



## EAST AREA COMMITTEE



### AGENDA

**To: City Councillors:** Blencowe (Chair), Owers (Vice-Chair), Baigent, Benstead, Hart, Herbert, Johnson, Moghadas, Roberts, Robertson, Sinnott and C. Smart

**County Councillors:** Bourke, Kavanagh, Walsh and Whitehead

*Dispatched: Wednesday, 3 September 2014*

**Date:** Thursday, 11 September 2014

**Time:** 7.00 pm

**Venue:** Meeting Room - Cherry Trees Day Centre

**Contact:** Glenn Burgess

**Direct Dial:** 01223 457013

The East Area Committee agenda is usually in the following order:

- Open Forum for public contributions
- Delegated decisions and issues that are of public concern, including further public contributions
- Planning Applications

**In the event that the Committee cannot complete the business on the agenda, it will stand adjourned and be considered at the next scheduled East Area Committee on Thursday 18th September, 7pm in Committee Rooms 1 & 2, Guildhall, Cambridge.**

#### 1 APOLOGIES FOR ABSENCE

#### 2 DECLARATIONS OF INTEREST

Members of the committee are asked to declare any interests in the items on the agenda. In the case of any doubt, the advice of the Head of Legal should be sought **before the meeting**.

## Minutes And Matters Arising

### **3 MINUTES** *(Pages 7 - 16)*

To confirm the minutes of the meeting held on 31 July 2014. *(Pages 7 - 16)*

### **4 MATTERS & ACTIONS ARISING FROM THE MINUTES**

Reference will be made to the Committee Action Sheet available under the 'Matters & Actions Arising From The Minutes' section of the previous meeting agenda.

General agenda information can be accessed using the following hyperlink:

<http://democracy.cambridge.gov.uk/ieListMeetings.aspx?Committeeld=147>

## Open Forum: Turn Up And Have Your Say About Non-Agenda Items

### **5 OPEN FORUM**

Refer to the 'Information for the Public' section for rules on speaking.

### **6 POLICING & SAFER NEIGHBOURHOODS** *(Pages 17 - 30)*

## Items For Decision / Discussion Including Public Input

### **7 PROJECT APPRAISAL: EAST BARNWELL COMMUNITY HUB – CENTRE REDEVELOPMENT** *(Pages 31 - 40)*

## Intermission

## Appendix 1 for Full Details of Central Government Planning Guidance



## **8 PLANNING APPLICATIONS**

The applications for planning permission listed below require determination. A report is attached with a plan showing the location of the relevant site. Detailed plans relating to the applications will be displayed at the meeting.

- 8a 14/0607/FUL - 1 Great Eastern Street (*Pages 51 - 124*)
- 8b 14/1077/FUL - 218 - 220 Mill Road (*Pages 125 - 148*)
- 8c 14/0956/FUL - Land Rear of 16 St Barnabas Road (*Pages 149 - 192*)
- 8d 14/0974/FUL - 27 Tenison Avenue (*Pages 193 - 210*)
- 8e 14/0887/FUL - Garages 11-45 Ekin Road (*Pages 211 - 244*)
- 8f 14/1181/FUL - 44 Mill Road Planner (*Pages 245 - 272*)
- 8g 14/0976/FUL - St Matthews Church And Church Hall (*Pages 273 - 286*)
- 8h 14/0977/LBC - St Matthews Church And Church Hall (*Pages 287 - 300*)

## **9 GENERAL ITEMS**

- 9a 591 Newmarket Road Enforcement Report (*Pages 301 - 312*)
- 9b 136 Perne Road Enforcement Report (*Pages 313 - 322*)
- 9c 35 Collier Road Enforcement Report (*Pages 323 - 336*)
- 9d 1 Hemingford Road Enforcement Report (*Pages 337 - 348*)

# Meeting Information

## Open Forum

Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30 minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

## Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions 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 working 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](mailto:democratic.services@cambridge.gov.uk).

Further information is also available online 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 planning items and planning enforcement 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](mailto: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.

**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 working 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**

The Council is committed to being open and transparent in the way it conducts its decision-making. Recording is permitted at council meetings, which are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

Full details of the City Council's protocol on audio/visual recording and photography at meetings can be accessed via:

<http://democracy.cambridge.gov.uk/ecSDDisplay.aspx?NA>

[ME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203](http://www.cambridge.gov.uk/ME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203).

**Fire Alarm**

In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.

**Facilities for disabled people**

Level access is available at all Area Committee Venues.

A loop system is available on request.

Meeting papers are available in large print and other formats on request prior to the meeting.

For further assistance please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**Queries reports**

on 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](mailto:democratic.services@cambridge.gov.uk).

**General Information**

Information regarding committees, councilors and the democratic process is available at <http://democracy.cambridge.gov.uk>.

## **EAST AREA COMMITTEE**

31 July 2014  
7.00pm - 9.32 pm

**Present:** Councillors Blencowe (Chair), Owers (Vice-Chair), Baigent, Hart, Herbert, Johnson, Moghadas, Roberts, Sinnott and C. Smart

**County Councillors:** Bourke and Whitehead

### **Officers:**

Principal Planning Officer: Tony Collins

Committee Manager: Glenn Burgess

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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### **Request to film the meeting**

The Chair gave permission for Mr Antony Carpen to film the meeting. It was confirmed that the filming would cease if members of the public or speakers expressed a desire not to be filmed.

Members of the public were given an opportunity to state if they did not want to be filmed.

### **14/52/EAC Apologies For Absence**

Apologies were received from City Councillors Benstead and Robertson and County Councillors Kavanagh and Walsh.

### **14/53/EAC Declarations Of Interest**

No interests were declared.

### **14/54/EAC Minutes**

The minutes of the meeting held on 19 June 2014 were agreed as a correct record and signed by the Chair.

**14/55/EAC Appointment to Outside Bodies**

**Resolved** that Councillor Hart be the representative for the Cambridge Airport Consultative Committee for the ensuing year.

**Resolved** that Councillor Roberts be the representative for the East Barnwell Community Centre for the ensuing year.

**14/56/EAC Matters & Actions Arising From The Minutes**Visit to Coleridge College

Councillor Blencowe confirmed that Councillors had visited the College in April for a Q&A session. A follow up visit was being planned for September.

Police item - breakdown of violent crime figures

Councillor Blencowe confirmed that this issue would be raised at the Area Committee Chairs meeting scheduled for 26 August.

20mph – breakdown of Wadloes Road consultation results

This has now been actioned.

Hogging Path – Abbey Pool area

Councillor Blencowe confirmed that this would form part of ongoing discussions around Coldham's Common. The East Area Committee would however monitor the situation.

Councillor Johnson confirmed that Council officers had assured him that the play equipment would be installed by the start of September.

Tree root damage at Abbey Pool car park

Councillor Johnson confirmed that Council officers were still awaiting completion of the Engineers Report. Until this was completed it would be difficult to make an informed decision.

Closure of Methodist Church in Sturton Street

Councillor Blencowe confirmed that the local Residents Group had been invited to present a business case to the Church Committee but were unfortunately unsuccessful.

Letter to be sent regarding HGV speeding in Ditton Lane

Councillor Roberts confirmed that that this would be undertaken shortly.

Contribution from North Area for River Bridge

Councillor Blencowe confirmed that whilst North Area Committee had agreed a contribution at their last meeting he was unsure of the figure. The issue would be discussed in more detail at the Area Committee Chairs Meeting on 26 August.

**14/57/EAC Open Forum**

- 1. Ms Jean Glasberg raised concern about infill developments within the City. Whilst the new Local Plan specifically identified new development areas outside of the City in order to preserve the historic core of Cambridge, many city centre applications were still being approved. Overcrowding and overlooking was a big problem for many residents and was not likely to improve.**
- 2. Mr Roy Stamp raised concern about the Romsey Terrace development and the developer's proposal for a short two week consultation over the summer period. Many residents would be on holiday during this period and would lose their opportunity to respond.**
- 3. Ms Elizabeth Jackson raised concern about the Romsey Terrace development and asked for confirmation that Councillors and officers would undertake a site visit before determining the application.**

The Principal Planning Officer responded that the Romsey Terrace development was a current application and full details were available on Public Access. It was also noted that Planning Officers undertook site visits on every application.

The City Council were unable to refuse to accept an application for outline permission due to insufficient detail. Government rules had changed so that less detail was required and it would be down to the individual committee to determine the application on the detail provided.

Councillor Blencowe responded that the new Local Plan was still subject to a public examination prior to it being finally adopted. Current applications would therefore be judged against the 2006 Local Plan.

There was a requirement for a statutory three week consultation period for each application but there was not a requirement to restart this every time a minor amendment was made to the application. On major amendments it would however be advisable for the period to restart.

Councillor Blencowe confirmed that he conducted site visits to every application that he would be determining and that Councillors were encouraged to do so as good practice.

Councillors spoke in support of ensuring an extension to the proposed consultation period, especially as it was over a holiday period.

The Principal Planning Officer noted these comments and agreed to feed them back to the Case Officer and applicant.

- 4. Mr Antony Carpen asked if consideration could be given to having notice boards at the Coleridge Splash Pad, Cambridge Railway Station and Balanos/The Rock on Cherry Hinton Road. Head Teachers of local schools had suggested that their pupils could help manage them.**

Councillor Herbert confirmed that funding may be available and suggested that Mr Carpen contact the Executive Councillor for City Centre and Public Places to discuss in more detail.

Councillor Roberts responded that the Executive Councillor was currently looking at installing maps on all open spaces. It was suggested that notice boards could fit in with this project.

Councillor Smart highlighted the importance of identifying someone in the local community to update and look after the notice boards.



**5. Mr Antony Carpen expressed concern about commuter parking in Davy Road and the danger caused to children using the Splash Pad.**

Councillor Smart responded that the issue had been looked at for many years and a working group had recommended that single yellow lines be installed in order to manage the problem. The County Council were however unwilling to undertake this work.

Councillor Owers expressed his frustration at the County Council's lack of action on this issue.

Councillor Bourke responded that, whilst the issues were well known, there was a cost to the County Council to administer and enforce single yellow lines. There was no money available at the County Council to rectify this issue.

Councillor Moghadas reinforced the safety issue caused by the commuter parking and asked that a solution be found.

**6. Ms Fiona Neilson spoke on behalf of the Sturton Street 'Save Our Space' group and asked if the Council would be willing to purchase the Methodist Church and lease it back to local residents as a self-funded venue.**

Councillor Owers, in his capacity as Executive Councillor for Finance and Resources, responded that he had asked the Head of Property Services to make some initial enquiries. Whilst no commitment could be agreed at this stage it was suggested that a meeting be arranged with the 'Save Our Space' group to discuss the options in more detail.

Councillor Sinnott spoke in support of the proposal.

**7. Mr Martin Lucas-Smith raised concern about the new cycle racks in Mill Road which blocked the pavement.**

**Mr Frank Gawthrop confirmed that he had spoken with the City Council's Cycling Officer who had claimed that Ward Councillors had been fully consulted on the location of the racks. She was however unable to locate the correspondence. Mr Gawthrop confirmed that discussions were ongoing with the officer**

**concerned and that he would share this correspondence with Councillors.**

Councillor Blencowe agreed to liaise with the Cycling Officer and provide an update at a future meeting.

Councillor Sinnott suggested that cycle racks that were parallel to the pavement, such as those just off Victoria Road, would be a better option.

- 8. Mr Martin Lucas-Smith requested that a full consultation be undertaken on any changes to the public realm as a result of Mickey Flynn's planning application.**

Councillor Blencowe responded that any realignment of the highway would have to form part of the planning application and would therefore be fully consulted on. He added that County Highways would probably have to carry out a separate consultation if a Traffic Regulation Order (TRO) was required for any such realignment.

- 9. Mr Antony Carpen raised concern that the 'Shape Your Place' website was not compatible with many video and audio programmes. It was also noted that the County Council had no funding to provide more posters and local residents were not allowed to print their own.**

Councillor Bourke agreed to meet with Mr Carpen to discuss the issues in more detail.

- 10. Mr Antony Carpen highlighted the 'Be the Change – Cambridge' event taking place on 13 September at Anglia Ruskin University (ARU). Discussions had taken place with the City Council but Mr Carpen asked if the County Council would like to be involved.**

Councillor Bourke confirmed that he would be happy to attend on behalf of the County Council.

**14/58/EAC Frequency of Future EAC Meetings**

**Resolved** (by 9 votes to 1)

- i. To remove the following East Area Committees from the meeting calendar:
  - 4 December 2014
  - 19 February 2015
- ii To retain the option of holding additional meetings if required throughout the 2014/15 municipal year.

The schedule for the rest of the 2014/15 municipal year would therefore be:

11 September 2014  
23 October 2014  
8 January 2015  
9 April 2015

**14/59/EAC Planning Applications**

Councillor Hart left the meeting at this point.

**14/59a/EAC 14/0607/FUL - 1 Great Eastern Street**

The Committee received an application for full planning permission.

The application sought approval for the conversion and extension of existing frontage building from office to 1no. flat and 1 studio flat; and erection of 4 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure.

The Committee:

Due to the omission from the amendment sheet of the transcript of the appeal decision notice relating to a materially relevant previous application on this site – the Committee:

**Resolved** (unanimously) to defer the item.

The Chair apologised to those members of the public who had attended the meeting for this item

**14/59b/EAC 14/1005/FUL - 97 Perne Road**

The Committee received an application for full planning permission.

The application sought approval for a two storey rear extension, loft conversion, single storey side extension, and conversion/extension of garage into a studio

The Committee received a representation from Ms Hart.

The representation covered the following issues:

- i. Lived at number 99 Perne Road and had raised the original concern over unauthorised development.
- ii. The pitch of the roof had caused flooding to the fence line and could cause damp to her property.
- iii. Planning regulations were in place for a good reason and should be adhered to.

Mr Hall spoke on behalf of the applicant in support of the application.

The Committee:

**Resolved (by 5 votes to 2)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**14/59c/EAC 14/0658/FUL - 19A Mill Road**

The Committee received an application for full planning permission.

The application sought approval for change of use from C4 to no.7 bed Sui-Generis HMO including single storey side and rear extension (amendment to planning permission 12/0657/FUL

The Committee:

**Resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**14/60/EAC General Items****14/60a/EAC REQUEST FOR REVIEW OF THE RESOLUTION TO REFUSE PLANNING APPLICATION 14/0452/FUL - 80 AINSWORTH STREET FOR A TWO STOREY REAR EXTENSION**

The Committee received a request from the Head of Planning Services to review the resolution to refuse planning application 14/0452/FUL – 80 Ainsworth Street for a two storey rear extension.

The Committee:

**Resolved (by 5 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**14/60b/EAC Planning Enforcement Report: 24 Chalmers Road, Cambridge - Unauthorised Development**

The Committee received an Enforcement Report regarding unauthorised development at 24 Chalmers Road, Cambridge (Enforcement reference: CE/5922)

The Committee received a representation from the home owner Mr William Kaminski.

The Committee:

**Resolved (by 8 votes to 0):**

- i. To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of the Material Change of Use, specifying the steps to comply and the period for

compliance set out in paragraphs 5.2 to 5.3, for the reasons contained in paragraph 5.4 of the officer's report.

- ii. To authorise the Head of Planning (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- iii. To delegate authority to the Head of Planning (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.

The meeting ended at 9.32 pm

**CHAIR**

## Neighbourhood profile update Cambridge City East Neighbourhood

September 2014



**Jason Wragg, Safer  
Neighbourhoods  
Inspector**

**Lynda Kilkelly, Safer  
Communities Manager,  
Cambridge City Council**

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## **1 INTRODUCTION**

### **Aim**

The aim of the Neighbourhood profile update is to provide an overview of action taken since the last reporting period, identify ongoing and emerging crime and disorder issues, and provide recommendations for future priorities and activity in order to facilitate effective policing and partnership working in the area.

The document should be used to inform multi-agency neighbourhood panel meetings and neighbourhood policing teams, so that issues can be identified, effectively prioritised and partnership problem solving activity undertaken.

### **Methodology**

This document was produced using the following data sources:

- ❑ Cambridgeshire Constabulary crime and anti-social behaviour (ASB) incident data for March to July 2014, compared to the previous reporting period October 2013 to February 2014<sup>1</sup> and this same reporting period in 2013.
- ❑ City Council environmental services data for the period March to July 2014, compared to the same reporting period in 2013; and
- ❑ Information provided by the Safer Neighbourhood Policing team and the City Council's Safer Communities team.

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<sup>1</sup> For the purposes of this document, the previous reporting period has been extended by one month to allow a direct comparison to the current 5-month reporting period.



## 2 CURRENT PRIORITIES

At the East Area Committee meeting of 10 April 2014, the committee recommended adopting the following priorities:

- ❑ Tackle the supply of drugs in the East area
- ❑ Policing issues associated with Mill Road
- ❑ Reduce shoplifting in the East area

The Neighbourhood Action Group, at its meeting of 17 April 2014, assigned the actions to be taken and the lead officers for each of the priorities. The table below summarises the action taken and the current situation.

<b>Tackle the supply of drugs in the East area</b>	
<b>Objective</b>	Concerted action against drug suppliers
<b>Action Taken</b>	<p>Officers have continued to conduct a number of drugs warrants in the East and surrounding areas, targeting all classes of drugs. We have also targeted a number of street dealers. The following information details some of the main warrants, actions and arrests which have taken place in the last reporting period:</p> <ul style="list-style-type: none"> <li>❑ Mowbray Road (junction with Cherry Hinton Road) – A warrant was executed and a male and female were arrested after a cannabis factory was discovered at their home address. There was insufficient evidence to charge the female; however, the male has been prosecuted.</li> <li>❑ Budleigh Close – 3 males have been arrested at this location after a large amount of Class A drugs were found; they remain on bail.</li> <li>❑ George Pateman Court – 2 males and 1 female have been arrested for possession with intent to supply Class A drugs; they remain on bail.</li> <li>❑ Jack Warren Green – 1 male was arrested after Class B drugs were found in his property, he was given a caution.</li> <li>❑ Peverel Road – 3 males were arrested for possession with intent to supply Class B drugs; they remain on bail.</li> <li>❑ Argyle Street – 1 male and female were arrested for possession with intent to supply Class A drugs; they remain on bail.</li> <li>❑ Vinery Road – 2 males were arrested for possession with intent to supply Class A drugs; they remain on bail.</li> </ul> <p>There has been other enforcement action not listed above by the East team in conjunction with officers from the South team.</p>

	We are continuing to work with our housing partners to evict persons that have been found to be supplying drugs from properties or allowing their properties to be used.
<b>Current Situation</b>	We have previously reported drug dealers coming up from London and we have again seen an increase in this. These dealers will often target very vulnerable people in their own houses and base themselves there using a fear of force against the occupants.
<b>Lead Officer</b>	Sergeant Colin Norden, Cambridgeshire Constabulary

<b>Policing issues associated with Mill Road</b>	
<b>Objective</b>	To reduce alcohol-related ASB in the Petersfield and Mill Road area, focusing on the street drinking and complaints of ASB linked to that activity.
<b>Action Taken</b>	<p>The Mill Road and Petersfield areas have been targeted by both the East team and the street life team supported by other officers from the safer neighbourhood teams.</p> <p>Operation Summit, which is the city's operation around Street ASB, is currently targeted around the Ditchburn Place and Petersfield Green areas.</p> <p>Both teams have made good use of section 27 dispersal powers from the Violent Crime Reduction Act to prevent alcohol-related ASB.</p> <p>Early morning daily patrols are conducted on Mill Road and the surrounding areas by PCSOs, supported by police officers when needed.</p> <p>The team continues to meet with the Mill Road Traders' Association and other residential groups. We also continue to work with the local charities and partner agencies to reduce the impact of the street life community in the above areas.</p>
<b>Current Situation</b>	<p>The street life situation on Mill Road has improved over the last 12 months. We still receive calls about hot spots, however these are easily targeted.</p> <p>ASB has fallen compared to last year. There are three main areas within the Abbey and Petersfield wards, which account for a large amount of calls, these are: Newmarket Road, Elizabeth Way roundabout, Ditchburn Place and Petersfield Green.</p>

<b>Lead Officer</b>	Sergeant Colin Norden, Cambridgeshire Constabulary
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<b>Reduce shoplifting in the East area</b>	
<b>Objective</b>	To reduce thefts from shops in the East area, by working with shop staff and high visibility patrols.
<b>Action Taken</b>	<p>In the last report the committee were informed that we had launched Operation Acura. This operation had two parts:</p> <ul style="list-style-type: none"> <li>□ A high visibility operation that took place during two weeks in February, the operation concentrated on shops that were continuously targeted for thefts in each of the four wards on the East.</li> <li>□ The second part of the Operation was to work with shops that suffer the very highest level of thefts in an effort to reduce the vulnerability of those shops.</li> </ul> <p>The result of the operation saw the lowest levels of shop thefts in the East for those two weeks for three years. We received positive feedback from the shop owners involved and a number of shops have made changes to displays, etc.</p> <p>Due to the success of this operation, we now run it for a week every month to enhance the day-to-day work we do. Once again this operation has seen a reduction in thefts.</p> <p>Officers from the East have continued to make arrests and have dealt with a number of people for the offences of shoplifting and handling stolen goods, both at the time of the thefts and after the event.</p>
<b>Current Situation</b>	Overall we are seeing a downward trend in shoplifting on the East with a few shops reporting the bulk of the thefts.
<b>Lead Officer</b>	Sergeant Colin Norden, Cambridgeshire Constabulary

### **3 PRO-ACTIVE WORK & EMERGING ISSUES**

- The City Council's Safer Communities team is currently dealing with 12 serious cases of ASB in Brooks Road, Budleigh Close, Coldham's Lane, Dennis Road, Ditton Fields, Helen Close, Howard Road, Lichfield Road and Whitehill Close. We are also dealing with a complex ASB issue in Fison Road involving a number of addresses.
- On 3 April, ASB officers from the City Council's Safer Communities team delivered an ASB workshop to the Year 6 children at Abbey Meadows Primary School. They also carried out a meeting for the residents of the

Abbey Ward on 10 March, where police, councillors and housing officers were invited and residents voiced any ASB-related concerns, which are being addressed.

- ❑ Two community safety events were held; one in Lichfield Road on 23 April and one in Hanover Court on 30 May. Both events were aimed at informing residents on how to report ASB and how to keep safe in their homes. Representatives from the police, housing, Safer Communities and the Fire Service attended.
- ❑ Overall crime has remained stable across the East area with a very slight reduction compared to the previous reporting period and this same period in 2013.
- ❑ ASB has seen an increase of 15% (84 incidents) compared to the previous reporting period. Of note is that the overall figure does still remain 8% lower than this same period in 2013 and that the current reporting period encompasses the clocks changing to BST and a generally busier period.
- ❑ Violent crime has seen a reduction of 26% (57 fewer offences) compared to the previous reporting period and a reduction of 9% (15 fewer offences) compared to this same period in 2013. With reductions across all four wards, Petersfield recorded the greatest reduction at 35% (23 fewer offences).
- ❑ Shoplifting has seen a very slight increase of 6% (7 offences), compared to the previous reporting period. Of note is that the overall figure remains 25% (40 offences) lower than this same period in 2013.
- ❑ Dwelling burglary has seen a reduction of 15% (10 fewer offences) compared to the previous reporting period. The most significant reduction 23 to 12 was seen in the Romsey ward.
- ❑ Burglary other has seen an increase of 27% (11 offences) with Romsey and Coleridge wards stable and Petersfield showing a significant reduction; this increase has been centred on the Abbey ward.
- ❑ Robbery remains stable at 9 offences over a five month reporting period.
- ❑ Cycle theft has remained stable compared to the previous reporting period and this same period in 2013.
- ❑ Cambridge City police are seeking to build on the already good relationship with Neighbourhood Watch and to increase scheme member

numbers even more. Anyone interested in finding out more should visit [www.cambsnhw.org.uk](http://www.cambsnhw.org.uk).

- ❑ Cambridge City police has launched their own Twitter account; @CambridgeCops.
- ❑ Cambridgeshire Constabulary has launched Neighbourhood Alert to enhance communication with neighbourhoods.
- ❑ The police are continuing to explore how they could utilise the **Shape Your Place** website to improve community engagement and will include the results of consultation in the next profile.

#### 4 ADDITIONAL INFORMATION

#### CURRENT CRIME & ASB INCIDENT LEVELS BY WARD

AREA	WARDS	POLICE STATIONS											
		Dwelling Burglary	Other Burglary	Violent Crime	Robbery	Theft of Vehicle	Theft from Vehicle	Cycle Theft	Theft from Shop	Criminal Damage	Other Crime	TOTAL CRIME	TOTAL ASB
City East	Mar 14 – July 14	57	51	159	9	12	38	218	121	111	382	1,158	633
	Mar 13 – July 13	49	47	174	8	7	48	225	161	128	300	1,147	686
	Oct 13 – Feb 14	67	40	216	7	14	50	214	114	115	332	1,169	549
Abbey	Mar 14 – July 14	24	28	67	2	5	20	25	36	33	109	349	205
	Mar 13 – July 13	15	13	69	1	1	22	41	75	40	85	362	199
	Oct 13 – Feb 14	23	8	80	3	6	20	28	46	33	81	328	161
Coleridge	Mar 14 – July 14	9	11	24	1	3	6	55	13	18	79	219	126
	Mar 13 – July 13	7	10	27	1	2	11	36	3	24	62	183	138
	Oct 13 – Feb 14	11	11	32	0	2	7	53	5	20	93	234	119
Petersfield	Mar 14 – July 14	12	5	43	4	2	4	93	64	22	119	368	199
	Mar 13 – July 13	8	8	39	2	2	7	100	61	34	91	352	176
	Oct 13 – Feb 14	10	14	66	3	2	7	96	53	35	92	378	176
Romsey	Mar 14 – July 14	12	7	25	2	2	8	45	8	38	75	222	103
	Mar 13 – July 13	19	16	39	4	2	8	48	22	30	62	250	173
	Oct 13 – Feb 14	23	7	38	1	4	16	37	10	27	66	229	93

## ENVIRONMENTAL SERVICES DATA

### Abbey

#### *Abandoned vehicles*

- ❑ March to July 2014: 8 reports, which included
  - 3 vehicles not on site following inspection
  - 1 CLE26 notice issued to offenders on behalf of the DVLA for not displaying a valid tax disc on a public highway
  - 1 vehicle impounded on behalf of the DVLA for not having a valid tax disc
  - 1 vehicle held pending further investigation
- ❑ Hotspots: None
- ❑ March to July 2013: 5 reports

#### *Fly tipping*

- ❑ March to July 2014: 44 reports, which included
  - 2 formal warning letters issued to domestic offenders
  - 1 formal warning letter issued to trade offenders
  - 1 verbal warning
- ❑ Offences at Cheddar's Lane and Ann's Road accounted for the formal warning letters sent
- ❑ Hotspots: None
- ❑ March to July 2013: 67 reports

#### *Derelict cycles*

- ❑ March to July 2014: 6
- ❑ Hotspots: None
- ❑ March to July 2013: 14

#### *Needle finds*

- ❑ March to July 2014: None
- ❑ Hotspots: None
- ❑ March to July 2013: 7

### Coleridge

#### *Abandoned vehicles*

- ❑ March to July 2014: 5 reports, which included
  - ❑ 1 vehicle not on site following inspection
  - ❑ 1 vehicle subsequently claimed by its owner
- ❑ Hotspots: None
- ❑ March to July 2013: 2 reports

#### *Fly tipping*

- ❑ March to July 2014: 11 reports, which included

- 1 formal warning letter issued to domestic offenders
- 3 requests for waste transfer documentation from trade offenders
- ❑ Offences at Suez Road accounted for the formal warning letter sent
- ❑ Hotspots: None
- ❑ March to July 2013: 13 reports

#### *Derelict cycles*

- ❑ March to July 2014: 8
- ❑ Hotspots: None
- ❑ March to July 2013: 24

#### *Needle finds*

- ❑ March to July 2014: None
- ❑ Hotspots: None
- ❑ March to July 2013: None

### **Petersfield**

#### *Abandoned vehicles*

- ❑ March to July 2014: 12 reports, which included 10 vehicles not on site following inspection
- ❑ Hotspots: Rope Walk (6)
- ❑ March to July 2013: 11 reports

#### *Fly tipping*

- ❑ March to July 2014: 42, which included
  - 3 formal warning letters issued to domestic offenders
  - 1 verbal warning
- ❑ Offences at Gwydir Street, Petworth Street and Sturton Street accounted for each of the formal warning letters sent
- ❑ Hotspots: None
- ❑ March to July 2013: 42 reports

#### *Derelict cycles*

- ❑ March to July 2014: 27
- ❑ Hotspots: Mill Road (8)
- ❑ March to July 2013: 18

#### *Needle finds*

- ❑ March to July 2014: None
- ❑ Hotspots: None
- ❑ March to July 2013: 99

### **Romsey**

#### *Abandoned vehicles*



- ❑ March to July 2014: 12 reports, which included
  - ❑ 8 vehicles not on site following inspection
  - ❑ 1 CLE26 notice issued to offenders on behalf of the DVLA for not displaying a valid tax disc on a public highway
  - ❑ 1 vehicle held pending further investigation
- ❑ Hotspots: None
- ❑ March to July 2013: 4 reports

#### *Fly tipping*

- ❑ March to July 2014: 26 reports, which included 1 formal warning letter issued to domestic offenders
- ❑ The offence at Coleridge Road accounted for the formal warning letter sent
- ❑ Hotspots: None
- ❑ March to July 2013: 25 reports

#### *Derelict cycles*

- ❑ March to July 2014: 15
- ❑ Hotspots: None
- ❑ March to July 2013: 4

#### *Needle finds*

- ❑ March to July 2014: None
- ❑ Hotspots: None
- ❑ March to July 2013: 6

## **5 RECOMMENDATIONS**

- ❑ Tackle the supply of drugs in the East area
- ❑ Policing issues associated with Mill Road
- ❑ Reduce shoplifting in the East area

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## **Extract from Minutes of East Area 10<sup>th</sup> April 2014**

The Committee received a report from Safer Neighbourhoods Inspector Poppitt regarding the policing and safer neighbourhoods trends.

The report outlined actions taken since the Committee on 28 November 2013. The current emerging issues/neighbourhood trends for each ward were also highlighted (see report for full details).

### **1. Mr Taylor asked if Neighbourhood Alert was being used in Cambridge and if Councillors were included in the circulation.**

The Safer Neighbourhoods Inspector confirmed that Neighbourhood Alert was an enhanced version of E-Cops and was being used across Cambridge.

Councillor Johnson confirmed that he received Neighbourhood Alerts and found them very useful. They provided information on the type of crimes being reported and committed across the City.

Councillor Smart responded that she preferred E-Cops alerts as it was more localised. She would however look again at the data provided in Neighbourhood Alerts.

### **2. Mr Roman raised concern about drug dealing in Whitehill Road and Galfrid Road. It was also noted that the Police had stopped attending the Neighbourhood Watch meetings and local residents were feeling abandoned.**

The Safer Neighbourhoods Inspector highlighted pages 27 and 28 of the agenda which emphasised the Police's commitment to tackling drug crime in the area. Any information provided to the Police was taken seriously and the public were encouraged to report any concerns.

The Chair suggested that Mr Roman pass on all future Neighbourhood Watch meeting dates to the Safer Neighbourhoods Inspector.

### **3. Ms Sinnott requested that the figures in the report relating to violent crime be broken down into categories.**

The Safer Neighbourhoods Inspector confirmed that a Violent Crime Task Group looked for patterns and trends in the figures and then allocated resources accordingly.

A further breakdown of the figures could be requested by the Area Committee.

The Chair agreed to discuss this issue at the next Area Committee Chairs meeting.

**4. Mr Black asked what the process was for documenting hate crime.**

The Safer Neighbourhoods Inspector confirmed that a marker was placed against each of these crimes and trends and patterns could then be monitored.

**5. Councillor Brown asked what action the Police were taking in respect of the offensive leaflet distributed recently in Cambridge.**

The Safer Neighbourhoods Inspector confirmed that this was being investigated as a hate crime and he would keep the Committee informed of any progress.

**6. Resident: Raised concern about the number of cyclists on Mill Road with no lights and the lack of Police action to tackle this.**

The Safer Neighbourhoods Inspector confirmed that it was an issue across Cambridge and the Police gave it a proportionate response with appropriate resources. It was noted however that, with limited resources, it was a balance.

**Resolved** (unanimously) to agree the following priorities:

- i. Tackle the supply of drugs in the East area
- ii. Policing issues associated with Mill Road
- iii. Reduce shoplifting in the East Area

## Project Appraisal

<b>To</b>	East Area Committee
<b>Report By</b>	Trevor Woollams
<b>Project Name</b>	East Barnwell Community Hub – Centre Redevelopment
<b>Committee</b>	East Area Committee
<b>Committee Date</b>	11 September 2014
<b>Wards Affected</b>	Abbey

## Project Appraisal and Recommendation

### Recommendations

#### Financial recommendations -

- a) Subject to planning approval, tender process and completion of a suitable legal agreement, members are asked to approve a capital payment of £255,000 to Cambridgeshire County Council as a contribution towards improved community facilities at East Barnwell Community Centre. This project is already included in the Council's Capital Plan. The total project cost is £1.8m
- b) There are no revenue or maintenance implications for the Council.

## 1 Summary

### 1.1 The project

The overall project will be managed by Cambridgeshire County Council and involves the redevelopment of East Barnwell Community Centre (which is owned by the County Council) to provide improved community facilities including space for youth activities, improved pre-school childcare facilities, library, kitchen with café style seating area and some office space for County Council staff.

Target Dates:	Note- these are estimated milestones provided by the County Council
Start of Procurement Appoint design partner	August 2014
Tender	October 2014
Planning approval	July 2015
Start of project delivery	September 2015
Completion of project	March 2016

## 1.2 The Cost

Total Project Cost	£1.8m
City Council contribution	£255,000

Capital Cost Funded from:

Funding:	Amount:	Details:
Reserves	£	
Repairs & Renewals	£	
Developer Contributions	£255,000	<i>From East Area Committee's developer contributions programme</i>
Climate Change Fund		
Other	£1,545,000	County Council

Revenue Cost

Year 1	0
Ongoing	0

### **1.3 The Procurement**

The works will be procured and project managed by the County Council

## **2 Capital Project Appraisal & Procurement Report**

### **2.1 What is the project?**

East Barnwell Community Centre is owned by the County Council and run by East Barnwell Community Association who, until recently, have leased the building. The lease has now expired and the County Council are discussing future governance options with East Barnwell Community Association.

The centre is in Abbey ward in an area of high deprivation.

A steering group comprising representatives from the County Council, City Council, East Barnwell Community Association and Abbey People is assisting with the project.

The existing m2 of general community space will be replaced within the scheme. The City Council's contribution of £255,000 will be ring-fenced for *additional* community space which will have a 'youth' focus but will also be available for hire by local groups. The exact size of this additional space will depend upon the tender price but is expected to be around 80m2.

A summary of the project brief is shown at Appendix B.

### **2.2 The major issues for stakeholders & other departments**

This project will significantly improve the range of community facilities at East Barnwell Community Centre and will help to ensure the longer term viability of the centre through increased use and opportunities for income generation.

### **2.3 Summarise key risks associated with the project**

The capital contribution of £255,000 will be subject to the County Council successfully tendering a design and build contract, obtaining planning permission and completing a legal

agreement with the City Council which will protect community access and ensure no groups wishing to use the facilities are discriminated against.

## 2.4 Financial implications

- a) A financial summary is shown at Appendix A. The appraisal has been prepared on the following price base: 2014/15
- b) The Capital allocation of £255,000 will be paid once planning approval has been obtained, a build contract has been signed and the County Council has completed the City Council's legal Agreement to secure community access to the additional community space.
- c) There are no revenue or maintenance implications for the Council.

## 2.5 Capital & Revenue costs

<b>(a) Capital</b>	<b>£</b>	<b>Comments</b>
Building contractor / works	255,000	
Purchase of vehicles, plant & equipment		
Professional / Consultants fees		
IT Hardware/Software		
Other capital expenditure		
<b>Total Capital Cost</b>	255,000	

<b>(b) Revenue</b>	<b>£</b>	<b>Comments</b>
<b>Total Revenue Cost</b>	0	

## 2.6 VAT implications

There are no adverse VAT implications to this project

## 2.7 Environmental Implications

Climate Change Impact	-L
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It is estimated that the overall project will have a low but negative environmental impact as the footprint will significantly



increase. The building design will ensure that the environmental impact will be minimized.

## **2.8 Equality and anti-poverty implications**

An EQIA has been carried out. No adverse impact identified.

The new extension to the community space will be fully accessible and the legal agreement will ensure that the facilities are open to all community groups and individuals.

The overall project is being managed by the County Council and is subject to planning approval and the outcome of their tender process.

Assuming the County Council's programme is followed, the City Council contribution of £255,000 will be contractually committed by September 2015 and fully spent by March 2016.

## **2.9 Staff required to deliver the project**

Legal support will be required to complete a legal agreement. The project will be managed by County Council staff. The City Council's interests will be monitored by staff in Community Development.

## **2.10 Identify any dependencies upon other work or projects**

None

## **2.11 Background Papers**

- Report to East Area Committee on S106 developer contributions potential projects – November 2013
- Equalities Impact Assessment - 7<sup>th</sup> August 2014

## **2.12 Inspection of papers**

Author's Name	Trevor Woollams
Author's phone No.	01223 457861
Author's e-mail:	Trevor.woollams@cambridge.gov.uk
Date prepared:	13.8.2014

## Appendix A

	2013/14	2014/15	2015/16	Comments
	£	£	£	
<b>Capital Costs</b>				
Building contractor / works			255,000	
Purchase of vehicles, plant & equipment				
Professional / Consultants fees				
Other capital expenditure:				
<b>Total Capital cost</b>			<b>255,000</b>	
<b>Capital Income / Funding</b>				
Government grant				
Developer contributions			255,000	East Area committee's developer contributions budget for improving community facilities
R&R funding				
Earmarked funds				
Existing capital programme funding				
Revenue contributions				
<b>Total Income</b>			<b>255,000</b>	
<b>New Capital Bid</b>	<b>0</b>	<b>0</b>	<b>0</b>	

## Appendix B      Summary of Project Brief

Internal space required	Use	Description	Size (m2)
Library operational space	Flexible space, primary function to deliver library services	Ground floor at the front of the building, fully accessible	143
Library workroom	Space to allow delivery and sorting of books, ideally with desk space available	Direct access from library operational space	25
Shared reception desk	Front of house for all services within the building; direct access to small office space	Provision for 2 desktop PCs on desk plus cash register and other library equipment to be specified by the client	
Small office space	Administration space for community hub	Direct access and close proximity to shared reception desk	
Office accommodation	Flexible, open plan office space for CCC staff	Access to be secured for confidentiality / security reasons	
2 x interview/meeting rooms	Confidential family consultations, community hire, staff use	Ideally to be situated near the building's main entrance	
Staff break out area with kitchenette	Staff only facility	Direct access to office accommodation	
Large multi-purpose space (replaces existing)	Children's activities, crèche and community hire	Should be divisible (ideally 2/3 1/3 split) and both sections should be accessed independently	178
Multi-purpose space (additional space funded by the City Council contribution)	Community activities, focus on young people and families	Kitchenette within or nearby access to main kitchen area	80

Internal space required	Use	Description	Size (m2)
See Saw pre-school (replaces existing)	Dedicated, self-contained space for pre school	Own, independent and secure access	181
Secure outdoor play area	Free flow outdoor space for pre-school	Secure access from preschool	
Storage	General storage	Secure file and paper storage for the office users, storage within multi-functional space (chairs, tables, toys, other equipment)	
Storage	Storage for user groups	Storage facility for user groups with direct access to multi-functional space	
Cleaner's cupboard	Storage space specifically for cleaning resources	Separate to plant room	
WCs	Individual cubicles for staff and public use	WCs to be accessible by all parts of the building	

### **Additional Requirements**

- Access for deliveries and 'dial a ride' minibus drop off for disabled passengers required
- Consider indoor seating area
- Consider outside space - patio / seating areas
- Car parking: Parking within the site for disabled users, parent and toddler users, and standard
- Consideration given to secure access to pre-school from car park
- Cycle racks
- Buggy park
- Improved access to multi use games area (muga) out of hours

### **Desirable:**

- Resized fit for purpose multi use games area (muga)
- Presents attractive prospect to the street, with good views into the interior to attract customers
- Facility at one end (or both) of large multipurpose space for big pull

Internal space required	Use	Description	Size (m2)
			down screen for talks, conferences, etc. and ceiling digital projector

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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)

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<b>Application Number</b>	14/0607/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd April 2014	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	18th June 2014		
<b>Ward</b>	Romsey		
<b>Site</b>	Anglia Property Preservation 1 Great Eastern Street Cambridge CB1 3AB		
<b>Proposal</b>	Conversion and extension of existing frontage building from office to 1no. flat and 1 studio flat; and erection of 4 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure.		
<b>Applicant</b>	c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The impact on the neighbours is considered acceptable</p> <p>The impact on the Tree of Heaven is considered acceptable</p> <p>The proposal will not have an impact on highway safety</p>
RECOMMENDATION	APPROVAL

### 0.0 INTRODUCTION

- 0.1 This application is brought back before committee following the deferral of a decision at the previous committee because the relevant appeal decision was not available to members. The appeal decision is attached to this agenda.

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 1 Great Eastern Street is a two-storey, end-of-terrace property, situated on the north-west side of Great Eastern Street, its curtilage extending about 32 metres from the street to the common boundary with the London – Kings Lynn railway line to the west. The site is irregular in shape, encompassing what

would, originally, have been the rear 17 metres of the garden of 3 Great Eastern Street, a dwelling that now stands in a plot that only extends about 15 metres back from the street. As a consequence the north boundary of the site, 1 Great Eastern Street, is a common boundary with both 3 and 5 Great Eastern Street.

- 1.2 The main building on the street frontage (the 'house'), which is currently used as offices for Anglia Property Preservation, has the typical L-shaped footprint of a house of the period, with a subsidiary 2-storey 'wing' at the rear, under a roof pitch 'shared' with the adjacent property; to the rear is a more recent flat roof single storey addition which is matched at the rear of No. 3. Separated away from the 'house', to the rear, there are a number of brick outbuildings, used for storage. These buildings are in a poor condition.
- 1.3 Although the railway line is directly to the west of the site, the surrounding area is primarily a residential hinterland to Mill Road, which is recognised in the Local Plan as a District Centre. Immediately south of the site, in the 25 metres between it and Mill Road, are a children's play area and a public car park.
- 1.4 There are no trees on the site itself, but a number of trees and shrubs on the Council owned site to the south, with some hard up to the boundary. The Root Protection Areas of these trees and shrubs on the boundary extend into the application site. None of the trees are the subject of a Tree Preservation Order (TPO), but all have the protection offered by the Conservation Area.
- 1.5 The site is within the Mill Road area of City of Cambridge Conservation Area 1 (Central)(extended 2011). The site does not fall within the Controlled Parking Zone

## **2.0 THE PROPOSAL**

- 2.1 This application follows the refusal of an earlier scheme (ref. 11/0351/FUL). An appeal against this refusal was dismissed. The inspectors decision, which is a material consideration in the determination of this application. It is attached to this Agenda.

- 2.2 The Inspector ruled that the design of the building then proposed would not harm the character of the Conservation Area, and that the residential amenity of occupiers of no. 5 would not be harmed. However, he considered that the enclosing impact of the building on the garden of no.3, the absence of appropriate amenity space for future occupiers of the scheme, and the impact on the adjacent Tree of Heaven all meant the appeal should be dismissed. He also dismissed the appeal on the associated Conservation Area Consent application saying that in the absence of an acceptable scheme to replace, the loss of the existing outbuildings was not justified, despite the fact that they do not enhance the character of the Conservation Area.
- 2.3 The previous application had 6 units in the out building redevelopment. This revised scheme reduces the number of flats in the rear by two but maintains the conversion and extension to the house. The total number of units is 6 within this application.
- 2.4 The single-storey, flat roof element at the rear of the main building would be demolished and replaced with an element with a lean to roof which will not project to the rear of the existing extension or the extension to number 3. The main building would then be extended at the side, with a two-storey addition. This extension would sit 0.3m back from the front and rear elevation of the building, projecting out 2.8m from the side of the original building, providing additional accommodation and access to the first floor level. The extended building would be converted into two one-bed flats, with access to the rear courtyard and proposed units to the rear, and the ground floor flat taking access from the side passageway.
- 2.5 To the rear of the original building and connected to it, a covered bicycle and bin store is shown, which would now be set away by 2m from the common boundary with 3 Great Eastern Street.
- 2.6 To the west of the bicycle/bin store, a new, principally two-storey, building is proposed, which would provide two studio flats on each of the two floors. All of these flats would be dual aspect. The building would abut the common boundaries with the car park and 5 Great Eastern Street. Previously there was a single storey element along the common boundary with number 3 which has been omitted as part of this application.

- 2.7 The building would fill most of the space between the railway boundary and the front building, leaving a courtyard measuring 6m by 7.2m. The rear building is stepped so that:
- for the westernmost 6m, it is 6m by 6m at first floor and set back 4.5m from the boundary with the play area/car park space but is 10.5m deep at ground floor;
  - for the next 2.4m of the 'frontage' it is 7.9m deep and set back 2.6m from the boundary with the play area/car park space;
  - for the eastern 6.6m of the 'frontage' it extends across the full width of the site to the boundary with the play area/car park space; and
- 2.8 The application proposes that two trees and a shrub, which are situated on the adjacent play area/car park site, very close to the boundary, are removed to facilitate the development. The trees in question are:
- a Plum Tree, T2 which the tree survey advises is almost dead, in poor structural condition and with major deadwood, is considered to be a Category R tree (a category from British Standard 5837 – where trees are in such a condition that any existing value would be lost within 10 years and which should in the current context be removed for reasons of sound arboricultural management);
  - a Wild Cherry Tree, T6 which the tree survey advises is in poor, declining health, ivy covered, poor structural condition and is again considered to be a Category R tree.
- 2.9 This revised application differs from the dismissed appeal scheme:
1. The single-storey element along the common boundary with number 3 Great Eastern Street is removed;
  2. The main two storey rear building is set further away from the common boundary with number 3 by a further 2m, giving a 3m gap rather than the 1.3m gap in the dismissed appeal scheme
  3. The new bin and bike store is set in from the common boundary with number 3 by 2m;
  4. The roof over the existing two-storey wing is increased in height

5. The existing single-storey flat roof is to be a lean-to

2.10 The application is accompanied by the following supporting information:

- ☐ Planning, Design and Access Statement (Januarys and NRAP)
- ☐ Surface and Foul Water Drainage Strategy Statement and Plan (Gawn Associates)
- ☐ Foundation arrangement (Gawn Associates)
- ☐ Utilities statement
- ☐ Contamination Desktop Appraisal (Terragen Environmental).
- ☐ Sunlight Assessment (provided by NRAP).
- ☐ Noise Assessment (Cass Allen Associates)
- ☐ Tree Constraints Plan and Tree Protection Plan (David Brown Landscape Design)
- ☐ Site Waste Management Plan (included within the Design and Access Statement)
- ☐ Heritage Statement (included within the Design and Access Statement)

2.11 A Development Control Forum was requested, which had 33 signatures. The main issues were:

1. Overdevelopment of the site;
2. Impact on the character of the Conservation Area;
3. Sense of enclosure to the neighbours;
4. Visual impact in the choice of materials

The final minutes from the meeting will be added to the amendment sheet or distributed at Committee.

