 Derwent Close as part of the sub-division of the plot. The proposed dwelling would be in-line with the terrace form and therefore set back from the road.

3.0 SITE HISTORY

3.1 None.

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/13 5/1 8/2 8/6

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No additional car parking provision is made for the additional dwelling. The dwelling may therefore impose additional parking demands upon the on-street parking on surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider.

Head of Refuse and Environment

- 6.2 No objection subject to a condition relating to construction hours.
- 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 The owners/occupiers of the following addresses have made representations:

1, 2 Limetree Close

- 7.2 The representations can be summarised as follows:

- Impact on light;
- The proposal would impact on street parking;
- New building near a public pathway would be oppressive;

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

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) is relevant.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.4 The site is currently garden land belonging to 111 Derwent Close. The host property is an end of terrace house constructed around the 1960s/70s period. The character of the terrace form is quite uniform, but nos.111 and 127 Derwent Close are the only properties along this terrace that have a side garden area. Beyond the rear boundary of the site is Limetree Close, which is a more recent development, and also reflects the terrace form characteristic of Derwent Close. There are the odd semi-detached forms within Derwent Close which breaks the terrace rhythm somewhat.
- 8.5 The site is prominent within the street scene. However, it is private garden land and bounded by a timber fence. The space, in my view, does not contribute to the open space of the wider estate and serves no other function, other than as a domestic garden. I could not see any other areas around Derwent Close that have open space areas/corners that contribute to the character of the estate. I therefore consider that a dwelling on this site would not unduly unbalance the character of the estate and is therefore acceptable, in my view.
- 8.6 In terms of design, the footprint of the proposed dwelling would reflect the current building line of the terrace form, and would simply follow the predominant rectangular shape of the site. There is a curve to the site which would be to the front, and

serves as a small front garden area for the proposed dwelling, reflecting the front garden areas of the terrace properties along here. The proposal would be stepped in from the northern boundary by 0.5m. To the rear of the property is a single storey lean-to 'extension' element that is also evident on other properties along the terrace form. In terms of width, the proposed dwelling would be slightly narrower than the original terrace form (5.3m in width compared with 6m). In terms of height, the proposed dwelling would match the ridge height of no.111. Due to the addition to the rear, the garden area would be 4.2m in depth, which seems poor. However, the rear gardens of this terrace form are 6.5m for those that do not have rear extension, and less for those that do. I therefore consider that this provision accords with the predominant provision of the terrace form and is acceptable. In terms of detailing, the design reflects the simple forms and proportions of the existing terrace properties, which I consider is appropriate.

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The proposed dwelling would follow the building line of the existing terrace form, and would be no higher than the terrace properties. The neighbour at 2 Limetree Close has raised a concern about loss of light. The site is to the west of this neighbour and therefore according to the sun's path, it is likely that there would be some impact on afternoon light towards Limetree Close, but I consider that this impact will not be significant to warrant refusal of the application. However, I have asked for a shadow diagram which should demonstrate any impact and will include this on the amendment sheet.
- 8.9 In terms of loss of privacy and dominance, I consider that the proposed dwelling would not introduce further significant impacts to neighbour amenity, including the adjacent, attached, dwelling.
- 8.10 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

- 8.11 I consider that the amenity for future occupiers of the proposed dwelling would be acceptable and reflect the amenity levels that are currently enjoyed by neighbouring properties.
- 8.12 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.13 A bin storage area is indicated to the rear of the proposed dwelling. A garden access onto the path to the rear is also shown, and therefore I am confident that there is sufficient space for bins to be adequately provided on site, and can be brought out easily on collection days.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.15 The highway authority has made a comment about the lack of parking provision for the proposed dwelling and the impact of this on the on-street parking on surrounding streets. The site does not fall within the controlled parking zone, and as such cars are allowed to park wherever there is space. I accept that car parking within this area is already under pressure. However, I consider that the addition of one 2-bed dwelling is unlikely to have a significant impact and therefore I consider that it is acceptable.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.17 In terms of car parking provision, the proposal does not intend to provide off-street car parking. The site is situated on a public transport route and close to local amenities. Therefore car parking provision, in my view, is not necessary for this proposal. In terms of cycle parking, this has not been indicated on the plans. However, given the site area I consider that there would be sufficient space for cycle storage within the rear garden area with easy access onto the highway network from the pathway to the rear.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.19 A concern was raised about the proposal having an impact on the pathway. The dwelling would be in line with the other properties along the terrace and therefore I do not consider that the dwelling would appear overly oppressive to warrant refusal of the application on this basis.

Planning Obligation Strategy

Planning Obligations

- 8.20 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 In conclusion I consider that the proposed dwelling is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

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

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

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

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

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

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

7. Except with the prior written agreement of the local planning authority 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)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

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

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).

Application Number	15/0151/FUL	Agenda Item	
Date Received	19th February 2015	Officer	Michael Hammond
Target Date	16th April 2015		
Ward	Arbury		
Site	60 Akeman Street Cambridge Cambridgeshire CB4 3HG		
Proposal	Change of use to 8 bed HMO (houses in multiple occupation)		
Applicant	Mr KHAN 60 Akeman Street Cambridge Cambridgeshire CB4 3HG United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The change of use is acceptable in principle 2. The proposal would not have a significant detrimental impact on neighbouring occupiers; and 3. Cycle and bin storage is adequately accommodated on the site.
RECOMMENDATION	Approval with conditions

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.60 Akeman Street, is comprised of a large semi-detached property situated on the south side of Akeman Street with parking on the front forecourt and a long rectangular garden at the rear.

