Public Document Pack

Cambridge City Council

Planning

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

Alternates: Councillors Bird and Holt

Published & Despatched: Tuesday, 23 June 2015

Date: Wednesday, 1 July 2015
Time: 10.00 am
Venue: Committee Room 1 & 2 - Guildhall
Contact: Toni Birkin

AGENDA

1 ORDER OF AGENDA

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

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

- **PART TWO**
  Minor/Other Planning Applications
  Start time: 12.30pm

- **PART THREE**
  General and Enforcement Items
  Start time: At conclusion of Part Two

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

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

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

2 APOLOGIES

3 DECLARATIONS OF INTEREST

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

4 MINUTES

Minutes to follow.

Appendix 1 for Full Details of Central Government Planning Guidance

Part 1: Major Planning Applications (10am)

5 14/2051/FUL - 156-160 CHESTERTON ROAD Planning Officer *(Pages 19 - 60)*

6 15/0363/FUL - LAND AT 21 - 23 MILTON ROAD Planning Officer *(Pages 61 - 88)*

7 15/0140/FUL - FORMER HILLTOP DAY CENTRE, PRIMROSE STREET Planning Officer *(Pages 89 - 162)*

Part 2: Minor/Other Planning Applications 12.30pm

8 15/0225/FUL - 2 BARROW ROAD Planning Officer *(Pages 163 - 184)*

9 15/0665/S73 - CAMBRIDGE WATER COMPANY, RUSTAT ROAD Principal Planning Officer *(Pages 185 - 208)*

10 14/2063/CLUED - 15A DERBY STREET Planning Officer *(Pages 209 - 216)*

11 15/0065/FUL -15B DERBY STREET Planning Officer *(Pages 217 - 230)*

12 **15/0430/FUL - GARAGE BLOCK 1, 34 FULBOURN ROAD** Planning Officer *(Pages 231 - 262)*

13 **15/0634/FUL - 6 HOOPER STREET** Planning Officer *(Pages 263 - 280)*

14 **15/0268/FUL - REAR OF 175-177 CHERRY HINTON ROAD** Planning Officer *(Pages 281 - 298)*

15 **15/0557/FUL - LANGHAM HOUSE, HISTON ROAD** Planning Officer *(Pages 299 - 318)*

16 **15/0380/FUL - 2 TENISON ROAD** Senior Planning Enforcement Officer *(Pages 319 - 328)*

17 **15/0663/FUL - 70 PARADISE STREET** Planning Officer *(Pages 329 - 346)*

18 **15/0687/FUL - 109 PERSE WAY** Senior Planning Officer *(Pages 347 - 356)*

19 **15/0600/FUL - 1 BELVOIR ROAD** Senior Planning Officer *(Pages 357 - 362)*

20 **15/0299/FUL - 8 COLLEGE FIELDS** Senior Planning Officer *(Pages 363 - 372)*

Part 3: General and Enforcement Items

21 **CE/5622 - 27 BABRAHAM ROAD** Planning Enforcement Officer *(Pages 373 - 436)*

22 **EN/337/14 - 213 HUNTINGDON ROAD** Planning Enforcement Officer *(Pages 437 - 454)*

23 **DRAWING PACK** *(Pages 455 - 550)*

Meeting Information

Location

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

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

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

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

Local Government (Access to Information) Act 1985

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

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

These papers may be inspected by contacting Head of Planning Services (01223 457103) in the Planning Department.

Development Control Forum

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

Public Participation

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

Members of the public who want to speak about an

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

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

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

Further information is available at

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

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

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

Representations on Planning Applications

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

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

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

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

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

Filming, recording and photography

The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

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

Fire Alarm

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

Facilities for disabled people

Level access to the Guildhall via the Peas Hill entrance.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

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

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

Queries on reports

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

General Information	Information regarding committees, councilors and the democratic process is available at http://democracy.cambridge.gov.uk/
Mod.Gov App	You can get committee agenda and reports for your tablet by using the mod.gov app

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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
3/10Subdivision 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)

PLANNING COMMITTEE **1st July 2015**

Application Number	14/2051/FUL	**Agenda Item**	
Date Received	2nd January 2015	**Officer**	Mr Sav Patel
Target Date	3rd April 2015		
Ward	West Chesterton		
Site	156-160 Chesterton Road Cambridge Cambridgeshire CB4 1DA		
Proposal	Proposed student accommodation (sui generis) comprising 27 x studio and 14 x 1 bed units together with hard and soft landscaping, cycle and refuse stores, 2no. Disabled car parking spaces and visitor cycle parking following the demolition of all existing buildings and structures on site.		
Applicant	Chard Robinson Developments		

SUMMARY	The development accords with the Development Plan for the following reasons: – The proposed development is of high quality design and of a scale that is acceptable in this urban context. – The proposal would not have a significant adverse impact on the residential amenity of the adjoining neighbours. – The proposal would introduce of student housing in a sustainable location close to shop, services and public transport links.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the southern side of Chesterton Road close to the junction with Elizabeth Way roundabout. To the west on the opposite side of the road is a parade of commercial units which includes an estate agent and convenience store. However, the area is predominantly in residential use ranging from private housing to hotels and

B&Bs. To the west of the site is a hotel and to east is a private house. The scale of development along Chesterton Road is varied and ranges from two storey semi-detached, detached properties to three storey buildings uses as flats. The built form of the area is characterised mainly by two storey Victorian villas, which have project gables with pitched roofs and bay windows and a varied ridge line. Many of the buildings along Chesterton Road have been extended mainly to the side and rear although there are also examples of front extensions.