2.12 Shortly before the last Committee meeting amended plans were received. These plans showed the garden of number 3 Great Eastern Street being extended by 2m into the application site.

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/1234/CAC	Erection of 2no. flats (to replace frontage building); and 5 studio flats to the rear (following demolition of existing outbuildings), together with	Withdrawn

	associated infrastructure.	
	Conservation Area Consent:	
	Demolition of existing buildings.	
13/1233/FUL	Erection of 1no. flat and 1no. studio flat (to replace frontage building); and 5 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure.	Withdrawn
11/0865/CAC	Demolition of existing rear outbuildings.	Appeal Dismissed
11/0351/FUL	Change of use and side extension to the frontage building from an office to create 2no 1 bed flats; and erection of 6 studio apartments at the rear (following demolition of existing rear buildings), together with associated infrastructure.	Non determination – Appeal dismissed

#### 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 3/8 3/12 3/14
		4/2 4/4 4/11 4/13
		5/1 5/2
		8/1 8/2 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>
Supplementary Planning Guidance	<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>Sustainable Design and Construction (2007)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</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 which are of relevance.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The proposal proposes no off street car parking. This will not have a significant impact upon highway safety but may do in terms of amenity. The proposal is acceptable subject to condition relating to reinstating the kerb.

#### Comments on amendment

There is no comment to make on the amendment. Previous comments still stand.

### **Head of Refuse and Environment**

- 6.2 No objection in principle subject to conditions relating to construction hours, deliveries, piling, dust, noise insulation, waste and recycling and contaminated land. It is also recommended that an informative to the dust condition be added.

#### Comments on amendment

The proposal is still acceptable and the previous comments still stand.



## **Urban Design and Conservation team**

- 6.3 The proposed works would not be detrimental to the character and appearance of the Conservation Area and the use of materials will allow a distinct change between the rear and frontage house. The detailing is important but can be controlled by conditions.

### **Comments on amendment**

The proposed amendments do not alter the previous comments.

## **Head of Streets and Open Spaces (Landscape Team)**

- 6.4 The proposal creates more open space by moving the building and has responded to the issues regarding the Tree of Heaven. However the first floor still appears close to the tree. The proposal is acceptable subject to condition relating to landscaping.

## **Sustainable Drainage**

- 6.5 The approach is acceptable in principle but there should be a site investigation and calculations for the system requirement and this could be controlled by condition. The design should be sized for a 1 in 30 year event and not 1 in 100 year flooding of buildings.

## **Arboriculture Team**

- 6.6 The proposed scheme is acceptable subject to conditions. The scheme has addressed the concerns of the previous scheme and the conditions will safe guard the Tree of Heaven. The conditions proposed relate to tree protection, excavation and site visit.
- 6.7 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:

- ☐ 2 Great Eastern Street
- ☐ 3 Great Eastern Street
- ☐ 5 Great Eastern Street
- ☐ 10 Great Eastern Street
- ☐ 12 Great Eastern Street
- ☐ 30 Great Eastern Street
- ☐ 55 Great Eastern Street
- ☐ 61 Great Eastern Street
- ☐ 74 Great Eastern Street

7.2 The representations can be summarised as follows:

### Character

- ☐ The proposed building is out of character
- ☐ The view from the Mill Road bridge will be compromised
- ☐ Impact on trees
- ☐ The proposal increases the built development coverage of the site and significantly increases the built mass of the site. This is overdevelopment of a constrained site

### Residential Amenity

- ☐ Noise from construction
- ☐ Dust from construction
- ☐ Deliveries will cause disturbance and disruption
- ☐ On bin collection day the bins block the pavement. The additional bins for the proposed development will exacerbate the situation
- ☐ Loss of privacy
- ☐ Overbearing sense of enclosure for neighbouring properties
- ☐ Loss of light

### Traffic and parking

- ☐ Off-street car parking spaces should be provided. Parking is already difficult and this will exacerbate the problem
- ☐ The Transport Statement does not correlate with residents experience of parking on the street
- ☐ All new residents should not be eligible for parking permits

## Comments on amendments

Address:

- ☐ 12 Great Eastern Street
- ☐ 55 Great Eastern Street

Comments:

- ☐ Danger to trees.
- ☐ The increase in garden space to number 3 does not overcome the problem of increase accommodation.
- ☐ The traffic concerns still stand

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 the area
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Sustainable Drainage
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses.

8.3 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of non-residential buildings into self-contained dwellings will be permitted except where the likely impact on 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.

- 8.4 The site is within a residential area, and therefore I consider residential use here to be acceptable. In my opinion, the principle of development is acceptable and in accordance with policy 5/1 and part e) of policy 5/2 of the Cambridge Local Plan (2006). The other sections of policy 5/2 of the Local Plan will be discussed later on in this report.

### **Context of site, design and external spaces and impact on the area**

- 8.5 The extension to the side of the original 'house' building would be set back from the Great Eastern Street frontage of the building. This will be similar in size and scale to the existing building except that it will be set back from the front and rear elevation of the frontage building. In my opinion, this will have a positive impact on the immediate area recognizing the 'corner' status of this building and presenting a 'face' towards Mill Road. It will not have a detrimental impact on the appearance of the street or the character of the area and the Council's Conservation Officers are of the opinion that the extension is appropriate in design and scale subject to conditions relating to external materials (2).
- 8.6 There have been third party objections regarding the character and context of the area. The Inspector noted in his decision on the previous scheme that the current buildings had limited value and added that the new building was acceptable as it allowed for the visual interest facing Mill Road and that the use of materials was acceptable as the building was not mimicking the frontage buildings along Great Eastern Street but its historical commercial use. The form and scale of the building have not changed significantly enough in this revised application to cause me to come to a different view. Great Eastern Street is of a relatively uniform character and design comprising mainly two-storey, Victorian, terrace houses. In my view this modern approach to a terrace form, given the rather different context, is appropriate and far from being out of character with the area,

would replace rather tired buildings and make a positive contribution to the character and appearance of the area.

- 8.7 The existing site, to the west of 1 and 3 contains outbuildings that vary in scale and height. On the common boundary with the railway land, is an outbuilding with north and south facing gables; the building is 4.3m high at the eaves and 5.8m high at the ridge. Attached to this building (by a link which falls from 3.1m on the common boundary with No. 5, to approximately 2.5m within the site), and abutting the common boundary with 5 Great Eastern Street, is a mono-pitched outbuilding, that stands 4.4m high on the common boundary, but falls to a height of approximately 3.9m within the site. Attached to this is a flat-roofed 'garage', approximately 2.2m high which abuts the common boundary with the rear of 3 Great Eastern Street and the common boundary of the 5 Great Eastern Street closest to the house on that property.
- 8.8 Currently, along the boundary with 5 Great Eastern Street there are buildings of between 3.1m and 4.4m in height, for a length of approximately 15.1m, leaving a 5.7m gap between the outbuilding along the boundary and the single-storey element at the rear of No.5. Along the rear boundary of 3 Great Eastern Street there is a building that is 2.2m in height. The building now proposed, like the existing outbuildings, will abut the common boundary with 5 Great Eastern Street, but it has been set off the boundary with number 3 boundary by 3m. In this revised scheme the rear single storey that was abutting the common boundary with number 3 has been omitted and the boundary treatment will be a 1.8m high wall on the southern and western boundaries of the curtilage of no.3.
- 8.9 The proposed building will have a single pitched roof. Along the common boundary with 5 Great Eastern Street, the building has been lowered slightly and would be 5m in height to the eaves rather than 5.2m but still remains 6.2m in height to the highest part, for a length of 6.5m and then tapers down by 100mm for another 2.5m and further reduces in height to 5.7m for 6m. This is a little lower than the northern gable of the existing outbuilding closest to the railway, but higher by about 650mm than the existing structures on this part of the common boundary. Along the garden boundary with number 3 the previous scheme had a proposed bin/bicycle store which was 700mm taller than the existing wall. This has now been omitted

and the scheme will only have a 1.8m high wall here. The amended scheme extends the courtyard boundary by 2m which will open the garden of number 3 up.

- 8.10 As the outbuildings exist, and have been standing there for a very long time, having buildings at the rear of this site is a part of the character of the area, and the view from the Mill Road Bridge. The outbuildings are of limited historical interest and the Conservation team has no objection to their removal if they are replaced with something of appropriate scale that will add to the area. I share the view that replacing these buildings with other buildings of a similar scale, is acceptable in principle and need not have a detrimental impact on the character or appearance of the Conservation Area. The new building is separate from the main house and therefore reads as a separate entity rather than as an extension, much as the existing buildings are. The ridge height of the new building would be lower than the ridge of the original 'house', and would not therefore dominate the streetscene of Great Eastern Street or detract from the main building. Set back as the proposal is from Mill Road and behind planting, I do not consider that the modest scale of the building will be intrusive in that street scene, but will make a positive contribution, framing the space.
- 8.11 Bricks will be used on the northern elevation and would also be used for the boundary wall. Additional reclaimed bricks may also be used. The side and rear elevations of 1 Great Eastern Street are painted white and to tie in with this, it is proposed that the southern elevation (the front elevation facing out towards the Mill Road) is also rendered white, framed with brickwork. The roof will be slate. The side extension to the main house will be rendered to match the existing building. To ensure that the materials used are appropriate, I recommend a condition (2) requiring that all brickwork is constructed using reclaimed bricks, and that samples of the render and roofing materials are submitted prior to works above ground level (condition 2).
- 8.12 The Landscape Architects have commented that the proposed amenity area is larger than the previous scheme but have concerns over how the area is to be lit. I agree. A condition to provide this additional information is required (11).
- 8.13 Subject to condition, in my opinion the proposal, in terms of its design and appearance and contextual relationship with

neighbouring buildings and the site, is a good solution which will make a positive contribution to the local area and the Conservation Area of which it is a part. The proposal is therefore compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11 and advice in National Planning Policy Framework (2012).

### Residential Amenity

#### Environmental Health

- 8.14 Concerns have been raised regarding noise and disturbance from construction. The Environmental Health office<sup>3r</sup> has raised no objection to the proposal subject to conditions relating to construction hours (3), deliveries (4), dust (7), piling (5), noise insulation (8), waste and recycling (9) and contaminated land (10). As the site is within close proximity to other residential occupiers construction activity has the potential to cause disturbance. I agree with the conditions suggested and recommend them. I also recommend condition (6) relating to site set up.

#### Impact on amenity of neighbouring occupiers

- 8.15 Due to the scale of the building, its positioning and the orientation of the buildings, it is my opinion that the only neighbouring properties likely to be affected by the physical mass of the proposal are 3 and 5 Great Eastern Street. The Inspector in the appeal decision accepted the shadowing and impact on number 5 Great Eastern Street. The Inspector stated that although the proposal increased in height slightly, the elevation of the rear building was pushed back away from the rear elevation of no.5 and was considered acceptable. The revised proposal is even further back, so the shadowing would be less significant than the appeal scheme and is therefore acceptable.
- 8.16 The new building will stand to the south of 5 Great Eastern Street and to the west of 3 Great Eastern Street, and there is therefore the potential for impact on these neighbours in terms of potential loss of light and outlook from the dwellings and their gardens, overshadowing and enclosure. However, in order to assess whether the new building would have a significant detrimental impact on the residential amenity of neighbouring

occupiers, the impact of this proposed building must be compared with the impact of the existing outbuildings on the site.

- 8.17 Revised shadow diagrams have been submitted as part of the application, which demonstrate that the existing outbuildings currently overshadow the rear gardens of 3 and 5 Great Eastern Street. On the boundary, at eaves level, the proposed building will be taller than the existing buildings in some places and lower in others. The submitted shadow diagrams show that the proposed building will cast slightly more shadow over the neighbouring gardens than the existing outbuildings, but not significantly more. This suggests that the proposed building will not have a significant detrimental impact on neighbours in terms of overshadowing, when compared with the current situation. The Inspector considered that there would be no detrimental impact to number 5 from the appeal scheme over and beyond the current situation and this scheme is similar so I consider that its impact will not be detrimental to this neighbour.
- 8.18 I do not consider that there will be any increase in loss of privacy to the neighbours as the windows facing these neighbours are at high level or ground floor level where there is an intervening boundary.
- 8.19 Careful assessment is required of the proposed building when seen from the gardens of 3 and 5 Great Eastern Street. Again, this needs to be compared with the current situation. In my opinion, the existing outbuildings are relatively dominant when seen from the neighbours' properties, especially when viewed from the garden of 3 Great Eastern street, which is shallow, most of the original garden having been incorporated into the application site in the past. This revised scheme has now omitted the single-storey cycle storage, increased the depth of this garden by a further 2m and two-storey building is set back further. I appreciate that the two storey form will be wider, and accept that the Inspector in coming to a view about the dismissed scheme felt that the outlook from the garden of number 3 should not be further eroded. I consider that the additional set back to the gable end, removing the bins and bike storage away from the boundary and increasing the size of the garden to number 3 will allow more light into this garden and open up views from the garden to overcome possible enclosing to number 3 and has overcome the concern and in my opinion,



the impact on the neighbours will not be significantly different from what is currently experienced, and not to a degree that would justify refusal of the application.

- 8.20 There is a slight increase on the roof over the existing two-storey element. However this will still remain lower than the existing roof height and any shadows cast will be over the flat roof of the existing extension at no.3. I do not think that this element will create a sense of enclosure to number 3 as this element will be difficult to see over the existing extension and any part you will see is set back from the garden area of number 3.
- 8.21 Concern has been raised about noise and disruption from the residents of the flats. Clearly there will be additional noise as the comings and goings from the site are likely to increase. However, the areas closest to the two neighbouring properties are circulation spaces where noise is likely to be less and where the spaces themselves can act to some degree as a buffer against activity in the rooms which are further away from neighbours. The open space is in a similar position with the garden space of nos. 3 and 5. In my opinion, there is not justifiable reason to refuse planning permission on these grounds.
- 8.22 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*

*Noise*

- 8.23 Concerns about proximity of the railway has resulted in a noise report being submitted with the application. This identifies that the site falls within NEC B in both the daytime and at night. The Environmental Health Officer has explained that this would mean that some noise mitigation would be required. A noise mitigation strategy is requested by condition (condition 7).
- 8.24 However, the new building has been designed in order to mitigate against noise from the railway, which is directly to the west of the site. All of the flats in this building are dual aspect,

with openable windows on the southern elevation only. The noise level is likely to be reduced by the shielding of the building and garden walls, and it is therefore possible that the noise environment immediately outside the southern windows is within NEC A. This would mean that mitigation may not be required. The western elevation does include a window at ground floor and first floor level, which will provide light, but will be sealed shut.

- 8.25 The report does not assess noise in external amenity areas. However, as the amenity area is protected by the building, Environmental Health are confident an acceptable noise level can be achieved here.

*Impact of the existing trees on the light entering the proposed building*

- 8.26 With respect to the previous scheme the Inspector shared the Council's concerns that the spread of the trees on the boundary is such that they will limit daylight from entering the proposed studios flats in the new building. This might lead to future requests to prune or even fell the trees, which the Council would find it hard to resist if planning permission had been granted. The present scheme has reduced the number of units by two from the appeal scheme and this has allowed the units to have a dual aspect view. I consider that this overcomes the councils' and the Inspector's concerns about the tree. I recommend conditions (14 and 15) to ensure protection of the tree but I still await further comments from the City Council's Arboricultural Team, which will be reported to Committee.
- 8.27 Subject to conditions, 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, 3/12 and 3/14).

Refuse Arrangements

- 8.28 The submitted plans show that three chamberlain bins will be provided, and will be stored in a secure store situated between the converted building and new building. Environmental Health are satisfied that this should be sufficient for the volume of waste that will be generated by the development. However, the

management of the bins, including how they will be taken to the kerbside for collection, will need to be agreed by condition (condition 9).

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

#### Car and Cycle Parking

- 8.30 Appendix C (Car Parking Standards) states that no more than one car parking space can be provided for each dwelling. Part b) of policy 5/2 of the Cambridge Local Plan explains that the conversion of non-residential buildings into residential use will not be permitted if the impact on on-street parking would be unacceptable. The proposed development is to be car-free, and there are no off-street car parking spaces proposed. The site is not within the Controlled Parking Zone, and competition for on-street parking spaces is high.

- 8.31 In terms of the demand for on-street parking, this site is similar to a site on Campbell Street, which is a cul-de-sac almost directly opposite Great Eastern Street, on the opposite side of Mill Road. In March 2010 planning permission was refused for the conversion of 1A Campbell Street from offices to four studio flats (10/0054/FUL). This was a car free development, although there was space for one car to park off-street. The application was refused, as it was the Council's view that the development would provide unsatisfactory living accommodation. The lack of car parking was accepted. The application was taken to appeal and was allowed. In the appeal decision, the Inspector stated that:

*It is likely that these units of accommodation will be attractive to residents willing to forego car ownership, and that the difficulties of parking in the area which have been drawn to my attention will reinforce this. I also note that there are facilities, including the City Centre, within walking or cycling distance. I conclude that whilst the concerns expressed are understandable, they do not justify the refusal of planning permission.*

- 8.32 Like the Campbell Street site, the application site is close to the City Centre and local shops on Mill Road, and is close to public transport routes, including the railway station. There is a public car park directly to the south of the site, which includes a car

club car. Due to the site's location, and because of this appeal decision on a site close by, it is my opinion, that it would not be reasonable to refuse planning permission due to a lack of off-street car parking spaces.

- 8.33 Appendix D (Car parking Standards) maintains that at least one secure and covered bicycle parking space must be provided for each bedroom. For this development, this equates to eight spaces. Eight spaces are provided within the store, which meets the standards and is acceptable. The local highway engineer has not raised the issue of car parking as an issue subject to conditions relating to reinstatement of the kerb (11), encroachment (12) and informatives relating to works in highway (17) and utilities (18), which I agree with.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and part b) of policy 5/2.

#### Sustainable Drainage

- 8.35 The Sustainable Drainage officer has commented that the proposal is acceptable in principle but this has to be backed up with site specific data and recommended a condition to require on site investigations, infiltration rates and calculations for the sizing of the soakaways and attenuation required. I agree with the recommendation and recommend a condition (16).
- 8.36 In my opinion the proposal is acceptable and compliant with the Guidance in the National Planning Policy Framework (2012).

#### **Third Party Representations**

- 8.37 Most of the issues raised in the representations received have been addressed under the headings above. Those not yet addressed are the neighbour notification period and the belief that works on infrastructure have already commenced.
- 8.38 Neighbours and consultees were consulted in line with what is statutorily required. If any works have commenced which require planning permission (ie infrastructure works that are considered to be an engineering operation) they are carried out at the developers own risk and may be subject to enforcement action.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.39 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 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**

- 8.40 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.41 The application proposes the erection of 5 studio and 1 one-bedroom flats. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for

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

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	238	238	5	1190
1 bed	1.5	238	357	1	357
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>1547</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	269	269	5	1345
1 bed	1.5	269	403.50	1	403.50
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>2151.50</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	242	242	5	1210
1 bed	1.5	242	363	1	363
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>1573</b>

8.42 The applicants have shown their willingness to enter into a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge

Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

### Community Development

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	6	7536
2-bed	1256		
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>7536</b>

- 8.44 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

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

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

- 8.46 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

#### Household Recycling Centres

- 8.47 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.
- 8.48 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD.
- 8.49 For new development in Cambridge the relevant HRC is located at Milton. The following table sets out how the contribution per new dwelling has been calculated for the Milton HRC.



Notes for Milton	Infrastructure/households	Source
4 sites at £5.5 million	£22 million	Cost per site sourced from Mouchel Parkman indicative costs 2009
Total catchment (households)	115,793	WMT Recycling Centre catchment tables CCC mid 2009 dwelling figures
New households	24,273	CCC housing trajectory to 2025 as of December 2010
<u>Infrastructure costs</u> Total number of x New households in catchment households in catchment		
<u>£22 million</u> x 24,273 = £4,611,730 115,793		
Total Developer Contribution per household = £190		

The net gain is 6 therefore the necessary contribution towards HRC is £1140.

- 8.50 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012), I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

## Education

- 8.51 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.52 In this case, 6 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

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

- 8.53 The applicants have shown their willingness to enter in a S106 and subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

## Monitoring

- 8.54 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and

non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

- 8.55 For this application a monitoring fee of **£685.38** is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

#### Planning Obligations Conclusion

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

### **9.0 CONCLUSION**

The proposal is a revised scheme which reduces the number of units in the rear part from 6 to 4. The main issues raised by the previous scheme, dismissed at appeal: the impact on the Conservation Area, the Tree of Heaven and the amenity of occupiers at 3 Great eastern Street have been overcome in this application as the main rear two-storey building has been pushed back, the single-storey section adjacent to the number 3 has been removed and the foundation design seeks to protect the Tree of Heaven. Taking all this into account I consider the proposal is acceptable, subject to conditions and I recommend APPROVAL.

### **10.0 RECOMMENDATION**

**APPROVE** subject to completion of the s106 Agreement and 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. Reclaimed bricks shall be used for all brickwork (other than rendered brickwork) unless agreed in writing by the Local Planning Authority. No above ground works shall commence until samples of all other materials to be used in the construction of the external surfaces of the development hereby permitted, including but not limited to, window details and surround, roof covering, metal work 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, 3/14 and 4/11)

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 agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages on Mondays - Fridays between the hours of 0700 hrs and 0900 hrs or between the hours of 1600hrs and 1800hrs. On Saturdays 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. 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 to protect the amenity of these residential properties throughout the redevelopment. (Cambridge Local Plan 2006, policy 4/13)

5. 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: Due to the proximity of residential properties to this premises and to protect the amenity of these residential properties throughout the redevelopment. (Cambridge Local Plan 2006, policy 4/13)

6. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

- i) contractors access arrangements for vehicles, plant and personnel,

- ii) contractors site storage area/compound,

- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

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

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

7. No demolition / 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. Works shall be undertaken in accordance with the approved details unless the Local Planning Authority agrees to the variation of any details in advance and in writing.

Reason: To minimise the spread of dust in the interests of health and safety. (Cambridge Local Plan 2006, policy 4/13)

8. 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 amenity of future occupiers (Cambridge Local Plan 2006 policies 3/7 and 4/13)

9. Prior to the commencement of development, 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 prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 3/7)

10. 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 protect the amenity of the occupiers. (Cambridge Local Plan (2006) policy 3/14).

11. 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. 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)

12. The existing vehicular access shall, at no expense to the Highway Authority, be returned to normal footway with a full-faced kerb laid out and constructed in accordance with the Cambridgeshire County Council construction specification.



Reason: In the interests of the safe and efficient operation of the public highway. (Cambridge Local Plan (2006) policy 8/2).

13. 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.

Reason: In the interest of Highway Safety. (Cambridge Local Plan (2006) policy 8/2).

14. In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of two years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with British Standard 5837 and the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of trees on site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

15. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

16. Prior to the commencement of development full details of the sustainable drainage design including site investigations, infiltration rates and calculations for the sizing of the soakaways and attenuation shall be submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interest of flooding to the neighbouring occupiers. (National Planning Policy Framework (2012)).

**INFORMATIVE:** 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 applicants 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:** 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.

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

**INFORMATIVE:** To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

‘Council’s 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](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

‘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](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

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

**INFORMATIVE:** The applicant is reminded that the proposal may need Building Control application and recommend that you contact the Cambridge City Council Building Control on 01223 457200.

**INFORMATIVE:** The applicant is reminded that Party Wall agreement may be required for the works.

**2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 26<sup>th</sup> September 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):**

The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

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



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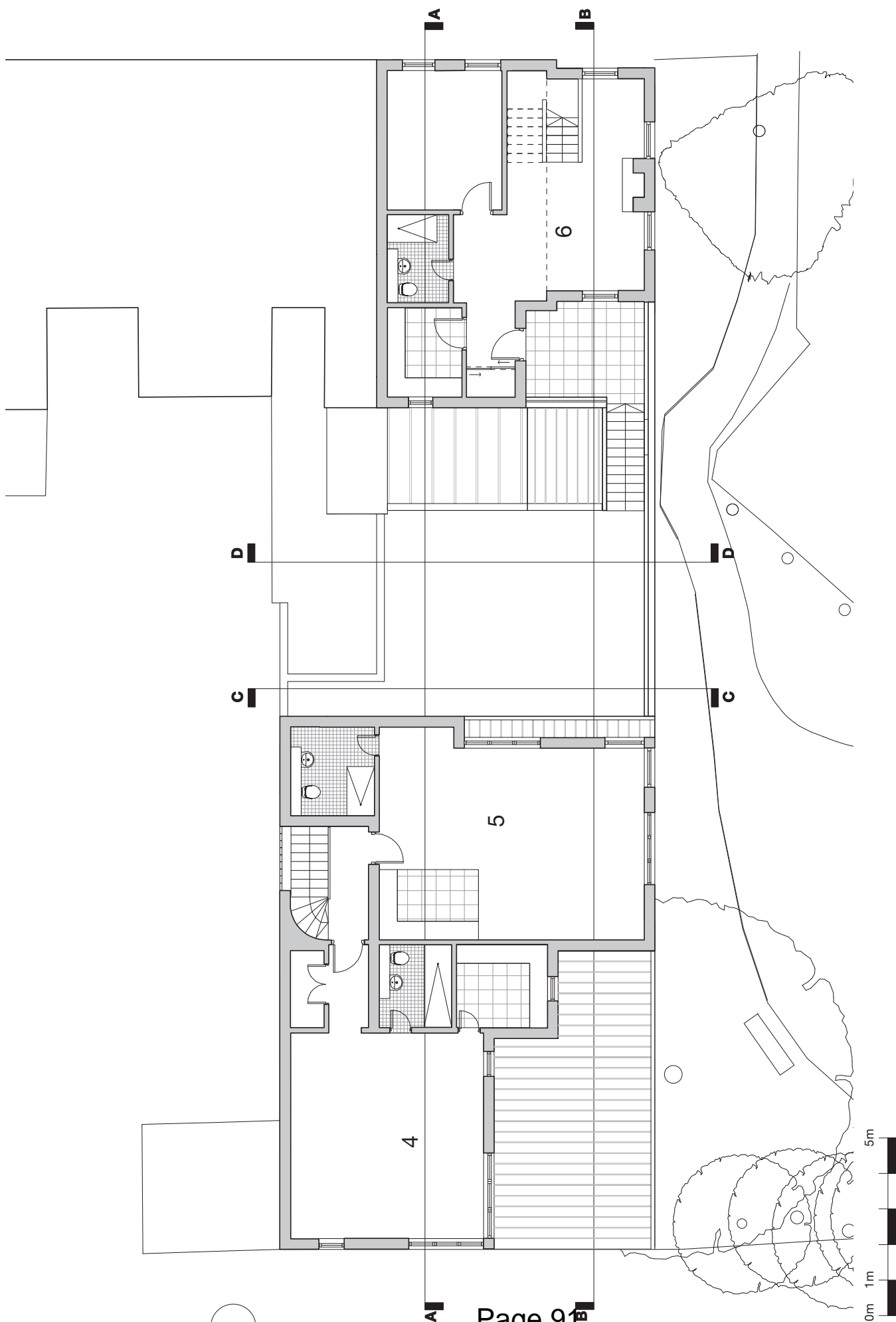
Great Eastern Street Cambridge CB1 3AB Location Plan 1:

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Do not scale off drawing. All dimensions to be checked on site.  
This drawing is to be read in conjunction with all other relevant consultants drawings and specifications

- Slate roof

- Corrugated Perspex

- Zinc roof

## PLANNING

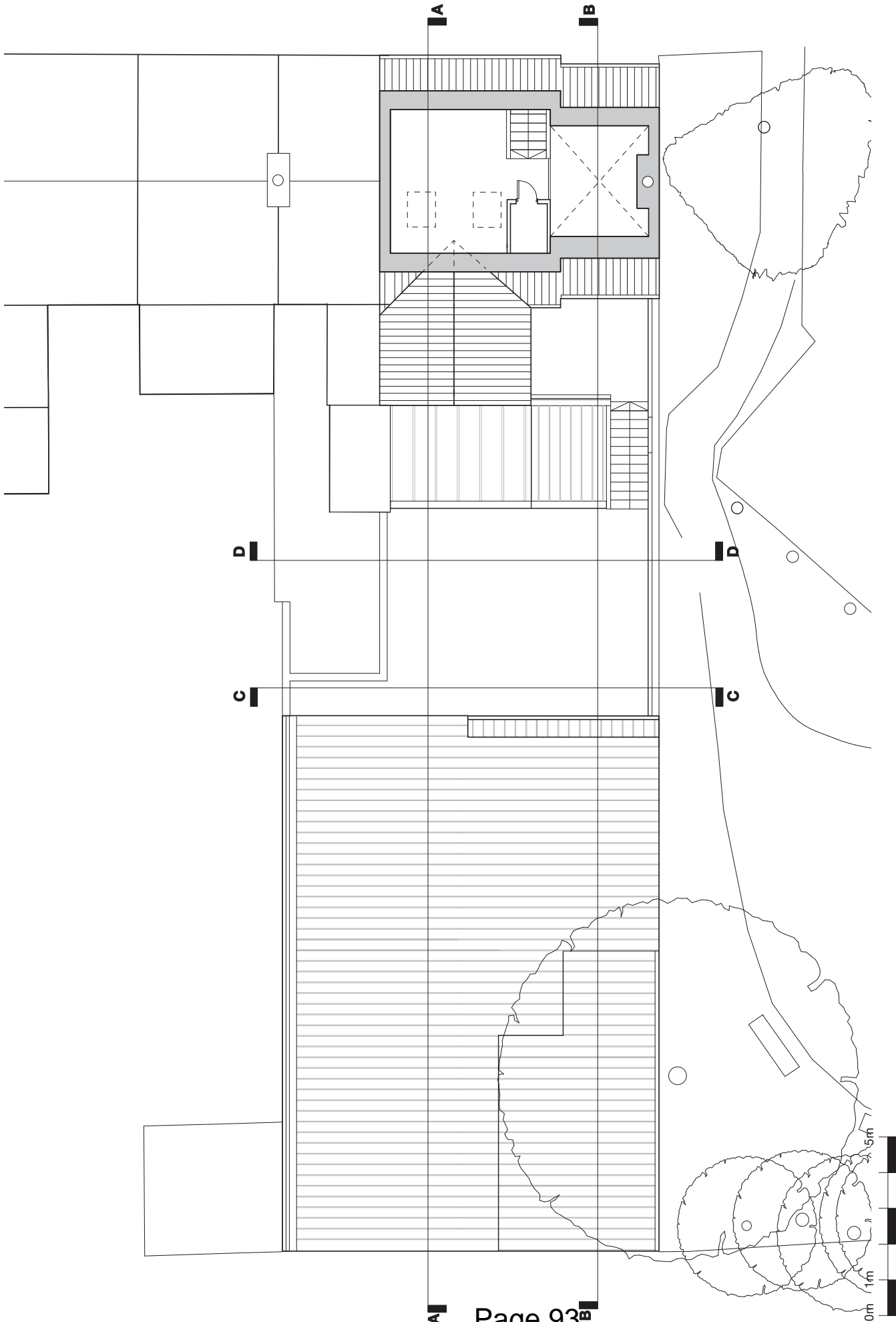
21/07/14	A	Addition of garden wall at Number 3
12/08/14	B	Selback on the Eastern Gable in far right corner
Date	Rev.	Notes

Project Title	Great Eastern Street		
Drawing No.	2446-P51		
Drawing Title	PROPOSED FIRST FLOOR PLAN		
Scale	1:100	Status	PLANNING
Size	A3	Date	JAN 2014

**NRAP**  
ARCHITECTS

St. Garden | Cambridge | CB1 2HS  
design@nrap.co.uk | 01223 464 455

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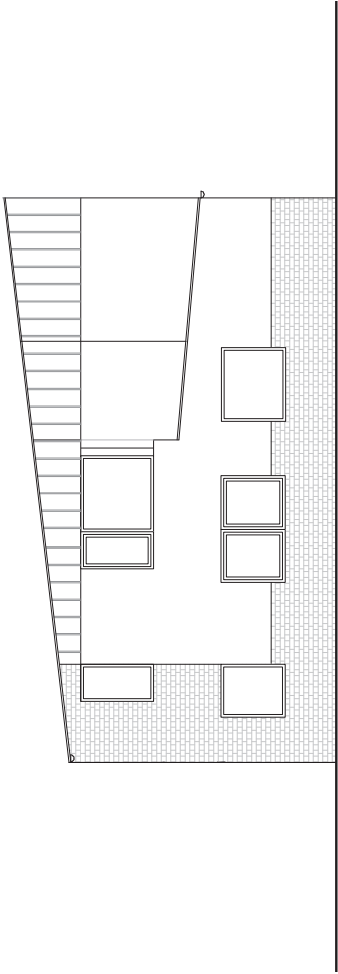


<div>NOTES:</div> <div>Do not scale off drawing. All dimensions to be checked on site.</div> <div>This drawing is to be read in conjunction with all other relevant consultants drawings and specifications</div>	<div>KEY:</div> <div><div><div></div><div></div><div></div></div><div>- Slate roof</div><div><div></div><div></div><div></div></div><div>- Corrugated Perapex</div><div><div></div><div></div><div></div></div><div>- Zinc roof</div></div>	21/07/14	A	Addition of garden wall at Number 3	
		12/08/14	B	Setback on the Eastern Gable in far right corner	
Project Title		Great Eastern Street		Project Title	
Drawing No.		2446-P52		Drawing Title	
Drawing Title		PROPOSED SECOND FLOOR PLAN		PLANNING	
Scale		1:100		Status	
Size		A3		Date	
Date		Rev.		Notes	

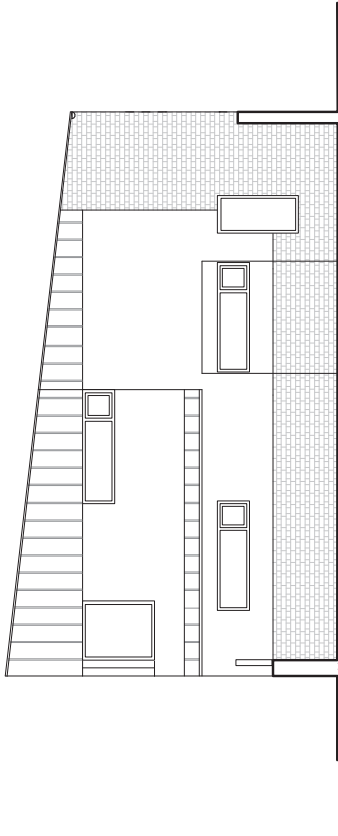
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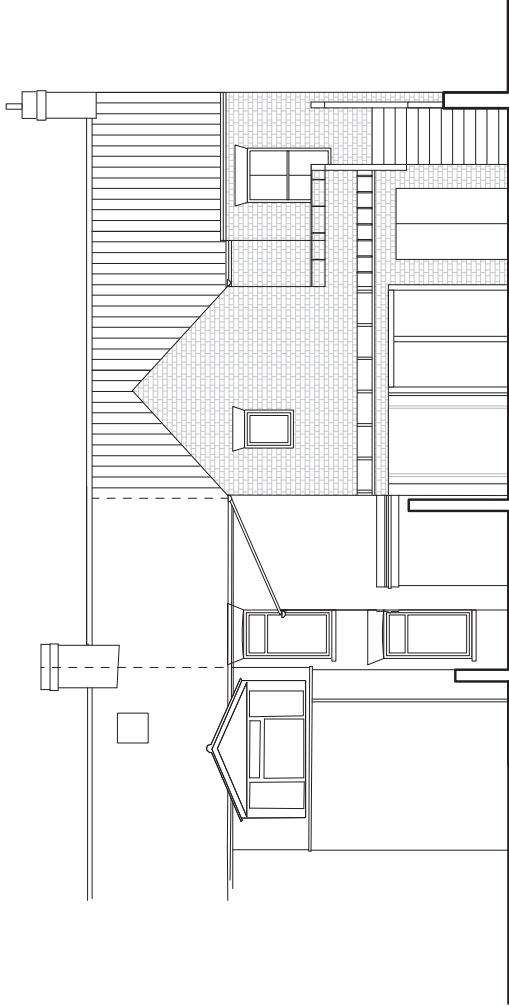
East elevation



West elevation








Section C-C

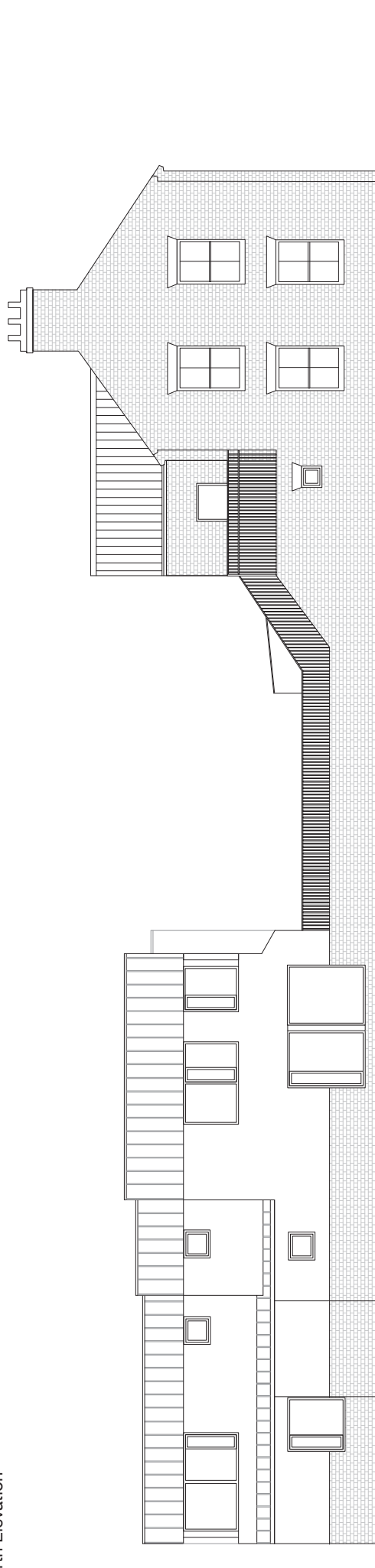
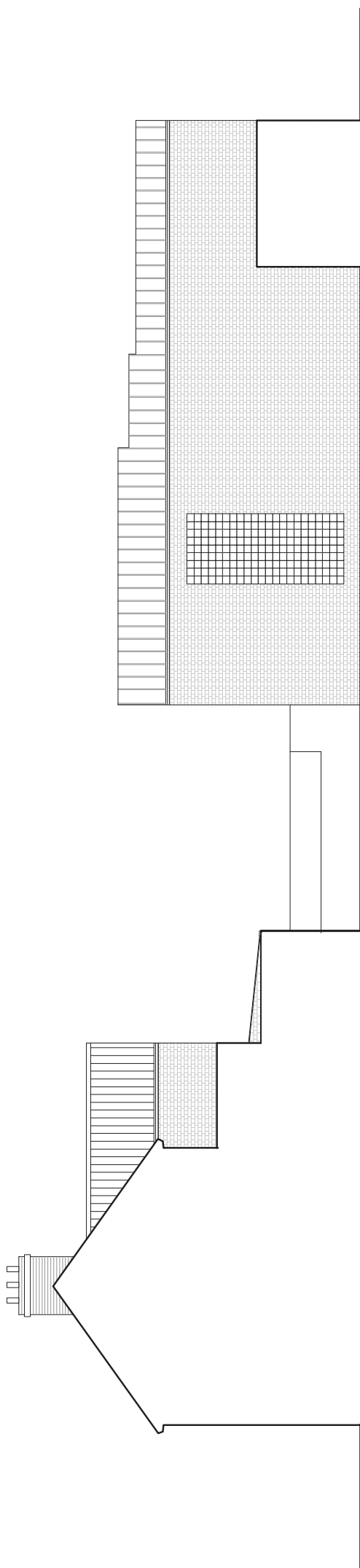


Section D-D



<div>NOTES:</div> <div>Do not scale off drawing. All dimensions to be checked on site.</div> <div>This drawing is to be read in conjunction with all other relevant consultants drawings and specifications</div>	<div>KEY:</div> <div><div><div><div></div><div>- Slate roof</div></div><div><div></div><div>- Glass</div></div><div><div></div><div>- Zinc roof</div></div><div><div></div><div>- Bricks</div></div><div><div></div><div>- White render</div></div></div></div>	<div>PLANNING</div>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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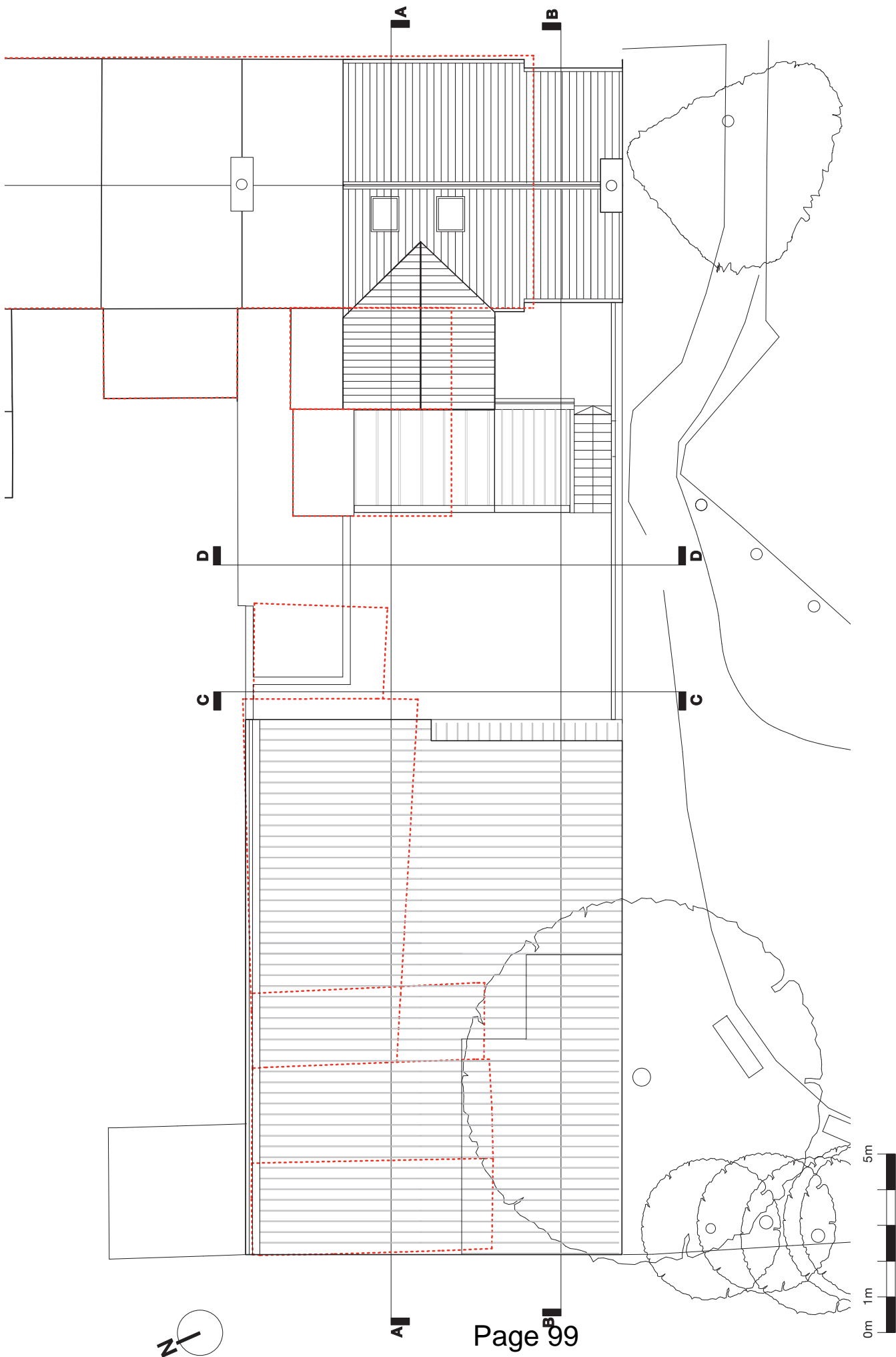


Page 97

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NOTES:

Do not scale off drawing. All dimensions to be checked on site.  
This drawing is to be read in conjunction with all other relevant  
consultants drawings and specifications

KEY:

- Slate roof

- Glass

- Zinc roof

- Existing roof plan

PLANNING

21/07/14

A

Addition of garden wall at Number 3

12/08/14

B

Setback on the Eastern Gable in far right corner

Date

Rev.

Notes

Project Title

Great Eastern Street

Drawing No.