- 1.2 The surrounding area is residential in character and is formed of similar sized semi-detached properties. To the south of the site there are residential flats and dwellings accessed along Frenchs Road, and Chesterton Mill is located to the south-west of the application site.

2.0 THE PROPOSAL

- 2.1 The proposal seeks retrospective planning permission for the change of use from a C3 dwelling house to an eight bedroom sui generis HMO. No external changes to the building have been undertaken.
- 2.2 The accommodation includes three bedrooms on the ground floor, four rooms on the first floor and one room in the loft. Separate kitchen, dining and utility rooms are provided on the ground floor for shared communal use between all eight rooms. There is a long garden to the rear and a small outbuilding along the south boundary of the site. Bins and cycle provision are provided along the side of the property. The rear outbuilding is used for ancillary utility space and storage with additional cycle storage capacity.
- 2.3 The application is accompanied by the following supporting information:
1. Drawings.

3.0 SITE HISTORY

Reference	Description	Outcome
11/0718/FUL	Single storey, part two storey rear extension.	Permitted.
13/0242/FUL	Two storey side extension, part two storey part single storey rear extension and single storey front extension.	Permitted.
14/1186/NMA	Amendment to fenestration of front elevation	Permitted.

4.0 PUBLICITY

- 4.1 Advertisement: No
Adjoining Owners: Yes
Site Notice Displayed: No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1, 3/4, 3/11 5/1, 5/2, 5/7 8/2, 8/6, 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in

the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Original Comments (10/03/2015)

- 6.1 A dimensioned parking layout plan is required to allow informed comment upon the full impact of the proposals.

Second Comments

Head of Refuse and Environment

- 6.2 No objection, subject to comments, recommended conditions and informatives.

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:

- 5 Magnolia Close

- 7.2 The representations can be summarised as follows:

- The close proximity of the outhouse, and the intended use of it with multiple occupancy of No.60, could conflict with the privacy of The Mill House, Frenchs 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. Refuse arrangements
4. Highway safety
5. Car and cycle parking
6. Third party representations

Principle of Development

8.2 Policy 5/7 states that HMOs will be permitted subject to the following criteria:

- a) Impact on the residential amenity of the local area;
- b) The suitability of the building or site; and
- c) Proximity of bus stops and pedestrian and cycle routes, shops and other local services.

8.3 I have considered these issues below and reached the conclusion that the proposed change of use is acceptable in principle.

a) Impact on the residential amenity of the local area;

8.4 No external works have been undertaken as a result of the change of use. It is noted that there have been some alterations to windows and the re-design of the outbuilding at the rear but these are all within permitted development rights.

8.5 In terms of noise disturbance, whilst I accept that there is likely some level of increased noise as a result of increased activity, I

am of the view that the level of increase that has arisen from this change of use is not significant enough to have material impact on the neighbours such that it would warrant the application to be refused.

- 8.6 Concerns have been raised from the owner of The Mill House to the south of the application site regarding the outbuilding and the conflict of privacy that this has caused. However, I consider that the separation distance of approximately 18m, coupled with the residential use of the outbuilding, does not cause any residential amenity issues to this neighbouring property.
- 8.7 In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that it is also compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7

b) The suitability of the building or site;

- 8.8 The loft of the property has been converted, as well as extended at single and two storey level under previously approved applications (11/0718/FUL and 13/0242/FUL). There is adequate space in the individual rooms and shared spaces. An informative has been attached reminding the applicant of the Housing Health & Safety Rating System (HHSRS) and the need to comply with this.
- 8.9 In terms of outdoor space, there is sufficient amenity space to the rear to provide a private communal area.
- 8.10 The site is located within close proximity to public transport links, provides adequate cycle provision and is within walking distance of local shops/services and the city centre. Due to the proximity of the site to local amenities, city centre and bus stops; I consider the level of parking provision to be acceptable in this location.
- 8.11 In these terms, therefore, I am satisfied that the building is sufficient to accommodate the proposed change of use to an HMO.

c) The proximity of bus stops and pedestrian and cycle routes, shops

- 8.12 The property is located within close proximity to the nearest bus stops on Histon Road and Victoria Road and within reasonable cycling distance of local shops and the city centre.
- 8.13 There is a Local Centre on Akeman Street within 50m of the application site. The Histon Road and Victoria Road Local Centres are also within walking distance of the application site.
- 8.14 The proposal includes a bin store and cycle parking area along the side of the property. The provision and position of cycle parking on site is acceptable. Whilst refuse arrangements are already provided along the side of property, the Environmental Health team has requested that full details of bin storage are provided as a condition. I agree with this advice and have included this condition accordingly
- 8.15 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/7 of the adopted Local Plan.