2446-P54

Drawing Title

COMPARATIVE ROOF PLAN

Scale

1:100

Status

PLANNING

Size

A3

Date

JAN 2014

www.nrap.co.uk | design@nrap.co.uk

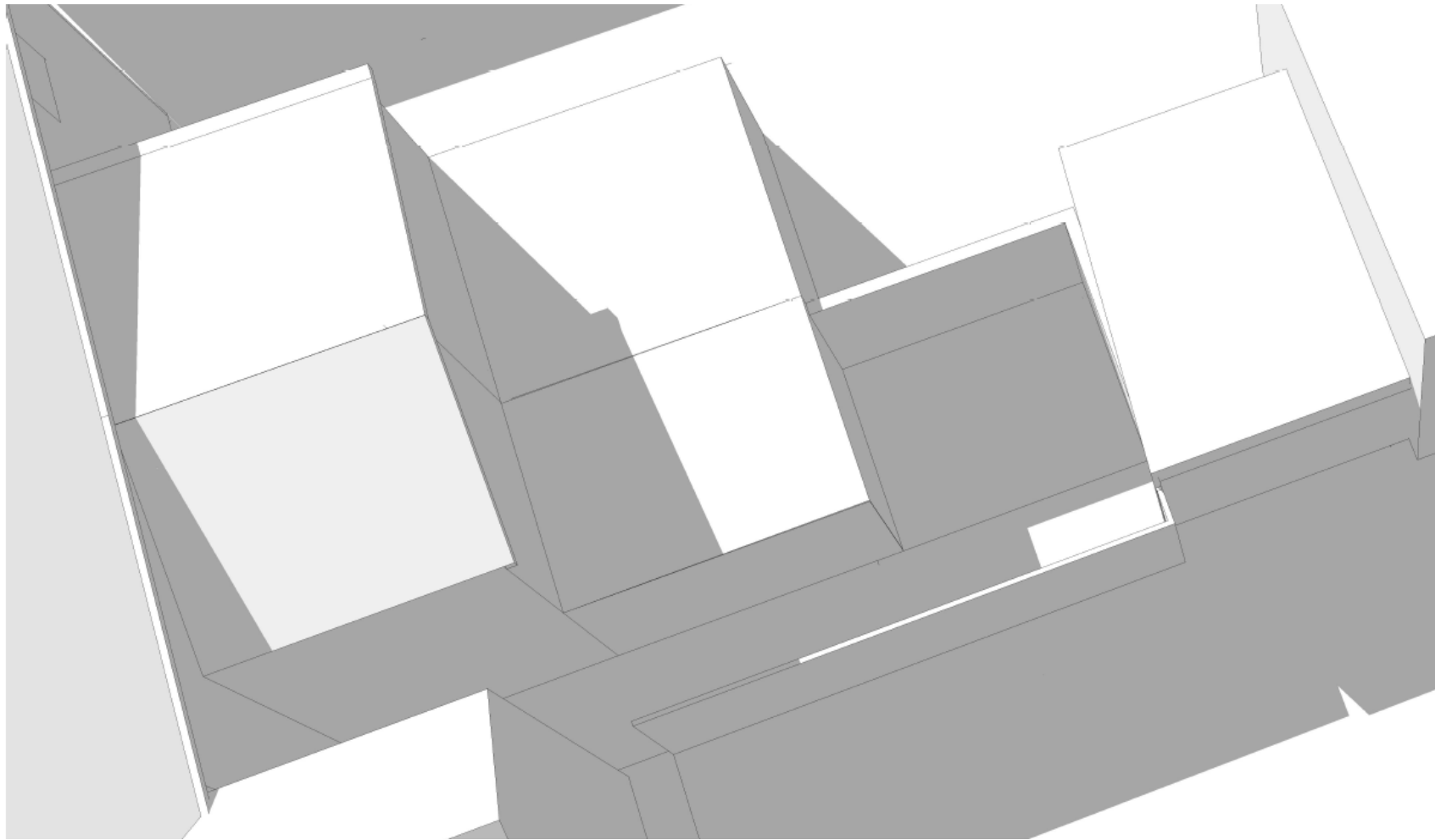
NRAP

NICHOLAS RAY & PLASTIK ARCHITECTS

13-15 Covent Garden | Cambridge | CB1 2HS

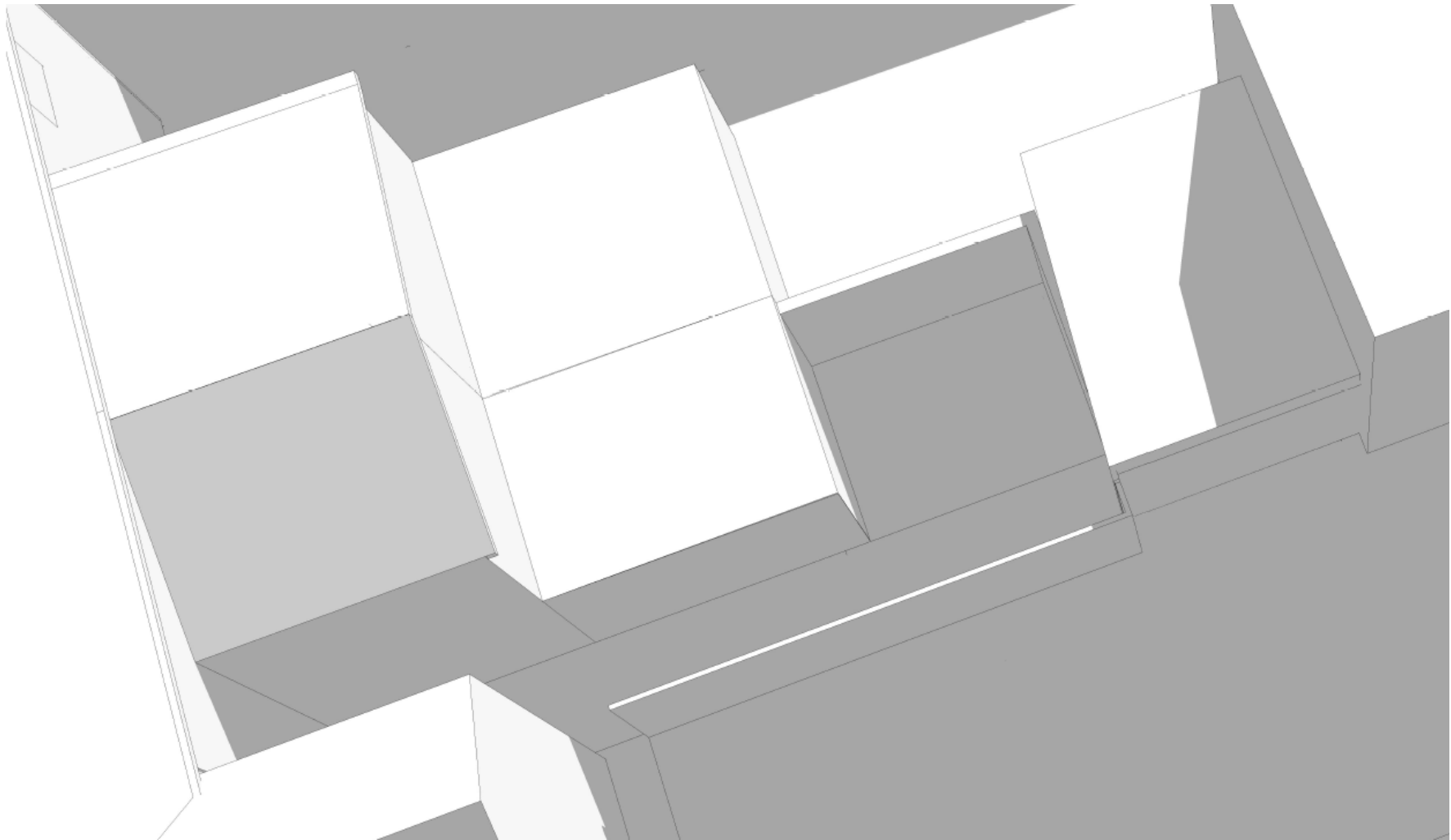
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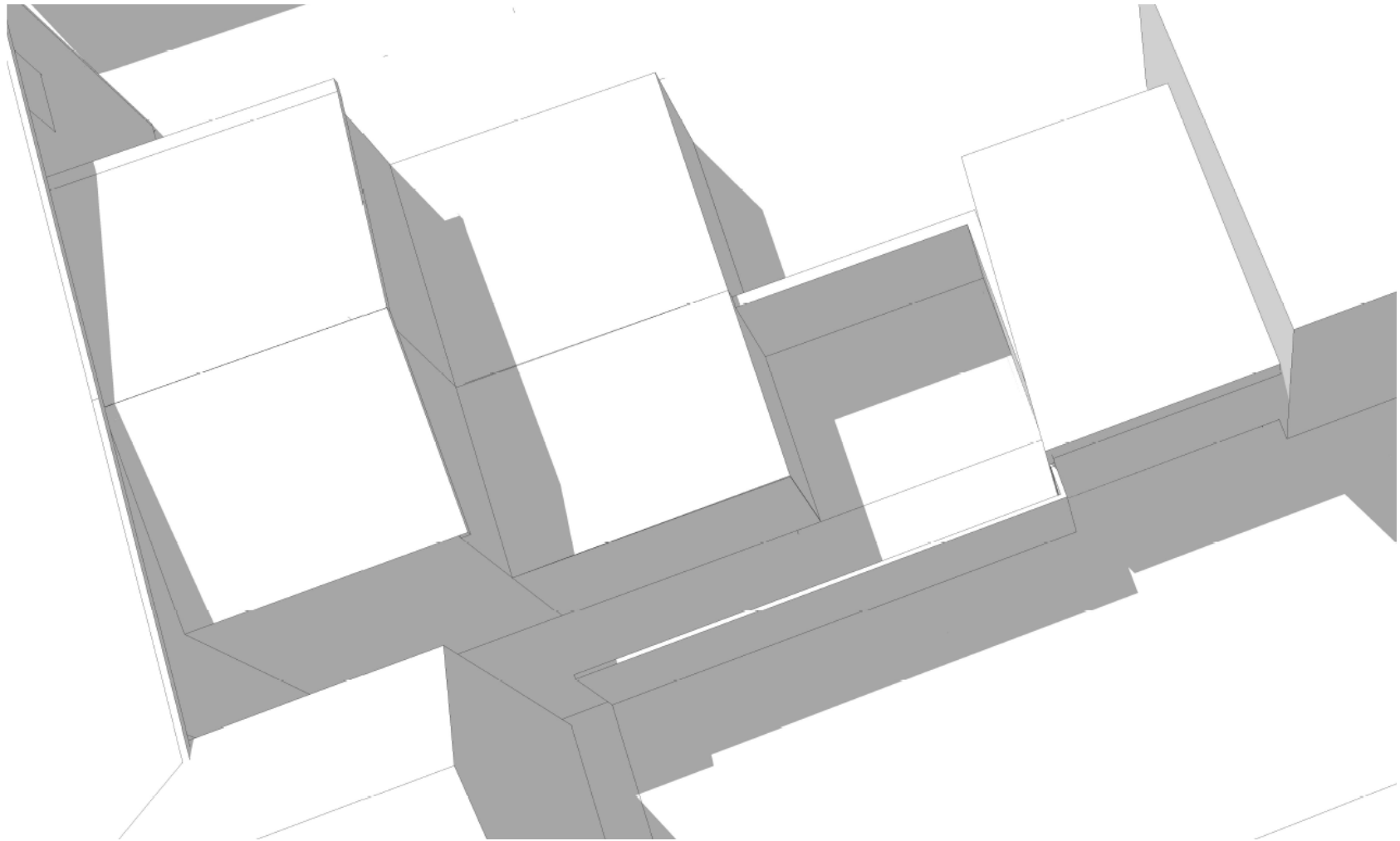
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Existing: Spring Equinox – 3pm

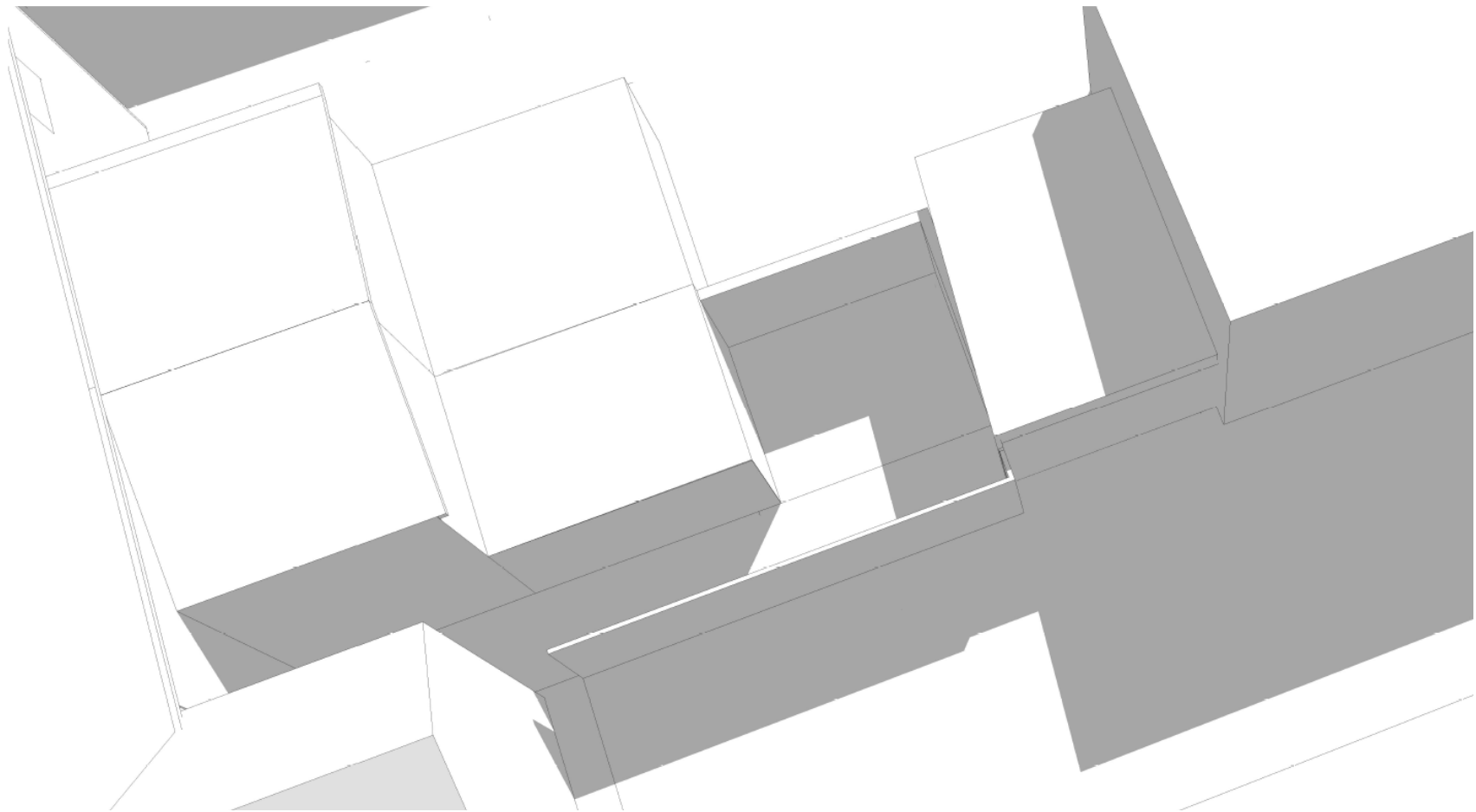
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Existing: Summer solstice – noon

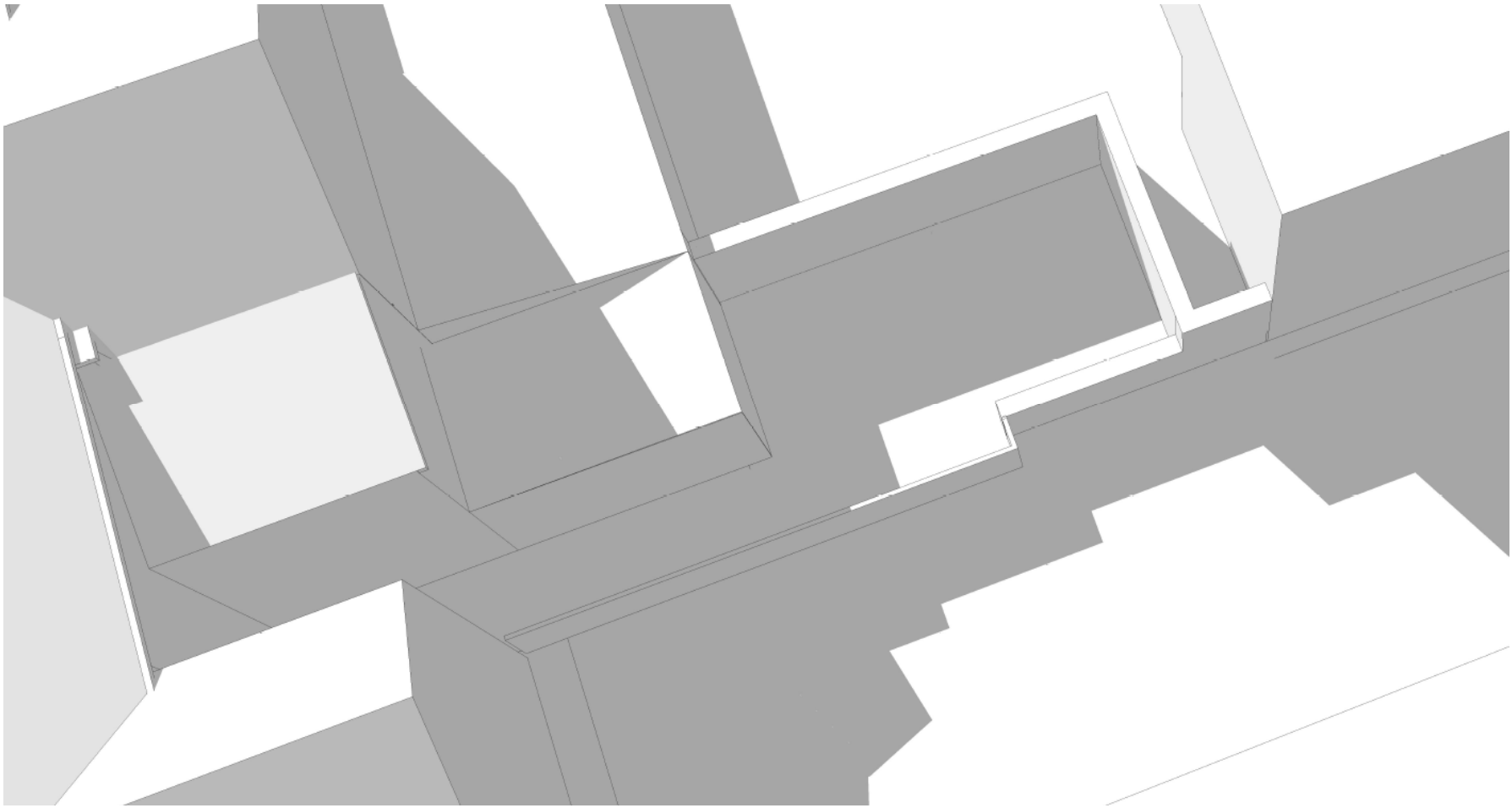
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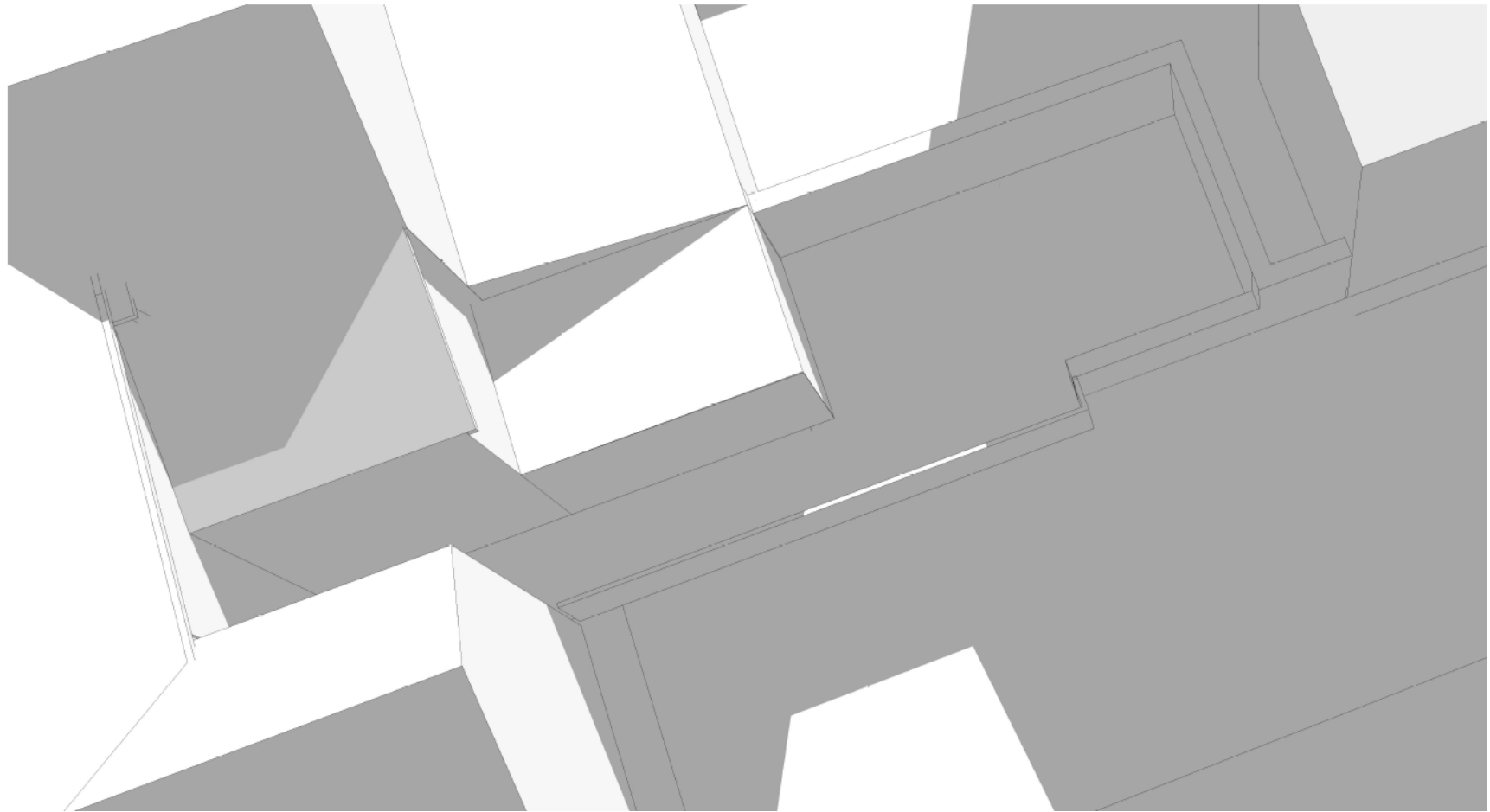
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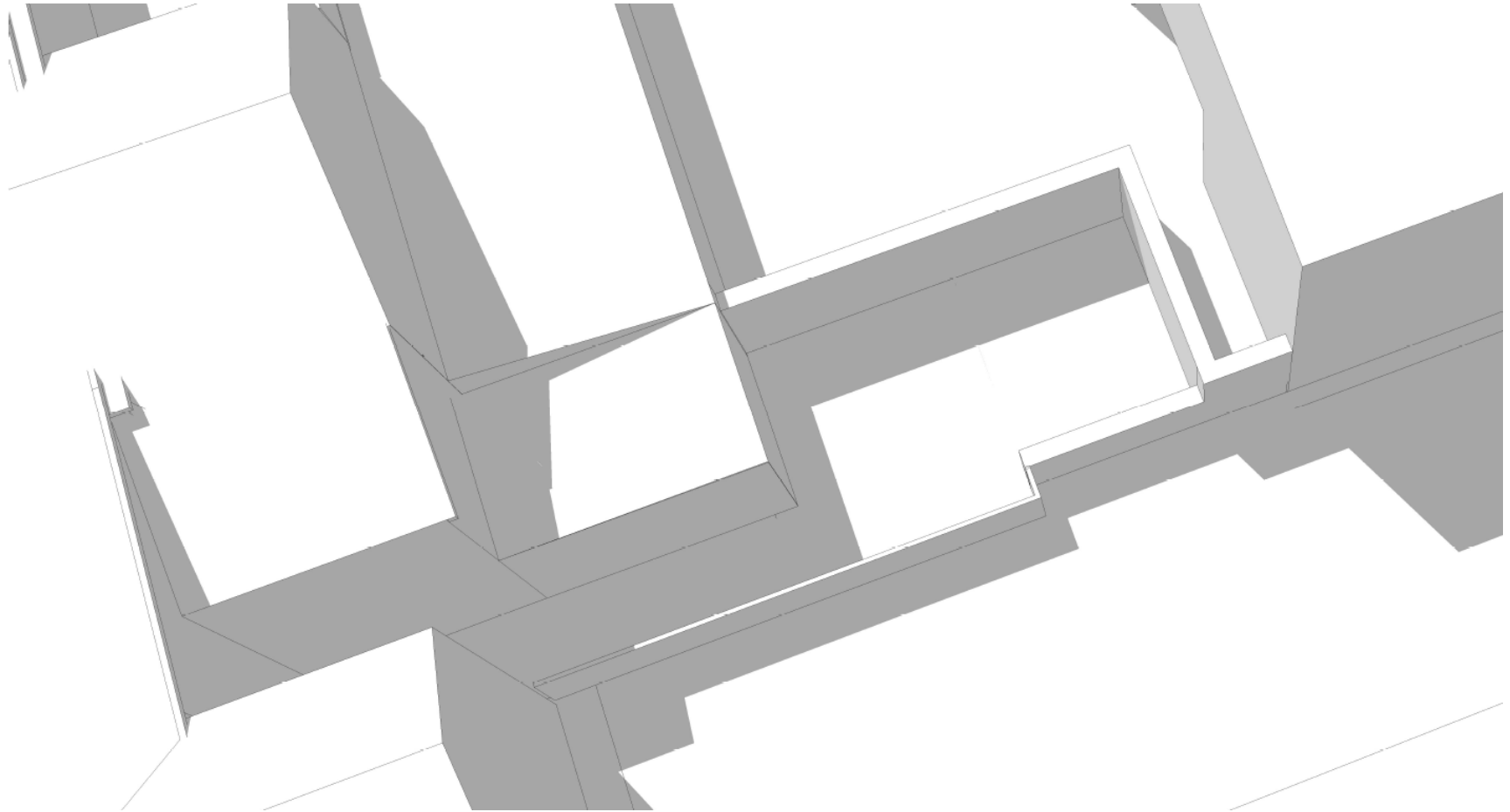
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Proposed: Spring Equinox – 3pm

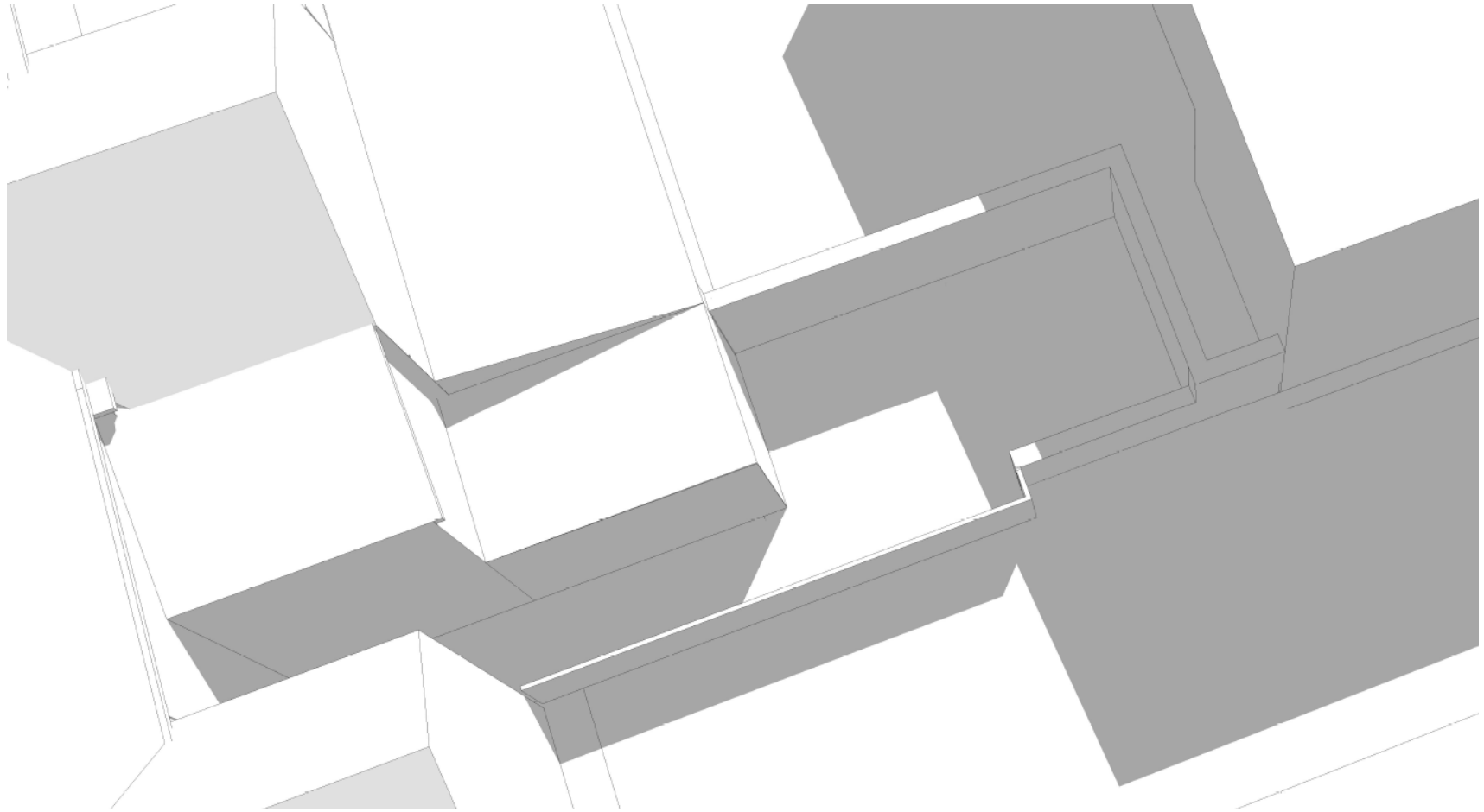
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Proposed: Summer solstice – noon

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Proposed: Summer solstice – 3pm

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The Planning  
Inspectorate

Quality Assurance Unit  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN



Joely Day  
Cambridge City Council  
PO Box 700  
Cambridge  
CB1 0JH

Your Ref:

11/0351/FUL

Our Ref:

APP/Q0505/A/12/2170247/NWF  
**Further appeal references at  
foot of letter**

Date:

24 August 2012

Dear Ms Day

**Town and Country Planning Act 1990 and Planning (Listed Buildings and  
Conservation Areas) Act 1990  
Appeals by The Managing Director  
Site at 1 Great Eastern Street, Cambridge, CB1 3AB**

I enclose a copy of our Inspector's decision on the above appeals.

If you have queries or complaints about the decision or the way we handled the appeals, you should submit them using our "Feedback" webpage at [www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback](http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback). This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Amanda Baker





**Further appeal references:- APP/Q0505/E/12/2170251**

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

*<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>*

*You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*





## Appeal Decisions

Site visit made on 14 August 2012

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 August 2012

---

### **Appeal A - Ref: APP/Q0505/A/12/2170247**

#### **1 Great Eastern Street, Cambridge, CB1 3AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Anglia Property Preservation Limited against Cambridge City Council.
- The application Ref 11/0351/FUL is dated 21 March 2011.
- The development proposed is change of use and side extension to the frontage building from an office to create 2 no 1 bed flats and erection of 6 studio apartments at the rear (following demolition of existing rear buildings) together with associated infrastructure.

---

### **Appeal B - Ref: APP/Q0505/E/12/2170251**

#### **1 Great Eastern Street, Cambridge, CB1 3AB**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
- The appeal is made by Anglia Property Preservation Limited against Cambridge City Council.
- The application Ref 11/0865/CAC is dated 21 July 2011.
- The demolition proposed is of existing rear outbuildings.

---

### **Decisions**

1. The appeals are dismissed.

### **Main Issues**

2. In both appeals the main issue is whether the proposal would preserve or enhance the character or appearance of the Central Cambridge Conservation Area. In Appeal A this includes reference to the effect on an adjoining tree. Further main issues for Appeal A are the effect on the living conditions of the occupiers of 3 and 5 Great Eastern Street with particular reference to visual impact and sunlight and also whether living conditions for future residents of the development would be satisfactory.

### **Reasons**

#### **Appeal A**

##### **Conservation area**

3. The appeal site contains a 2-storey end-of-terrace building occupied as offices by a damp proofing and timber treatment company. At the rear are a range of outbuildings used for associated storage purposes with a yard for parking.



These would be removed and replaced by a 2-storey building containing 6 studio flats. The main building would be extended and used as 2 flats.

4. The site is within the Mill Road area of the wider Conservation Area. Great Eastern Street comprises fairly homogenous Victorian terraced housing. To the east are the commercial uses along Mill Road. This part of the Conservation Area is bounded by the railway line to the west. These are the main component parts of the locality. The significance of the heritage asset derives from them and from the strong late nineteenth century character which endures in this part of Romsey Town.
5. The side extension to No 1 and the single storey lean-to would be modest and provide a 'face' towards Mill Road. The rear building would have a modern appearance with a shallow pitched zinc roof. The vertical elements would be finished in white render and reclaimed brickwork. As such, the proposal would be distinctively different to the prevailing terraces. Nevertheless, it would have something of a 'warehouse' character reflecting the commercial history of this part of the site. Moreover, its scale would be consistent with the locality. The rear block would be readily visible from the elevated Mill Road railway bridge across a small car park and play area. The staggered south elevation would provide articulation and visual interest.
6. The proposal does not seek to emulate or mimic buildings on or surrounding the appeal site in terms of elevational treatment. The footprint, scale and mass would nevertheless be compatible with the long rows nearby. Its appearance would mark it out as a twenty first century building but by adhering to these other design principles it would not compete with or spoil the main qualities of the area. Therefore the proposal would not detract from the significance of the heritage asset as its main attributes would be unaffected.
7. Since the proposed built development would not harm the character and appearance of the area there would be no conflict with relevant parts of Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan which, amongst other things, expect that developments should respond positively to their context in order to create successful places.
8. Just outside the site boundary is a large, early mature Tree of Heaven. It is in good condition with a useful life expectancy in excess of 40 years. The existing canopy and Root Protection Area (RPA) extend into the appeal site. The appellant's survey categorises it as of high quality and value. Indeed, the tree forms part of the greenery around the land to the south and is a prominent and important feature that acts as a pleasant foil to the dense urban form.
9. According to BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* the default position is that structures should be located outside of the RPA of trees to be retained. However, technical solutions might be available that prevent damage to the tree and the development is to be constructed using a 'no-dig' foundation. The arboricultural advice from both parties is that on this basis construction could be undertaken without material damage to the tree. Some minor pruning of overhanging branches would also be required to facilitate the development.
10. Shading is one of the factors to be taken into account to maximise the probability of successful tree retention. Based on a worse case scenario the appellant's study shows that the average daylight factor within the living areas



of each of the studios would remain above recommended levels despite the presence of the tree. These findings are not contested. However, the small patios and balconies which comprise the only available open spaces would be shaded. When foliage is not present the effect would be reduced but this is the time of year when people would be less likely to be outside.

11. BS 5837:2012 highlights other factors to be taken into account including direct damage by root growth and whipping branches and seasonal nuisance. This might include leaf fall and other debris. In addition, the relationship of buildings to large trees can cause apprehension to their occupiers resulting in pressure for their removal. In view of its age it seems reasonable to assume that this specimen is unlikely to grow significantly. However, certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification.
12. In this case future occupiers of Plots 2-4 and 6-8 would clearly be aware of the tree before deciding to live in them. However, it would not be unheard of for initial enthusiasm about its attractiveness to be replaced by misgivings. Whilst maintenance issues associated with leaf fall could be carried out communally this does not alter the necessity for it. The appellant argues that future requests for works to or removal of the tree are speculative and that the Council would have control in any event. However, the BS warns that care should be taken to avoid misplaced tree retention as attempts to retain unsuitable trees can result in post-completion demands for their removal.
13. There is nothing to say that trees should not be retained within any particular distance of a structure. However, in this case a tree of considerable magnitude would be in very close proximity to the sole fenestration of these single aspect units. There are particular concerns about the interruption of light to the external spaces and the nuisance which would be caused by leaves and other debris. Furthermore, the sheer size of the tree would be intimidating and the juxtaposition with the residential accommodation proposed would be poor.
14. How various parties might act in the future can only be predicted. Fears about pressure to cut the tree back or down may not materialise or the Council might turn away any such requests. However, viewed objectively it seems likely that there would be demands for major works to the tree that would be difficult to resist. The key point is that the importance of the tree within the local scene means that this is a risk not worth taking. Overall the BS 5837:2012 objective of achieving a harmonious relationship between trees and structures that can be sustained in the long term would not be met.
15. Major disfiguring surgery or the removal of the tree as a result of the proposal would be significantly detrimental to the character and appearance of the area. One of the core planning principles of the National Planning Policy Framework of conserving and enhancing the natural environment would therefore be offended if the development were to go ahead. Furthermore, it would be contrary to the thrust of Policy 4/4 of the Local Plan as well as Policies 3/4 and 3/10 which refer to protecting trees and to features of natural character.
16. By providing a successful contrast and also reflecting the context the design of the new building and the alterations to No 1 would accord with criterion b) of Local Plan Policy 4/11. However, there would be conflict with criterion a) which seeks to retain trees which contribute positively to the character or appearance



of the area. Overall, therefore, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area.

### **Living conditions**

17. The appellant's studies show that the existing outbuildings create significant shadowing of adjoining gardens, especially Nos 3 and 5. Owing to the similar height, the difference between the current and proposed situations would be imperceptible. Whilst local residents doubt the accuracy of this finding the exercise is not questioned by the Council and is consistent with what I was able to observe.
18. There is already a long run of built development enclosing one side of the garden at No 5. The proposal would perpetuate this and would be higher in some places and lower in others along the boundary. Although the overall bulk of the building would increase the consequences of this would be mitigated by the distance from the rear façade and as parts of it would be off-set from the boundary. Overall the environment for the occupiers of 5 Great Eastern Street would not change significantly for the worse.
19. The only amenity space associated with No 3 is a very small courtyard. The section at the northern-eastern end of the proposed 2-storey element has been deliberately set back to create a 'cut away'. However, the remainder of that elevation would be closer to the yard and of greater width than the existing outbuilding. Whilst it is already hemmed in the paucity of the yard in terms of size makes it all the more important that the outlook should not be reduced. In view of this the proposal would have a dominating effect and thereby harm the living conditions of the occupiers. As there would be a significant adverse impact on the amenities of the neighbouring property at 3 Great Eastern Street through an overbearing sense of enclosure the proposal would not accord with Policy 3/10 of the Local Plan.
20. Each of the studio flats would have external amenity space although none would be available exclusively to those living in the flats within the frontage building. The Council has no standards in this regard and does not contest the assertion that there are "countless" examples of developments with similar or less provision. The accommodation is not aimed at families and the areas provided would be south-facing, give surveillance over the neighbouring car park and would be away from the railway line.
21. In terms of its size and type the amenity spaces provided would be apt for the likely occupiers of flats of this kind. However, as previously discussed, the adjoining tree and the implications arising from it would seriously affect their usability and enjoyment. The Framework seeks to secure a good standard of amenity for future occupants but living conditions for residents of the development would not be satisfactory in this respect.

### **Other Matters**

22. The appellant refers to numerous paragraphs within the Framework. This has at its heart a presumption in favour of sustainable development. To achieve this economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Good design is a key aspect of this which would be met and, in addition, this is an accessible urban location comprising brownfield land. The proposal would increase the supply of



housing. It would also facilitate the re-location of the existing business to more suitable premises which would enable it to move forward.

23. However, the objections identified would transgress some of the core planning principles. Paragraph 134 of the Framework and Local Plan Policy 4/4 call for a balancing exercise to be undertaken. In this respect the less than substantial harm to the significance of a designated heritage asset and the implications for the current and future amenity value of the Tree of Heaven are not outweighed by the public benefits of the proposal. Indeed, the advantages are insufficient to override the drawbacks of the scheme as a whole not least because there is no indication that this is the only way that the site could be developed.
24. It is also suggested that the cessation of the commercial use would be beneficial but as there is nothing to suggest that it is problematic at the moment this outcome is of little weight.
25. In response to one of the purported reasons for refusal a unilateral undertaking has been submitted which provides for financial contributions to be made towards various facilities and infrastructure. Whilst there is insufficient capacity to meet demand for lifelong learning there is no clear evidence that payments are necessary to make the development acceptable in all other respects. Rather it appears that new residential development is required to make contributions in a 'blanket' fashion. However, given that the proposal is unacceptable there is no need to formally apply the tests in the Community Infrastructure Levy Regulations.

### **Appeal B**

26. The outbuildings are of limited historical interest and are poorly constructed. In principle their demolition is acceptable. However, their presence contributes positively to the character of the Conservation Area. In these circumstances, paragraph 4.40 of the Local Plan indicates that the tests for the demolition of a listed building in Policy 4/10 will be applied. There is no specific evidence that the buildings are structurally unsound or that no use of them is feasible. Wider public benefits would accrue from re-development but this is contingent upon a suitable scheme. In the absence of one consent should not be granted.

### **Conclusions**

27. The proposal in Appeal A would result in incompatibility between a valuable tree and the studio flats. In turn, this would either fail to preserve or enhance the character and appearance of the Conservation Area or lead to unacceptable living conditions for future occupiers. There would also be a significant adverse impact on those at 3 Great Eastern Street. Collectively the other material considerations, including the Framework, do not outweigh the conflict with the development plan. Because Appeal A is unacceptable Appeal B should also fail as explained. So for the reasons given the appeals should both be dismissed.

*David Smith*

INSPECTOR

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## **EAST AREA COMMITTEE**

**11<sup>th</sup> September 2014**

<b>Application Number</b>	14/1077/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th July 2014	<b>Officer</b>	Ms Lorna Gilbert
<b>Target Date</b>	18th September 2014		
<b>Ward</b>	Romsey		
<b>Site</b>	218 - 220 Mill Road Cambridge CB1 3NF		
<b>Proposal</b>	Rendering external wall and painting in soft stone colour (retrospective)		
<b>Applicant</b>	Mr G S Pabla 218 - 220 Mill Road Cambridge CB1 3NF		

<b>EAST AREA COMMITTEE 11<sup>TH</sup> SEPTEMBER 2014</b>	
<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p>Nearby properties along Mill Road and Hope Street have been rendered. I consider the proposal would preserve the character and appearance of the conservation area.</p> <p>The render will not adversely affect residential amenity.</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

### **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 218-220 Mill Road is a ground floor shop with first floor living accommodation above, situated on the southern side of Mill Road at the junction with Hope Street. The building has an existing part single and part two-storey flat roofed rear wing that abuts the common boundary with the attached neighbouring dwelling at 216 Mill Road. The site is in Mill Road East District Centre, which has a mixed character but is dominated by shops with residential accommodation above but with other commercial and religious building nearby; terraced dwellings dominate behind Mill Road.

1.2 The site lies within the Central Conservation Area.

## 2.0 THE PROPOSAL

2.1 The planning application is retrospective. It seeks planning permission for the render applied to the external walls of the property on the north, east and part of the south facing elevations. Render has also been applied to a wall (part of the site) on Hope Street. The building has been rendered in a soft stone colour which appears to be a peach colour. The render is 12mm thick.

2.2 The planning application has been called into the East Area Committee by Councillor Baigent.

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/93/0761	Extension to ground floor shops (A1), alterations to provide 2 re-modelled flats (existing) at first floor with ancillary parking for 2 flats, with off-street.	Approved 16.12.1993

## 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	3/4 3/7 3/14 3/15 4/11 4/13

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Practice Guidance 2014 Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A) Community Infrastructure Levy Regulations 2010
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011) Mill Road Area Conservation Area Appraisal (2011)

- 5.4 The council submitted the Cambridge Local Plan 2014 to the Secretary of State for Communities and Local Government on 28 March 2014 for independent examination. Following submission of the local plan, an independent planning inspector has been appointed to hold an examination to consider the 'soundness' of the local plan. The Inspector has indicated that the hearings are not likely to start before mid October 2014.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 No comment.



## **Urban Design and Conservation team**

- 6.2 The application is supported as it complies with Conservation policy.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Baigent has commented on this application. He considers there a need to maintain brick faced buildings and to send a message to shop keepers and residents that rendering a building is something that needs planning permission.

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

- ☐ 346 Cherry Hinton Road
- ☐ 1 Hobart Road
- ☐ 12, 17, 23 Romsey Road
- ☐ 56 St Barnabas Road
- ☐ 140 Argyle Street
- ☐ 23 Hope Street
- ☐ 5 Malta Road

- 7.3 The representations can be summarised as follows:

- ☐ Render is harmful to the character of the conservation area.
- ☐ Existing rendered buildings should not be a precedent.
- ☐ Negative impact especially strong in Hope Street.
- ☐ Development should have been stopped earlier.

- 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. Context of site, design, external spaces and impact on the Conservation Area
2. Residential amenity

### **Context of site, design, external spaces and impact on the Conservation Area**

- 8.2 Policy 3/4 (Responding to context) of the Local Plan (2006) explains how development will be permitted which demonstrates that they have responded to their context and drawn inspiration from the key characteristics of their surroundings to create distinctive places. Such developments will identify and respond positively to existing features of natural, historic or local character on and close to the proposed development site; be well connected to, and integrated with, the immediate locality and the wider City; and have used the characteristics of the locality to help inform the siting, massing, design and materials of the proposed development.
- 8.3 Policy 3/7 (Creating successful places) of the Local Plan (2006) refers to development being permitted which demonstrates that it is designed to provide attractive, high quality, accessible, stimulating, socially inclusive and safe living and working environments.
- 8.4 Policy 4/11 (Conservation areas) in the Local Plan (2006) explains how alterations of an existing building will only be permitted if it preserves or enhances the character or appearance of the Conservation Area by faithfully reflecting its context or providing a successful contrast with it.
- 8.5 The Mill Road Conservation Area Appraisal (2011) covers the site. A section of the report refers to positive, negative and neutral issues. It explains residential properties have been well preserved but are threatened by the use of modern materials and details, including inappropriate windows and front doors. It also mentions painting of brickwork, and pressure for inappropriate extensions and alterations to residential properties and poor quality shopfronts, some using garnish colours and poor quality signage. I do not consider that the render would be at odds with the appraisal.
- 8.6 Planning permission is required to render the property as it is located within a conservation area. The application is

retrospective as the work has been carried out. The render has been applied to the front of the premises above the glazed shopfront that fronts Mill Road, to the eastern side elevation and on a wall that faces on to Hope Street. Render has been applied to part of the ground floor rear wall of the property. The render projects out 12mm from the original property walls.

- 8.7 Comments have been received from members of the public who have voiced their concerns over this retrospective application. The concerns centre around the appearance of the render, it being highly visible and the impact on traditional streetscapes and the impact on the Conservation Area.
- 8.8 The Conservation Officer supports the application as she considers it complies with Conservation policy.
- 8.9 There are examples of properties that have either been rendered or painted close to the application site along Mill Road. Examples include the Co-op at the corner of Catherine Street. This property has had white render applied to the front and side of the building. No.175 Mill Road (Cut Price Carpets) has been rendered cream on the front of the building. A number of other properties have had their brickwork painted including No's 169, 171, 173, 208, 210, 214-216 Mill Road.
- 8.10 Mill Road is characterised by a mixture of traditional brick, painted and rendered buildings in close proximity to the application site. The render is noticeable on No.218-220 Mill Road and is most prominent along Hope Street where it covers the greatest area. In my opinion, the render at the front of the property on Mill Road, would harmonise with the appearance of the streetscene due to the mixture of building treatments used along this street. I acknowledge the concerns raised over the render applied on Hope Street as the properties along this street are predominantly brick. However, render has been applied to a couple of properties along this street. I therefore consider the use of render at No.218-220 Mill Road to be acceptable as it would not be out of keeping with the appearance of the streetscene. A range of building materials have been used on properties within the Central Conservation Area in close proximity to the site. I therefore consider the render would preserve the existing character and appearance of the Conservation Area.



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

### **Residential Amenity**

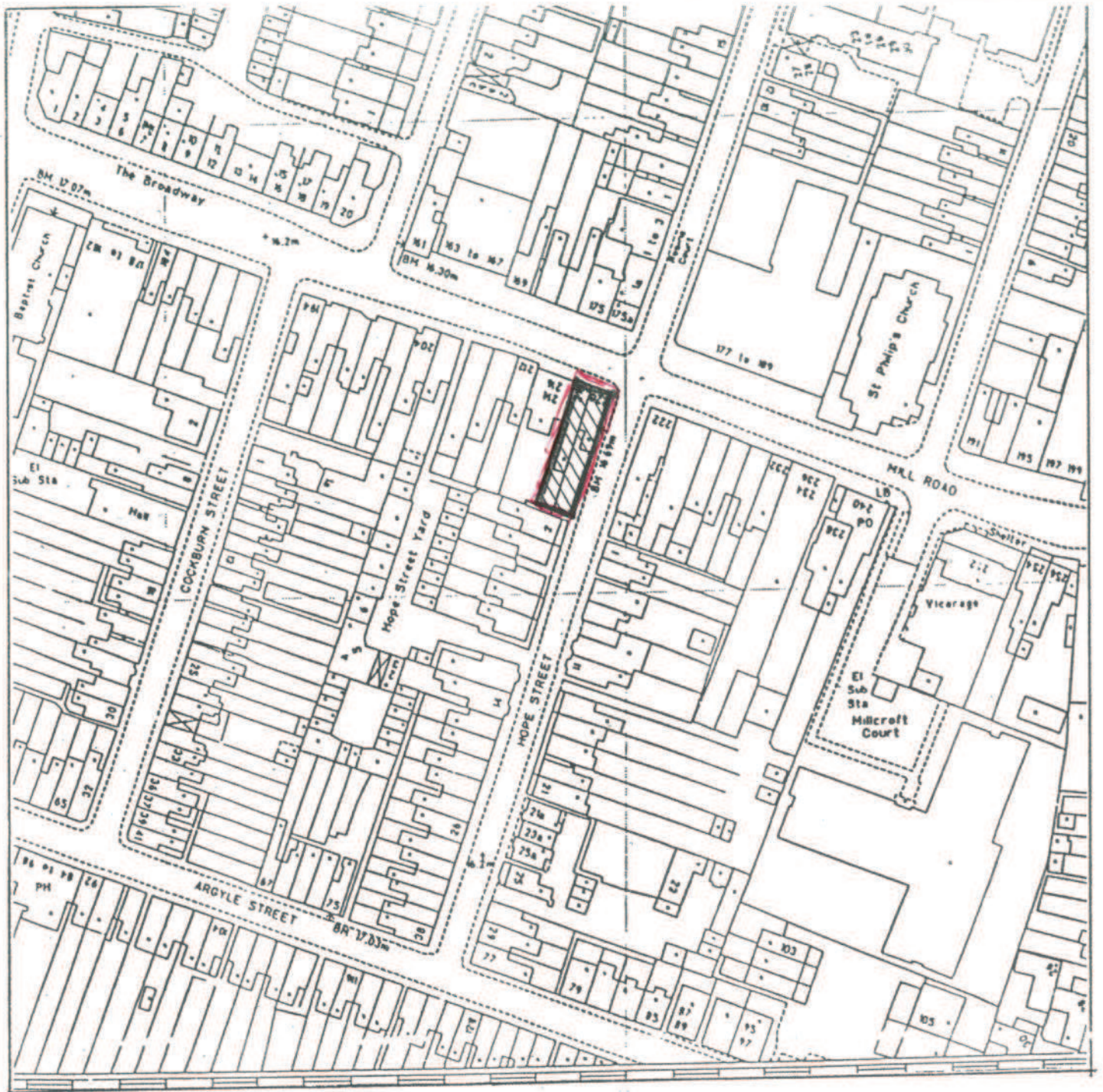
#### Impact on amenity of neighbouring occupiers

- 8.12 The render projects 12mm from the original building. I therefore consider there would be no loss of light to neighbours as a result of the proposal. There would also be no privacy issues. Due to the nature of the application, I consider that the proposal would not adversely harm outlook from nearby properties.
- 8.13 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

## **9.0 RECOMMENDATION**

### **APPROVE**

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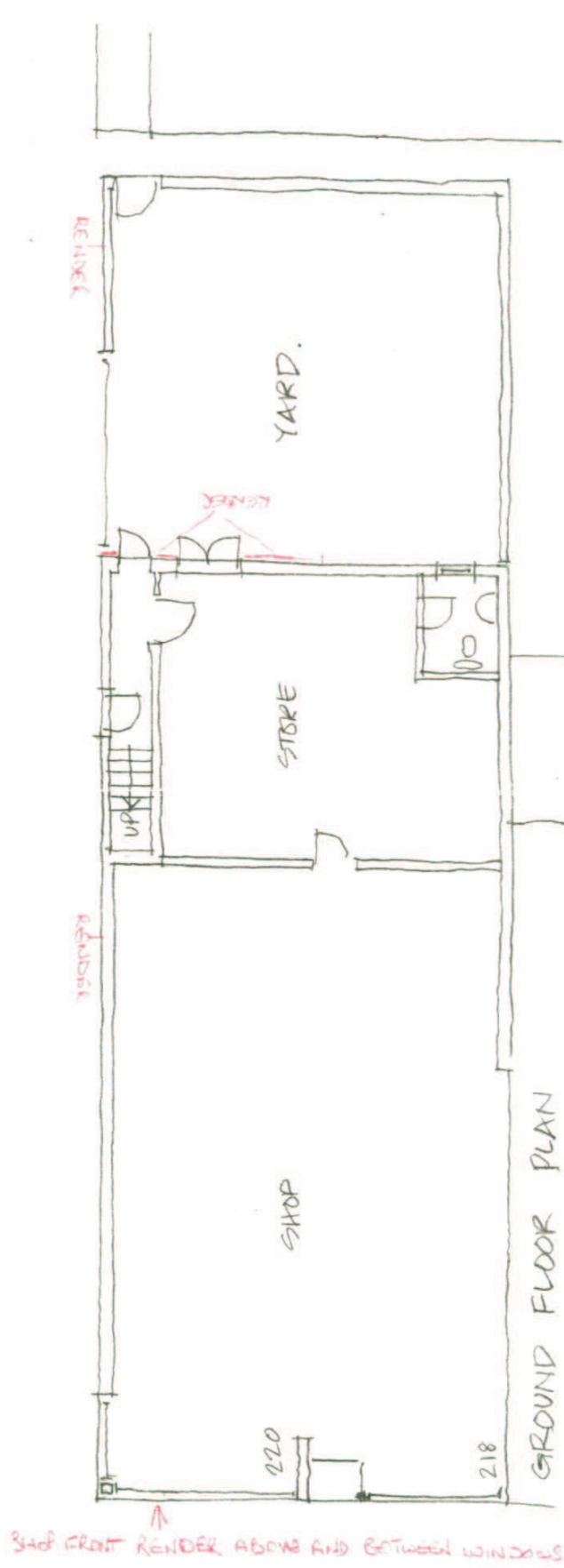
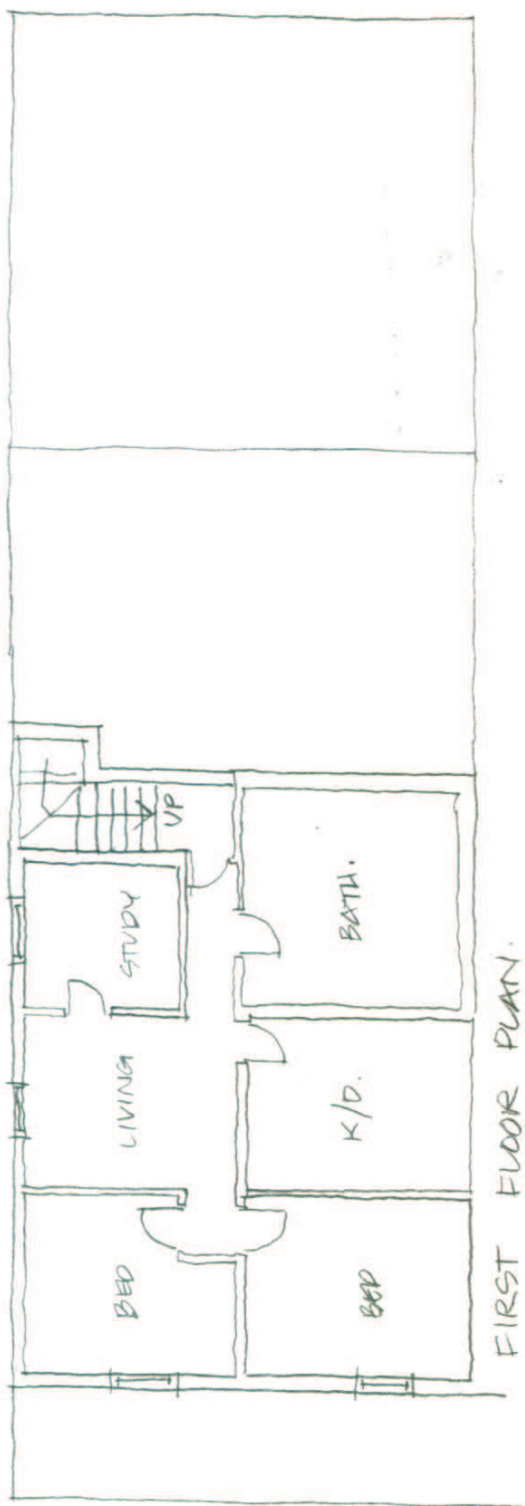
218-220 MILL ROAD.  
LOCATION PLAN.  
SCALE 1:1250



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REF 14/1077/FUL



Shop front render above and between windows

RENDERING UP TO 12mm STOP BEADS  
AND BELL BEAD ABOVE WINDOWS ALL  
THICKNESS OF 12mm

218-220 MILL ROAD, CAMBRIDGE.  
EXISTING PLANS.  
SCALE 1:100 at A3.  
WROTH OA  
E. 100.1

15<sup>TH</sup> JULY 2014

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LONDIA'S SHOP 218-220 MILL RD

FACE LINE

FRONT

REZAZER

HOPE STREET

SIDE ELEVATION

12mm STOP BEAD

BRICK  
WORK

PATH LINE MILL ROAD

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29/7/2019



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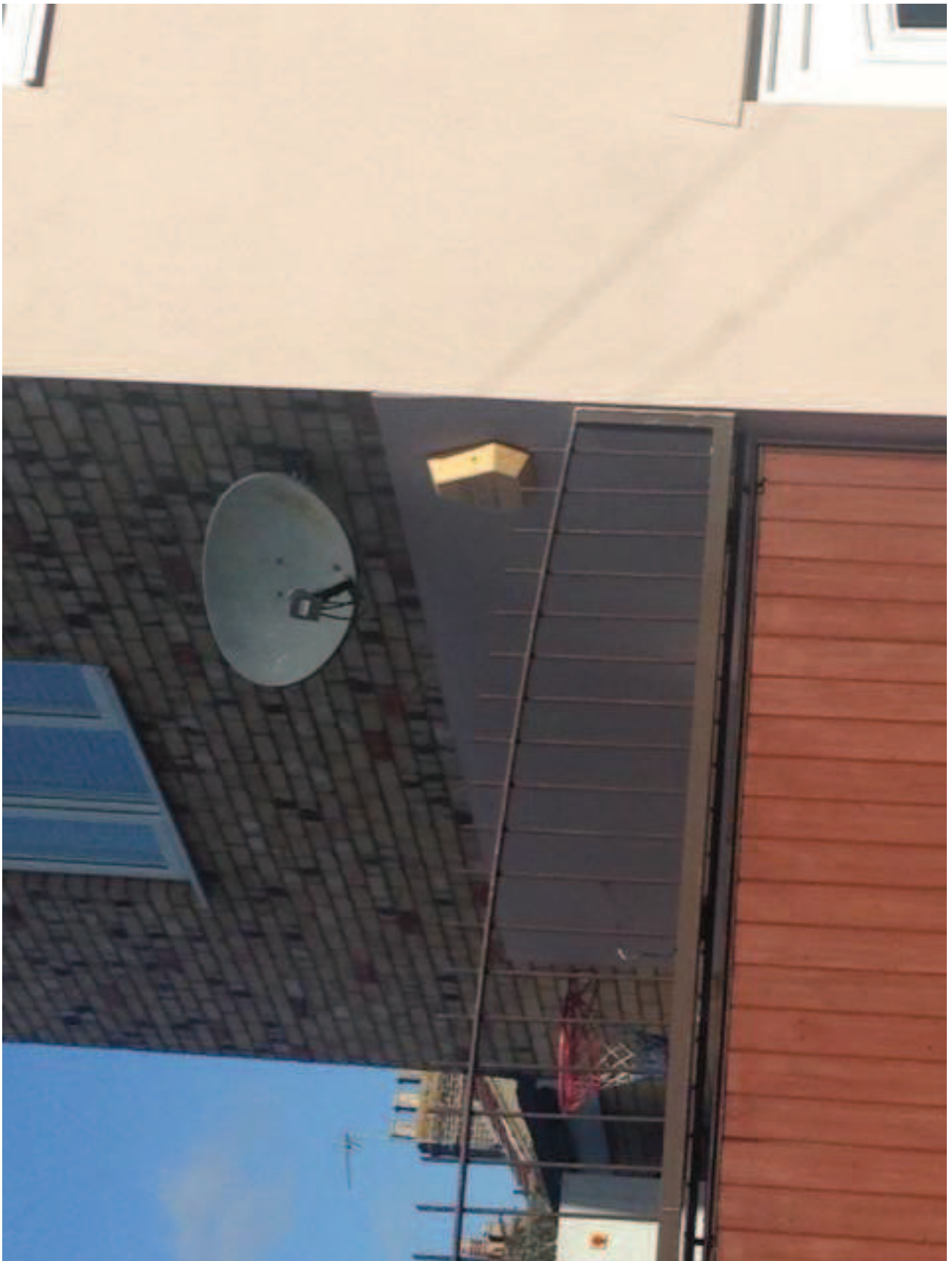


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<b>Application Number</b>	14/0956/FUL	<b>Agenda Item</b>
<b>Date Received</b>	13th June 2014	<b>Officer</b> Mr Sav Patel
<b>Target Date</b>	8th August 2014	
<b>Ward</b>	Petersfield	
<b>Site</b>	Land To The Rear Of 16 St. Barnabas Road Cambridge CB1 2BY	
<b>Proposal</b>	Proposed dwelling following demolition of two garage terraces	
<b>Applicant</b>	Mr & Mrs Adrian Reith	

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed development is considered to be of high quality design and would enhance the character and appearance of the Conservation Area.</p> <p>The proposed development has been designed to mitigate any significant adverse impact on the residential amenity of the adjoining neighbours.</p> <p>The proposal would make efficient and effective use of land.</p>
RECOMMENDATION	APPROVAL subject to conditions.

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site forms an area of land to the rear of 16 and 18 St Barnabas Road. There are currently two blocks of flat roof garages on the site consisting of 20 units, with vehicle access gained from a driveway running between nos. 14 and 16 St Barnabas Road.
- 1.2 There is a yew tree located adjacent to the access and west of the existing garages. The tree is protected by a Tree Preservation Order.

- 1.3 No.16 and 18 St Barnabas Road are two storey semi-detached dwellings which are set back from the road. The rear gardens of both dwellings are smaller than the adjoining gardens due to the location of the garages.
- 1.4 No.12 and 14 St Barnabas Road, which are to the south of the access, are three storey Victorian dwellings. To the rear (east) of these and to the south of the application site is a terrace row of relatively recent housing development known as St Barnabas Court. The rear elevations of the dwellings face towards the southern boundary of the site.
- 1.5 To the north of the garage block is the rear garden of 20 St Barnabas Road. The rear elevation of no.20 is located approximately 16 metres from the garage block adjacent to the northern boundary.
- 1.6 The site is located within the Central Conservation Area and a Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for demolition of the garage blocks and development of a detached three bed dwellinghouse with associated provisions.
- 2.2 The proposed dwellinghouse would be 6.7 metres in height; 8 metres in depth (excluding projecting bay) and 17.85 metres wide.
- 2.3 The applicant has proposed to erect a Baufritz Haus, which is a prefabricated sectional building which has eco-friendly properties built into the fabric of the panels including the materials. The panels are manufactured in Germany and shipped to their destination and put together in panels within 3 days on site.
- 2.4 The application is accompanied by the following supporting information:
  1. Planning Statement.
  2. Heritage Statement.
  3. Topographical survey.

4. Tree Report.
5. Contamination Report.
6. Shadowing details.
7. Landscape plans.

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/67/0055	Erection of 20 multiple garages	APPROVED

### **4.0 PUBLICITY**

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

### **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)

#### **5.2 Cambridge Local Plan 2006**

3/1 Sustainable development  
 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  
 4/11 Conservation Areas

5/1 Housing provision  
 8/1 Spatial location of development  
 8/6 Cycle parking  
 8/10 Off-street car parking

## Planning Obligation Related Policies

3/7 Creating successful places

3/8 Open space and recreation provision through new development

3/12 The Design of New Buildings (*waste and recycling*)

4/2 Protection of open space

5/13 Community facilities in Areas of Major Change

5/14 Provision of community facilities through new development

### 5.3 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 (Engineering)**

- 6.1 The proposal would result in a reduction in traffic movement to and from the site but the loss of off street parking spaces if the garage are used by local residents may add pressure to on street car parking in this area.

### **Head of Refuse and Environment**

- 6.2 No objections in principle subject to conditions on construction hours, dust, piling and contaminated land.

### **Urban Design and Conservation team**

- 6.3 Objection: The proposal would appear out of place due to the proposed choice of materials and overall design. On this basis, the proposal dwelling will neither preserve nor enhance the

established character and appearance of the Conservation Area.

### **Street and Open Space (Trees)**

- 6.4 The tree officer has concerns with the impact on the existing Yew within the site but following discussions with the applicant, the officer has agreed to some pruning to enable a crane to access the site. A tree report has been submitted following consultation with the officer but to date I have not received the officer's comments. I will therefore advise members of the officer's comments to the tree report on the amendment sheet or verbally at the committee meeting.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- 15 St Barnabas Court (support)
- 16 St Barnabas Court (object)
- 17 St Barnabas Road (support)
- 18 St Barnabas Road (support)
- 19 St Barnabas Court (support)
- 56 St Barnabas Road (support)
- 6 Luard Road (object)
- 37 Devonshire Road (object)

- 7.2 The representations can be summarised as follows:

- The development fails to respect the characteristic of the locality and is not in keeping with the character of the area;
- Not attractive and in stark contrast with surrounding buildings;
- Design is flat and boxy;
- Development would be an eyesore
- Concerns with the flat roof which could lead to roof terrace and roof top paraphernalia;
- Impact on trees including Elder tree;
- Proposed up-lighting of trees and hedges;

- Concerns with the coaching room – potential commercial use;
- Would result in loss of light and appear overbearing and create a sense of enclosure;
- Would not have a positive impact on the setting of the area in terms of height, scale, form, materials, detailing and landscape impacts;

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The proposed residential redevelopment of the site to create a three bed detached dwellinghouse 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**

8.4 The built form of the area is characterised by mainly traditional Victorian two storey semi-detached and terraced dwellings. The dwellings in St Barnabas Road are located on generous plots and are set back from the road. The terraced row of dwellings



on Devonshire Road, to the east of the site are more compact and have smaller gardens. The new housing development to the south of the site reflects the traditional form and character of the area.

- 8.5 The applicant has proposed to erect a Braufritz house, which is a German made prefabricated building which has energy efficient properties and a short build time. Each elevation come ready made and is slotted together on site once the foundations have been laid. The building once assembled would be a flat roofed two storey rectangular box. The overall design would be in stark contrast with the traditional houses that surrounding built form. However, this juxtaposition, in my view, is considered to be acceptable in this isolated back land context.
- 8.6 Whilst the appearance of the building would appear out of keeping with the general character of the area, I am of the view that a bespoke dwelling that is distinct from the existing built form could work on this site in this location. The site is set back from the public realm and views of it are from oblique angles. The existing Yew tree screens the site from between no.16 and 14 St Barnabas Road. The NPPF states that "...planning policies and decisions should not attempt to impose architectural styles or to stifle innovation, originality...and whilst the visual appearance of individual buildings are important factors inclusive design goes beyond aesthetic considerations."
- 8.7 In my view, the proposed development is original and innovative whilst also being a purpose built energy efficient structure. The external sections would be made from timber cladding and contain an oriel window. The fenestration in each elevation is articulated in an irregular arrangement which add to the building's originality.
- 8.8 Therefore, on balance, whilst the Conservation Officer has raised concerns with the proposal in terms of its design, I am of the view that the overall appearance of the proposed building is acceptable and would make a positive contribution in this back land location. The proposed dwelling in my view would not have a detrimental impact on the character and appearance of the Conservation Area as it would not be visible from the public realm.

- 8.9 The proposed dwellinghouse would be provided with a sufficient amount of garden space. The dwelling would be located in an off centre location closer to the northern and western boundaries. This would provide space to the rear (east) and side (south) of the dwelling for garden space. The main garden area would be 27.5 metres deep (west to east) and 8 metres wide (north to south). This does not include the space between the side of the dwelling and eastern elevation. In my view the proposed dwelling would fit into this spacious plot without appearing, as overdevelopment.
- 8.10 The dwelling would be located away from the rear gardens of St Barnabas Court which are currently over 10 metres in depth. The dwelling would be located between 16 and 19 metres from the rear elevation of the property in St Barnabas Court; 22 metres from the rear elevation of no.16; 25 metres from the rear elevation of no.18; and 17 metres from the rear elevation of nearest dwelling in Devonshire Road.
- 8.11 The site layout also contains provision for cycle and bin storage and two parking spaces. I am therefore satisfied that the proposed dwelling would fit comfortably into the site and provide the future residents with a high quality level of external and internal living accommodation.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

### **Residential Amenity**

#### **Impact on amenity of neighbouring occupiers**

- 8.13 The proposed dwelling is unlikely to appear overbearing or cause a significant overshadowing issue on any of the surrounding dwellings due to the separation distances from existing dwellings and orientation of the site.
- 8.14 The northern elevation of the proposed dwelling would face towards the rear most section of the garden at no.20 and beyond. The dwelling at no.20 benefits from a deep rear garden extending approximately 46 metres from the rear elevation of the existing two storey outrigger. The rear sections of these gardens are covered mainly by mature trees.

- 8.15 The first floor layout has been designed so the bedrooms are located on the northern side with windows facing the rear most sections of the garden of no.20 and plots beyond. In order to mitigate the overlooking of private space, the proposal includes fixed fins to the side of each window which would restrict views west towards the private amenity area of 20 St Barnabas Road. Whilst this would not prevent overlooking of garden space, the garden space that would be overlooked would not be considered as private space and on this basis in such an urbanised context would not cause adverse levels of overlooking. The nearest window in the rear elevation (first floor) to the rear elevation of no.20 would be 23.5 metres away. None of the windows would directly face the rear elevation of no.20. I am therefore satisfied that the proposed dwelling would not cause any significantly adverse levels of overlooking on no.20 such that it would warrant refusal.
- 8.16 The terraced row of dwellings within Devonshire Road would not be directly overlooked as there are no habitable windows in the eastern elevation. The eastern elevation contains a dressing room window but this is to be above eye level. Furthermore, the windows in the northern elevation would not face onto the rear gardens. I am therefore satisfied that the proposed dwelling would not cause any significantly adverse levels of overlooking on the dwellings in Devonshire Road, particularly nos.33, 34 and 35.
- 8.17 The first floor of the southern elevation of the proposed dwelling contains several windows which would serve a bathroom, laundry room, linen store and en-suite. All these windows are proposed to be obscurely glazed. An Oriel window is proposed to serve the study room which would be angled away from the dwellings in St Barnabas Court. Therefore as there are no habitable rooms windows in the southern elevation, I am satisfied that the proposed dwelling would not cause any significant overlooking issues.
- 8.18 The western elevation facing the rear of no.16 and 18 St Barnabas Road is proposed to contain two windows; a study window and a high level bedroom window. The study window would contain a fixed fin that would prevent views north-west towards no.18 and 20. However, the window would be 22 metres from the nearest window in the rear elevation of no.16 St Barnabas Road which is a ground floor rear extension.

Furthermore, as the proposal includes the retention of the existing tree, this would help to screen views into the garden of no.16. Therefore, in view of the level of separation, I am satisfied that the proposed dwelling would not cause any adverse levels of overlooking that would not otherwise be unreasonable in this urban context.

- 8.19 In terms of overshadowing, the application is supported by shadow diagrams, which show the potential relationship with surrounding dwellings. In summer months, the proposed dwelling would not cast a shadow over any of the surrounding dwellings until late afternoon where a section of the garden of no.35 and 36 Devonshire Road would be in shade. Also, during the vernal and autumnal equinox, and winter solstice, a small section of the rear garden of no.20 will be in shade but the majority will receive sunlight. In light of this, I am satisfied that the proposed dwelling would not cause any adverse levels of shading on any of the surrounding dwellings.
- 8.20 The applicant has also submitted a visual impact study which shows the proposed dwelling from different angles including from surrounding gardens. This study shows that the proposed dwelling would not appear dominant and blend into the site and surrounding context without appearing as an alien form.
- 8.21 Vehicles numbers using the entrance to the site would significantly reduce, and therefore the occupiers of 16 St Barnabas Road would benefit from significantly less vehicles passing, and significantly less noise would result.
- 8.22 The proposal also includes a 1m wide footway to access the rear garden of no.34 Devonshire Road. The dwelling is set a further 2.5m from this footway. This would enable the resident to maintain an access to St Barnabas Road.
- 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 Any future resident of the proposed dwelling would benefit from high quality living accommodation in terms of the space within

the dwelling. The landscape plan show how the garden area would be landscaped and would provide the future resident with a generous private amenity space that is multi-functional.

- 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 *(or 3/14)*.

### **Refuse Arrangements**

- 8.26 No specific details of the refuse store have been provided but it is proposed to be located adjacent to the northern boundary of the site. I have therefore recommended detailed of the refuse storage provision to be provided by a condition.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.28 No highway safety issues have been raised. The proposal would result in a reduction in the amount of vehicle movements into and out of the site which would significant minimise any highway safety issues.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.30 The proposal includes two parking spaces. There appears to be sufficient space within the site to enable vehicles to manoeuvre in order to enter and leave the site in forward gear.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

8.32 I set out below my response to the objections raises:

- The development fails to respect the characteristic of the locality and is not in keeping with the character of the area;	See 8.5 to 8.7
- Not attractive and in stark contrast with surrounding buildings;	See 8.5 to 8.7
- Design is flat and boxy;	As above
- Development would be an eyesore	As above
- Concerns with the flat roof which could lead to roof terrace and roof top paraphernalia;	As above – roof paraphernalia – no roof top plant or solar panels are proposed.
- Impact on trees including Elder tree;	A soft and hard landscape, and tree protection condition has been recommended.
- Proposed up-lighting of trees and hedges;	No specific details of external lighting has been proposed for consideration.
- Concerns with the coaching room – potential commercial use;	Some working from home activity is acceptable. In this instance it would be an ancillary part of the overall use.

## Planning Obligation Strategy

### Planning Obligations

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

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

(b) directly related to the development; and

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

- 8.34 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.35 The application proposes the erection of 1 three-bedroom houses. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

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

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

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

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>948</b>

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



## Community Development

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

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

- 8.38 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

## Waste

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

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75
Flat	150		
<b>Total</b>			<b>75</b>

- 8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy

(2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.41 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. For this application a monitoring fee of £257.60 is required.

### Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 The proposal consists of the demolition of the existing flat roof garage blocks and erection of a two storey dwelling. The garages are negative buildings within the conservation area, and their removal would enhance the setting of the character and appearance of the Mill Road aspect of the Central conservation area. According to the applicant, none of the garages are directly designated for local residents and therefore no loss of parking for local residents would occur.
- 9.2 The proposed dwelling is a contemporary design that also uses high quality materials. The scale of the development would also compliment the character of the area without appearing obtrusive.
- 9.3 The proposed dwelling would not have any adverse impact on the residential amenity of surrounding residents to the level of separation and obtrusive scale.

- 9.4 It is considered that the application proposals are an appropriate form of development in this location and would not conflict with the provisions of the Development Plan or undermine its aims and objectives. The proposals constitute sustainable development meeting the provisions of the NPPF, and should therefore be granted conditional planning consent accordingly.

## **10.0 RECOMMENDATION**

**APPROVE** subject to completion of the s106 Agreement and 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 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. 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. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by 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)

6. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

7. No development, including demolition, shall commence on site until the following details have been submitted to and approved by the local planning authority:
  - (a) A plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) apply;
  - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage during the course of development.

(f) details of any trees proposed for removal.

In the condition retained tree means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: To safeguard and ensure the protection of those existing trees which are to be retained on or adjacent to the site. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/4)

8. 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)

9. 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)

10. 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)

11. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / 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: To protect the amenity of the adjoining properties during the construction period (Cambridge Local Plan 2006 policy 4/13).

12. 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 order to ensure that any contamination is identified on the site before the commencement of the scheme and enable any mitigation/remediation measures to be implemented during the development phase.



13. 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 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

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

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

14. 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)

15. Prior to occupation of the use hereby permitted, 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. The approved arrangements shall be retained thereafter.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

16. The windows identified as having obscured glass on drawing number A02.11 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

17. The development shall be carried out in accordance with the specification in the Tree Report (Farmland Forestry dated 14 April 2014) received on 28 August 2014.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

#### **INFORMATIVE:**

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

' Council's Supplementary Planning Document 'Sustainable Design and Construction 2007':  
<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

' 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](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)



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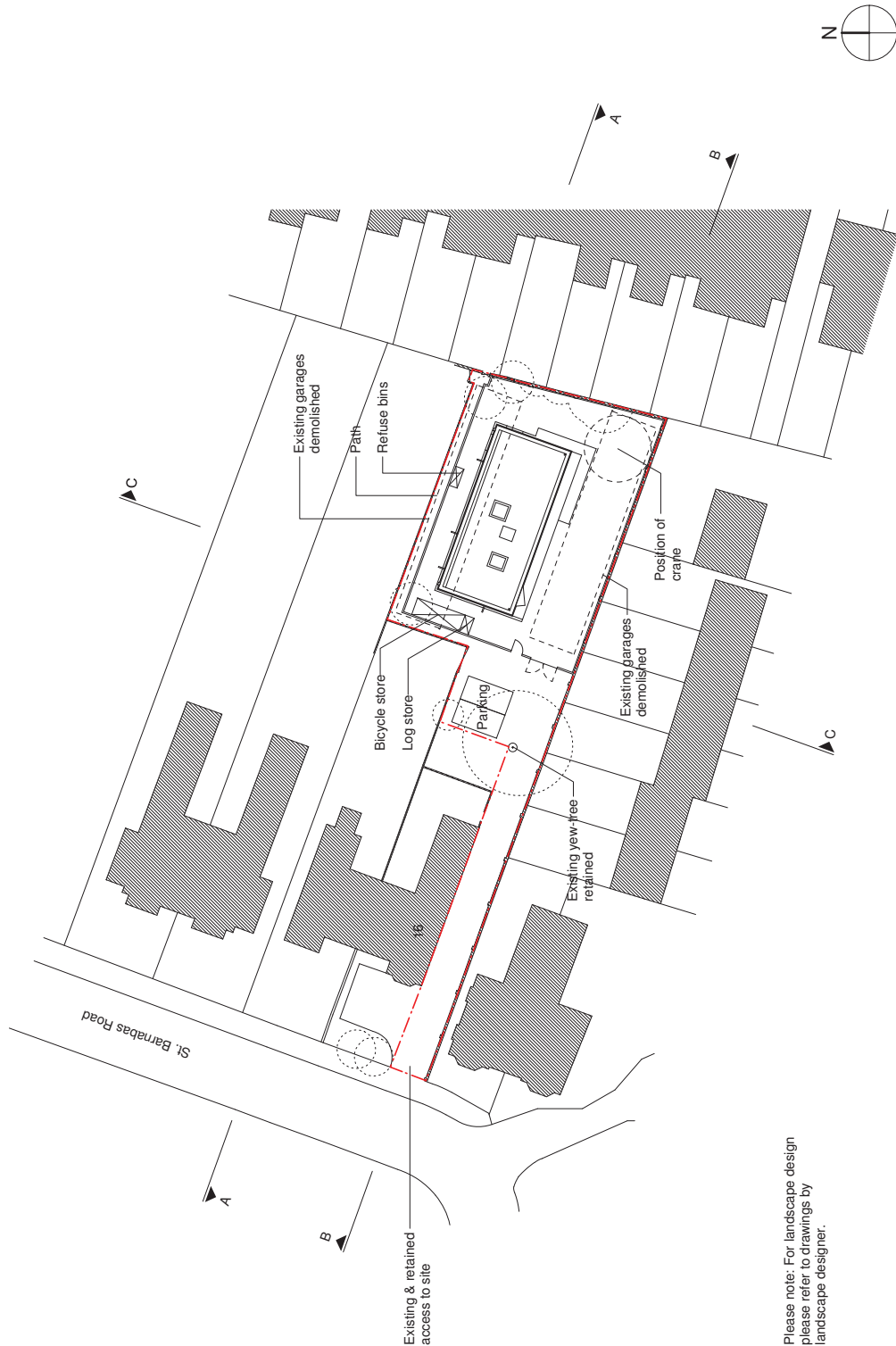
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29 Sunbury Workshops  
Svanfield Street  
London E2 7LF  
+44 7 428 919 497  
na@nilssonpflugfelder.com

Neue Schönhauser Str. 11  
10178 Berlin  
Germany  
+49 30 3034 5798  
magnus@nilssonpflugfelder.com



Project		Reith House
Client	Judy & Adrian Reith	
Date	10.06.2014	
Scale/Format	1:1250 @ A3	
Drawing Name	Location plan	
Drawing No.	A00.01	
Issue	PLANNING	

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Please note: For landscape design  
please refer to drawings by  
landscape designer.

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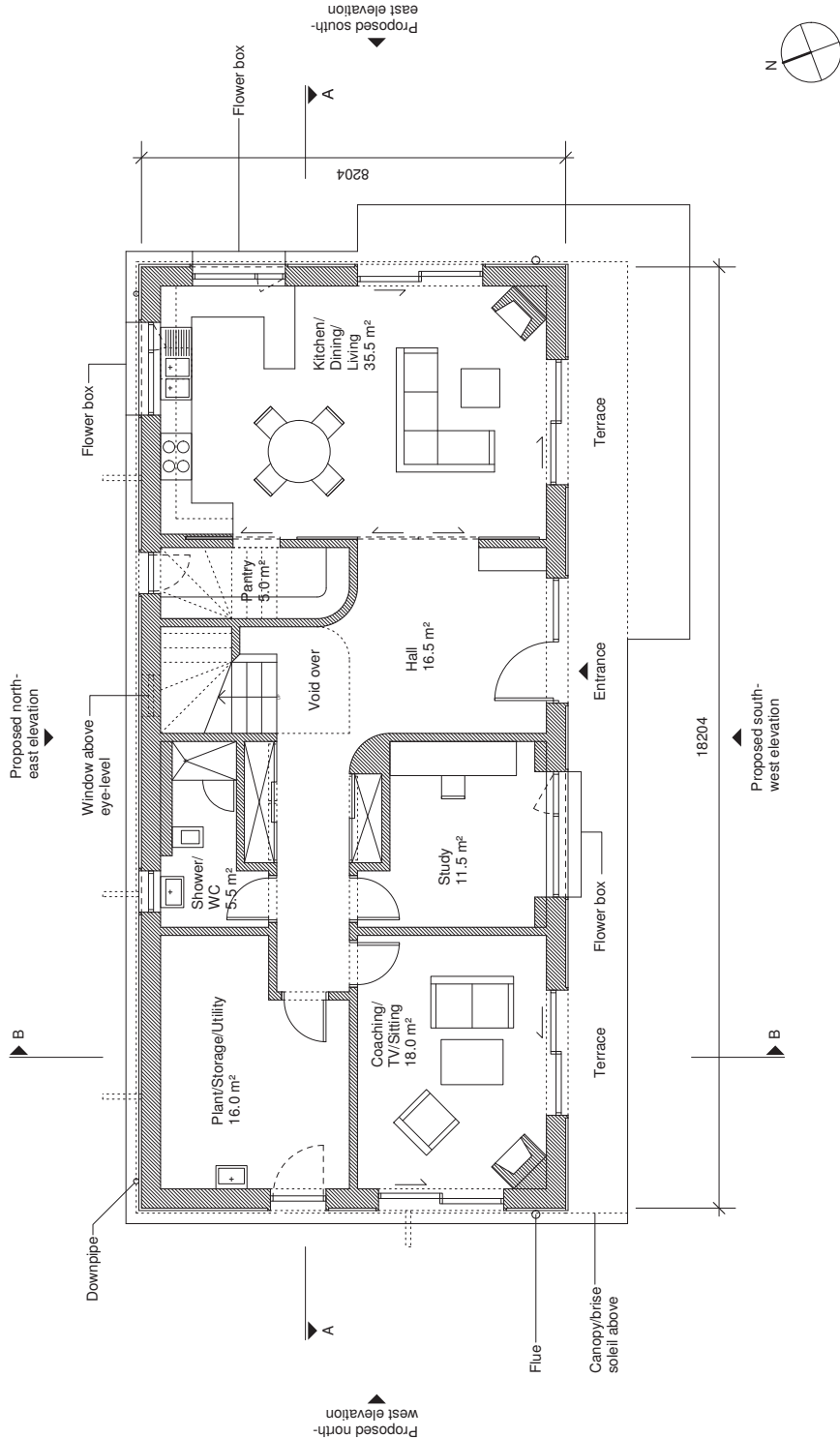
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29 Sunbury Workshops  
Svanfield Street  
London E2 7LF  
+44 7428 919 497  
na@nilssonpflugfelder.com  
magnus@nilssonpflugfelder.com  
+49 30 3034 5798

Neue Schönhauser Str. 11  
10178 Berlin  
Germany

Project		Reith House
Client	Cambridge	Judy & Adrian Reith
Date	10.06.2014	
Scale/Format	1:500 @ A3	
Drawing Name	Proposed site plan	
Drawing No.	A02.01	
Issue	PLANNING	

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149.0 m<sup>2</sup> GEA (proposed ground floor)  
130.0 m<sup>2</sup> GIA (proposed ground floor)  
298.0 m<sup>2</sup> GEA PROPOSED TOTAL  
249.0 m<sup>2</sup> GIA PROPOSED TOTAL



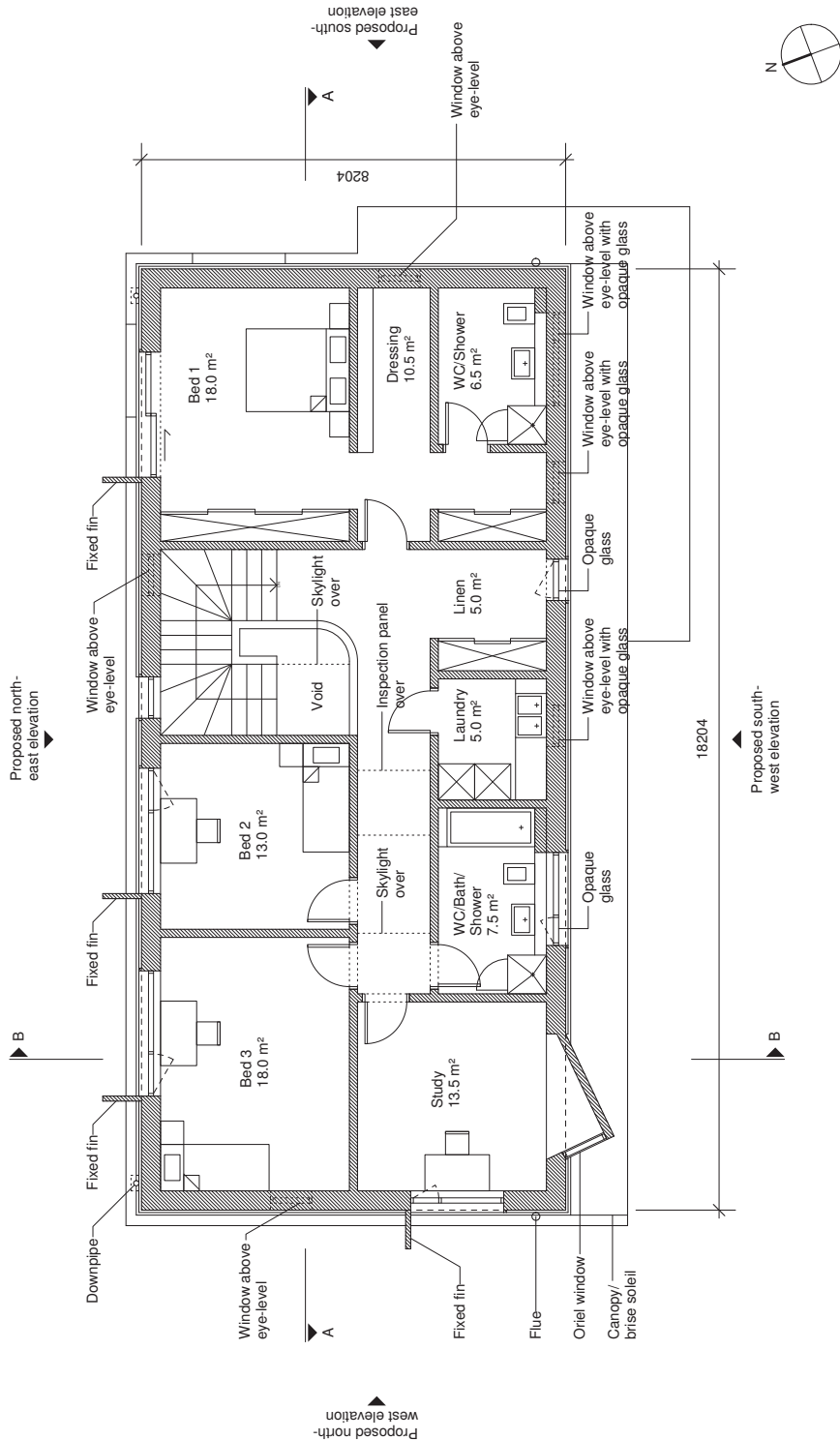
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A	External flues added	-	-	-	05.08.2014		

NILSSON PFLUGFELDER		Baurfritz House Designer	New Seehausen Str. 11 10178 Berlin Germany	+44 7 728 919 497 +49 30 3004 5798 mailto:magnus@nilssonpflugfelder.com
Project		Reith House	Cambridge	
Client		Judy & Adrian Reith		
Date		10.06.2014		
Scale/Format		1:100 @ A3		
Drawing Name		Proposed ground floor plan		
Drawing No.		A02.10A		
Issue		PLANNING		

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149.0 m<sup>2</sup> GEA (proposed first floor)  
119.0 m<sup>2</sup> GIA (proposed first floor)  
298.0 m<sup>2</sup> GEA PROPOSED TOTAL  
249.0 m<sup>2</sup> GIA PROPOSED TOTAL



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				05.08.2014			
				Date issued			
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				External issues added			
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A	External flues added	-	-	-	05.08.2014

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Project	
Reith House	
Cambridge	
Client	Judy & Adrian Reith
Date	10.06.2014
Scale/Format	1:100 @ A3
Drawing Name	Proposed roof plan
Drawing No.	A02:12A
Issue	PLANNING