Context of site, design and external spaces

- 8.16 No external alterations, other than those within permitted development rights, have been undertaken to the existing building.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Refuse Arrangements

- 8.18 The bins are currently stored down the side of the property and sufficient access is retained for bins and bikes to move through the side passageway. The Environmental Health team has requested a waste storage condition and this has been included accordingly.
- 8.19 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.20 No alterations are proposed to the existing highway. The highway authority has not raised any concerns regarding highway safety and I agree with this advice.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.22 Two car parking spaces are provided at the front of the site. In respect of the sustainable location, alternative modes of transport and distance to local services and facilities, I consider this level of parking provision acceptable.
- 8.23 The applicant has provided eight cycle spaces along the side of the site. There are four additional cycle parking spaces attached to the outbuilding at the rear of the site. Overall, I consider the arrangement and level of cycle spaces to be acceptable.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.25 I have addressed the comments raised in the third party representation received in the main body of this report.

9.0 CONCLUSION

- 9.1 The retrospective change from a 5-bed dwellinghouse to an 8-bed HMO does not involve any external alterations. In my view, the additional occupiers would not result in any significant harm to the amenity of the neighbours.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. Except with the prior written agreement of the local planning authority 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. Full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided by 3 months from the date of the decision notice and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 1996 policies BE2 and BE4)

INFORMATIVE: The Housing Act 2004 introduces the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors. Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc. The applicant/agent is advised to contact housing standards at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS

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Application Number	15/0148/FUL	Agenda Item	
Date Received	28th January 2015	Officer	Michael Hammond
Target Date	25th March 2015		
Ward	Abbey		
Site	463 Newmarket Road Cambridge Cambridgeshire CB5 8JJ		
Proposal Applicant	Creation of No.3 One Bedroom Studio Units Mr W Whitehead 9 Cromwell Road Cambridge CB1 3EB United Kingdom		

SUMMARY	<p>The development is contrary to the Development Plan for the following reasons:</p> <p style="margin-left: 40px;">1) As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants.</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.463 Newmarket Road, is comprised of former garden land at the rear of no.463 which is an extended two storey semi-detached dwelling located on the corner of Newmarket Road and Garlic Row.

- 1.2 The side boundary of the site which faces onto Garlic Row is defined by a timber fence which has a double access gate.

- 1.3 To the north of the site is a terrace row of two storey Victorian dwelling along Newmarket Road. To the rear of the site; on Garlic Row is residential development in the form of two storey semi-detached dwellings. To the south is Cambridge Retail Park.

1.4 There site is not within a Conservation Area.

2.0 THE PROPOSAL

2.1 The proposal is to subdivide the rearmost section of the garden to accommodate a three-storey building consisting of three one-bedroom flats. The proposed building would have a hipped roof and single storey projecting section at the front.

2.2 The proposed building would have a similar footprint to the existing property at no.463 Newmarket Road. The building would be 5.1m to the eaves and 7.65m in overall ridge height. The building would face onto Garlic Row and its main front elevation would be situated along the same building line as no.1 Garlic Row directly to the north-west. The building would be set back 1.2m from the boundary of no.461 Newmarket Road, 1.2m from no.1 Garlic Row and would be hard up against the garden boundary of no.463 Newmarket Road.

2.3 The proposed building would have accommodation on all three floors and each flat would have independent access into the building.

2.4 The application has been brought to planning committee as a ward councillor has called the application in for determination.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1200/FUL	Creation of No.3 One Bedroom Studio Units	Refused

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 5/1 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal may increase demand for on street car parking in an area where such demand is already intense which may result in some loss of existing residential amenity. A traffic management plan condition is recommended to any permission that the Planning Authority is minded to issue.

Head of Refuse and Environment

- 6.2 No objections, subject to comments and conditions related to contaminated land, construction hours, construction collection/delivery hours, piling and plant noise insulation.
- 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 No representations have been received.

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 and impact on residential amenity
3. Refuse arrangements
4. Car and cycle parking
5. Planning Obligations

Principle of Development

8.2 The proposed residential redevelopment of the site is considered to be acceptable in this location and context. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces and impact on residential amenity

8.4 The site is located on the residential side of Newmarket Road with commercial use on the other-side. The area is characterised by mainly two-storey housing. In order to assess the acceptability of this proposal, it needs to be assessed against Local Plan Policy 3/10 (Subdivision of existing plots), which states that residential development within the garden area of existing properties will not be permitted if it will:

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic noise or nuisance;
- b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) Detract from the prevailing character and appearance of the area;

- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) Adversely affect trees, wildlife features or architectural features or local importance located within or close to the site; and
- f) Prejudice the comprehensive development of the wider area or which the site forms part.

8.5 Of the above criteria, d), e) f) are not relevant to the proposal as there are no listed buildings etc within close proximity to the site; the site would not affect any trees or any established wildlife sites; and the proposal would not, in my view, prejudice comprehensive development of the wider area due to the site context. Therefore, section a) to c) are relevant and will be used to assess the proposed development.

a) Impact on residential amenity

8.6 The proposed building would be located within the rear garden of no.463 and be set 7.2 metres from the extended section of that dwelling and 10.1 metres from the main rear elevation. The building is reflective of the adjacent buildings in terms of roof form. However, the rear elevation of the proposed building would form most of the common boundary with no.463. This wall is a blank gable with hipped roof. There are no windows in the gable elevation that would overlook the amenity space for the host dwelling. Whilst the proposed building is unlikely to have an adverse overshadowing impact on the host dwelling, due to it being north of the host dwelling and set at a similar height, the proposed dwelling would significantly reduce the garden space of the host dwelling. I have concerns with the outlook from the host dwelling and the additional comings and goings from the site. However, I do not consider the impact from these on the residential amenity of the occupier of the host dwelling would be significant enough to warrant the proposed building for refusal.