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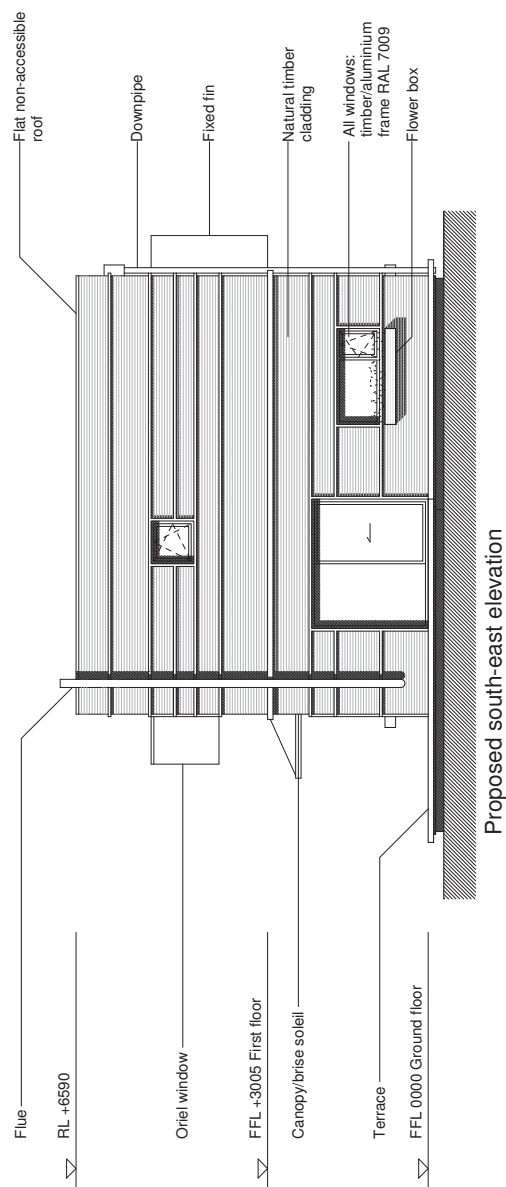
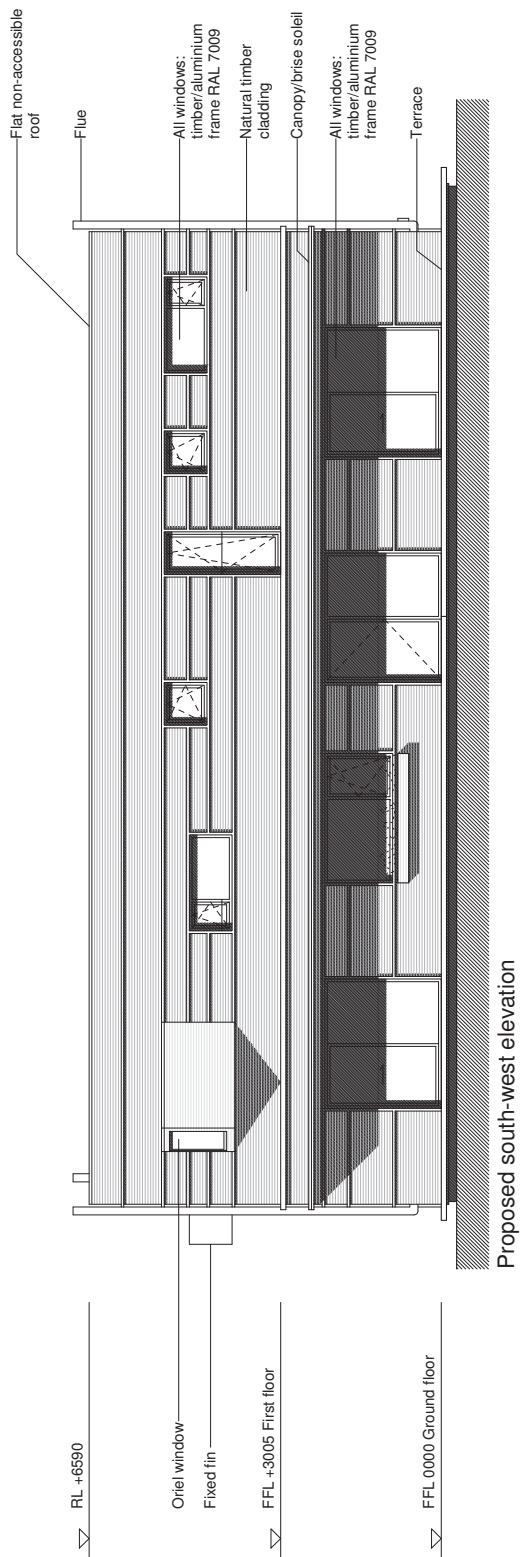
Baufritz House Designer

29 Culbury Workshops  
Swinfildes Street  
1017B Brixton  
London E2 7LF

+ 44 7 428 919 497  
mail@nilssonplugfelder.com

+ 49 30 3004 5798  
magnus@nilssonplugfelder.com

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Revisions		Notes			
Rev.	Description	Drawn	Check	Issued to	Date Issued
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A	External flues added	-	-	-	05.08.2014

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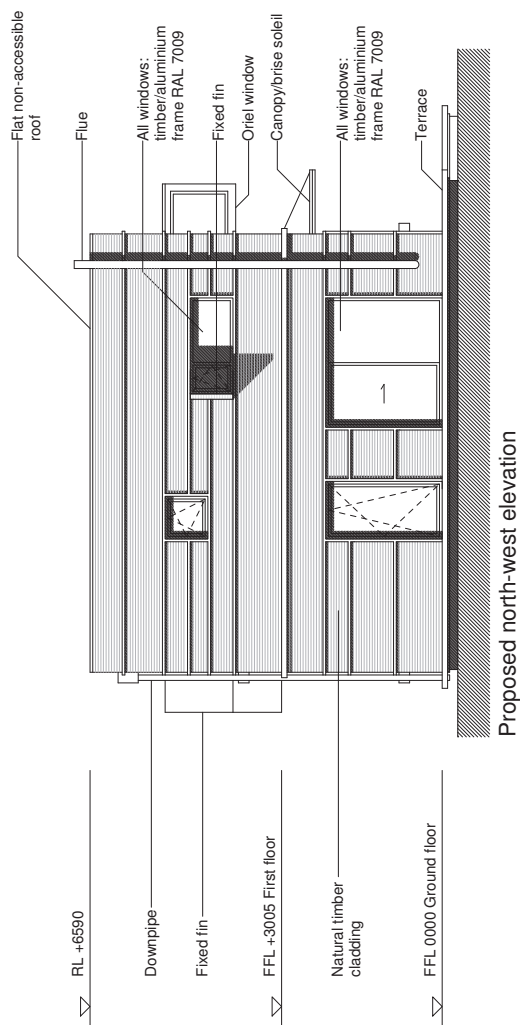
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**Bauritz House Designer**  
29 Sunbury Workshops  
Swanfield Street  
London E2 7LF  
Tel: +44 7428 919 497  
Email: [nilsomplugfelder.com](mailto:nilsomplugfelder.com)

<b>Project</b>	Reith House Cambridge
<b>Client</b>	Judy & Adrian Reith
<b>Date</b>	10.06.2014
<b>Scale/Format</b>	1:100 @ A3
<b>Drawing Name</b>	Proposed south-west & south-east elevations
<b>Drawing No.</b>	A02.20A
<b>Issue</b>	PLANNING

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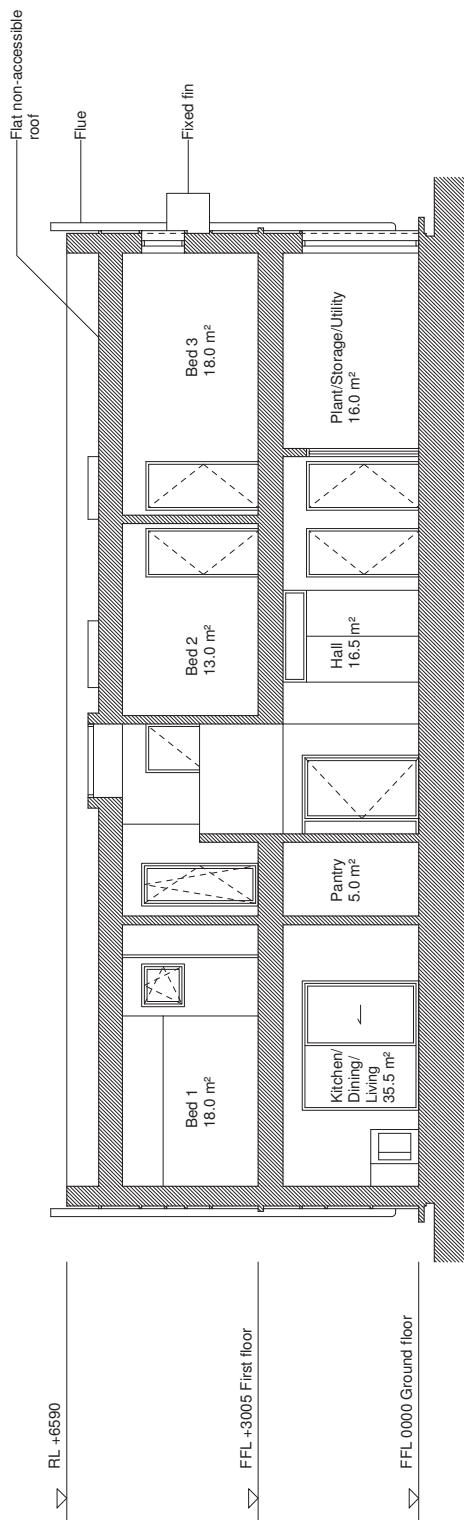
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**Gauritz House Designer**  
29 Sunbury Workshops  
Evanfield Street  
London E2 7LF  
+44 7428 919 497  
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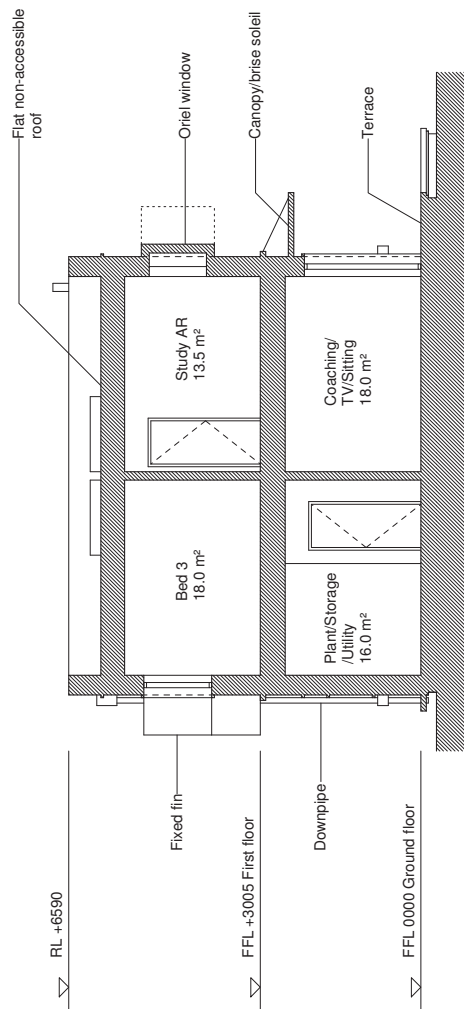
Neue Schönhauser Str. 11  
10178 Berlin  
Germany  
+49 30 3034 5798  
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Proposed section AA



Proposed section BB

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A	External floors added				05.08.2014		

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Baurfritz House Designer  
29 Sunbury Workshops  
Swinfield Street  
London E2 7LF  
+44 7428 919 497  
na@nilssonpflugfelder.com  
magnus@nilssonpflugfelder.com

**Project** Reith House

**Client** Judy & Adrian Reith

**Date** 10.06.2014

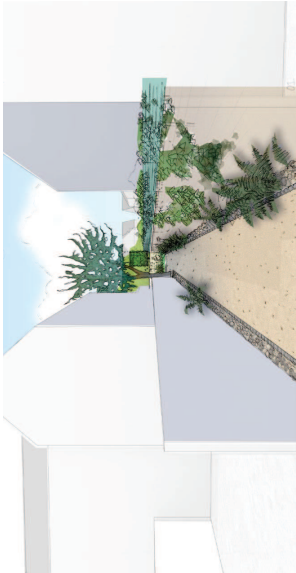
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**Drawing Name** Proposed sections AA & BB

**Drawing No.** A02.15A

**Issue** PLANNING

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1 View from Entrance (West)



3 View from North



5 View from South-East



2 View from West



4 View from North-East



6 View from South-West



7 Family Garden View



Viewpoints

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**The Concept**  
The landscape design provides a series of varied garden spaces that respond to the orientation of the site and provide differing levels of privacy for the family. Four character areas have been identified on the site.

**The Lane'** This area forms the entrance to the site and is designed as a gravel drive with stabilised gravel and planted margins. The Lane' is terminated by a 'white' rendered wall incorporating a wall-sculpture to create a vista-stop when viewed from the St Barnabas Road; this forms the first view of the house from the street.

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**'Yew Yard'**  
The existing Yew tree forms the focus of this space. There are three parking spaces provided under the tree. The paving in this area is permeable stabilised and resin-bound gravels.

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The existing Yew tree forms the focus of this space. There are three parking spaces provided under the tree. The paving in this area is permeable stabilised and resin-bound gravels.

It proposed that the crown of the tree is lifted to provide access for construction traffic and permit more light into the space. The existing worn tarmac surface will be replaced with stabilised pea-gravel or resin-bound gravel with clipped Box hedges (*Buxus sempervirens*) and shade-loving wall-climbers such as *Hydrangea petiolaris* and *Ceanothus* species. The Yew tree would be up-lit at night to create welcoming and dramatic effect.

**Front Garden.** The entrance is marked and celebrated with a portal feature or 'lych-gate'; this provides a visual focus point and a shelter en route to the parking and the front door. This cedar clad porch structure forms the entrance to the defined, private garden areas and incorporates steel grilles/trellis panels to encourage glimpsed views to the main entrance-door and provides a secure access.

Grilles also permit natural surveillance of the parking in 'Yew Yard' from the sitting-room and office/study. The entrance path is paved with slabs and gently slopes up to the front door to provide level-access. One gravel-paved car-parking space is provided within the enclosed curtilage of the house.

The front garden is a sunny open semi-private space defined by walls, fences and a line of pleached trees (Lime or Hornbeam) on the southern boundary, which in time will screen the rear of overlooking properties. Sun loving species such as Lavender, Rosemary, Eucalyptus gunii, Juniper, grasses and Euphorbias could create a Mediterranean flavour to the garden. The garden is overlooked by the sitting room and study.

**Family Garden\***  
The back-garden is screened from public view by a 1600mm high rendered wall or fence adjacent to the front door that could be up-lit at night to create a welcoming space associated with the entrance.

This area associated with the family living room and kitchen continues along the sunny aspect of the house. South and west facing timber decking areas for family dining and relaxing are accessed from the sitting room and incorporate a barbecue and raised herb-beds.

**East and North Shade Gardens'**  
A shady lush area influenced by Japanese gardens. The gravel and stepping-stones pavings are complemented by large leaved, evergreen species with stands of bamboo, tree-ferns, flowering shrubs and silver-variegated ground-cover.

Stands of multi-stemmed white-stemmed birches (*Betula utilis* Jacquemontii) and ornamental white-stemmed 'bramble' (*Rubus thibetanus*) are visible from the living room and kitchen; they provide dramatic features along the eastern boundary and screen the boundary wall and rear of the overlooking houses. Ground mounted uplighters would create a dramatic effect in the evenings.

Initial Garden species list  
South Garden.

An open aspect with full sun at midday with a blue and silver colour theme. Species include:

**South Garden.**  
An open aspect with full sun at midday with a blue and silver colour theme. Species include:

*Echinops ritro*  
*Euphorbia wulfenii*  
*Euphorbia griffithii* 'Frigew'  
*Lamium maculatum*  
*Lonicera 'Piedmont'*  
*Lythrum 'Angustifolia'*  
*Miconthus 'Miss Jessop'*  
*Rosa 'Iceberg'*  
*Rosmarinus 'Miss Jessop'*  
*Sedum sp.*

Climbers on the south-facing pergolas could include  
*Wisteria floribunda* 'Alba'  
 Rosa 'Bobbie James'

Taller feature plants could include:

- Amelanchia lamarkii*
- Eucalyptus gunii* (stooled to 10' to retain juvenile foliage)
- Deciduous trees (4-5m tall) are terminated at the east end of the area to retain views of the open sky to the south-east.

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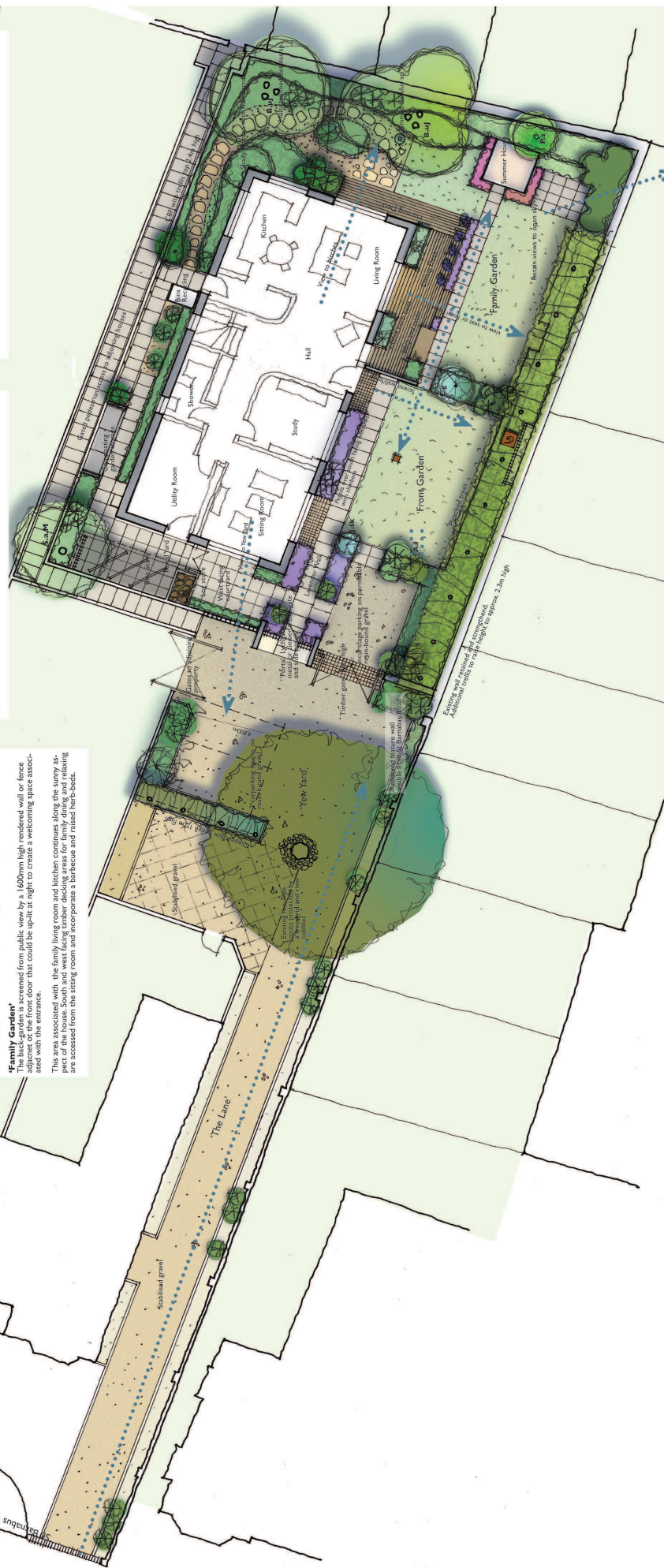
*Anelachia lamarkii*  
*Eucalyptus* gumi (stooled to 10' to retain juvenile foliage)  
poleached trees (4.5m tall) are terminated at the east end of the area to retain views of the open sky to the south-east.

**Shade Garden**

- Azum. italica "Pictum"
- Aspidistra sp.
- Ansoema x hybrida "Honorine Jacobet" (white)
- Begonia sp.
- Geranium grandiflorum
- Fatsia japonica
- Helleborus orientalis/black (ant. purple/pink)
- Helleborus viridis
- Hydrangea sp. Macrophylla Blue Wave (lacecap species)

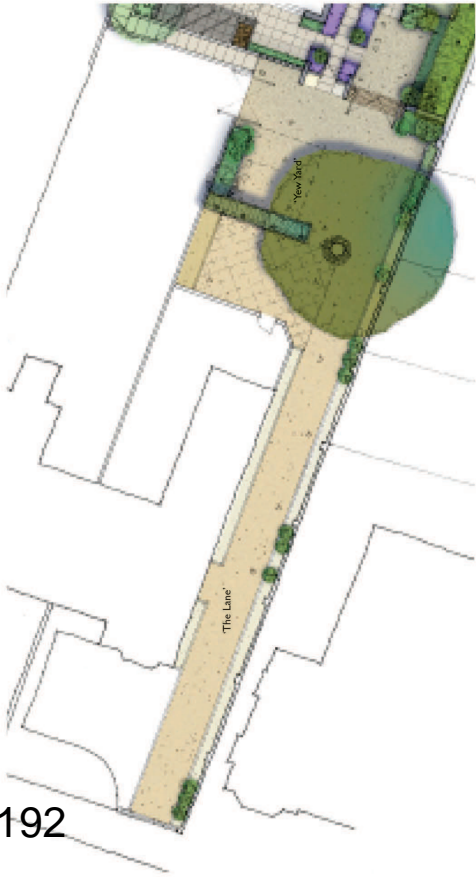
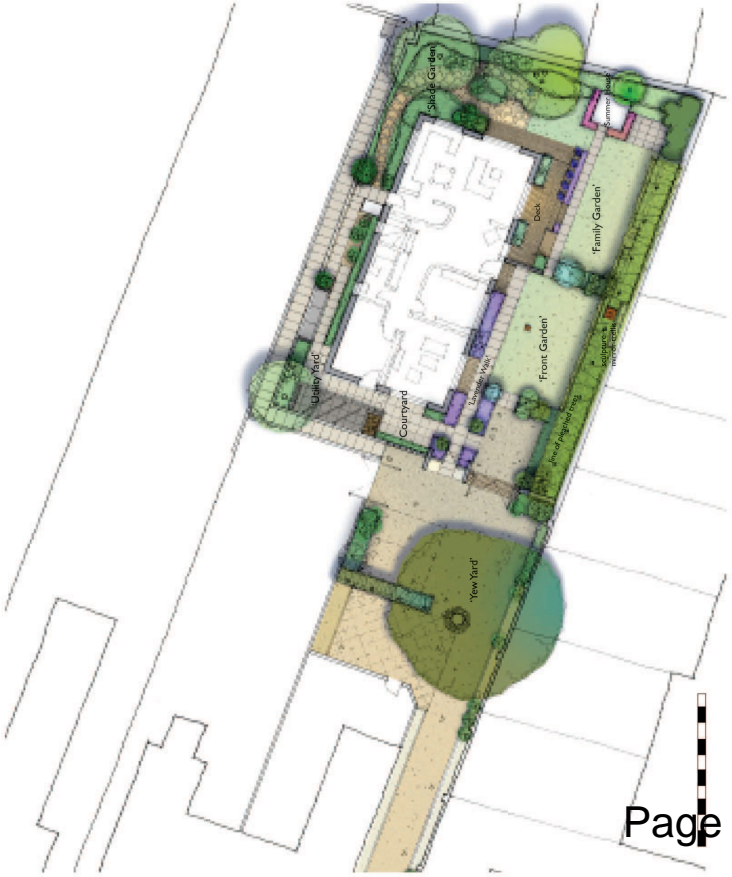
Host sp.  
*Asplenium nidus*  
*Asplenium nidus* (planted in association with *Beaulieu utilis* 'Jacquelineau' and *Pinus laurcestans* 'Cuscuta')  
*Stephanandra incisa* 'prostrata'  
*Melastoma japonica*  
*Wickstroemia fragrans* 'pink'  
*Wickstroemia fragrans* 'Down'  
*Viburnum hybridophyllum*  
 Tree ferns *Dicksonia* and *Cyathea* sp.

Tree	Lat	Long	Alt	Tree	Lat	Long	Alt
<i>Amelanchia lamarckii</i>	41°N	85°W	1000	Snowy Mephitul	41°N	85°W	1000
<i>Betula pubescens</i> (subterminal)	41°N	85°W	1000	White stemmed birch	41°N	85°W	1000
<i>Excelsus gunii</i> (stooled to 3m)	41°N	85°W	1000	Cedar Gum	41°N	85°W	1000
<i>Juniperus sylvatica</i>	41°N	85°W	1000	Whitebark (selected form)	41°N	85°W	1000
<i>Sorbus arbuscula</i>	41°N	85°W	1000	Winter-flowering cherry (pink form)	41°N	85°W	1000
<i>Pinus strobus</i>	41°N	85°W	1000				



Sara Mark MA  
Landscape Architect  
3 Marlowe Court  
Parklands  
Richmond  
TW10 5UR  
M. 07931 720615





**Above: Sketch View of 'Family Garden'**  
The south-facing dining deck is accessed from the living/kitchen raised to create a level access with the internal floor, wide steps lead down to a lawn and West-facing Summer House. The area incorporates a Barbecue table, raised beds for herbs and vegetables, and a raised bed for the South-east corner is planted with shrubs under 3m tall to enjoy the views to the open day between the blocks of housing.

The colour scheme for the garden is predominantly blue, silver and grey with accent planting provided by Antipodian species including *Eucalyptus gumii* and varieties of New Zealand Flax (*Phormium tenax*).



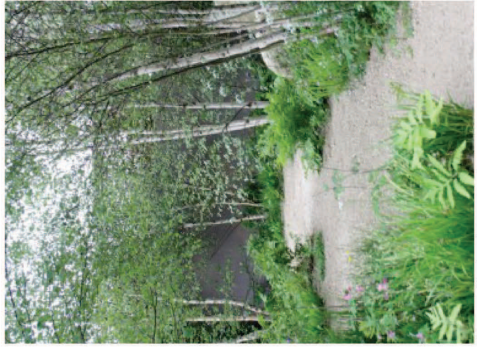
*Lavender argentea*



*Eucalyptus gumii*



*Phormium tenax* sp.



Multistemmed *Banksia utilis* Jacquemontii



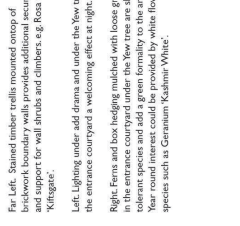
Tree-ferns would be suitable for the shade garden



White and silver border suitable for south facing borders



Planted Hornbeam



For Left: Stained timber trellis mounted on top of brickwork boundary walls provides additional security and support for wall shrubs and climbers, e.g. *Rosa filipes* 'Kringa'.

Left: Lighting under add drama and under the 'Yew tree' in the entrance courtyard a welcoming effect at night.

Right: Ferns and box hedging finished with loose ground cover plants, including the 'Yew tree' in the 'Yew Yard'.

Year round interest could be provided by white flowered species such as *Geranium 'Kalamit White'*.

Above: The 'Shaded Lane' (Tilia sp.) or Hornbeam (*Cornus sp.*) planted at 24m centres and maintained at approx. 4-5m high will offer screening along the Southern boundary. They will be under planted with mixed shrub and herbaceous border with a mix of plants in high wall or dark stained fence and up-lit for evening interest.

Left: A 2m tall mirror and crells feature could create a 'light catcher' focal point visible from the front door.

Land behind 16 St Barnabas Road, Cambridge

a garden for Mr and Mrs. Kelli

Landscape Plan 2 and Details

Scale 1:100 @ A1

Dwg 010\_5

Sara Mark, RPA

Professional Landscape Architect

3 Marlborough Court

Reinhold

19/01/2018

M 07931 720615



<b>Application Number</b>	14/0974/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th June 2014	<b>Officer</b>	Mrs Angela Briggs
<b>Target Date</b>	11th August 2014		
<b>Ward</b>	Petersfield		
<b>Site</b>	27 Tenison Avenue Cambridge CB1 2DX		
<b>Proposal</b>	First floor rear extension and internal alteration		
<b>Applicant</b>	Mr Marshall And Mrs Kissane-Marshall 43 Lensfield Road Cambridge CB2 1EN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposal would not have a detrimental impact on the character or appearance of the Conservation Area;</li> <li><input type="checkbox"/> The proposal would not have a significant impact on sunlight to no.25 Tenison Avenue;</li> <li><input type="checkbox"/> The proposal would not create an unacceptable sense of enclosure to neighbours.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated on the south side of Tension Avenue, towards the northern entrance to Highsett. The area is predominantly residential in character and within a Conservation Area. The majority of Tenison Avenue and adjacent streets are characterised by a mix of substantial Victorian semi-detached villas on moderately sized plots. Beyond the rear boundary is the St. Collette's site, which has extant planning permission for residential development.

- 1.2 No.27 Tenison Avenue is a detached house, built against the eastern boundary with the plot of no.25. It has a passage from the front to rear on its western boundary with no.29 and is approximately just over 1m wide. The property is a large two storey property with an additional attic storey.
- 1.3 To the rear (south) was a lean-to conservatory. A single storey, flat-roof, rear extension, replacing the conservatory, is currently under construction and is being erected under permitted development rights.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks planning consent for a first floor extension, to the rear of the property, on the western boundary of the site. The extension measures 4.5m in width, 3m in depth and rises to 3.9m, above the single storey ground floor extension, currently under construction. The design follows the traditional architecture of the existing dwelling and has a hipped roof. The proposed extension would be set away from the eastern boundary with no.25 by approximately 2.5m.
- 2.2 The application is accompanied by the following supporting information:
1. Design & Access Statement/Heritage Statement
  2. Plans
- 2.3 A sun path diagram was requested and has been received which illustrates the over-shadowing impact on the neighbour at no.25. The two diagrams show before and after impacts and are taken during the Spring, Summer and Winter equinoxes and at specific times of the day: 9am, 12pm, 3pm and 6pm.
- 2.4 The application is brought before Committee at the request of Councillor Robertson.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/0527/FUL	Two storey rear extension and new conservatory.	Application withdrawn.



## 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 3/14
		4/11

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
Material Considerations	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

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/the following policies in the emerging Local Plan are of relevance:

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

6.1 No comment.

### **Urban Design and Conservation team**

6.2 No conservation policy issues.

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:

- ☐ 13, 17, 23, 25, 29 Tenison Avenue
- ☐ 61, 82 Highsett

7.2 The representations can be summarised as follows:

- ☐ The proposal would completely overshadow neighbouring properties, especially in the afternoon;
- ☐ The proposal would create an unacceptable sense of enclosure, especially when the development at St. Collette's site is built;

- 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. Context of site, design and external spaces
2. Impact on the Conservation Area
3. Residential amenity
4. Third party representations

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

- 8.2 The application follows a previously withdrawn scheme for a larger development, which included a new ground floor extension (Ref: 14/0527/FUL). Concerns were raised relating to the impact on no.25 and 29 Tenison Avenue. Subsequently the application was withdrawn.
- 8.3 The applicants were aware that a ground floor extension could be erected under permitted development rights, and therefore proceeded to build this element. This application refers solely to the first floor rear extension.
- 8.4 The site is of a modest size and is bounded by close boarded fencing. No.27 Tenison Avenue is the only detached dwelling along this immediate row of semi-detached properties. However it is very close to no.25, to the east, which is separated by a 1m passageway between them.
- 8.5 The proposal would essentially sit on top of the single storey ground floor extension, currently under construction. In terms of its architecture, it would follow the design cue of the existing dwelling and in my view, would be subordinate to the host dwelling. The proposal would add an additional 15.3m<sup>2</sup> of first floor area to the dwelling, which, in comparison to the host dwelling, is a modest extension, in my view. The proposal would also be set back slightly from the ground floor extension,

so that there is a clear separation between the built elements and to help to 'break-up' the rear elevation. The window detailing is considered to be acceptable and reflects the existing sash windows on the host dwelling. There would be no additional windows on either sides of the extension.

- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14.

### **Impact on the Conservation Area**

- 8.7 The site lies within a Conservation Area and as such the Mill Road Area Conservation Area Appraisal (2011) is relevant. The Conservation Officer has raised no objections to the design of the proposal. The proposal would not be visible from the public domain, and therefore the impact on the character and appearance of the Conservation Area would be minimal. In terms of the design, I consider that it accords with the scale and proportions of the existing architecture and, provided high quality materials are used in the construction, I consider the proposal to be a sympathetic addition.

- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.9 A number of neighbours have raised objections to the proposal. In my view, the neighbour who would be most affected would be no.25, to the east. No.29, to the west, is set quite away from the boundary and therefore, in my view, the proposal would have a lesser impact in terms of loss of light and sense of enclosure.
- 8.10 The neighbour at no.25 has a single storey conservatory building attached to the rear of their house. This is their main living area because it is a well-lit area. I requested sun path studies from the architect to demonstrate the impact on no.25. The study does not include no.29, because the shadows would be cast away from no.29, due to the sun's path and property orientation.

- 8.11 From the sun path study, it is clear that there would be some impact on sunlight in late afternoon during spring, summer and autumn. This is shown on the diagrams at 3pm and 6pm. No significant impact on sunlight is shown on the 3pm diagrams. A more noticeable impact is shown in the 6pm diagrams, but I note that the conservatory is shown as almost entirely in shadow at this time without the proposed extension. Representations submitted contest this assessment, but I have no reason to suppose that the submitted sun path diagrams are incorrect. It appears that any impact on sunlight to the conservatory at No.25 would be confined to the evenings in spring, summer and autumn, and that the scale of the impact would be limited. I do not consider that this level of shadowing warrants refusal of the application.
- 8.12 In terms of the over-bearing sense of enclosure, the proposal is stepped away from the boundary with no.25, leaving the existing first floor window of the host dwelling exposed. This set-back, in my view, helps to minimise the bulk of the proposal and retains a reasonable gap between properties, which is also characteristic of Victorian architecture.
- 8.13 The neighbours have mentioned the potential cumulative impact of the proposal with the development approved on the St Colette's site. The concern is the unacceptable sense of enclosure that would be created if this proposal were to be approved. Even taking into account the proposals for the St Colette's site, I do not consider that the addition of a first floor rear extension on this site would lead to an unacceptable degree of enclosure. The proposed extension, in my view, is of a modest domestic scale that blends in with the host dwelling and does not detract from the character of the area.
- 8.14 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 3/14.

### **Third Party Representations**

- 8.15 I have addressed the neighbour concerns.

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider that the proposal 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. 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.

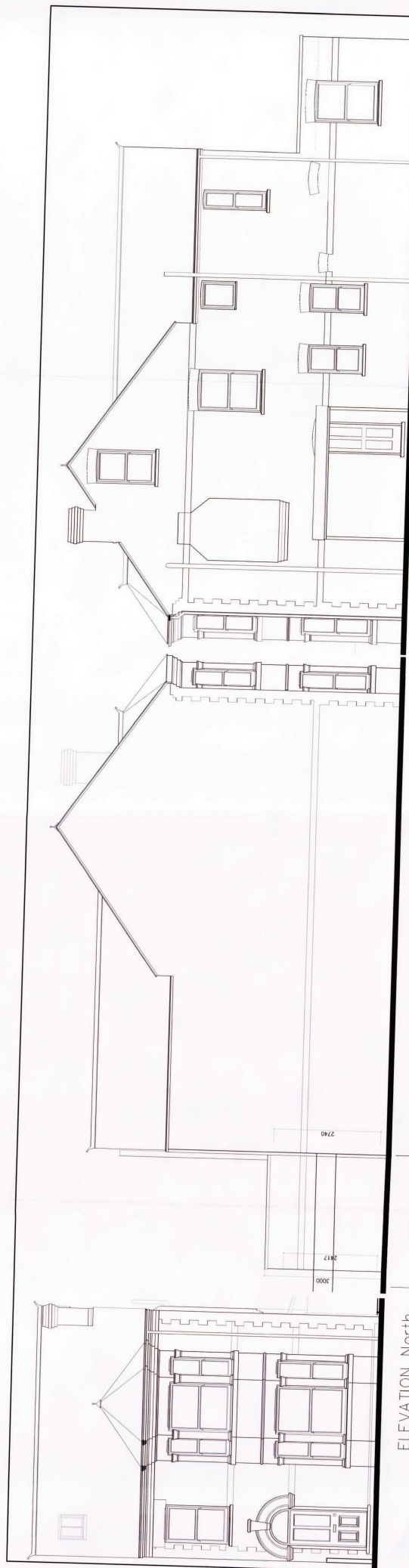
Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)



**Location Plan**  
Scale 1:1250

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ELEVATION North  
ELEVATION East  
ELEVATION West  
ELEVATION South

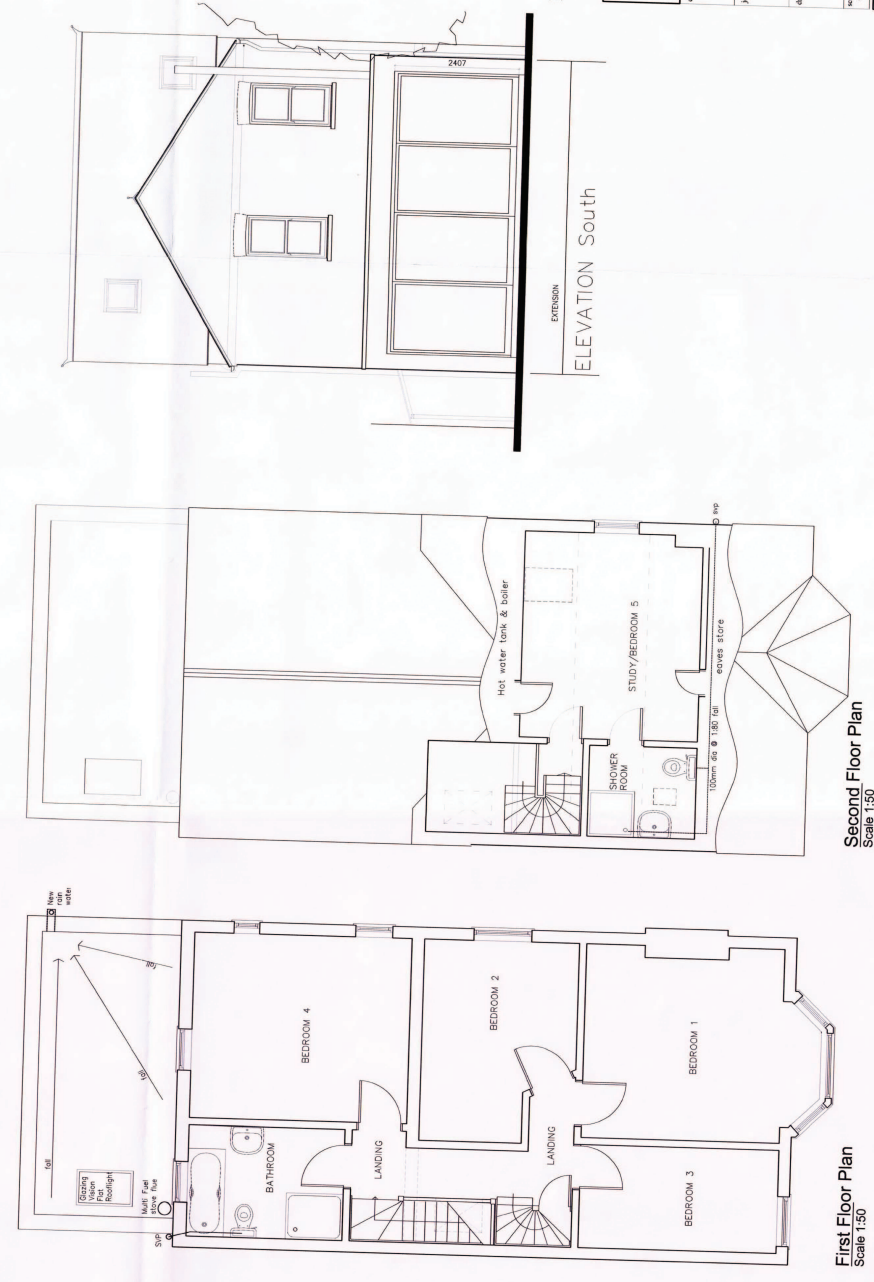
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1. DRAWINGS MUST NOT BE SCALED.
  2. CHECK ALL DIMENSIONS ON SITE.
  3. PUTTING WORK IN HAND.
  4. ITEMS MUST BE APPROVED BY THE HAND.
  5. DIMENSIONS MUST BE VERIFIED ON SITE.
  6. ANY DISCREPANCIES IMMEDIATELY.

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16 JUN 2014  
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**PLANNING**

**FREELAND REES ROBERTS ARCHITECTS**  
25 City Road, Cambridge CB1 1EP  
Tel: 01223 366555 Fax: 01223 312662  
info@freelandreesroberts.co.uk

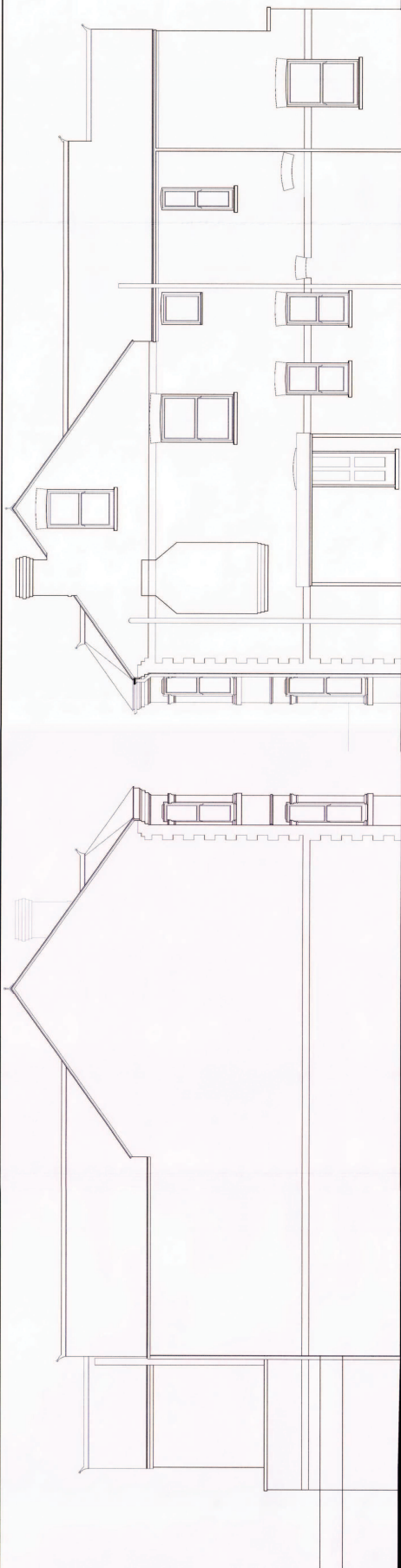
Client: Mrs Sheila Kiseane Marshall & Mr Robert Marshall  
Job title: 27 Tenison Avenue Cambridge  
Drawing title: Proposed Permitted Development As Existing  
Scale: 1:50 @A1 GFR  
Date: May 2014  
Drawing No: 14026-SZ-007



First Floor Plan  
Scale 1:50  
Second Floor Plan  
Scale 1:50

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- NOTE
1. DRAWINGS MUST NOT BE SCALED.
  2. WORK ONLY TO FINISHED DIMENSIONS.
  3. BEFORE ORDERING MATERIALS OR SHOP DRAWINGS OF MANUFACTURED ITEMS, CHECK DIMENSIONS WITH THE ARCHITECTS BEFORE WORK IS PUT IN HAND.
  4. DIMENSIONS MUST BE VERIFIED ON SITE BEFORE PREPARATION OF SHOP DRAWINGS.
  5. THE ARCHITECT MUST BE NOTIFIED OF ANY VARIATIONS TO THE DRAWINGS.
  6. IF IN DOUBT ASK.