8.7 The proposed building would be located approximately 1.2m from the side of no.1 Garlic Row. The proposed building would result in more comings and goings along the boundary with No.1 and therefore could have an adverse impact on the existing occupier's residential amenity. However, due to the limited amount of external space, it is unlikely to cause any significant level of nuisance. The location of the proposed bin

storage, is of concern but as there are no windows in the side elevation of the adjoining dwelling, I do not consider the impact from this would be significant enough to warrant refusal.

8.8 The proposed building would be located close to the common boundary with 461 Newmarket Road. There are two rectangular first floor windows which would serve a bathroom and stairwell that face towards the rear elevation of no.461. These windows, which are relatively small, would overlook the rear most section of the garden which is approximately 19.7 metres deep (from the main rear elevation of the dwelling). However as they are too high up to offer any outlook over the garden, I do not consider the window would have any adverse impact on the residential amenity of the occupier of no.461.

b) Inadequate amenity space

8.9 I am satisfied that through the subdivision of the residential curtilage that the host dwelling would maintain a good level of private amenity space. However, the proposed building would fail to provide future residents with sufficient or usable external amenity space.

8.10 The previous application was refused due to the lack of usable amenity space available to future occupiers.

8.11 The proposed building has not addressed this reason for refusal as there is a lack of any suitable level of external space for future residents to enjoy or use practically. The area shown as 'Garden' in front of the main building would face directly onto Garlic Row and be located directly adjacent to the main entrances of units 1 and 2. There is only a 1.2m wide narrow strip of garden land around the side and rear elevation which offers no usable outdoor amenity space for future occupiers. The proposed building is overdevelopment of the plot. In my view, the lack of practical amenity space available to future occupiers means that this is not a high quality living environment, and the application should therefore be refused for this reason.

8.12 No car parking has been provided for future resident and no alternative provision has been provided for the host dwelling. There is no set minimum requirement in the Local Plan (2006),

and I do not consider the lack of car parking would be significant enough to warrant refusal solely on this basis.

c) Detract from the prevailing character

- 8.13 The previous application design was refused on the grounds that the proposed dwelling would have a detrimental impact on the character of the area due to its poor design and detailing.
- 8.14 The proposed design for this building is far more reflective of the character of the area and context of the site than was the previous proposal. The fenestration and roof form of the front elevation has been revised from the previously refused scheme to include first floor windows, front doors and a roof form that mirrors no.1 Garlic Row. The overall scale and articulation of the design is similar to other properties to the north-west and east along Garlic Row. It is considered that these changes result in a scheme that reads as a residential semi-detached property from the street scene of Garlic Row and it is considered that this design is acceptable in the context of the site.
- 8.15 In my opinion the proposal does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policy 3/10.

Refuse Arrangements

- 8.16 Bin storage has been provided at the rear of the site and the Environmental Health team are satisfied that the proposed bin storage is adequate.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.18 Although no parking provision is provided for the proposed dwellings, I consider the application site to be in a sustainable location close to existing services and facilities, and adequate alternative modes of transport available to future occupiers. I do not consider that the proposed dwellings would increase on-

street parking demand to such an extent as to warrant refusal of the application on this basis.

- 8.19 Appendix D (Cycle Parking) of the Cambridge Local Plan (2006) states that at least three secure covered cycle parking spaces must be provided for a dwelling of this size. A cycle store is shown on the submitted plans, which is satisfactory.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Planning Obligation Strategy

Planning Obligations

- 8.21 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 In my opinion, the proposed dwelling does not provide an adequate amount of usable outdoor amenity space and would not offer a high quality living environment for future occupiers. For this reason, I recommend that the application is refused.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. As there is no usable external amenity space for future occupiers the proposal fails to provide accommodation that offer an adequate level of residential amenity for its future occupiers. For these reasons the proposal is contrary to policies 3/7 and 3/10 of the Cambridge Local Plan 2006.

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Application Number	15/0201/FUL	Agenda Item	
Date Received	9th February 2015	Officer	Mr Sav Patel
Target Date	6th April 2015		
Ward	East Chesterton		
Site	101 Kendal Way Cambridge Cambridgeshire CB4 1LP		
Proposal	RESUBMISSION OF PLANNING APPLICATION 13/0718/FUL FOR THE ERECTION OF 4 BED DWELLING WITH ASSOCIATED CAR/CYCLE PARKING AND LANDSCAPING FOLLOWING THE DEMOLITION OF A SIDE AND REAR EXTENSION		
Applicant	C/O Agent United Kingdom		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a rectangular shaped plot of land situated on the northeast side of Kendal Way. The site is formed from what was once the side and rear garden of number 101 Kendal Way.
- 1.2 The site is not within a Conservation Area and there are no protected trees.

2.0 THE PROPOSAL

- 2.1 The current planning application is a resubmission of a previous planning application (11/1508/FUL) for a new house on adjacent to 101 Kendal Way, which was approved on 13 April 2012. A subsequent application was made and approved to amend the 2011 permission under planning permission 13/0718/FUL (dated 3 September 2013).
- 2.2 The 2011 application required a unilateral undertaking to secure planning obligations totalling £6,539.00. The purpose of this current application is to avoid making this payment. This follows on from changes to planning legislation (see paragraph 8.17) which removed the Council's ability to secure planning contributions to anything other than major planning applications

(10 or more residential units or 1000sqm or more of new floor space). Essentially, a planning application for a new residential unit such as that proposed can no longer require/attract planning contributions.

2.3 Having checked the planning application, nothing has changed in terms of the design or layout from the amended 2013 permission.

3.0 SITE HISTORY

Reference	Description	Outcome
11/1508/FUL	ERECTION OF A 3 BED DWELLING WITH ASSOCIATED CAR/CYCLE PARKING AND LANDSCAPING FOR THE PROPOSED AND EXISTING DWELLING, FOLLOWING THE DEMOLITION OF AN EXISTING SIDE AND REAR EXTENSION AT 101 KENDAL WAY.	APPROVED
13/0718/FUL	AMENDED APPLICATION FOLLOWING APPROVAL OF APPLICATION 11/1508/FUL RELATING TO THE ERECTION OF A 4 BED DWELLING OF A REVISED DESIGN WITH ASSOCIATED CAR/CYCLE PARKING AND LANDSCAPING FOR THE PROPOSED AND EXISTING DWELLING, FOLLOWING THE DEMOLITION OF AN EXISTING SIDE AND REAR EXTENSION AT 101 KENDAL WAY.	APPROVED

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions
(Annex A)

Ministerial Statement (1 December 2014) by Brandon Lewis
Minister of State for Housing and Planning (Department of
Communities and Local Government)

5.2 Cambridge Local Plan 2006

3/4 Responding to context
3/7 Creating successful places
3/11 The design of external spaces
3/12 The design of new buildings
4/4 Trees
5/1 Housing Provision
8/6 Cycle parking
8/10 Off-street car parking

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 Conditions and informative on visibility splays, driveway level, bound material on drive and works to and on highway requires separate consent.

Head of Refuse and Environment

6.2 No objections to the principle subject to conditions and informatives relating to construction hours, collection and delivery hours, plant noise (sub-station), dust and waste.

Landscape

6.3 No objections submitted to conditions on soft and hard landscape details.

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 owner/occupier of the following address has made representations:

- 192 Kendal Way

7.2 The representations can be summarised as follows:

- Disturbance from building and delivery vehicles;
- Additional car parking causing congestion and noise;

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

Principle of Development

8.1 The principle of the development has already been established from the 2011 and 2013 permissions.

8.2 The principle of the development is therefore acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

8.3 There are no material changes to the design or layout of dwelling that was granted planning permission in 2013.

8.4 The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.5 The proposal has not changed from that which was approved in 2013 and no additional windows have been installed that would

cause any additional impact over and above that which has resulted from the consented schemes. The site context has also not materially changed such that further considerations would need to be given to the proposal and its impact on the side site context.

- 8.6 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

- 8.7 The proposed dwelling has not changed from that which was permitted in the 2013 permission. The proposed house is suitable for family occupation and benefits from a generous rear garden.
- 8.8 The EDF energy substation has now been removed from the site, so there will be no noise nuisance from this unit.
- 8.9 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.10 Two refuse receptacles have been proposed however the Council operates a 3-stream system for waste and recycling. As there is sufficient provision to accommodate an additional bin, I have recommended a waste informative to ensure the applicant is aware of the Council waste system. The location of the bin store; in a back to back location on the common boundary behind the cycle store is considered to be acceptable. They would also be located close proximity to the shared accessway.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.12 No change to the car or cycle parking provision from the original 2011 permission. The existing and proposed dwelling would have one off street parking space each and a cycle store to in the rear garden.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.14 I set out below my response to each of the concerns raised in the third party representation received for this application:

Disturbance from building and delivery vehicles

- 8.15 I have recommended a construction hours conditions and a condition to restrict collection and delivery hours. This should help to mitigate the impact from the temporary construction stage of the development.

Additional car parking causing congestion and noise

- 8.16 The proposal includes provision for one off street parking space for the proposed dwelling and one for the existing. This is consistent with many of the existing dwellings within Kendal Way and also with the Council's car parking policy which has no minimum requirement for car parking.

Planning Obligation Strategy

Planning Obligations

- 8.17 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not

possible to seek planning obligations to secure community infrastructure in this case.

9.0 RECOMMENDATION

APPROVE 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. The curtilage of the property hereby approved shall be fully laid out and finished in accordance with the approved plans, including a 1.8m fence around its curtilage, prior to the occupation of the dwelling or in accordance with a timetable agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10).

4. Except with the prior written agreement of the local planning authority 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: In the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 3/4.

6. The two 2.0 x 2.0 metres pedestrian visibility splays shown on drawing number 11:012 Rev. E shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety

7. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

8. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The scheme shall thereafter be implemented in accordance with approved details.

Reason: To prevent surface water discharging to the highway.