ELEVATION East

ELEVATION West

1ST FLOOR EXTENSION



Ground Floor Plan  
Scale 1:50

First Floor Plan  
Scale 1:50

Attic Floor Plan  
Scale 1:50

white pointed brickwork

1ST FLOOR EXTENSION

ELEVATION South

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18 JUN 2014  
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PROVISION

PLANNING

**FREELAND REES ROBERTS  
ARCHITECTS**  
25 City Road, Cambridge CB1 1UP  
tel 01223 366555 fax 01223 312652  
info@freelandrees.co.uk

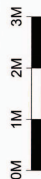
client:  
Mrs Sheila Kisanne Marshall  
& Mr Robert Marshall

job title:  
27 Tenison Avenue  
Cambridge

drawing title:  
Proposed Phase II Grd, 1st, 2nd Floors  
& Elevations

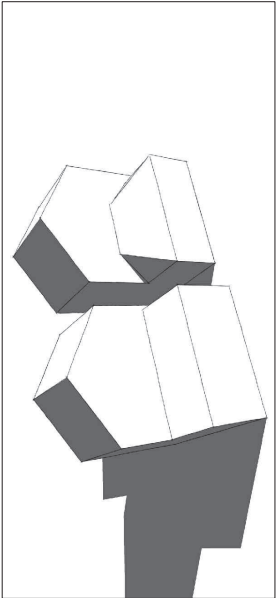
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Freeland Rees Roberts Ltd Company No. 1049795

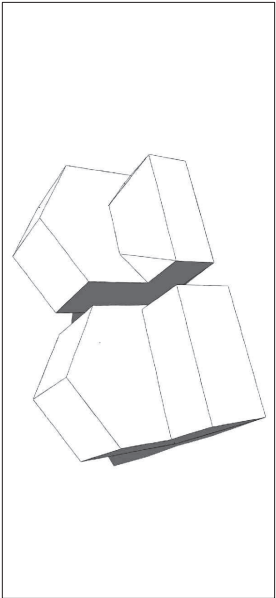


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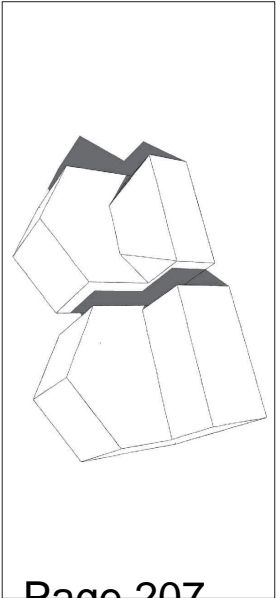




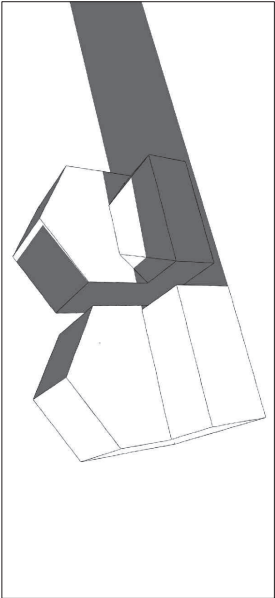
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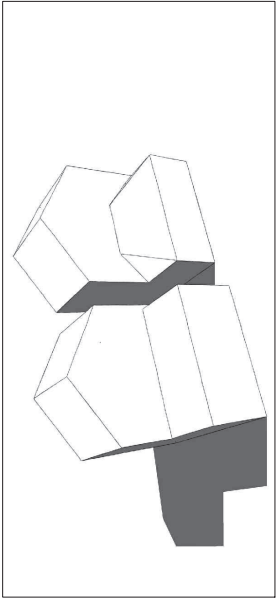
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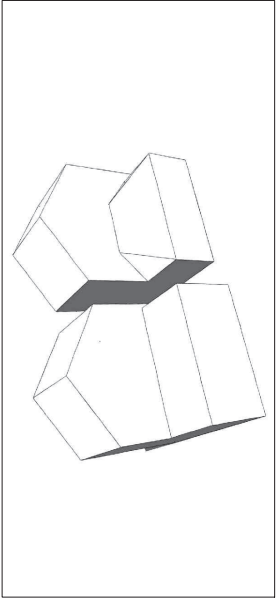
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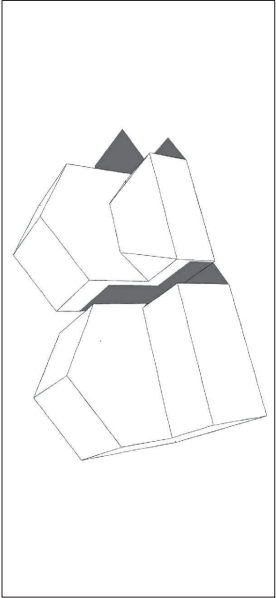
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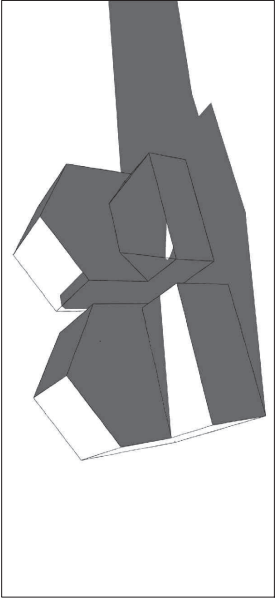
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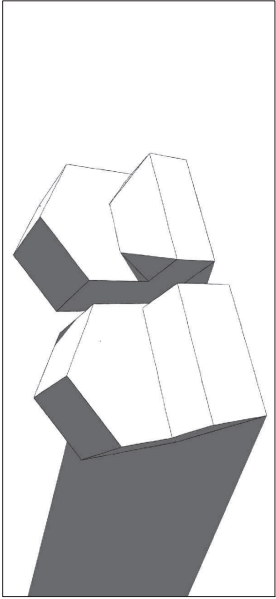
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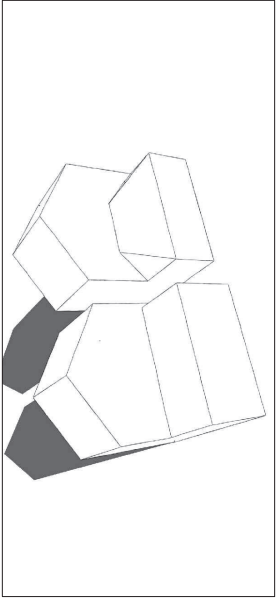
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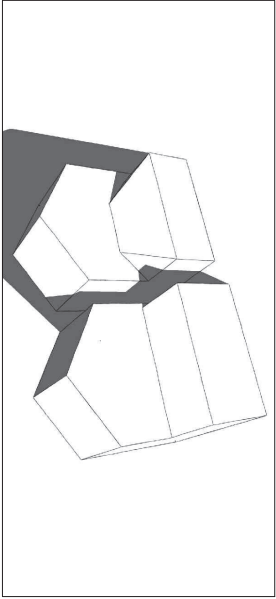
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21st December — 9AM



21st December — 12pm

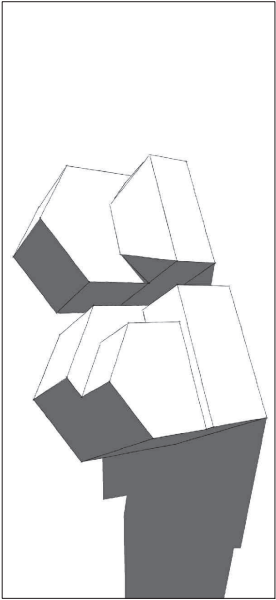


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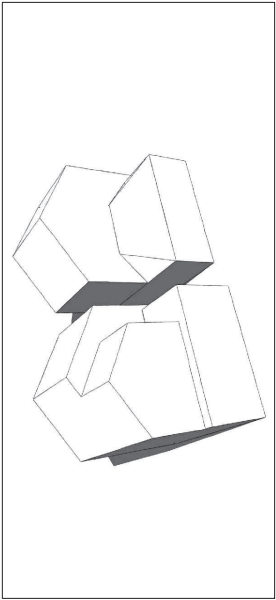
PLANNING

drawing title		Sun Path Study - Existing		FREELAND REES ROBERTS ARCHITECTS 25 City Road, Cambridge CB1 1DP tel 01223 366555 fax 01223 312882 info@franchitects.co.uk	
client	Mrs S. Kissane Marshall & Mr Robert Marshall	job title	27 Tenison Avenue Cambridge	scale	NTS @A3
drawn	GFR	date	July 2014	sheet/layout number	14.026-SZ-009
rev	-				

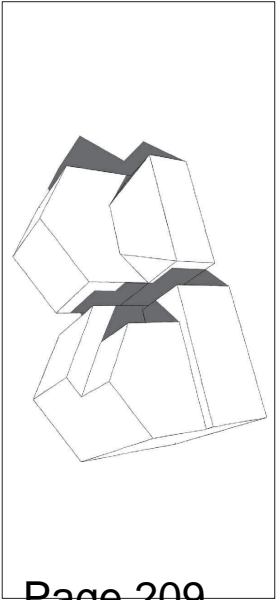
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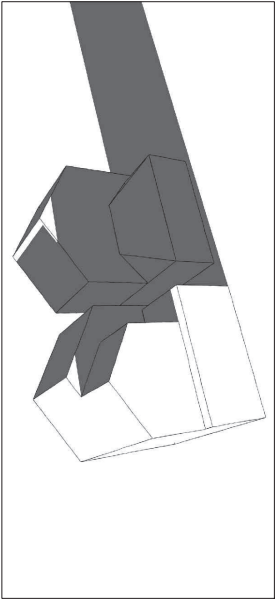
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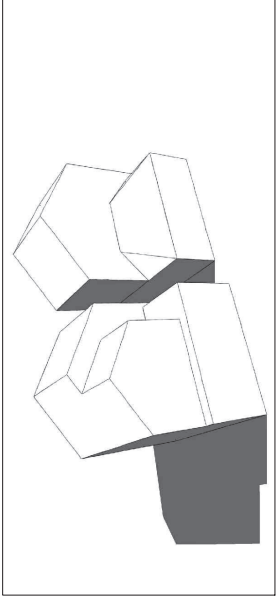
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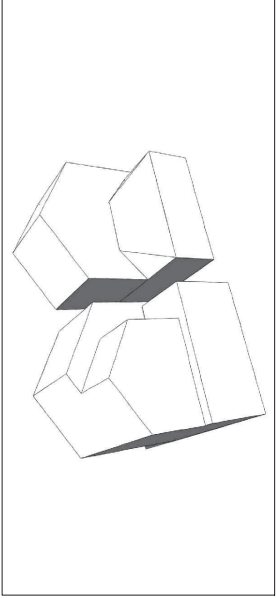
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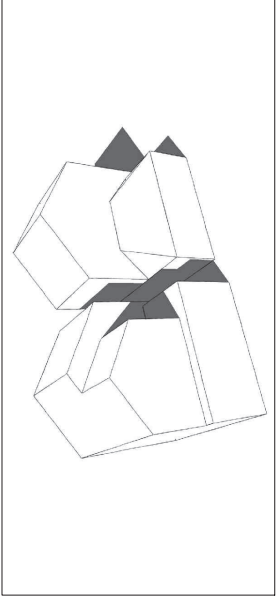
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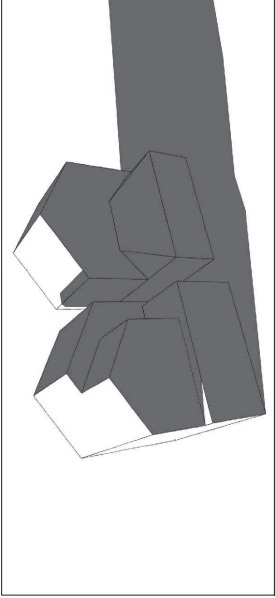
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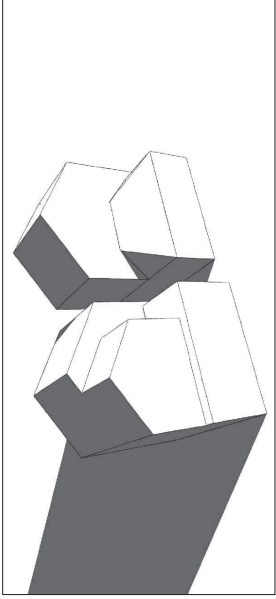
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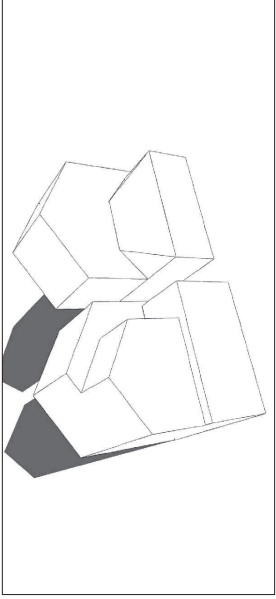
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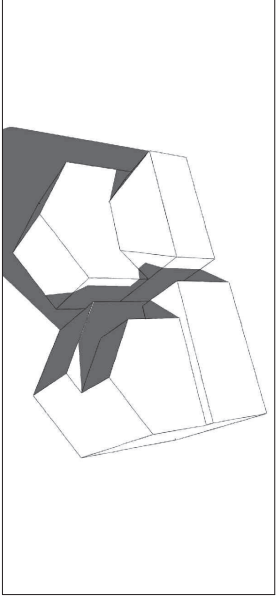
21st June — 6pm



21st December — 9AM



21st December — 12pm



21st December — 3pm

# PLANNING

drawing title		Sun Path Study		FREELAND REES ROBERTS ARCHITECTS	
client		Mrs Sheila Kissane Marshall		25 City Road, Cambridge CB1 1DP	
job title		47 Tenison Avenue		tel 01223 366555 fax 01223 312882 info@franchitects.co.uk	
scale		NTS @A3		sheet/layout number	
drawn		GFR		date	
date		July 2014		rev	
sheet/layout number		14.026-SZ-010		-	

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## EAST AREA COMMITTEE 11<sup>th</sup> September 2014

<b>Application Number</b>	14/0887/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th June 2014	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	12th August 2014		
<b>Ward</b>	Abbey		
<b>Site</b>	Garages 11 - 45 Ekin Road Cambridge		
<b>Proposal</b>	Erection of 6x affordable units following demolition of garages. Associated car parking and cycle parking and private and shared amenity space.		
<b>Applicant</b>	Mr Colin Rickard 950 Capability Green Luton Bedfordshire LU1 3LU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development respects the character of the surrounding area;</li> <li>2. The residential amenity of neighbouring properties is not significantly impacted upon; and</li> <li>3. Car parking, cycle parking and refuse storage is successfully integrated into the scheme.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated in the northeastern corner of Ekin Road, and is currently occupied by garages.
- 1.2 The surrounding area is predominantly residential mainly consisting of two storey semi-detached houses and three storey blocks of flats. The site is accessed via an access road which runs diagonally from Ekin Road, between a block of flats on the

northern side of Ekin Road (11 Ekin Road), and 13 Ekin Road. The site is not within a Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for the redevelopment of the site for affordable housing, which will be maintained by the City Council.
- 2.2 This is part of the City Council's new Council House building programme. Changes in the regulations mean that the Council can develop new housing, without having to hand the site over to a housing association to develop and manage, as has been the case in the past. The Council has been successful in securing grant funding from the Homes and Communities Agency (HCA). Allocated grant funding from the HCA will be spread across a number of sites and provide 146 new homes by the end of March 2015 (The 146 Programme). This scheme, along with 9 others has been granted Executive Councillor Approval to proceed.
- 2.3 The following dwellings would be provided:
- 2 x 2-bed houses
  - 4 x 3 bed houses
- 2.4 The proposed dwellings would be two storey, semi detached houses standing in a row, with allocation car parking spaces to the front, and individual cycle and bins stores in the rear gardens.
- 2.5 The application has been amended to increase the width of part of the access road to 4.5m in width.
- 2.6 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Waste Management Strategy
  3. Code Assessment
  4. 10% Planning Low or Zero Carbon Technology Feasibility Study
  5. Flood Risk Assessment
  6. Transport Statement

7. Materials Schedule
8. Incoming Services Appraisal
9. Tree protection plan
10. Soiltechnics Preliminary Investigations Report

### 3.0 SITE HISTORY

None.

### 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 3/10 3/11 3/12
		4/4
		5/1 5/4 5/12
		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	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)  Air Quality in Cambridge – Developers Guide (2008)  The Cambridge Shopfront Design Guide (1997)  Roof Extensions Design Guide (2003)  Modelling the Costs of Affordable Housing (2006)  Buildings of Local Interest (2005)

#### 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 that are of relevance.

## **6.0 CONSULTATIONS**

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

- 6.1 Garages are not regarded as trip generators in themselves and so Corridor Plan payments for 51 trips are triggered.
- 6.2 The loss of the garages and the provision of parking for the development at less than one space per dwelling, may result in an increase in parking demand 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.
- 6.3 The access width is very narrow and the highway Authority recommend that a minimum width of 4.5 metres is provided over the first 10 metres to allow two cars to pass in the access. This would be the normal recommended standard for a shared drive serving up to 5 dwellings.

### **Head of Refuse and Environment**

- 6.4 No objection, subject to conditions relating to contaminated land, construction hours, construction noise, collections and deliveries during construction, and dust.

### **Urban Design and Conservation team**

- 6.5 The proposed application is generally supported subject to the following amendments and additional information:
  - ☐ Use red facing brick for all the units;
  - ☐ Introduce a brick boundary wall to the south and west site boundaries (adjacent to No. 11 and 13 Ekin Road);
  - ☐ Swap parking spaces 5 and 6 so they better relate to the units.

## **Cambridgeshire County Council (Archaeology)**

- 6.6 The site should be subject to a programme of archaeological investigation.

### **Sustainable Drainage**

- 6.7 A condition is recommended that limits the discharge from the site to 20% less than the actual discharge from the pre developed site.
- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations:
- ☐ 18 Ditton Lane
  - ☐ 13 Ekin Road
- 7.2 The representations can be summarised as follows:
- ☐ The trees at the end of the garden of 18 Ditton Lane must not be affected without consultation with the owner of this property
  - ☐ The part of the garden of 13 Ekin Road that will become part of the application site has had considerable money, time and effort spent on it and the garden will be damaged
  - ☐ Noise, dust and inconvenience
- 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) states that proposals for housing developments on windfall sites will be permitted subject to the existing use and compatibility with adjoining land uses. The surrounding area is predominantly residential and I am, therefore, satisfied that the proposals comply with policy 5/1 of the Local Plan.

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

### Scale, massing and layout

- 8.3 The proposed site layout and scale of the two storey semi-detached units are considered to be acceptable as they are of a similar height to the existing houses surrounding the site.

### Elevations and materials

- 8.4 The elevations and materials treatment are similar to other approved City Council housing sites using buff facing brickwork, grey flat concrete roof tiles, and grey PVCu windows. The Urban Design and Conservation Team have recommended that a red facing brick is used to respond to the predominant red brick houses surrounding the site and I recommend that samples of all materials are required by condition (3).

### Landscape and amenity space

- 8.5 Approximately 0.5-1m deep thresholds have been introduced at the front of dwellings which will help soften the scheme and provide the privacy for ground floor rooms.
- 8.6 The submitted boundary treatment plan shows that the boundary surrounding the periphery of the site will comprise of 1800mm high close boarded fencing. Whilst this is generally acceptable, the southern and western boundary (adjacent to No. 11 and 13 Ekin Road should be robust (e.g. a brick wall) as these form boundaries to the shared parking area and access

road. I recommend that details of the boundary treatment are secured by condition (4).

- 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

#### *Overshadowing*

- 8.8 The submitted shadow analysis demonstrates that the proposed scheme will result in overshadowing the rear gardens of Nos. 44-54 Keynes Road in December. However overshadowing from March to September is more limited and is mainly confined to the rear gardens of the proposed units and parts of the communal garden of the adjacent flat block (Nos. 5-11 Ekin Road) and No. 17, 18 and 19 Ditton Lane. The existing mature tree planting adjacent to the northern site boundary (within the rear garden of Nos. 46-52 Keynes Road) is likely to also overshadow these existing rear gardens. Based on the existing site boundaries and shadow analysis drawing, the level of overshadowing is likely to be limited, and is acceptable.

#### *Overlooking*

- 8.9 Due to the separation distance between the site and neighbouring properties there would not be any potential for overlooking. However, a window is proposed on the east gable end of plot 1, at first floor level (serving a bathroom), which would allow views into the communal garden of the adjacent block of flats. To prevent this, I recommend a condition requiring that this window is obscure glazed (5).
- 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.



### *Disturbance from construction*

- 8.11 Due to proximity to residential properties Environmental Health have recommended conditions to control demolition and construction hours (6), deliveries and collections (7) and dust suppression (8). It is also recommended that a noise assessment is required by condition (9).

### Amenity for future occupiers of the site

- 8.12 The application includes a Preliminary Investigation Report relating to contaminated land. This report identifies that there is potential for contamination on the site and I, therefore, recommend that further investigation is required by condition (10).
- 8.13 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**

- 8.14 A Waste Strategy has been provided as part of the application, which is considered to be satisfactory.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Access road, and car and Cycle Parking**

#### Access road

- 8.16 Access into the site would be via the existing access. Originally, the access road into the site was to be increased in width from approximately 2.9m to 3.7m, through the repositioning of the boundary fence and gate in front of No. 13 Ekin Road. Following concerns raised by the Local Highway Authority the width of the access road has been further increased to 4.5m wide (at the site entrance), narrowing to 3.8m. This meets the requirements of the Local Highway Authority and is acceptable.

### Car parking

- 8.17 One allocated parking space is proposed for each house. The parking spaces for plots 1-4 directly relate to these units, and the parking spaces for plots 5 and 6 are located in front of plot 5 due to the narrow southeast corner of the site. This arrangement is acceptable but the Urban Design and Conservation Team have recommended that the parking space allocated to plot 5 is swapped with the parking space allocated to plot 6 so that the parking spaces are related better to the houses. I recommend that this information is passed on via an informative (13).

### Cycle parking

- 8.18 It is proposed that each house would have an individual store in the rear garden. This approach is acceptable. I recommend that details are submitted by condition (11).
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

The trees at the end of the garden of 18 Ditton Lane must not be affected without consultation with the owner of this property

The part of the garden of 13 Ekin Road that will become part of the application site has had considerable money, time and effort spent on it and the garden will be damaged

- 8.20 These are civil matters which cannot be addressed through the planning process

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.21 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 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

- 8.22 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.23 The application proposes the erection of four three-bedroom houses, and two two-bedroom houses. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714	4	2856
4-bed	4	238	952		
<b>Total</b>					<b>3808</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	2	1076
3-bed	3	269	807	4	3228
4-bed	4	269	1076		
<b>Total</b>					<b>4304</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726	4	2904
4-bed	4	242	968		
<b>Total</b>					<b>3872</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948	4	3792
4-bed	4	316	1264		
<b>Total</b>					<b>5056</b>

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

#### Community Development

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882	4	7528
4-bed	1882		
<b>Total</b>			<b>10040</b>

- 8.26 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

#### Waste

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

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

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

- 8.28 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

#### Household Recycling Centres

- 8.29 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.
- 8.30 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD. However, as this development is 100% affordable housing the County does not require contributions to be paid.

## Education

- 8.31 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities. As this development is 100% affordable housing the County does not require contributions to be paid.

## Transport

- 8.32 The Highway Authority has made an assessment of the proposal, on which the following assessment of expected additional trips and contributions is based.

<b>Eastern Corridor Area Transport Plan</b>				
Existing daily trips (all modes)	Predicted future daily trips (all modes)	Total net additional trips	Contribution per trip	<b>Total £</b>
0	51	51	£229 (ECATP)	11679

- 8.33 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal is contrary to Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

## Monitoring

- 8.34 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with

the exception of large scale developments when monitoring costs will be agreed by negotiation. For this application a monitoring fee of £1399 is required.

### Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 The proposed scheme will provide much needed Council housing. In my opinion, the proposal respects the character of the surrounding area and would have a minimal impact on neighbouring residents. The application is, therefore, recommended for approval, subject to conditions and the completion of a S106 agreement

## **10.0 RECOMMENDATION**

**APPROVE** subject to completion of the s106 Agreement by 31<sup>st</sup> December 2014 and 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 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. 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)

5. The first floor window on the east gable end of plot 1 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

6. 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)

7. 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)

8. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition/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: To protect the amenity of nearby properties. (Cambridge Local Plan 2006, policy 4/13)

9. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

10. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. 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 Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

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

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

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 Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. 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 Local Planning Authority.

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

Reason: In the interests of future occupiers. (Cambridge Local Plan 2006, policy 4/13)

11. 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)

12. No development shall take place within the site until the applicant, or their agent 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 ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

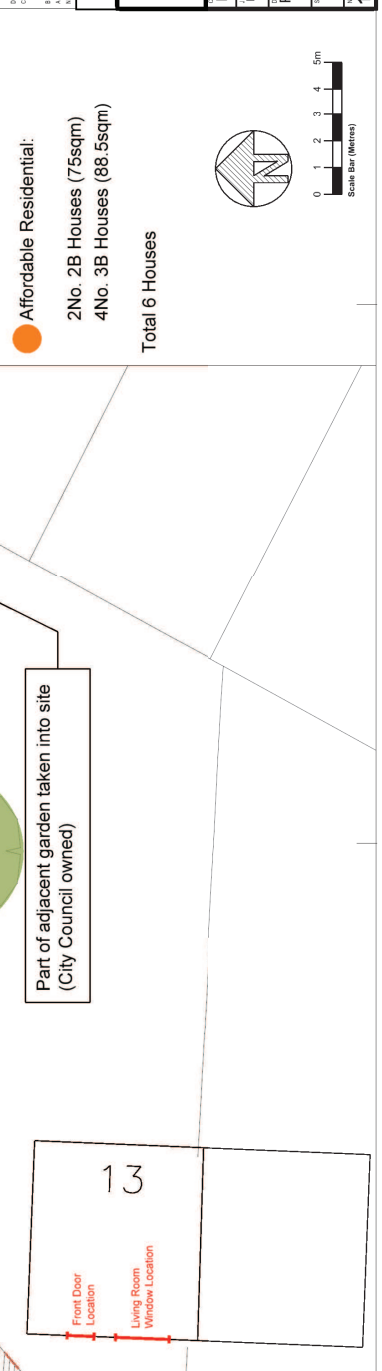
**INFORMATIVE:** It is recommended that the allocation of parking bays 5 and 6 is swapped so that bay 6 is allocated to plot 5 and bay 5 is allocated to plot 6.


**2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31<sup>st</sup> December 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):**

The proposed development does not make appropriate provision for public open space, community development facilities, transport mitigation measures, waste facilities, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and the Eastern Corridor Area Transport Plan 2002.

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

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**SAUNDERS-BOSTON**  
ARCHITECTS

10000 Highway 66  
Suite 100  
Dallas, TX 75243  
Tel: (214) 371-3712  
Fax: (214) 371-3713  
e-mail: [info@saunders-boston.com](mailto:info@saunders-boston.com)

**PLANNING**

**Saunders-Boston**

**Kemptoat**

23 Ekin Road, Cambridge

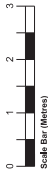
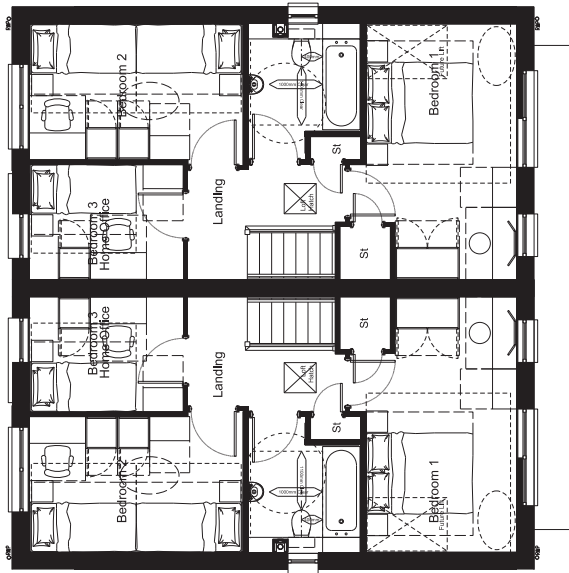
**Proposed Site Plan**

DATE	23.05.14
BY	MM
LG	MM
REVISION	H
<b>1336 P L 03</b>	

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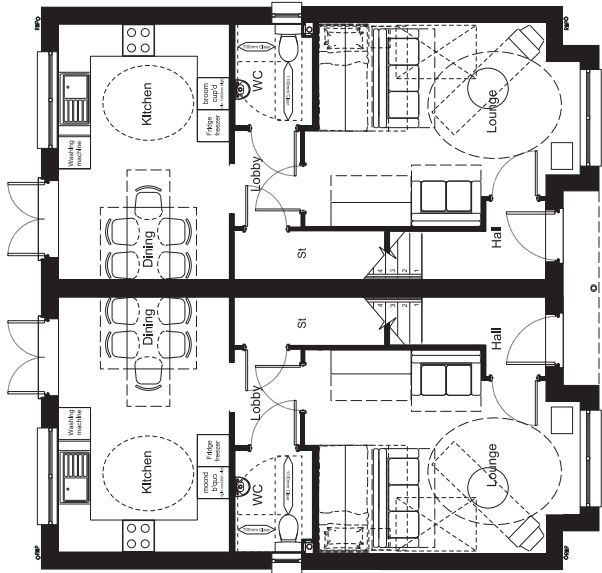


Plots 1 & 2 First Floor Plan  
(Also plots 3 & 4)



- Notes:
1. All dimensions to be verified on site by GENERAL CONTRACTOR. The architect is not responsible for the accuracy of the dimensions of the building and is not responsible for the accuracy of the dimensions of the building and is not responsible for the accuracy of the dimensions of the building.
  2. Dimensions are to be verified on site by GENERAL CONTRACTOR.
  3. Dimensions are to be verified on site by GENERAL CONTRACTOR.
  4. The drawings and related specifications are for use only for the above building.
  5. The drawings and related specifications are for use only for the above building.
  6. The drawings and related specifications are for use only for the above building.

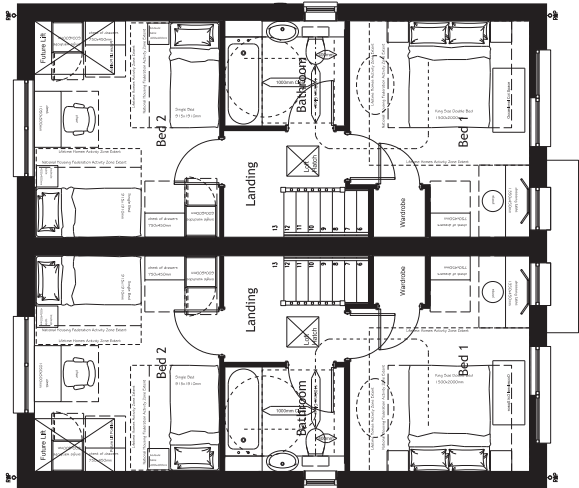
Plots 1 & 2 Ground Floor Plan  
(Also plots 3 & 4)



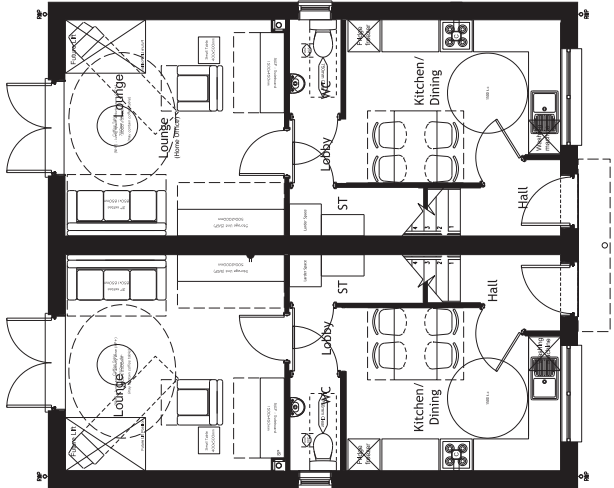
No.	Project	Date	City	Arch.
PLANNING				
Saunders Boston				
Keepmoat				
Plots 1 - 4 Floor Plans				
150 at A1 1:100 at A3				
1336_P_001				

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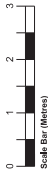
Plots 5 & 6 First Floor Plan




Plots 5 & 6 Ground Floor Plan



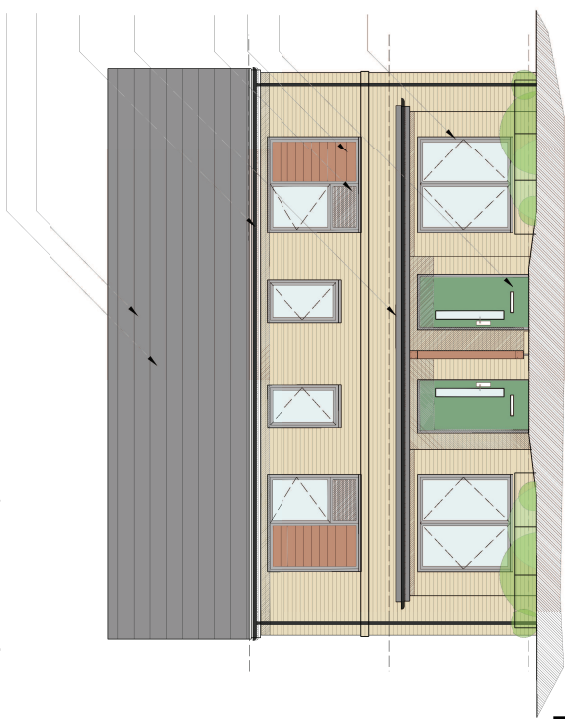
- Notes:
1. All dimensions to be verified as per the GENERAL NOTES and the specific notes for each plot.
  2. Dimensions to be verified as per the GENERAL NOTES and the specific notes for each plot.
  3. Dimensions to be verified as per the GENERAL NOTES and the specific notes for each plot.
  4. Dimensions to be verified as per the GENERAL NOTES and the specific notes for each plot.
  5. Dimensions to be verified as per the GENERAL NOTES and the specific notes for each plot.
  6. Dimensions to be verified as per the GENERAL NOTES and the specific notes for each plot.



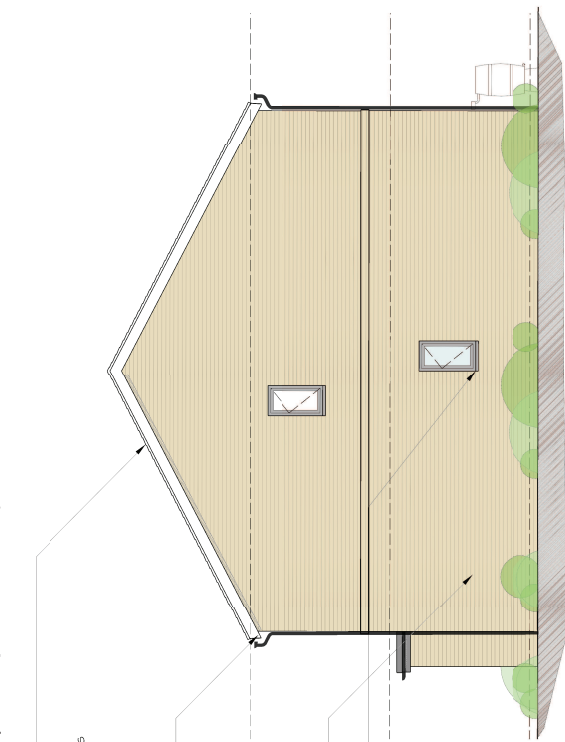
No.	Revision	Date	By	Auth.
PLANNING				
 Saunders Boston				
1100 Bedford Road Cambridge, MA 02142 Tel: 617.221.3873 Email: info@saundersboston.co.uk				
Keepmoat				
Ekin Road, Cambridge				
Plots 5 - 6 Floor Plans				
Scale: 1:50 at A1 1:100 at A3				
1336_P_002				

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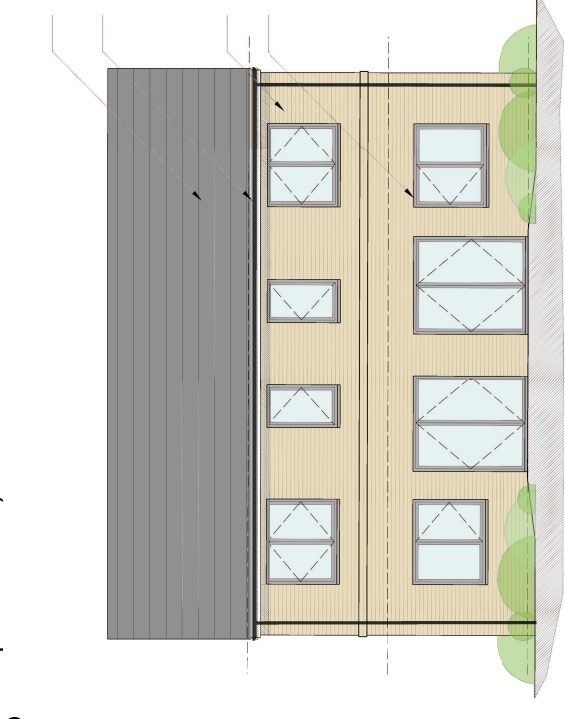
Plots 1 & 2 South Elevation  
(Also plots 3 & 4)



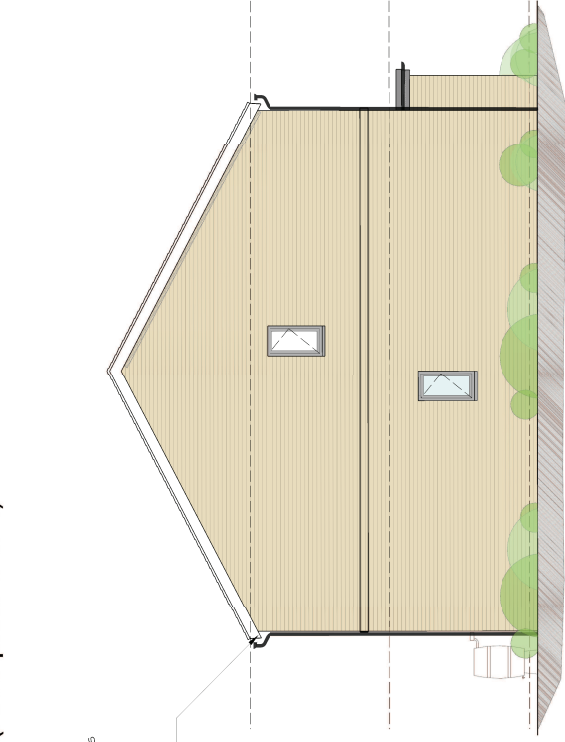
Plots 1 & 2 East Elevation  
(Also plots 3 & 4)



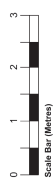
Plots 1 & 2 North Elevation  
(Also plots 3 & 4)



Plots 1 & 2 West Elevation  
(Also plots 3 & 4)



- Notes:
1. All elevations to be verified on site by GENERAL CONTRACTOR prior to construction.
  2. The elevation of the finished floor is to be confirmed by the contractor prior to construction.
  3. The elevation of the finished floor is to be confirmed by the contractor prior to construction.
  4. The elevation of the finished floor is to be confirmed by the contractor prior to construction.
  5. The elevation of the finished floor is to be confirmed by the contractor prior to construction.
  6. The elevation of the finished floor is to be confirmed by the contractor prior to construction.



No.	Revision	Date	By	Auth
PLANNING				
Saunders Boston Keepmoat Ekin Road, Cambridge				
Drawn: 1:100 at A1 1:100 at A3 Number: 1336_P_201 Revision: 1				
Date: 28.05.14 Author: LG Checker: NMDG				

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## Plots 5 & 6 South Elevation



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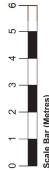
Proposed Street Elevation (South)



- Notes:
1. All elevations to be verified on site by QUENRA.
  2. The elevation of the finished floor to be indicated on the drawings.
  3. Drawings shall be made.
  4. Work to be done shall be indicated.
  5. All elevations shall be indicated.
  6. The drawing and related specifications are for use only in the above context.
  7. The drawing and related specifications are for use only in the above context.
  8. The drawing and related specifications are for use only in the above context.
  9. The drawing and related specifications are for use only in the above context.
  10. The drawing and related specifications are for use only in the above context.



Proposed Street Elevation (South) - Wider Context



No.	Revision	Date	CD	Auth
PLANNING				
Saunders Boston Keepmoat 1100 Newmarket Road Cambridge CB3 9ET Tel: 01223 367733 Email: info@saundersboston.co.uk				
Saunders Boston Keepmoat 1100 Newmarket Road Cambridge CB3 9ET Tel: 01223 367733 Email: info@saundersboston.co.uk				
Proposed Street Elevation				
Date: 28.05.14				
Scale: 1:100 at A3 and 1:100 at A1				
Number: 1336_P_210				
Revision: -				

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<b>Application Number</b>	14/1181/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th July 2014	<b>Officer</b>	Dharam Vir
<b>Target Date</b>	12th September 2014		
<b>Ward</b>	Petersfield		
<b>Site</b>	The Loco 44 Mill Road Cambridge CB1 2AS		
<b>Proposal</b>	Erection of three maisonettes above the rear of the restaurant at 44 Mill Road.		
<b>Applicant</b>	Mr K Brahmabhatt 10 Fen Road Chesterton Cambridge CB4 1TX		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal complies with development plan policies (2006).</li> <li>2. The proposal is unlikely to be detrimental to the character and appearance of the conservation area.</li> <li>3. The proposal is unlikely to be detrimental to the amenity of the occupiers of the neighbouring.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies approximately 1.5km south east of the city centre. The site is located on a major arterial route in and out of the City. The application site has a restaurant use at ground floor with rooms above. The area has a mixture of retail, office, restaurant and residential uses.
- 1.2 The application site is located within the Central Core Conservation Area and falls within the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the erection of three maisonettes above the rear of the restaurant at 44 Mill Road.
- 2.2 The proposed maisonettes are a two storey brick building with a slate roof. The rear windows of the maisonettes have been angled to avoid overlooking of the gardens in Mill Street. The proposed access is from Mill Road and will lead through the existing building above the restaurant. Between the existing rooms on the first floor and the proposed maisonettes will be a private outdoor space for all the residents.
- 2.3 The maisonettes will have access to the rear yard behind the Salvation Army building. No extra car parking is to be provided. At the rear ground level there will be a storage area for 12 bicycles and bin storage.
- 2.4 The application is accompanied by the following supporting information:

1. Design Statement

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/0113/FUL	To build three maisonettes above the rear of the restaurant in 44 Mill Road.	Withdrawn
13/0759/FUL	Erection of three maisonettes and roof garden above the rear of the restaurant at 44 Mill Road.  Application 13/0759/FUL was an identical application which was refused on s106 grounds.	REFU

## **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 Sustainable development 3/4 Responding to context 3/7 Creating successful places 3/12 The design of new buildings  4/10 Listed Buildings 4/11 Conservation Areas  5/1 Housing provision 5/2 Conversion of large properties  8/2 Transport impact 8/4 Walking and Cycling accessibility 8/6 Cycle parking

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	Cambridge City Council (May 2007) – Sustainable Design and Construction Cambridge City Council (March 2010) – Planning Obligation Strategy

Material Considerations	<u>City Wide Guidance</u>  Cambridge Walking and Cycling Strategy (2002) Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006) Mill Road Area Conservation Area Appraisal (2011) West Cambridge Conservation Area Appraisal (2011)

#### 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 (Transport)

- 6.1 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site (whether in existing units or those proposed) will not qualify for Residents' Permits (other than visitor permits) within the

existing Residents' Parking Schemes operating on surrounding streets.

### **Head of Refuse and Environment**

- 6.2 Refuse and Environment have the no objection to the proposal in principle. Conditions and informatives have been recommended.

### **Urban Design and Conservation team**

- 6.3 The Conservation team have the following comments to make. Provided that the suggested conditions are adequately discharged, the proposed works will not be detrimental to the character or appearance of the conservation area.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

Salvation Army, 42 Mill Road, Cambridge

- 7.2 The representations can be summarised as follows;

- ☐ A request for more consultation time as the landlord is away on holiday.

## **8.0 ASSESSMENT**

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

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

7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

- 8.2 The principle of the proposed development at this location is considered to be acceptable. The provision of additional dwellings to meet the housing needs of the City is encouraged especially where the future residents will be closer to jobs and would have access alternative modes of transport. The subdivision of existing plots to provide new dwellings is welcomed providing it does not harm the amenity of the neighbouring properties and wider area. Planning application 13/0759/FUL was granted permission for an identical proposal by Area Committee.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1.

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

- 8.4 The application site located on a busy arterial route in and out of the city centre. The site is bounded by Mill Road to the north east and Covent Garden to the west. The area is predominately residential with commercial uses along Mill Road.
- 8.5 The development is constrained by properties on either side of the site. To the north west is the Salvation Army charity shop (former cinema) which is a large ridged roof building. To the south east is No.46, Books for Amnesty. Both No.44 and No.46 have rooms at first floor level which are set well back from the street.
- 8.6 The design of the maisonettes is considered to be acceptable with the ridged roof design. The roof design follows on from the Salvation Army building which also has a ridged roof. The maisonettes will be a two storey brick building with a slate roof. The rear windows of the maisonettes will be angled to avoid overlooking of the gardens in Mill Street. A roof garden with raised beds is proposed in between the maisonettes and the bedsits. The fenestration appears to be acceptable but details



of the fenestration and materials will be required as the site is in a conservation area.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 There are residential properties to the north west and south east of the application site.
- 8.9 The proposal is to let the first floor rooms at the north end of the site. The proposed layout of the site would be to enclose these rooms in. However, a central amenity area is proposed for the use of the future residents of both the rooms and the maisonettes. The height and massing of the proposal will dominate the rear of the building but the roof line is much lower than the Salvation Army building and is just above the roof line of No.46. The height and massing is considered to be acceptable and does not adversely affect the visual amenity of the neighbouring properties.
- 8.10 The windows of the maisonettes have been angled so there will be no overlooking of the gardens of the properties in Mill Street.
- 8.11 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

- 8.12 The proposal is considered to be acceptable and provides a central amenity space for the future residents of the development. The proposal also allows storage space for cycles.
- 8.13 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**

- 8.14 The refuse arrangements at the ground floor are considered to be acceptable. There will be three separate bin stores located on the ground floor of the site. There will be one bin store for the maisonettes, one for the bedsits and one for the restaurant.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.16 No objections have been raised by the Local Highways Authority. No extra car parking is proposed for the site. The existing car parking arrangements at the rear of the site remain unaltered.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.18 There are no new car parking spaces proposed for the site. The existing car parking at the rear of the site remains the same. There are 12 bicycle spaces proposed on the ground floor of the proposed development. The local authority cycle parking standards requires 1 space per bedroom up to 3 bedroom dwellings. There are three maisonettes consisting of one three bedroom and two with two bedrooms. A total of 7 spaces are required for maisonettes. The remaining spaces are available for the bedsits. The bicycle spaces will be located at the rear of the bin stores.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.20 A representation was received from the Salvation Army at 42 Mill Road requesting an increase in the consultation time in order to contact their landlord who was on holiday. By the end of the consultation period and at the time of writing this report,

no further correspondence had been received from the Salvation Army.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.21 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 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

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

8.23 The application proposes the erection of 3 three-bedroom maisonettes. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714	1	714
4-bed	4	238	952		
<b>Total</b>					<b>1666</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	2	1076
3-bed	3	269	807	1	807
4-bed	4	269	1076		
<b>Total</b>					<b>1883</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726	1	726
4-bed	4	242	968		
<b>Total</b>					<b>1694</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>2212</b>

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

#### Community Development

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882	1	1882
4-bed	1882		
<b>Total</b>			<b>4394</b>

8.26 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge

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

### Waste

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

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	3	450
<b>Total</b>			<b>450</b>

- 8.28 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.29 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.30 For this application a monitoring fee of £614 is required to cover monitoring of Council obligations plus the County Council monitoring fee.

## Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 Approve subject to conditions. The provision of additional dwellings to meet the housing needs of the City is encouraged especially where the future residents will be closer to jobs and would have access alternative modes of transport. The proposal is identical to planning application 13/0759/FUL which was granted planning permission by Area Committee.

## **10.0 RECOMMENDATION**

- 1. APPROVE** subject to completion of the s106 Agreement.

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. 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, type of jointing 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 the visual amenity of the Conservation Area 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 3/12 and 4/11)

4. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

5. Prior to the commencement of development, large scale drawings of details of new sills, lintels, jambs, transoms, mullions, thresholds, etc. shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

6. Full details, in terms of materials, fixing, surface finish & colour, of all new metalwork [stairs, balustrades, grilles, railings, brackets, window frames, columns, etc.] are to be submitted to and approved in writing by the LPA. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

2. **If the s106 agreement has not been agreed by 1<sup>st</sup> December 2014 the application shall be refused for the following reason:**

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities and monitoring in accordance with



Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and implementation 2010.