INFORMATIVE: It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: The Council has produced a guidance to provide information to developers on waste and recycling provision which can be accessed from the City Council website via the following link:-

<https://www.cambridge.gov.uk/waste-and-recycling-provision-information-developers>

INFORMATIVE: The demolition may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from:

- o Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.pdf

- o Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

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Application Number	15/0234/FUL	Agenda Item	
Date Received	9th February 2015	Officer	Mr Amit Patel
Target Date	6th April 2015		
Ward	Romsey		
Site	88 Greville Road Cambridge Cambridgeshire CB1 3QL		
Proposal	Single storey extension to rear. Change of use from shop to flat		
Applicant	Mr B Wallman 190 Cambridge Road Great Shelford Cambridge CB22 5JU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">There will be no significant harm to the neighbouring occupiers</p> <p style="padding-left: 40px;">The proposal fits into the context of the area</p> <p style="padding-left: 40px;">The development provides adequate space for waste bin and cycle storage</p>
RECOMMENDATION	APPROVAL

- 1.1 88 Greville Road is situated on the corner of Greville Road and Charles Street. The site, currently, has a vacant commercial unit on the ground floor and residential accommodation above.
- 1.2 The building is two storey and has a shop front on the ground floor and an entrance to the residential above via a door to the side of the shop front. The area is residential in character.
- 1.3 The site has space to the front for cycle parking and hardstanding. To the rear there is an out building and a part width single-storey extension with a flat roof.

1.4 The site falls outside a Conservation Area. The building is not listed or a Building of Local Interest. There are no tree preservation orders on the site. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

2.1 The application seeks approval for a single-storey rear extension and the conversion of the ground-floor shop (A1) to residential (C3).

2.2 The proposal also removes the shop front and creates a more residential fenestration with a single door and new window on the front elevation.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
14/1803/FUL	Single storey extension to rear. Change of use from shop to flat.	Withdrawn
C/92/0240	Extension to shop (erection of single storey rear extension).	A/C

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 4/13 4/15 5/1 5/5 8/1 8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account,

especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 There is no car parking provision on site. There would not be any highway safety issues regarding the proposal but this may increase on street competition for car parking to the detriment of residential amenity.

Head of Refuse and Environment

- 6.2 No objection to the proposal in principle subject to conditions relating to construction hours and informative relating to contaminated land.
- 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 The owners/occupiers of the following addresses have made representations:

- 80 Greville Road

- 7.2 The representations can be summarised as follows:

- Support the application subject to two car parking spaces being introduced.

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

Principle of Development

8.2 The shop is outside any local centre. Therefore the loss of the shop at ground floor causes no conflict with the Local Plan. The creation of residential accommodation is supported as is the proposal for the extension and therefore the proposal is generally acceptable in principle and in accordance with the Cambridge Local Plan (2006) policies 5/1 and 3/14.

Context of site, design and external spaces

8.3 The area is residential in character and the introduction of the ground floor flat would not be out of keeping with the area. The fenestration detailing will mirror what is in the area and subject to the use of matching materials for the infill of the shop front and rear extension the proposal will not cause any significant harm to the area.

8.4 The rear extension will be similar in depth but will change the flat roof to a lean-to. Other properties in the area have already been extended and as this will be visible in the street I consider that a matching materials condition is recommended.

8.5 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The proposal seeks to convert the ground floor unit into residential accommodation. The impact of this will not be harmful to the adjoining occupiers as the current use of the shop would have generated more comings and goings and potentially created more of a noise disturbance than the residential accommodation. The increase of the roof height from 2.6m to 3.3m will be hard up on the boundary with number 86 Greville Road, However number 86 is east of the application site and considering the design of the roof and the fact that it would be single-storey, the alteration will not have any significant amenity impact upon number 86.
- 8.7 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

- 8.8 The proposal creates a communal amenity space to the rear. It is proposed that this be paved, and that it contain storage space for cycles and waste bins for both flats. The storage areas for the upper flat are not placed near the entrance to the lower flat. The total external area would measure 9.5m x 5.5m. The residual space left after storage areas are deducted would be limited, but it would allow the opportunity to sit outside in privacy in warm weather, to grow plants and to dry clothes. For small units such as these, I consider it to be within the bounds of acceptability. I consider that the proposal creates a high quality living environment.
- 8.9 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

Refuse Arrangements

- 8.10 The proposal creates bin storage to the rear of the site for both flats. The Environmental Health Team has commented that this is acceptable and I agree with their advice.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety and Car and Cycle Parking

- 8.12 The highway authority have commented that the proposal will not have a detrimental impact upon highway safety. Third party comments have been received to state that the application is supported on the proviso that off street car parking is provided for the two units. The site is outside a controlled parking zone and within easy reach of Mill Road and other local amenities in the area. Car free developments are supported in such locations and I consider this to be one. I think it would be unreasonable to refuse the application on these grounds.
- 8.13 The application shows that there will be cycle storage to the rear of the garden. Each flat will have their own dedicated cycle storage and this is acceptable.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2 and 8/6 and 8/10.

Third Party Representations

- 8.15 The third party objections have been addressed under the section of highway safety, car and cycle parking.

Planning Obligation Strategy

Planning Obligations

- 8.16 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all

residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

The proposal is to convert the vacant A1 shop on the ground-floor and to extend to the rear with a single-storey extension. There will be a communal area to the rear for both the proposed and existing residential flats with bins and bike storage. There will be no car parking on site as the site is close to amenities on Mill Road and pedestrian and cycle routes. The application is recommended for APPROVAL.