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NOTE

1. DRAWINGS MUST NOT BE SCALED;
2. WORK ONLY TO FIGURED DIMENSIONS
3. CHECK ALL DIMENSIONS ON SITE BEFORE ORDERING MATERIALS OR STARTING WORK IN HAND
4. DIMENSIONS OF MANUFACTURED ITEMS MUST BE APPROVED BY THE ARCHITECTS BEFORE WORK IS PUT IN HAND
5. DIMENSIONS MUST BE VERIFIED ON SITE BEFORE PREPARATION OF SHOP DRAWINGS
6. THE ARCHITECT MUST BE NOTIFIED OF ANY DISCREPANCIES IMMEDIATELY IF IN DOUBT ASK!



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PLANNING

**FREELAND REES ROBERTS ARCHITECTS**  
 25 City Road, Cambridge CB1 1DP  
 tel 01223 366555 fax 01223 312882  
 info@frrearchitects.co.uk

client	Mr K Brahmabhatt
Client Name2	Client Name2
job title	44 Mill Road
	New Building
drawing title	Location Plan
scale	1:1250 @A3
drawn by	-
date	Jan 13
Sheet / layout number	12.027-SP-100
rev	-

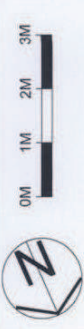
Freeland Rees Roberts Ltd Company No. 5399779

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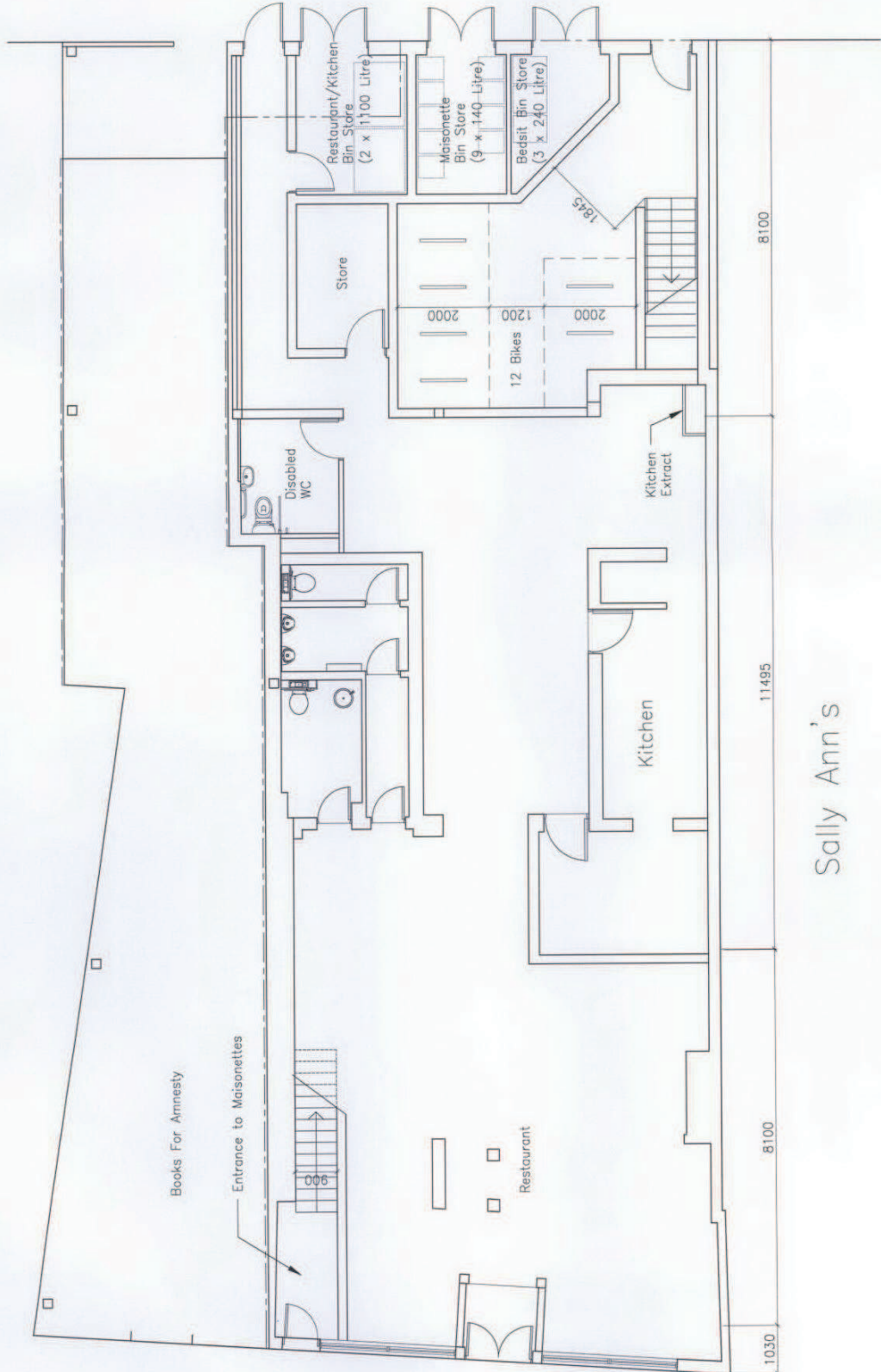
NOTE

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Existing Drains

Yard Behind Sally Anne's



Sally Ann's

revisions

PLANNING

FREELAND REES ROBERTS ARCHITECTS

25 City Road, Cambridge CB1 1DP

tel 01223 366555 fax 01223 312882

info@frrearchitects.co.uk

client

Mr K Brahmabatt

job title

44 Mill Road New Building

drawing title

Proposed Ground Floor Plan

scale

1:100 @A3

drawn by

YH

date

Dec 12

sheet / layout number

12.027-SP-104

rev

-

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Company No. 5199379

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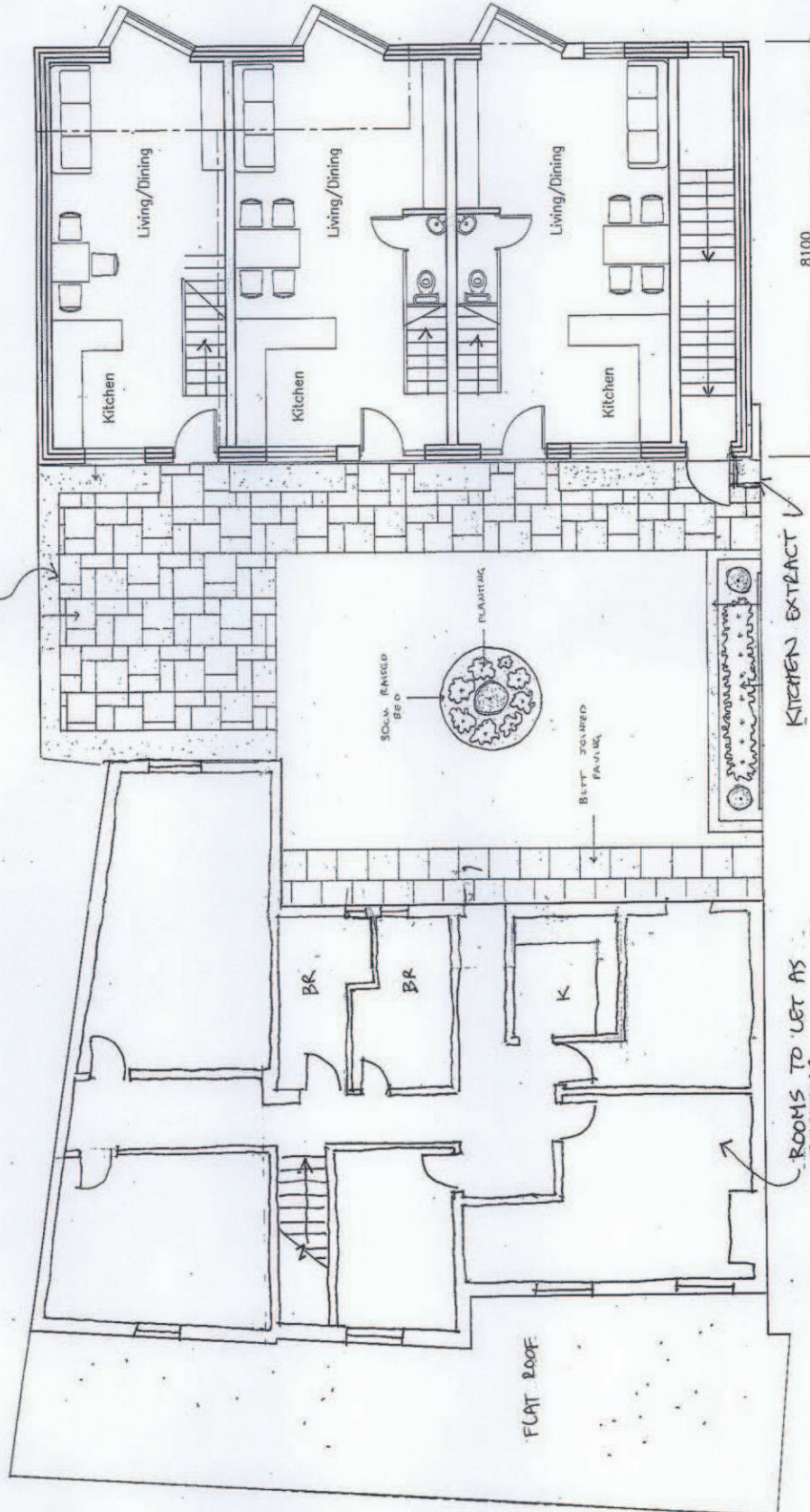
NOTE

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WORK ONLY TO FIGURED DIMENSIONS
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BEFORE ORDERING MATERIALS OR  
PUTTING WORK IN HAND
3. SHOP DRAWINGS OF MANUFACTURED  
ITEMS MUST BE APPROVED BY THE  
ARCHITECTS BEFORE WORK IS PUT IN  
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4. DIMENSIONS MUST BE VERIFIED ON  
SITE BEFORE PREPARATION OF SHOP  
DRAWINGS
5. THE ARCHITECT MUST BE NOTIFIED OF  
ANY DISCREPANCIES IMMEDIATELY
6. IF IN DOUBT ASK



0M 1M 2M 3M

COURTYARD BY LANDSCAPE  
DESIGNER - IN SEPARATE SHEET.



PLANNING

**FREELAND REES ROBERTS**  
**ARCHITECTS**

25 City Road, Cambridge CB1 1DP  
tel 01223 566555 fax 01223 312882  
info@frreelands.co.uk

client

Mr K Brahmabatt

job title

44 Mill Road  
New Building

drawing title

Proposed First Floor Plan

scale

1:100 @A3

drawn by

YH

date

Dec 12

sheet / layout number

12.027-SP-105

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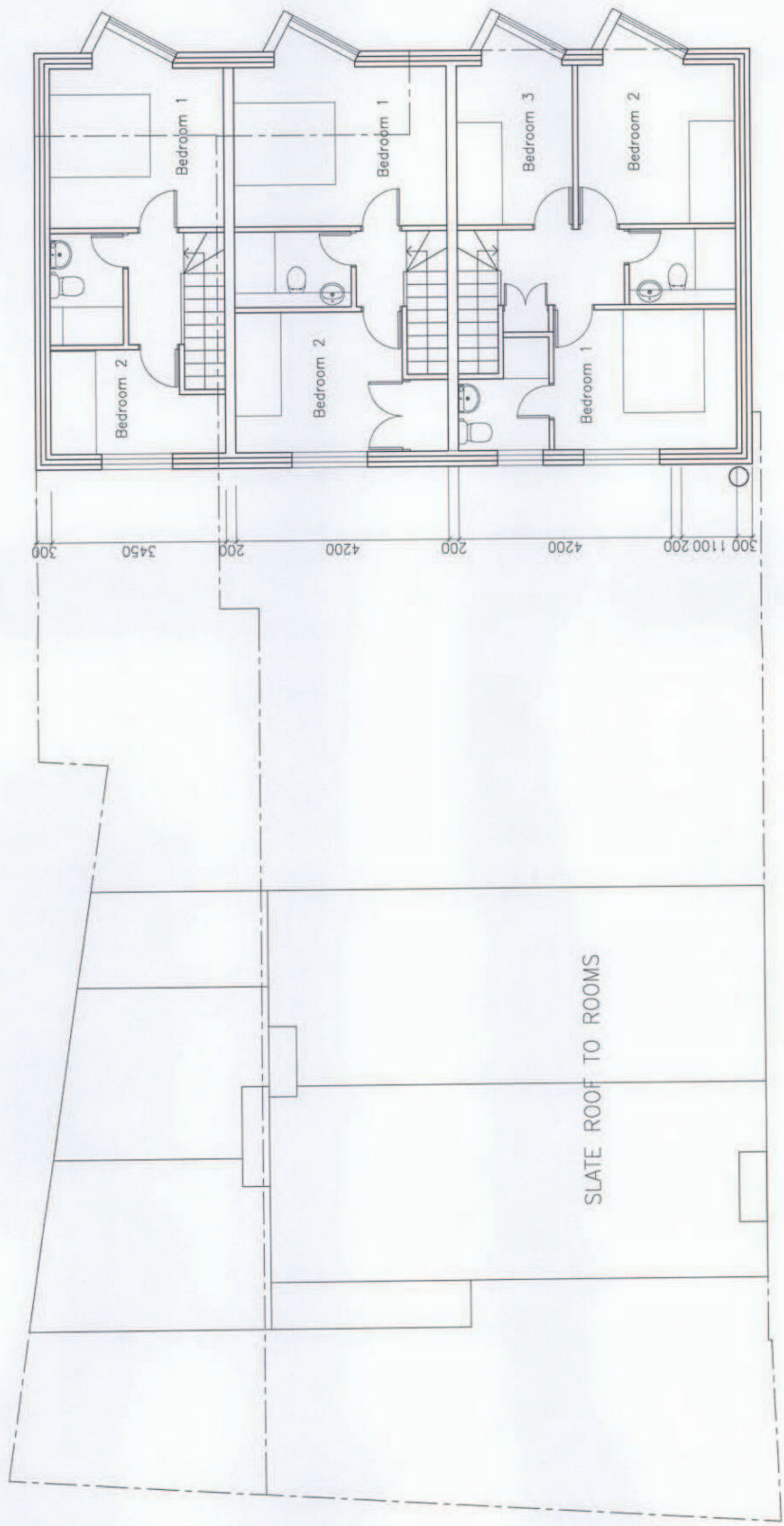
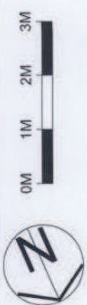
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- WORK ONLY TO FIGURED DIMENSIONS
- CHECK ALL DIMENSIONS ON SITE
- BEFORE ORDERING MATERIALS OR
- PUTTING WORK IN HAND
- THESE DRAWINGS ARE UNMANUFACTURED
- AND MUST BE APPROVED BY THE
- ARCHITECTS BEFORE WORK IS PUT IN
- HAND
- DIMENSIONS MUST BE VERIFIED ON
- SITE BEFORE PREPARATION OF SHOP
- DRAWINGS
- THE ARCHITECT MUST BE NOTIFIED OF
- ANY DISCREPANCIES IMMEDIATELY
- IF IN DOUBT ASK!



revisions

PLANNING

FREELAND REES ROBERTS ARCHITECTS

25 City Road, Cambridge CB1 1DP

tel 01223 366555 fax 01223 312852

info@frrearchitects.co.uk

client

Mr K Brahmabatt

job title

44 Mill Road New Building

drawing title

Proposed Second Floor Plan

scale

1:100 @A3

drawn by

YH

date

Dec 12

sheet / layout number

12.027-SP-106

rev

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Freeland Rees Roberts Ltd

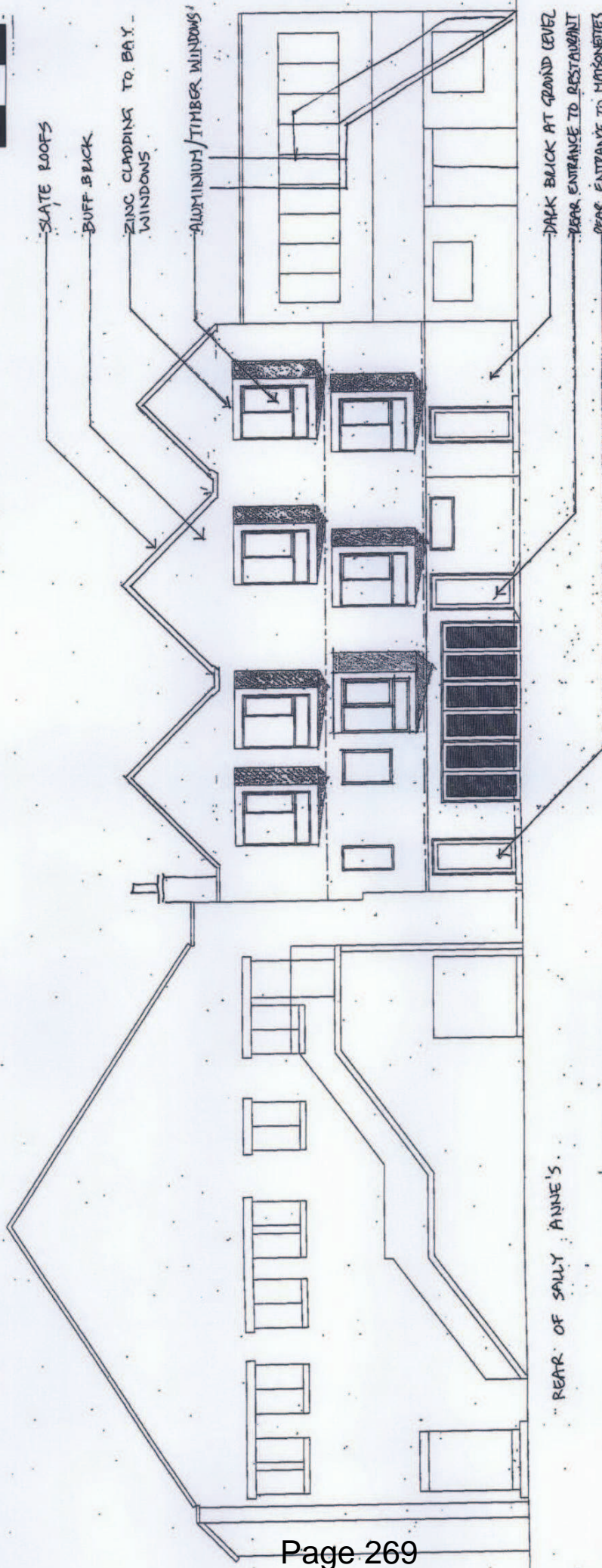
Company No. 5196979

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NOTE

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2. WORK ONLY TO FIGURED DIMENSIONS
3. CHECK ALL DIMENSIONS ON SITE
4. BEFORE ORDERING MATERIALS OR
5. PUTTING WORK IN HAND
6. FIRST DIMENSIONS OF MANUFACTURED
7. ITEMS MUST BE APPROVED BY THE
8. ARCHITECTS BEFORE WORK IS PUT IN
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10. DIMENSIONS MUST BE VERIFIED ON
11. SITE BEFORE PREPARATION OF SHOP
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13. 5. THE ARCHITECT MUST BE NOTIFIED OF
14. ANY DISCREPANCIES IMMEDIATELY
15. 6. IF IN DOUBT ASK!

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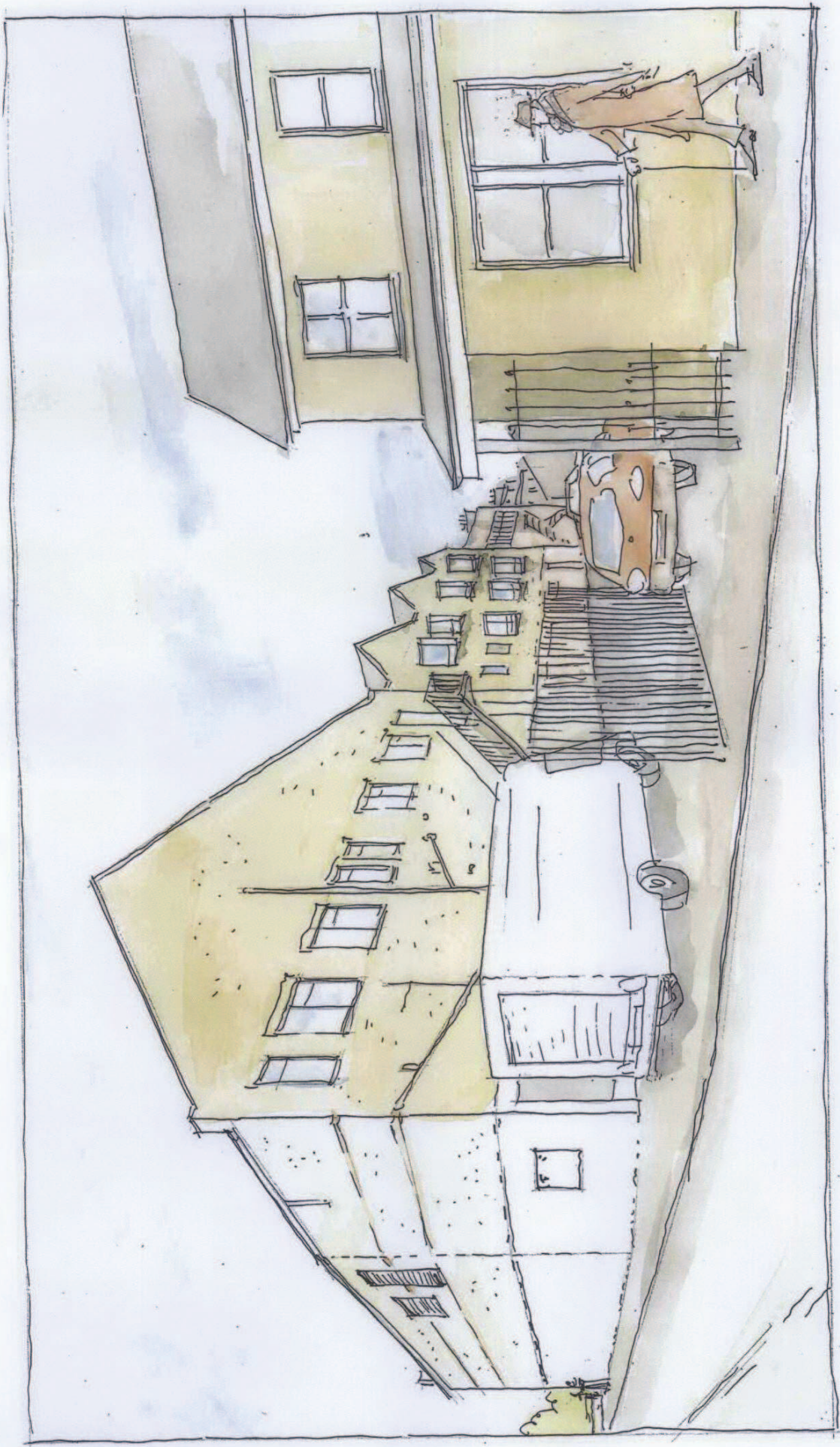
REVISIONS

# PLANNING

drawing title		Elevation As Proposed		FREELAND REES ROBERTS ARCHITECTS	
client		job title		25 City Road, Cambridge CB1 1DP	
Mr K Brahmabatt		44 Mill Road New Building		tel 01223 366555 fax 01223 312862 info@franchitects.co.uk	
scale		1:100@A3		sheet/layout number	
date		Jan 13		rev	
drawn		TRR		12.02.7-SE-101	
company no.		599579			

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revisions

# PLANNING

drawing title		Perspective View		FREELAND REES ROBERTS ARCHITECTS 25 City Road, Cambridge CB1 1DP tel 01223 366555 fax 01223 312882 info@franchitects.co.uk	
client	Mr K Braimbatt	job title	44 Mill Road New Building	scale	NTS @A3
drawn	TRR	date	Jan 13	sheet layout number	12.027-SZ-401
rev					

Freeland Rees Roberts Ltd Company No. 5590379

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## **EAST AREA COMMITTEE**

**11<sup>th</sup> September 2014**

<b>Application Number</b>	14/0976/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th June 2014	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	12th August 2014		
<b>Ward</b>	Petersfield		
<b>Site</b>	St Matthews Church And Church Hall St Matthews Street Cambridge		
<b>Proposal</b>	Single storey extension to form porch and prayer room		
<b>Applicant</b>	Mr John Anstead St. Matthews Church, St. Matthews S Cambridge CB1 2LT		

SUMMARY	<p>The development does not accord with the Development Plan for the following reason:</p> <p>Whilst the access problems experienced by the Church are recognised, it is my opinion on balance, that they do not outweigh the concerns raised by the Urban Design and Conservation Team in relation to the impact the proposed extension would have on the special interest of the Listed Building</p>
RECOMMENDATION	REFUSAL

### **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 St Matthews Church is a Grade II Listed Building situated on the eastern side of St Matthews Street. The surrounding area is predominantly residential. The site is within a Conservation Area.

### **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for a single storey extension to the Church, to form a porch and prayer room.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/73/1185	The erection of entrances toilet accommodation and flat to existing Church Hall	REF
C/74/0507	Erection of extension to existing church hall	A/C
C/88/0083	Erection of new vicarage	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 Local Plan 2006	3/1 3/4 3/7 3/14 4/10 4/11

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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Material Considerations	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)
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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 (Engineering)**

- 6.1 The proposal should have no significant impact on the public highway. Informatives are recommended relating to works to the public highway and public utilities.

### **Urban Design and Conservation team**

- 6.2 Object. The position and particularly the height of the proposed porch would compromise the characteristics of the existing form of the listed building. Though structural glass could produce a 'lightweight' addition, this is compromised by the projecting store. The interventions for the enlarged opening remove important existing window/brickwork features (and mean that this is not a reversible intervention). Therefore, the appearance of the building in the Conservation Area and the special interest of the Listed Building would be adversely affected and the

applications fail to conform to policies 4/10 and 4/11 of the Cambridge Local Plan (2006).

### **Cambridge City Council Access Officer**

- 6.3 Support. The doors should have at least one minimum leaf width of 900mm, so may have to be asymmetrical.
- 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 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. Impact on the Conservation Area and special interest of the Listed Building

### **Impact on the Conservation Area and special interest of the Listed Building**

- 8.2 The proposed extension is required in order to improve accessibility into the Church. Due to the positioning of the entrance doors, tight corners are created which result in 'bottlenecks' when large groups of people are entering or leaving the Church. Whilst I understand the access difficulties that the applicant is attempting to solve, the Urban Design and Conservation Team have serious concerns about the proposals and the impact they may have on the special interest of the Listed Building.
- 8.3 The Church was built in 1866 and was designed by R.R Rowe as a Greek cross plan Church, with an octagonal central core and four radiating arms. The flank walls of the arms have paired lancet windows. There are currently at least three entrance doors to the church itself the two street entrances being under subsidiary timber-gabled, slate-covered roofs.

- 8.4 The proposed porch would be connected to one of the street entrances, on the south western radiating arm. This addition would affect the basic layout of the church and concerns the Urban Design and Conservation Team. Unlike the two existing main entrances, the proposed extension would have a tall roof, which would break the gutter line of the radiating arms and central core. In doing so, the variegated pattern of roofing slates as well as the guttering would be interrupted. The porch would cover the pair of lancet windows on this flank wall and one of the entrance doors, and the central pier of the lancet windows and the cills and characteristic brickwork below would have to be removed for the new entrance to be formed by lowering the opening. The tops of the window arches would be supported on a galvanised steel beam over relatively tall glass doors. Using the existing door would avoid this impact, but this would not be possible as it would not solve the existing access problems.
- 8.5 Though the left side of the porch would be transparent structural glass, the right side would be solid (to enclose a chair store/prayer room) and the apex of the gable created would contain a solid ceiling behind the full height glazed screen. Thus, a half transparent, half solid structure would be added and through the glazing, the ceiling and side interior wall to the store/prayer room would project out into the yard. The Urban Design and Conservation Team have expressed the opinion that this would be an awkward addition to the notable form of the Church, which would be emphasised when the porch LEDs lit the side wall of the store.
- 8.6 The existing palette of materials is circumscribed. Zinc, glass and steel is now proposed. This could be a workable contrast but for being compromised by the projecting solid of the store and proposed brick infill to the front of the store (with attendant difficulties of matching the detail of the existing brickwork of the church). The laying of new hard surfacing could be a welcome improvement to the setting of this listed building but concrete paviors are unlikely to be an appropriate material.

## **9.0 CONCLUSION**

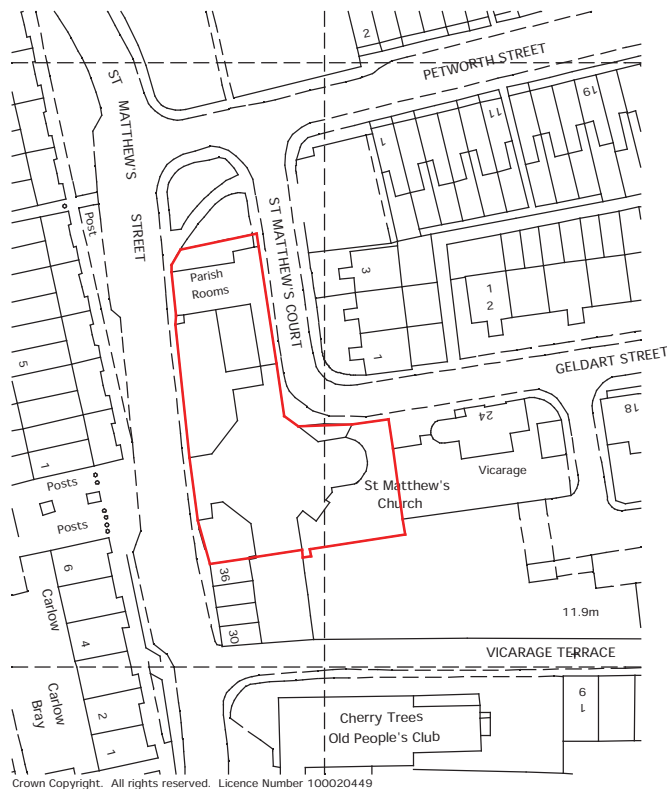
- 9.1 Whilst the access problems experienced by the Church are recognised, it is my opinion on balance, that they do not

outweigh the concerns raised by the Urban Design and Conservation Team in relation to the impact the proposed extension would have on the special interest of the Listed Building. I therefore recommend that the application is refused.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The position, height, and inclusion of a projecting solid volume for a store within the proposed porch would compromise the characteristics and form of the listed building. Together with interventions for the enlarged opening removing important existing window/brickwork features, the proposals would significantly adversely affect the special interest of the listed building contrary to policy 4/10 of the Cambridge Local Plan (2006).



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## ST MATTHEW'S CHURCH, CAMBRIDGE

### Location Plan

davj

12.03.07

1:1250

94.272.100

J G P ARCHITECTS  
2 Felton Street Cambridge CB1 2EE

Page 279

Telephone 01223 353471  
Facsimile 01223 313296

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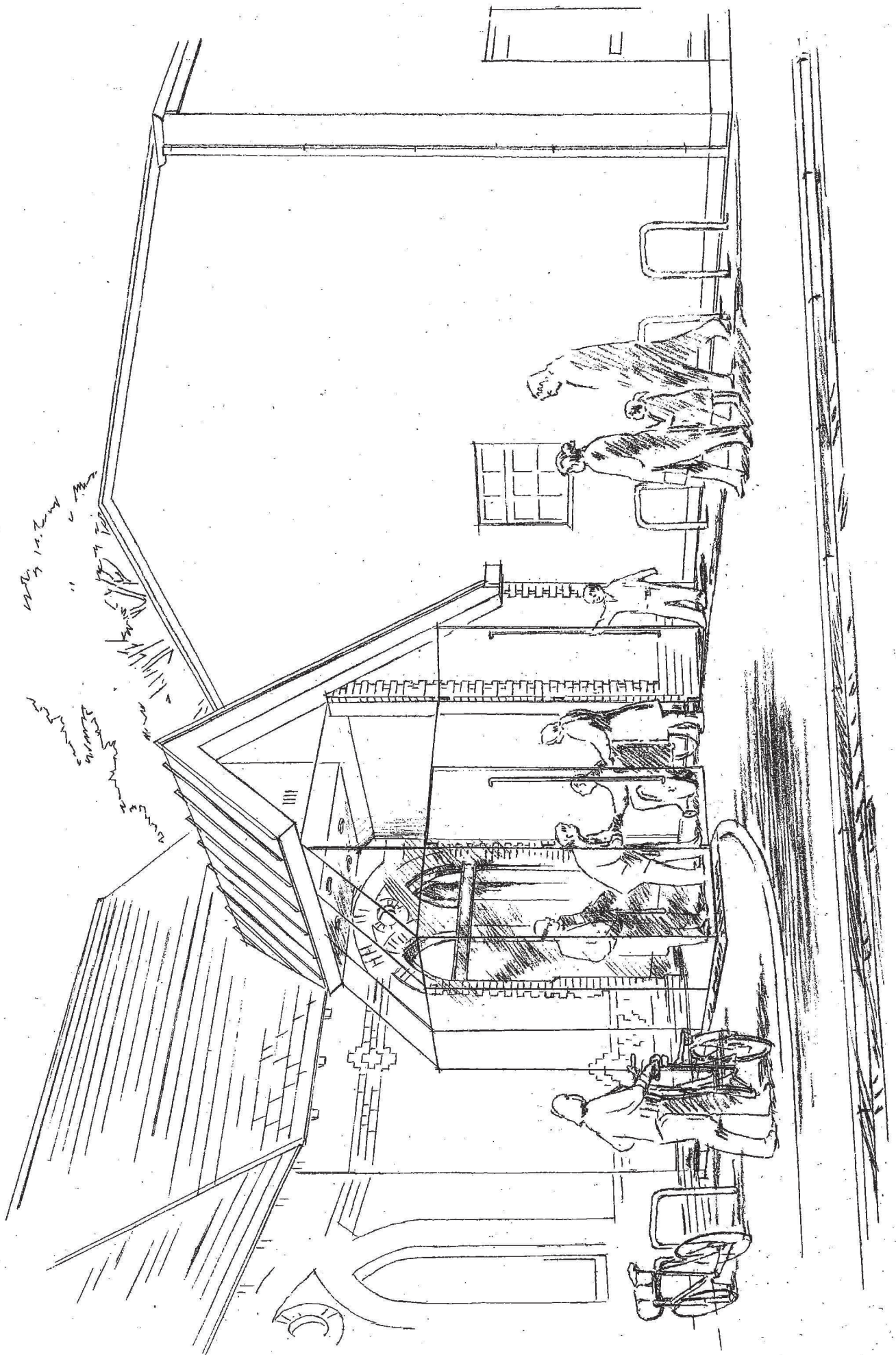


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<b>Application Number</b>	14/0977/LBC	<b>Agenda Item</b>	
<b>Date Received</b>	17th June 2014	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	12th August 2014		
<b>Ward</b>	Petersfield		
<b>Site</b>	St Matthews Church And Church Hall St Matthews Street Cambridge		
<b>Proposal</b>	Single storey extension to form porch and prayer room		
<b>Applicant</b>	Mr John Anstead St. Matthews Church, St. Matthews Street Cambridge CB1 2LT		

SUMMARY	<p>The development does not accord with the Development Plan for the following reason:</p> <p>Whilst the access problems experienced by the Church are recognised, it is my opinion on balance, that they do not outweigh the concerns raised by the Urban Design and Conservation Team in relation to the impact the proposed extension would have on the special interest of the Listed Building</p>
RECOMMENDATION	REFUSAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 St Matthews Church is a Grade II Listed Building situated on the eastern side of St Matthews Street. The surrounding area is predominantly residential. The site is within a Conservation Area.

### 2.0 THE PROPOSAL

- 2.1 Listed building consent is sought for a single storey extension to the Church, to form a porch and prayer room.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/73/1185	The erection of entrances toilet accommodation and flat to existing Church Hall	REF
C/74/0507	Erection of extension to existing church hall	A/C
C/88/0083	Erection of new vicarage	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 Local Plan 2006	3/1 3/4 3/7 3/14 4/10 4/11

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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Material Considerations	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)
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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 (Engineering)**

- 6.1 The proposal should have no significant impact on the public highway. Informatives are recommended relating to works to the public highway and public utilities.

### **Urban Design and Conservation team**

- 6.2 Object. The position and particularly the height of the proposed porch would compromise the characteristics of the existing form of the listed building. Though structural glass could produce a 'lightweight' addition, this is compromised by the projecting store. The interventions for the enlarged opening remove important existing window/brickwork features (and mean that this is not a reversible intervention). Therefore, the appearance of the building in the Conservation Area and the special interest of the Listed Building would be adversely affected and the

applications fail to conform to policies 4/10 and 4/11 of the Cambridge Local Plan (2006).

### **Cambridge City Council Access Officer**

- 6.3 Support. The doors should have at least one minimum leaf width of 900mm, so may have to be asymmetrical.
- 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 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. Impact on the Conservation Area and special interest of the Listed Building

### **Impact on the Conservation Area and special interest of the Listed Building**

- 8.2 The proposed extension is required in order to improve accessibility into the Church. Due to the positioning of the entrance doors, tight corners are created which result in 'bottlenecks' when large groups of people are entering or leaving the Church. Whilst I understand the access difficulties that the applicant is attempting to solve, the Urban Design and Conservation Team have serious concerns about the proposals and the impact they may have on the special interest of the Listed Building.
- 8.3 The Church was built in 1866 and was designed by R.R Rowe as a Greek cross plan Church, with an octagonal central core and four radiating arms. The flank walls of the arms have paired lancet windows. There are currently at least three entrance doors to the church itself the two street entrances being under subsidiary timber-gabled, slate-covered roofs.



- 8.4 The proposed porch would be connected to one of the street entrances, on the south western radiating arm. This addition would affect the basic layout of the church and concerns the Urban Design and Conservation Team. Unlike the two existing main entrances, the proposed extension would have a tall roof, which would break the gutter line of the radiating arms and central core. In doing so, the variegated pattern of roofing slates as well as the guttering would be interrupted. The porch would cover the pair of lancet windows on this flank wall and one of the entrance doors, and the central pier of the lancet windows and the cills and characteristic brickwork below would have to be removed for the new entrance to be formed by lowering the opening. The tops of the window arches would be supported on a galvanised steel beam over relatively tall glass doors. Using the existing door would avoid this impact, but this would not be possible as it would not solve the existing access problems.
- 8.5 Though the left side of the porch would be transparent structural glass, the right side would be solid (to enclose a chair store/prayer room) and the apex of the gable created would contain a solid ceiling behind the full height glazed screen. Thus, a half transparent, half solid structure would be added and through the glazing, the ceiling and side interior wall to the store/prayer room would project out into the yard. The Urban Design and Conservation Team have expressed the opinion that this would be an awkward addition to the notable form of the Church, which would be emphasised when the porch LEDs lit the side wall of the store.
- 8.6 The existing palette of materials is circumscribed. Zinc, glass and steel is now proposed. This could be a workable contrast but for being compromised by the projecting solid of the store and proposed brick infill to the front of the store (with attendant difficulties of matching the detail of the existing brickwork of the church). The laying of new hard surfacing could be a welcome improvement to the setting of this listed building but concrete pavements are unlikely to be an appropriate material.

## **9.0 CONCLUSION**

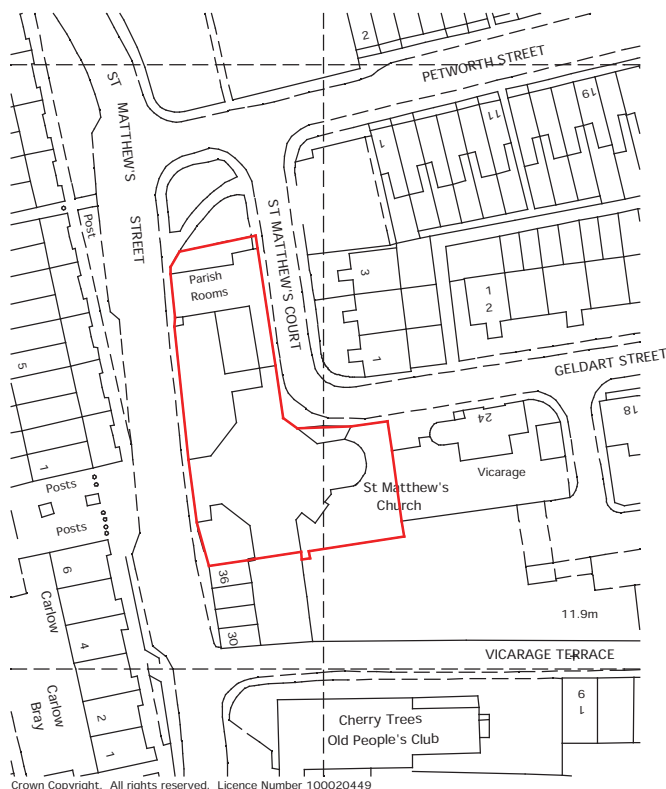
- 9.1 Whilst the access problems experienced by the Church are recognised, it is my opinion on balance, that they do not

outweigh the concerns raised by the Urban Design and Conservation Team in relation to the impact the proposed extension would have on the special interest of the Listed Building. I therefore recommend that the application is refused.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The position, height, and inclusion of a projecting solid volume for a store within the proposed porch would compromise the characteristics and form of the listed building. Together with interventions for the enlarged opening removing important existing window/brickwork features, the proposals would significantly adversely affect the special interest of the listed building contrary to policy 4/10 of the Cambridge Local Plan (2006).



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## ST MATTHEW'S CHURCH, CAMBRIDGE

### Location Plan

davj

12.03.07

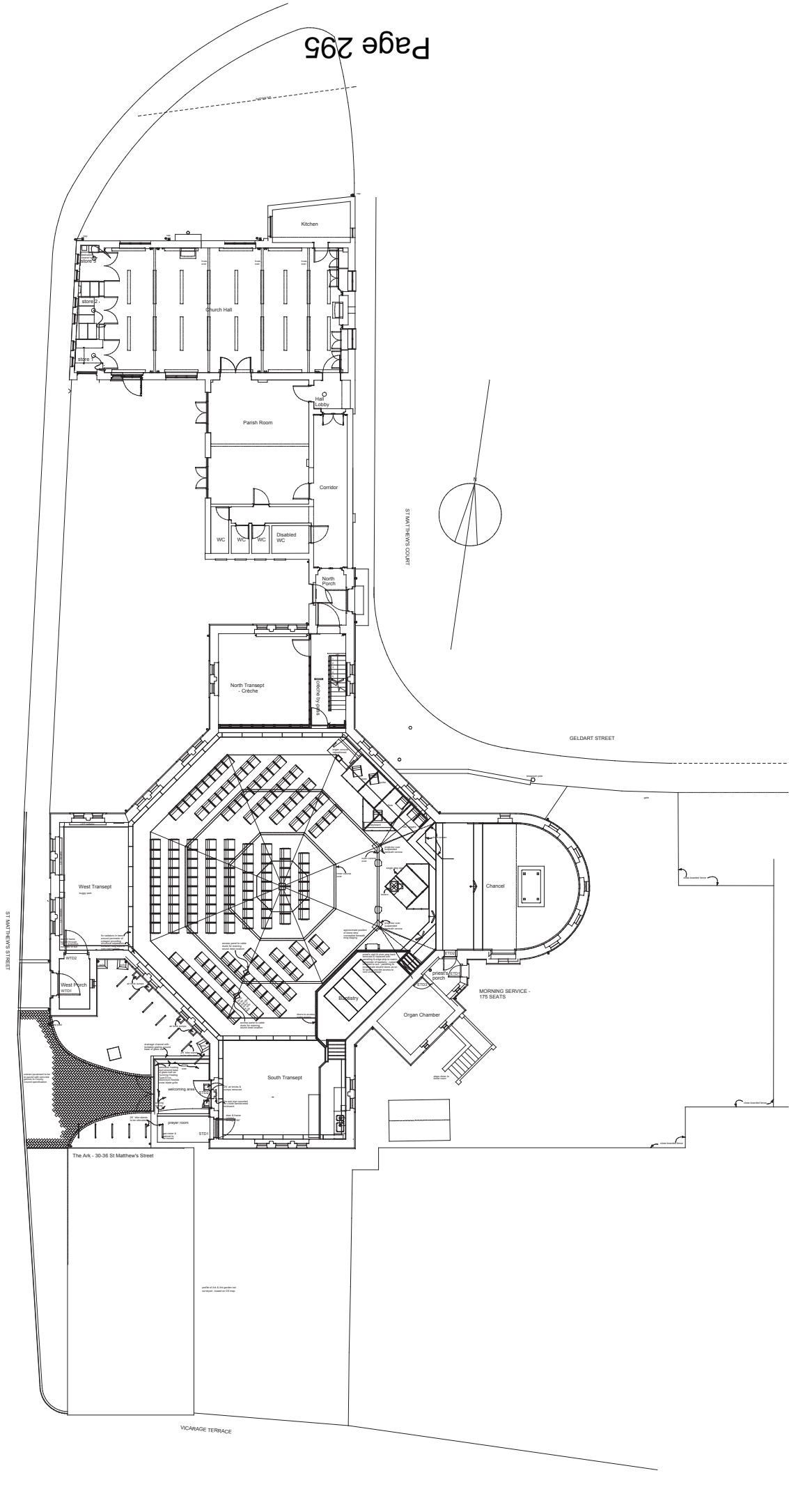
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94.272.100

J G P ARCHITECTS  
2 Felton Street Cambridge CB1 2EE

Telephone 01223 353471  
Facsimile 01223 313296

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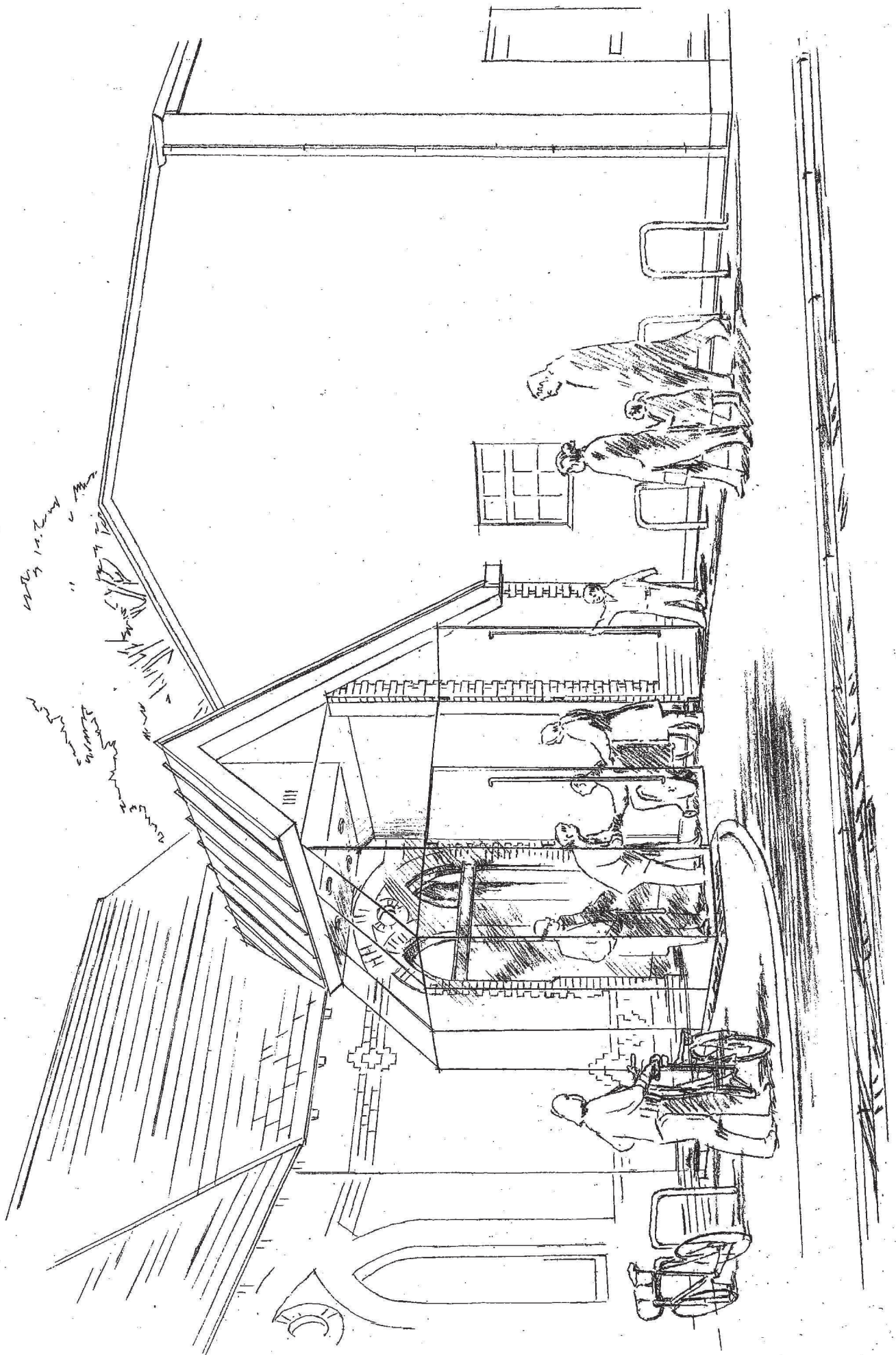


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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: East Area Committee DATE: 11/09/14

WARD: Abbey

### **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

---

**591 Newmarket Road, Cambridge**  
**The material change of use of an outbuilding to a separate  
residential unit**

SUMMARY	<p>A planning enforcement investigation has identified the unauthorised material change of use of an outbuilding at the rear of the above address, namely the creation of an independent residential unit without planning permission.</p> <p>The development is not acceptable because it has a harmful effect on the amenity of neighbours and the character of the area.</p>
RECOMMENDATION	<p>That enforcement action is authorised in respect of the breach of planning control.</p>

## **1 INTRODUCTION**

This report seeks delegated authority to serve an Enforcement Notice to address the unauthorised development at 591 Newmarket Road, namely, “Without planning permission the creation of a separate residential unit.” See appendix A for site plan.

## **2 PLANNING HISTORY**

See Appendix B.

### **3 BACKGROUND / TIMELINE OF ENFORCEMENT INVESTIGATION**

- 3.1 591 Newmarket Road is a double-fronted, detached, two-storey property, with extensive additions at the rear, situated on the north side of road about 500 metres east of (and opposite) the junction with Whitehill Road. Newmarket Road is a main arterial road into the city centre, and this part of the road is predominantly residential in character. The site does not fall within a Conservation Area.
- 3.2 Enforcement officers received a report in June 2013 that an outbuilding at the rear of the property was being used as a separate residential unit. A site visit on 31 July 2013 confirmed that the outbuilding contained all the facilities required for day to day living and was being let and used separately from the main house. Officers also found that the main house was in use as a House in Multiple Occupation (sui generis) and there was a second self contained annex in separate use at the side of the property.
- 3.3 On 7 August 2013 officers invited a retrospective planning application for the change of use to a House in Multiple Occupation and the use of the summerhouse at the rear. Officers confirmed that the separate use of the annex at the side of the property had ceased.
- 3.4 In December 2013 planning application reference 13/1734/FUL was submitted for 'Change of use of property from a residential dwelling (Use Class C3) and associated garden house to a House in Multiple Occupation (Sui Generis) (Retrospective Application). Erection of new cycle store at front'.

The application was later withdrawn.

- 3.5 In March 2013 planning application reference 14/0444/FUL was submitted for 'Change of use of property from a residential dwelling (use Class C3) to a large house in multiple occupation (sui generis) (retrospective application)'. The application was approved on 26 June 2014, subject to conditions.
- 3.6 In addition, planning application 14/0445/FUL for 'Change of use of a garden building from ancillary residential use (Use Class C3) to provide living accommodation ancillary to the main dwelling, including cycle storage' was submitted for the use of the outbuilding. The application was refused on 22 May 2014 for the following three reasons:

1. The change of use of the garden building to living accommodation would have a harmful effect on the residential amenity of neighbours in terms of noise, light pollution and reduced privacy because of the comings and goings associated with this use, contrary to policy 3/4 of the Cambridge Local Plan 2006.
  2. The change of use of the garden building to living accommodation would have a harmful effect on the character of the area. Living accommodation in this position within the curtilage is not characteristic of the area, and the proposal fails to respond to this and would therefore be poorly integrated with, the immediate locality, contrary to Policy 3/7 of the Cambridge Local Plan 2006.
  3. The proposed living accommodation would be separated from the main building and its communal facilities such as bin store and kitchen by a considerable distance. This space would be exposed to the weather and unlit. As a consequence, the proposal would not provide attractive, high-quality, safe and convenient living environment, as required by policy 3/7 of the Cambridge Local Plan 2006.
- 3.7 The agent for the application has advised that he intends to lodge an appeal against the refusal of 14/0445/FUL with the Planning Inspectorate.
- 3.8 The agent for the application has also advised that following the refusal of 14/0445/FUL in May 2014, the owner has re let the summerhouse as a separate residential unit for a further year. The new tenancy period runs until July 2015.
- 3.9 Section 171 B(2) of the 1990 Act provides:
- “Where there has been any breach of planning control consisting in the change of any building to use as a single dwellinghouse no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.”
- 3.10 Officers consider that the continued separate use of the summerhouse needs to be addressed by the service of an Enforcement Notice. The refusal of 14/0445/FUL prevents the continued use of the summerhouse at the rear as ancillary accommodation.

- 3.11 An Enforcement Notice carries with it a right of appeal to the Planning Inspectorate.
- 3.12 If appeals against the refusal of 14/0445/FUL and the service of the Enforcement Notice are lodged with the Inspectorate, it is likely that they would be determined at the same time.

## **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 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.
- 4.4 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Investigation Service Policy and the City Council’s Enforcement Concordat.
- 4.5 Consideration should be given to the Human Rights Act 2000 and to the Equalities 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, 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.

- 4.6 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 public interest to achieve the objective of upholding national and local planning policies and that human rights and equalities considerations do not outweigh the reasons for proceeding with planning enforcement in this instance.

## **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 unauthorised material change of use of the summerhouse to the rear of 591 Newmarket Road, 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

Cease the use of the summerhouse at the rear of the property for residential accommodation.

## 5.3 Period for Compliance:

8 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 creation of a residential building without planning permission is contrary to policies 3/1, 3/4, 3/7 and 3/10 of the Cambridge Local Plan 2006, and to government guidance in Paragraphs 53, 58, 61 and 64 of the National Planning Policy Framework 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 of the current tenants of the building, 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). The Council has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

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, which seek to restrict such forms or new residential development.

## **APPENDICES**

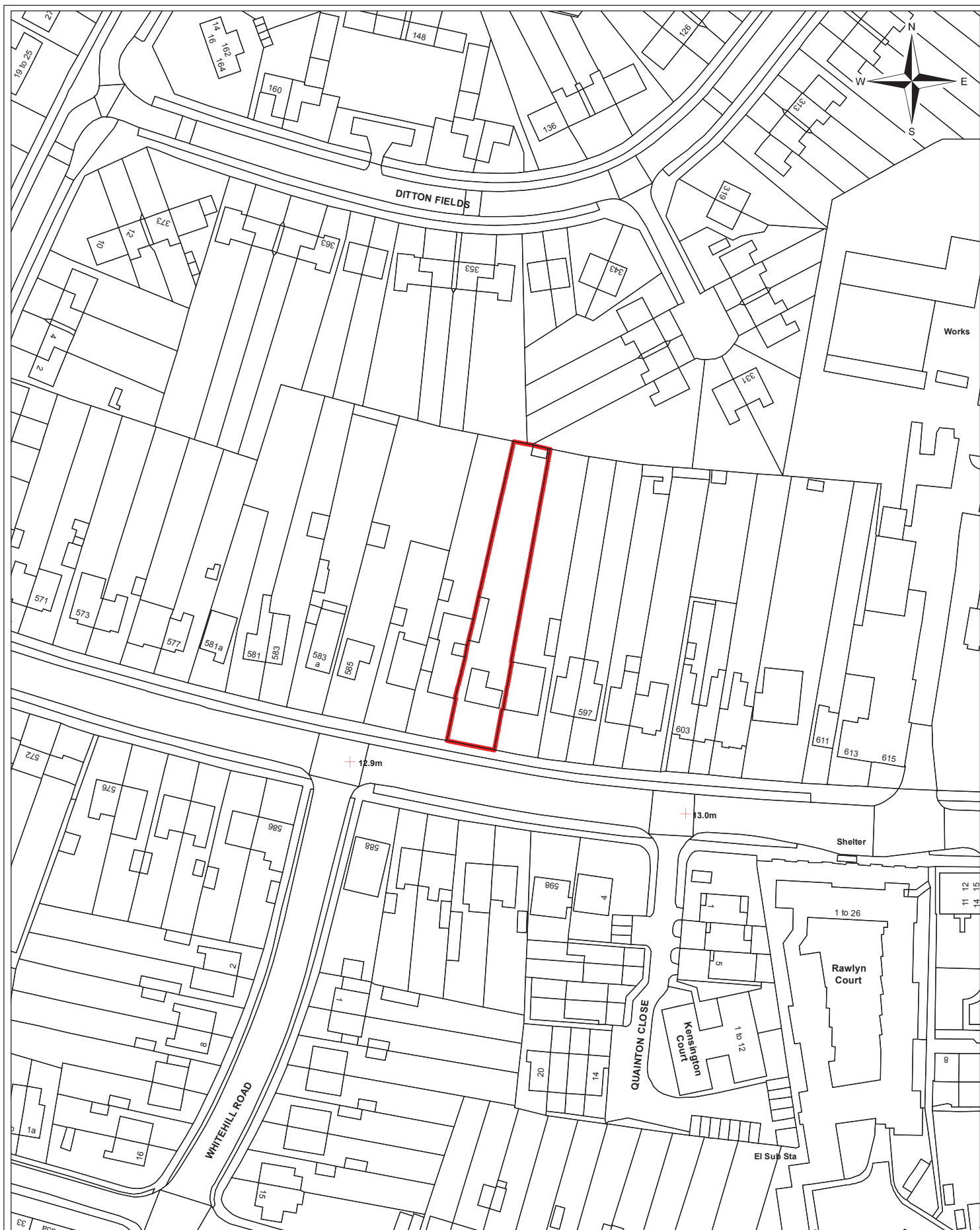
**Appendix A**      Site plan of the property

**Appendix B**      Property history

The author and contact officer for queries on the report is Deborah Jeakins on extension 7163.

Report file: N:\Development    Control\Planning\Enforcement\    Committee Reports\591 Newmarket Road EN report 2014

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Information Systems  
Team

591 Newmarket Road

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Date:	21/08/14
Produced by:	Steve Udall
Section/Department:	Informations Systems Team
Scale:	1:1,250 @ A4

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**PLANNING HISTORY**

**Site Address:** 591 Newmarket Road Cambridge Cambridgeshire CB5 8PA

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08/0672/FUL - Change of use from dwelling to Guest House.

**Status:** Permitted 7th August 2008.

13/1734/FUL - Change of use of property from a residential dwelling (Use Class C3) and associated garden house to a House in Multiple Occupation (Sui Generis) (Retrospective Application). Erection of new cycle store at front.

**Status:** Withdrawn 4th February 2014.

14/0444/FUL - Change of use of property from a residential dwelling (use Class C3) to a large house in multiple occupation (sui generis) (retrospective application).

**Status:** Permitted 26th June 2014.

14/0445/FUL - Change of use of a garden building from ancillary residential use (Use Class C3) to provide living accommodation ancillary to the main dwelling, including cycle storage.

**Status:** Refused 22nd May 2014.

C/70/0824 - Erection of Conservatory, garage, store and fuel store.

**Status:** Permitted 6<sup>th</sup> March 1971.

C/94/0383 - SINGLE STOREY FULL WIDTH REAR EXTENSION TO EXISTING HOUSE (C3) TO FORM COVERED AREA - RESUBMISSION OF C/0876/93.

**Status:** Approved with conditions 20th July 1994.

C/93/0876 - ERECTION OF ROOFED STRUCTURE TO REAR PATIO AREA OF EXISTING HOUSE.

**Status:** Refused 13th January 1994.

C/01/0656 - Erection of a single storey rear extension to replace existing canopy..

**Status:** Approved with conditions 24th July 2001.

C/03/1256 - First floor rear extension to existing dwelling house.

**Status:** Approved with conditions 13th January 2004.

C/96/0622 - Variation of condition on C/0383/94 which relates to roofing materials to replace the proposed UPVC sheeting with a solid flat roof (retrospective).

**Status:** Permitted 4th December 1996.

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: East Area Committee DATE: 11/09/14

WARD: Coleridge

### **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

---

#### **136 Perne Road, Cambridge**

#### **The creation of a separate residential planning unit and the stationing of a mobile home for permanent residential use**

SUMMARY	<p>A planning enforcement investigation has identified a breach of planning control, namely without planning permission the material change of use of a mobile home to create a separate residential unit.</p> <p>The development is not acceptable because it is contrary to policies in the Cambridge Local Plan and the stationing of the caravan has a detrimental effect on the amenity of the area.</p>
RECOMMENDATION	<p>That an enforcement notice be authorised to address the outstanding breach of planning control.</p>

## **1 INTRODUCTION**

- 1.1 This report seeks delegated authority to serve an Enforcement Notice to address the unauthorised development at 136 Perne Road, namely, "Without planning permission the material change of use of a mobile home to a separate residential unit." (See Appendix A for site plan).

## **2 PLANNING HISTORY**

See Appendix B.

## **3 BACKGROUND / TIMELINE OF ENFORCEMENT INVESTIGATION**

- 3.1 136 Perne Road, Cambridge is a two storey semi-detached 1930s property set back from the highway with a front, side and rear garden area. The property abuts the Perne Road/Birdwood Road/Radegund Road Roundabout. On the opposite side of Perne Road is John Conder Court, a residential block of flats, and to the south west of the site on the opposite side of the roundabout there is a parade of commercial units.
- 3.2 The property lies within Flood Zone 2 and is in Conservation Area No.1 (Central). The building is neither listed nor of local interest.
- 3.3 There is an extant enforcement notice on the site that prevents the planning unit being used for the sale of motor vehicles.
- 3.4 In November 2013 Officers became aware that a mobile home that had been brought on to the site was being let separately from the main house and was being used as an independent residential unit.
- 3.5 Officers advised the owner of the property that this unauthorised development was not acceptable in planning terms and a Planning Contravention Notice was served as the first step to resolving the breach of planning control.
- 3.6 The Planning Contravention Notice was returned on 8 January 2014 and confirmed that the mobile home was being used as a separate residential unit. There is no permitted development right to site this mobile home within the curtilage of a C3 dwellinghouse and use it as separate residential accommodation.
- 3.7 Development has taken place without the requisite planning permission and negotiations to try and resolve the breach of planning control have been unsuccessful.
- 3.8 Section 171 B(2) of the 1990 Act provides:

“Where there has been any breach of planning control consisting in the change of any building to use as a single dwellinghouse no enforcement action may be taken after the end of the period of four



years beginning with the date on which the operations were substantially completed.”

As the breach falls within this period officers consider that the matter should be addressed.

## **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 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.**

### **4.4 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Investigation Service Policy and the City Council’s Enforcement Concordat.**

### **4.5 Consideration should be given to the Human Rights Act 2000 and to the Equalities 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, 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.

- 4.6 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 public interest to achieve the objective of upholding national and local planning policies and that human rights and equalities considerations do not outweigh the reasons for proceeding with planning enforcement in this instance.

## **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 without planning permission the creation of a separate residential planning unit and the stationing of a mobile home for permanent residential use at land to the rear of 136 Perne Road, 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

- i) Cease the use of the mobile home as a separate residential unit
- ii) Remove the mobile home from the site.

## 5.3 Period for Compliance:

- i) and ii) 8 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 creation of a separate residential building without planning permission is contrary to policies 3/1, 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006, and to government guidance in Paragraphs 53, 58, 61, 64, 131 and 135 of the National Planning Policy Framework 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 2000 and to the Equalities 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 has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

The Council consider that the service of an enforcement notice with a reasonable period for compliance is lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to protect the character of local street scenes

## **APPENDICES**

**Appendix A**      Site plan of the property

**Appendix B**      Property history

**Appendix C**      A plan denoting the enforcement issues on the site.

The author and contact officer for queries on the report is Deborah Jeakins on extension 7163.

Report file: N:\Development    Control\Planning\Enforcement\    Committee Reports\136 Perne Road report 2014



136 Perne Road,  
Cambridge  
Page 319

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Date:	19 August 2014
Produced by:	GIS Team
Section/Department:	Information Systems, Environment Dept
Scale:	1:1,250 @ A4

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**PLANNING HISTORY**

**Site Address:** 136 Perne Road Cambridge Cambridgeshire CB1 3NX

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06/0178/OUT - Outline planning.

**Status:** Application returned.

08/0895/OUT - Outline application for a 3 Bedroom detached house.

**Status:** Application returned.

09/0385/OUT - Erection of a 3 bedroom house.

**Status:** Application returned.

C/88/1250 - ERECTION OF ONE NO. HOUSE (OUTLINE APPLICATION).

**Status:** Refused 25th January 1989.

C/00/0538 - Outline application for erection of one 3 bedroom house.

**Status:** Refused 18th October 2000.

C/91/0460 - ERECTION OF ONE DWELLING HOUSE (OUTLINE APPLICATION).

**Status:** Refused 26th June 1991.

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: East Area Committee DATE: 11/09/14

WARD: Petersfield

### **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

---

#### **35 Collier Road, Cambridge**

#### **The erection of an outbuilding for use as separate residential unit**

SUMMARY	<p>A planning enforcement investigation has identified unauthorised operational development at the rear of the above address, namely the creation of an independent residential unit without planning permission.</p> <p>The development is not acceptable because there is insufficient amenity space for the occupants of the outbuilding and due to the location of the building in a Conservation Area.</p>
RECOMMENDATION	<p>That enforcement action is authorised in respect of the breach of planning control.</p>

## **1 INTRODUCTION**

This report seeks delegated authority to serve an Enforcement Notice to address the unauthorised development at 35 Collier Road, namely, "Without planning permission the creation of a separate residential unit." See appendix A for site plan.

## **2 PLANNING HISTORY**

See Appendix B.

### **3 BACKGROUND / TIMELINE OF ENFORCEMENT INVESTIGATION**

- 3.1 35 Collier Road is situated on the northern side of Collier Road and comprises a two storey, end of terrace dwelling, constructed of red brick with rear access between it and neighbouring end of terrace dwelling 33 Collier Road to the west.
- 3.2 The site falls within Conservation Area No.1 (Central). The building is neither listed nor of local interest.
- 3.3 Enforcement officers received a report in October 2010 that an outbuilding was under construction at the rear of the property that may require planning permission. A site visit on 4 October 2010 confirmed that the outbuilding exceeded the permitted development limits on size and so required formal planning permission.
- 3.4 Officers invited a retrospective planning application for consideration for the outbuilding on 20 October 2010.
- 3.5 An application was submitted for the outbuilding in November 2010 but it was incomplete and unable to be validated. The application was eventually returned to the applicant.
- 3.6 A further planning application was received in February 2011 for a "Retrospective garden outbuilding" but this was also not able to be validated. Officers made several unsuccessful attempts to attain the required additional information but the application was returned on 4 August 2011.
- 3.7 In November 2011 an "Application for a certificate of lawfulness under a Section 191 for an outbuilding ancillary to main dwelling house for use as studio" was submitted but this was also incomplete and unable to be validated and was returned in January 2012.
- 3.8 Senior officers arranged a site inspection with an agent acting on the owner's behalf to reassess the situation in October 2012. The visit confirmed that the outbuilding was being used domestically as a separate residential unit and that this had been the initial use of the outbuilding. The size of the outbuilding had also increased since the original site visit.
- 3.9 The owner's agent and the Head of Planning Services met in January 2013 to discuss the planning status of the outbuilding. Officers provided advice on the breaches of planning and building regulations and how to address the issues. The agent was advised that if valid

applications were not submitted, the local authority would need to consider formal action.

3.10 In November 2013 an 'Application for a Certificate of Lawfulness under Section 191 for the outbuilding ancillary to main dwellinghouse for use as studio' (reference 13/1535/CLUED) was submitted. Officers confirmed that the application does not accurately reflect the use of the outbuilding and the certificate was not granted. The decision notice was issued on 19 August 2014.

3.11 This is a long running case, on a site with a history of persistent breaches of planning control. Officers have spent a significant period of time trying to negotiate a resolution but have not been able to remedy the breach of planning control.

3.12 Section 171 B(2) of the 1990 Act provides:

“Where there has been any breach of planning control consisting in the change of any building to use as a single dwellinghouse no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.”

It is approaching four years since the date of completion of the building works and therefore officers consider that the matter must be addressed. Ample time has been given to the owner and his agent to resolve this and the council must now act to prevent this unacceptable development from becoming lawful.

## **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 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.

#### 4.4 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Investigation Service Policy and the City Council's Enforcement Concordat.

#### 4.5 Consideration should be given to the Human Rights Act 2000 and to the Equalities 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, 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.

- 4.6 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 public interest to achieve the objective of upholding national and local planning policies and that human rights and equalities considerations do not outweigh the reasons for proceeding with planning enforcement in this instance.
- 4.7 Consideration has been given to Human Rights including 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). It is considered that taking necessary and appropriate action would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding local planning policies.

## **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 unauthorised operational development at land to the rear of 35 Collier Road, 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**

Demolish the building which was been erected at the rear of 35 Collier Road.

### 5.3 Period for Compliance:

8 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 creation of a residential building without planning permission is contrary to policies 3/1, 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006, and to government guidance in Paragraphs 53, 58, 61, 64, 131 and 135 of the National Planning Policy Framework 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 of the current tenants of the building, 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). The Council has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

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, which seek to restrict such forms or new residential development.

## **BACKGROUND PAPERS**

A separate schedule of sensitive, confidential information is available for members. The information in the schedule is exempted pursuant to paragraph 1 of Schedule 12A of the Local Government Act 1972.

## **APPENDICES**

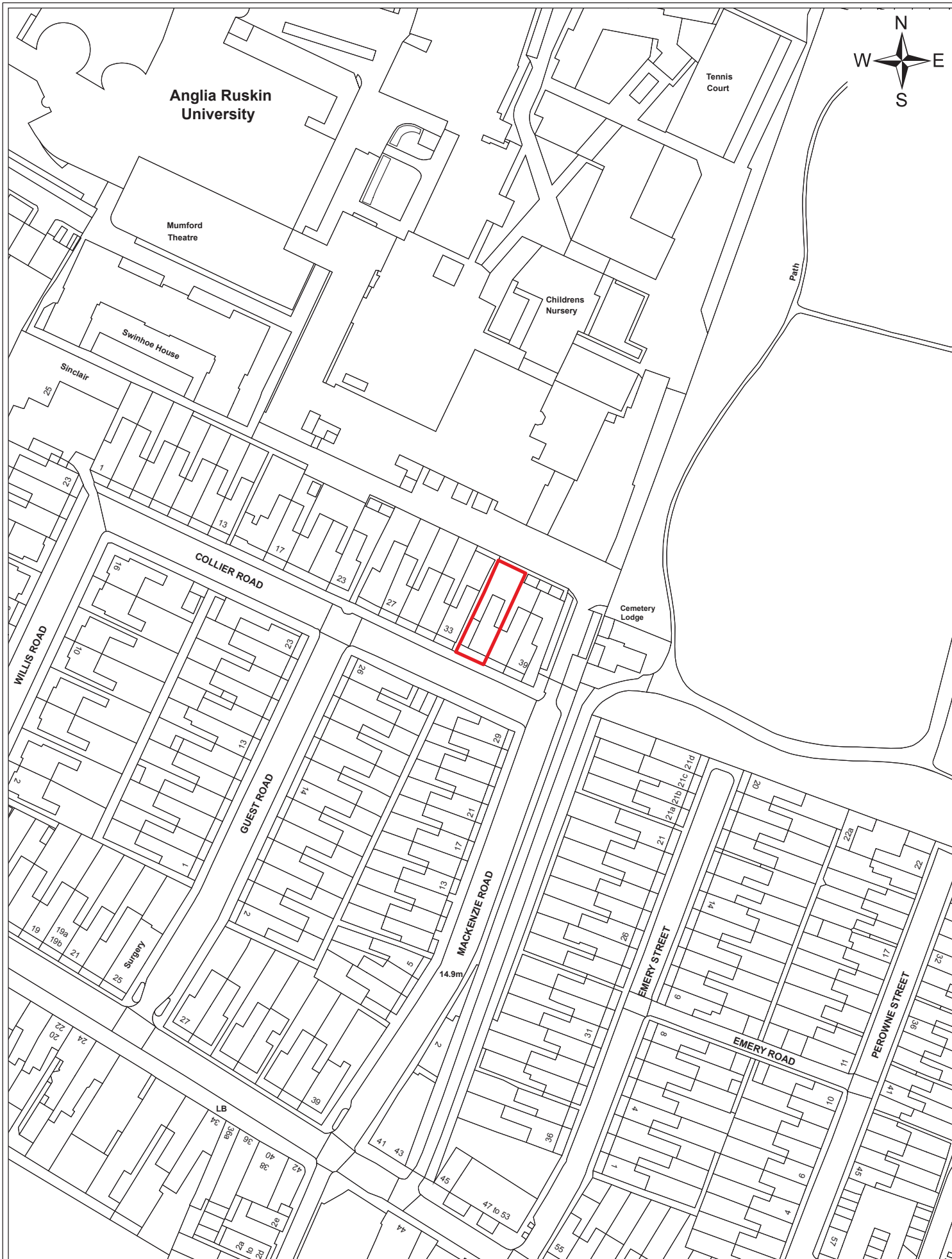
<b>Appendix A</b>	Site plan of the property
<b>Appendix B</b>	Property history
<b>Appendix C</b>	A plan denoting the enforcement issues on the site.

The author and contact officer for queries on the report is Deborah Jeakins on extension 7163.

Report file: N:\Development Control\Planning\Enforcement\ Committee Reports\35 Collier Road EN report 2014

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**PLANNING HISTORY**

**Site Address:** 35 Collier Road Cambridge Cambridgeshire CB1 2AH

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10/1152/FUL - Loft extension and single storey outbuilding to rear.

**Status:** Application returned.

11/0157/FUL - Retrospective garden outbuilding..

**Status:** Application returned.

11/1327/CLUED - Application for a certificate of lawfulness under a Section 191 for an outbuilding ancillary to main dwelling house for use as studio.

**Status:** Application returned.

13/1535/CLUED - Application for a Certificate of Lawfulness under Section 191 for the outbuilding ancillary to main dwellinghouse for use as studio.

**Status:** Certificate Not Granted.

13/1536/CLUED - Application for a Certificate of Lawfulness under Section 191 for change from C3 (dwelling house) to C4 (House in Multiple Occupation).

**Status:** Certificate Not Granted.

C/91/0400 - EXTENSION TO DWELLING (ERECTION OF TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION).

**Status:** Refused 26th June 1991.

C/90/1131 - EXTENSION TO HOUSE (ERECTION OF TWO STOREY SIDE AND REAR EXTENSIONS).

**Status:** Refused 6th March 1991.

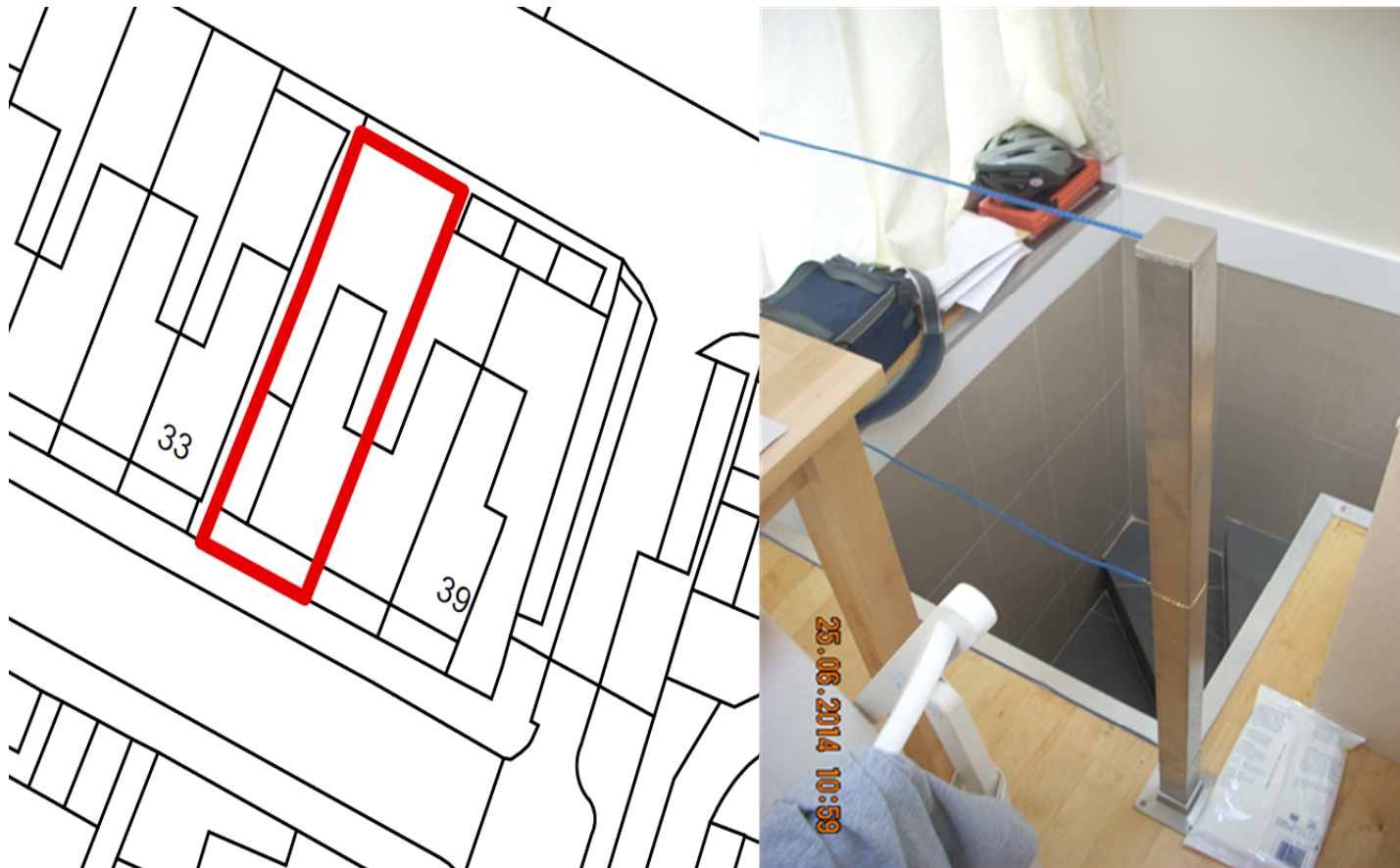
C/92/0457 - EXTENSION TO DWELLING (TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION). (AMENDED BY LETTER DATED 09.07.92 AND ACCOMPANYING DRAWINGS).

**Status:** Approved subject to conditions 16th July 1992.

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## 35 Collier Road

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The building contains a living area, small kitchen and bathroom at ground floor level and a bedroom within the basement. Access to the basement bedroom is shown in the above photograph.

The building is shown within the red oval on the aerial photograph on the next page, it is accessed down a side passageway and has a single door at the rear.

The green rectangle shows the amenity space for occupants of 35 Collier Road, the occupants of the building have no access to this or any outside amenity area.





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REPORT OF: Head of Planning Services

TO: East Area Committee DATE: 11/09/14

WARD: Romsey

### PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT

#### 1 Hemingford Road, Cambridge Breach of conditions 1, 2 and 3 of planning approval 11/0066/FUL

SUMMARY	<p>Planning Enforcement have confirmed that the conditions relating to bicycle storage, the number of people occupying the property and the submission of a management plan for the House in Multiple Occupation have not been complied with.</p> <p>The failure to comply with each of the planning conditions attached to 11/0066/FUL has an adverse impact on both residential amenity and the amenity of the area.</p>
RECOMMENDATION	<p>Enforcement action be authorised to address the breach of conditions 1, 2 and 3 of 11/0066/FUL.</p>

## 1 INTRODUCTION

- 1.1 This report seeks delegated authority to serve three Enforcement Notices to address the breach of the following conditions of 11/0066/FUL:

### **Condition 1:**

Within 1 month of the date of the permission hereby granted 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)

**Condition 2:**

The House of Multiple Occupation hereby approved shall not be let out to more than 7 tenants at any one time.

Reason: To restrict the intensity of the use in the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 5/7.

**Condition 3:**

Within 1 month of the date of the permission hereby granted a Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The Management Strategy shall more particularly but not exclusively include:

- I. Management and maintenance of the hard surfaced areas and green (garden) space.
- II. External building maintenance including cleaning regimes.
- III. The management of rubbish, litter waste and recycling.

The management strategy shall be carried out as agreed.

Reason: In the interests of neighbouring amenity, Cambridge Local Plan policy 5/7.

1.2 Appendix A contains a site plan.

## **2 PLANNING HISTORY**

See Appendix B.

## **3 BACKGROUND/TIMELINE OF ENFORCEMENT INVESTIGATION**

3.1 In February 2012 the Planning Enforcement team received a complaint alleging that conditions 1 and 3 of 11/0066FUL relating to bicycle storage and a management plan for the House in Multiple Occupation (HMO) had not been discharged.



- 3.2 On 8 January 2013 officers attended a meeting with the planning agent dealing with the property portfolio and were advised that the details required to discharge conditions 1 and 3 would be submitted by the end of March 2013.
- 3.3 No application to discharge the conditions was received. The agent for the application later advised he was no longer involved with this property and so officers needed to pursue formal action in respect of the failure to discharge the conditions.
- 3.4 On 21 May 2013 a Planning Contravention Notice was served to gather further evidence in relation to the breach of planning control at the property and establish all those with an interest in the land. The Notice required completion and return by 11 June 2013. The Notice was not returned. Failure to comply with a Planning Contravention Notice is an offence contrary to Section 171 of the Town and country Planning Act 1990 (as amended). It is not proposed to take further action in respect of this offence at this time.
- 3.5 No management plan for the property has been submitted and officers from Planning Enforcement and Refuse and Environment have continued to receive complaints concerning the increasingly poor condition of the land around 1 Hemingford Road and the failure to manage the House in Multiple Occupation.
- 3.6 Officers from Refuse and Environment have confirmed that eight tenants occupy 1 Hemingford Road which is a breach of condition 2 of 11/0066/FUL which restricts the number of occupants to seven.
- 3.7 A Land Registry Search undertaken on 14 August 2013 revealed the relevant owner of the property and correspondence relating to the breaches was addressed to the person identified on the Land Registry Search.
- 3.8 On 27 September 2013 a Section 16 Notice in relation to the House in Multiple Occupation licence issued by Environmental Health was completed and a different owner was stated. In the light of this, it appears to Officers that there is conflicting information relating to the ownership of the property. Since the conflicting information has become apparent, all parties with a known interest in the land have been contacted concerning the breach of conditions

- 3.9 Although the land ownership details of 1 Hemingford Road are not clear, if members authorise the service of a Notice officers intend to serve it on all parties with a known interest in the land.

## **4 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 It is the view of officers that the principle of taking enforcement action is appropriate in this case. In investigating the breach of planning control and setting out recommendations, officers have been mindful of, and complied with the Planning Investigation Service Policy and the City Council’s Enforcement Concordat.

- 4.3 Consideration should be given to the Human Rights Act 2000 and to the Equalities 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, 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.

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 and that human rights and equalities considerations do not outweigh the reasons for proceeding with planning enforcement in this instance.

- 4.4 In reaching the view that enforcement action is necessary, officers have taken into account the effect of the increase in the number of tenant in the House in Multiple Occupation combined and the failure to submit and adhere to a management plan for the house which has had a detrimental effect on the residential amenity of neighbours and resulted in the condition of the land affecting the amenity of the local area.
- 4.5 An Enforcement Notice carries with it a right of appeal to the Planning Inspectorate and the Inspectorate have the power to vary the Notice to amend the steps to comply.
- 4.6 There are no other material considerations that would lead officers to conclude that enforcement action would not be appropriate.

## **5 RECOMMENDATIONS**

- 5.1 The Committee is requested to consider the details of this report and any relevant representations made to them at this Committee, and approve the following:
  - (i) To authorise three enforcement notices under S172 of the Town and Country Planning Act 1990 (as amended) in respect

of the breach of conditions 1, 2 and 3 of 11/0066/FUL specifying the steps to comply and the period for compliance set out in paragraphs 5.2.1, 5.2.2 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 notices.
- (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 notices.

## **5.2 Enforcement Notices for Breach of condition**

### **5.2.1 Notice for breach of condition 1 of 11/0066/FUL**

#### *Steps to comply*

1. Submit, in writing, details of facilities for the covered, secured parking of bicycles for use in connection with the House in Multiple Occupation for written approval by the Council.
2. Provide the bicycle storage facilities in accordance with the approved details and retain them thereafter.

#### *Period for compliance*

1. 28 days after the date on which the Enforcement Notice takes effect.
2. 28 days after the date on which the Council approves the bicycle storage facilities in writing.

### **5.2.2 Notice for breach of condition 2 of 11/0066/FUL**

#### *Steps to comply*

1. Permanently reduce the number of tenants occupying the property to 7 or fewer.

#### *Period for compliance*

1. Within 6 months of the date on which the Enforcement Notice takes effect.

### 5.2.3 Notice for breach of condition 3 of 11/0066/FUL

#### *Steps to comply*

1. Submit, in writing, a Management Strategy for approval by the Council which particularly but not exclusively includes:
  - Management and maintenance of the hard surfaced areas and green (garden) space.
  - External building maintenance including cleaning regimes.
  - The management of rubbish, litter waste and recycling.
2. Comply with the Management Strategy once it has been approved.

#### 5.3 *Period for compliance*

1. 28 days after the date on which the Enforcement Notice takes effect.
2. 28 days after the date on which the Council approves the Management Strategy in writing.

#### 5.4 *Statement of Reasons for inclusion on the Notices:*

It appears to the Council that the breach of planning control namely the failure to comply with condition [insert 1, 2 or 3] of 11/066/FUL at 1 Hemingford Road has occurred within the last 10 years.

Notice 1: The failure to provide details of secure, covered cycle storage facilities is contrary to policy 8/6 of the Cambridge Local Plan (2006).

Notice 2: The increase in the number of occupants in the property is contrary to policy 5/7 of the Cambridge Local Plan (2006) and has given rise to disturbance to neighbours resulting in an unacceptably adverse impact on their amenities.

Notice 3: The failure to submit and adhere to a suitable management plan for the house is contrary to policy 5/7 of the Cambridge Local Plan (2006) and has given rise to disturbance to neighbours resulting in an unacceptably adverse impact on their amenities.

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 2000 and to the Equalities 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 has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

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, which seek to protect which seek to protect residential amenity.

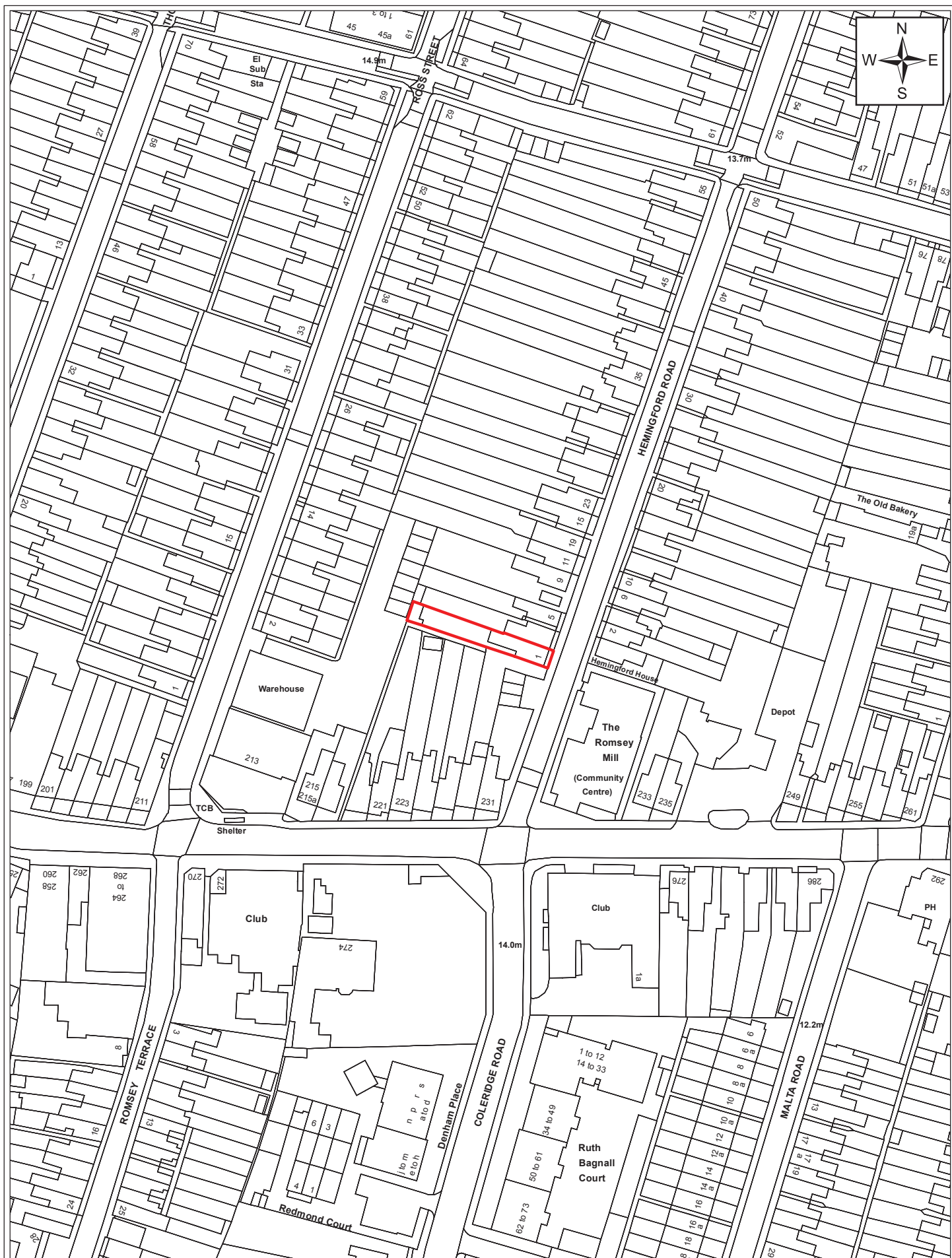
## **BACKGROUND PAPERS**

A separate schedule of sensitive, confidential information is available for members. The information in the schedule is exempted pursuant to paragraph 1 of Schedule 12A of the Local Government Act 1972.

## **APPENDICES**

Appendix A	Site location plan
Appendix B	Planning history

The contact officer for queries on the report is Deborah Jeakins on ext 7163.



1 Hemingford Road, Cambridge

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Date: 22 January 2014  
 Produced by: GIS Team  
 Section/Department: Information Systems, Environment Dept  
 Scale: 1:1,250 @ A4

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## **PLANNING HISTORY**

**Site Address:** 1 Hemingford Road Cambridge Cambridgeshire CB1 3BY

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05/0423/FUL - Erection of two-storey extension providing new bedsit, ensuite and bathroom (following demolition of existing lean-to at rear of property).

**Status:** Refused 30th June 2005.

05/1006/FUL - Erection of a part single, part two storey rear extension.

**Status:** Refused 23rd November 2005.

09/1096/FUL - Single storey rear extension.

**Status:** Refused 21st January 2010.

10/0210/FUL - Single storey rear extension.

**Status:** Permitted 14th June 2010.

10/1030/FUL - Proposed single storey rear extension.

**Status:** Permitted 7th November 2011.

11/0066/FUL - Retrospective application for the change of use from domestic dwelling C3 to HMO (House in Multiple Occupation) (sui generis).

**Status:** Permitted 3rd November 2011.

11/0201/FUL - Annexe extension to provide 2 bedrooms, a studio and shower room with a link to the existing building

**Status:** Refused 8th November 2011.

11/0527/FUL - Annex extension to house to provide 2 bedrooms, studio and shower room

**Status:** Application returned.

13/1058/S73 - Section 73 application to vary condition 2 of ref:11/0066/FUL (retrospective application for the change of use from domestic dwelling C3 to HMO (House in Multiple Occupation) (sui generis).

**Status:** Application returned.

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