10.0 RECOMMENDATION

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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee DATE: 29/04/15

WARD: Petersfield

PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT

22 Kingston Street, Cambridge Unauthorised operational development: Erection of a loft dormer

SUMMARY	A planning enforcement investigation has identified unauthorised development at the above address, namely the erection of a loft dormer without planning permission. The development is not acceptable because it is considered to have a detrimental impact on the visual amenity of the Conservation Area.
RECOMMENDATION	That enforcement action is authorised in respect of the breach of planning control.

1 INTRODUCTION

This report seeks delegated authority to serve an Enforcement Notice to address the unauthorised development at 22 Kingston Street, Cambridge namely, "The erection of loft dormer without planning permission"

See appendix A for site plan and photographs of the loft dormer as seen from Mill Road.

2 PLANNING HISTORY

- | 2.1 Reference | Description | Status |
|----------------------|-------------------------------|---------------|
| 14/1379/FUL | Rear dormer with raised ridge | Refused |
- 2.2 The refusal of application reference 14/1379/FUL is the subject of an appeal to the Planning Inspectorate. This refusal related to a revised dormer design and not the dormer which had already been constructed and which is the subject of this report. Consequently, should the appeal be allowed it would not regularise the dormer as currently constructed.
- 2.3 No planning application has been received for the loft dormer which has been constructed at 22 Kingston Street.

3 BACKGROUND / TIMELINE OF ENFORCEMENT INVESTIGATION

- 3.1 22 Kingston Street is a terraced Victorian property. The site falls within the Conservation Area. The area is characterised by residential development, but is close to local amenities such as shops, restaurants etc. situated along Mill Road. The site falls within a Controlled Parking Zone. The rear elevation of properties on Kingston Street are highly visible from vantage points on Mill Road.
- 3.2 In June 2014 Enforcement Officers received a complaint that a loft dormer had been constructed at 22 Kingston Street without the necessary planning permission.
- 3.3 Building Control officers provided enforcement officers with photographs of the loft dormer at 22 Kingston Street which were taken in connection with their investigation into unauthorised works / contraventions.
- 3.4 Planning officers advised that the dormer that has been constructed is highly visible from the public domain and out of keeping with the Conservation Area and therefore a retrospective planning application would be unlikely to gain support.
- 3.5 Enforcement officers advised the owner's agent that a retrospective planning application for the current dormer was very unlikely to gain officer support and therefore officers would be seeking an application for a revised and reduced design of dormer.

- 3.6 On 11 September 2014 application reference 14/1379/FUL was submitted for a revised dormer design. The application was refused on 4 December 2014 and an appeal has been lodged with the Planning Inspectorate.
- 3.7 If the appeal against the refusal of 14/1379/FUL is upheld by the Inspectorate there is no guarantee that the permission for the revised dormer design will be implemented. Therefore officers are seeking the authority to serve an enforcement notice to address the unauthorised loft dormer and remedy the breach of planning control. As previously stated, this application does not reflect what has been built at the site and so if an appeal is allowed it would not regularise the breach of planning control.
- 3.8 The service of a notice can be appealed to the Planning Inspectorate and, provided that the appeal against the refusal of planning permission is still being determined, the appeals can be dealt with in tandem.
- 3.9 Officers have advised the owner of 22 Kingston Street and all interested parties that this report has been prepared for members to consider the service of an Enforcement Notice for unauthorised operational development.
- 3.10 The works implemented are different from those refused under planning reference 14/1379/FUL. The development undertaken is not considered acceptable and therefore requires removal.

4 ASSESSMENT AGAINST PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS

- 4.1 The National Planning Policy Framework states:

‘Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

4.2 National Planning Policy Guidance states:

Para 17b-003: 'There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control'.

4.3 Assessment against Cambridge Local Plan 2006:

In order to issue an Enforcement Notice there must be sound planning reasons to justify taking such action. The rear elevation of the terrace is highly visible from the public domain (from the access to the City Council's Mill Road depot) and the informal opinion from planning officers is that the loft dormer has a detrimental impact on the visual amenity of adjoining properties and the Conservation Area. The development is therefore contrary to policies 3/4, 3/7 and 3/14 of the Cambridge Local Plan 2006 and to guidance provided by the NPPF 2012.

4.4 Enforcement is a discretionary power and the Committee should take into account the planning history, the details of the breaches of planning control and the other relevant facts set out in this report.

4.5 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Enforcement Policy and the City Council's Corporate Enforcement Policy.

4.6 Consideration should be given to the Human Rights Act 1998 and to the Equality Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as being relevant considerations. The Council must also have regard to its public sector equality duty (PSED) under S.149 of the Equalities Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing, minimising disadvantages suffered by

persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion or belief, sex and sexual orientation.

Officers do not consider that the recommendation in this report would have a disproportionate impact on any protected characteristic.

- 4.7 If members choose not to authorise the service of an Enforcement Notice the unauthorised operational development would become immune from enforcement action after a period of four years (and the enforcement case would be closed).

5 RECOMMENDATION

- 5.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of a breach of planning control, namely the unauthorised operational development consisting of the erection of a rear loft dormer at 22 Kingston Street specifying the steps to comply and the period for compliance set out in paragraphs 5.2 and 5.3, for the reasons contained in paragraph 5.4.
- (ii) to authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- (iii) to delegate authority to the Head of Planning Services (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of non-compliance with the enforcement notice.

5.2 Steps to Comply

Remove the loft dormer extension from the property and reinstate the roof to the condition prior to the unauthorised development taking place.

5.3 Period for Compliance:

12 months from the date the notice comes into effect.

5.4 Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last four years. The applicant has undertaken development without the benefit of planning permission.

The informal opinion from planning officers is that if an application for the operational development was submitted it would not be supported due to the highly visible location of the loft dormer and its unacceptable effect on the character of the Conservation Area. The development is therefore contrary to policies 3/4, 3/7 and 3/14 of the Cambridge Local Plan 2006 and to guidance provided by the NPPF 2012.

Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

Consideration has been given to the Human Rights Act 1998 and the Council has also had regard to its public sector equality duty (PSED) under S.149 of the Equality Act 2010.

Officers consider that the service of an enforcement notice with a reasonable period for compliance would be lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies.

BACKGROUND PAPER: Planning application 14/1379/FUL

APPENDIX A: Site plan of the property and photograph of the dormer

The contact officer for queries on the report is Debs Jeakins on ext 7163.
Report file: N:\Development Control\Planning\Enforcement\Committee reports\22 Kingston Street EN report April 15.docx



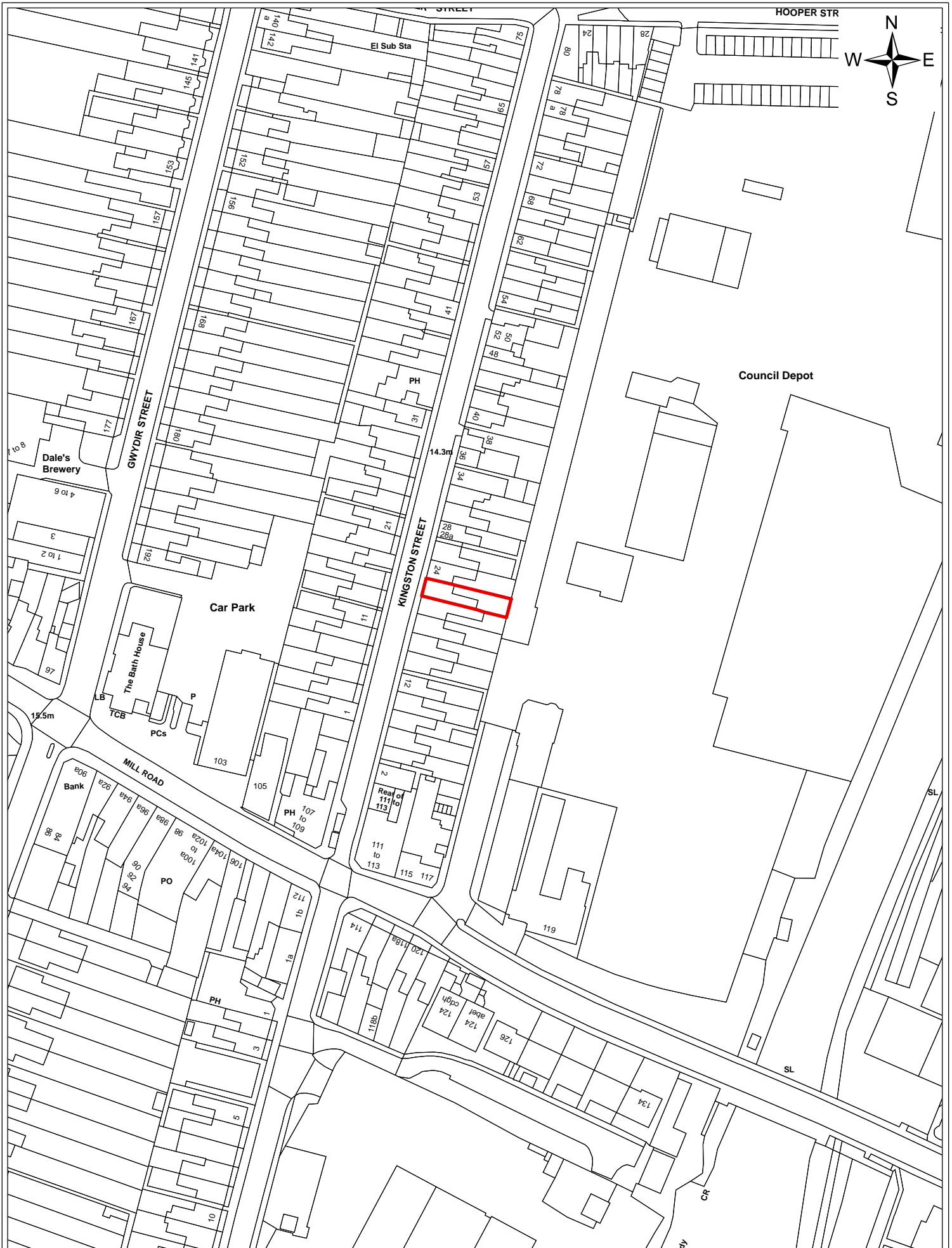
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22 Kingston Street
Cambridge
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Date:	25 February 2015
Produced by:	GIS Team
Business & Information Systems	
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