1.2 The site backs onto Sandy Lane which serves many of the existing outbuildings/garages to the rear of the properties along Chesterton Road. The application contains a 1 ½ storey detached outbuilding which appears to have used for additional accommodation serving the hotel use. Planning permission has been granted for residential development on vacant land to the south of the application site. Sandy Lane is not an adopted public highway according to the County Council's adopted highway register.

1.3 The site comprises of two existing two storey buildings which formed Hamilton Lodge Guest House. Both buildings are detached with rooms in the loft space and appear to have been built at different times. The detached building to the left (from Chesterton Road) appears to be a more recent addition compared to the other building. To the rear of the buildings is a courtyard area and the detached outbuilding which extends along most of the rear boundary leaving with a gap to allow vehicular access.

1.4 The site is not located within a Conservation Area but is located within a Controlled Parking Zone. There are no Listed Buildings, Building of Local Interest or protected trees within close proximity of the site or that would be affected by the proposed development.

2.0 THE PROPOSAL

2.1 The proposal is to demolish the existing buildings that front Chesterton Road and Sandy Lane and construct a new four storey building fronting Chesterton Road and a three storey building fronting Sandy Lane both to accommodate student accommodation. The proposed development would consist of 41 units (27 studio apartments ranging from 22.3 sqm to 35.2

sqm. and 14 1bed apartments ranging from 32sqm to 46.2 sqm). The proposal also includes:

- Integrated communal bin store on the ground floor of the rear block facing Sandy Lane – total capacity of 9860 litres;
- Integrated, secure cycle store also on the ground floor of the rear block providing 22 spaces and another store in the ground floor of the main block providing 16 space;
- Eight visitor cycle parking spaces at the front of the site;
- A communal garden/courtyard between the rear and front block ('the Courtyard');
- Two disabled parking spaces accessed via Sandy Lane;
- Two accessible rooms in the main block with lift platform from the courtyard.

2.2 Both of the proposed blocks would contain lower ground floors and rooms in the roof. The ground level for the existing courtyard is proposed to be lowered by between 200mm to 400mm.

2.3 The rear elevation of the rear block would have a three storey façade to the proposed courtyard space and a two storey face to Sandy Lane with garage doors and double doors on the ground floor and small pitched roof dormer windows at first floor level within a hipped roofscape. The rear block would be approx. 19.45 metres wide; 15.7 metres in depth and 7.3 metres to the ridge from Sandy Lane and 8.9 metres from the courtyard, filling the full width of the site.

2.4 The front block would contain a lower ground floor which would provide a terrace area for the occupiers of the units at this level fronting Chesterton Road and the communal courtyard. This block would be approx. 19.4 metres wide; 19.6 metres in depth; and 13.05 metres to the ridge (and ranges from 10.5 metres to 10.7 metres excluding lower ground floor) and 6.7 metres to the ridge (excluding the lower ground floor).

2.5 The application has been submitted with the following supporting information:

- Design and Access Statement including shadow analysis;
- Planning Statement;
- Phase 1 Contamination Report;
- Ecology Report;

- Transport Statement;
- Sustainability Statement;
- Sustainability Checklist;
- Student Accommodation Management Plan;
- Internal Daylight Assessment;

2.6 Officers met with the applicant and project team on 8 April 2015 to raise concerns with the scale of the rear block, windows in the rear elevation of the rear block overlooking the private garden of no.162, concerns with the level of daylight for the lower ground floor units and disabled access provision.

2.7 Following the meeting the applicant submitted additional information which was received on 30 April 2015 in order to try and address the concerns raised. The additional information has been assessed by the Urban Design and Conservation team. The following additional information was provided:

- Addendum Planning Statement;
- Approved Document Part L1A Compliance Report;
- Sustainability Checklist (rev A);
- Internal Daylight Study;
- Student Management Plan (rev A)
- Addendum Design and Access Statement/Urban Typologies Study;
- Revised Drawings;
- Photographic Analysis – Audit of Sandy Lane

3.0 SITE HISTORY

No relevant planning history.

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 3/11 3/12 4/14 4/15 5/9 6/3 7/10 8/1 8/2 8/3 8/4 8/6 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2015 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010) Public Art (January 2010)

	<u>City Wide Guidance</u> Cambridge City Council (2011) - Open Space and Recreation Strategy Cambridge Walking and Cycling Strategy (2002) Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No car parking provision is provided within the site and no specific end user has been identified. The proposal is likely to impose additional parking demands on the surrounding streets which potentially may have an impact on residential amenity of existing residents. No details of how parking demands will be managed at start and end of term have been provided. Internal measurements of the garages are required. If approved, the future residents will not qualify for Resident's Permits of any kind. Otherwise the proposal would have no significant impact

on the public highway subject to a condition for a traffic management plan.

Head of Refuse and Environment

6.2 No objections in principle subject to the following conditions and informatives:

- Contaminated Land; (SAV PLEASE USE THE NEW CONDS)
- Construction Hours;
- Piling;
- Dust;
- Plant Noise Insulation;
- Noise Insulation Scheme;
- Waste and Recycling

Urban Design and Conservation Team

Comments in relation to application as submitted

6.3 The proposal is acceptable in design terms and responds to the prevailing established context and is appropriate in terms of materials and detailing. Concerns with the lower ground floor north facing single aspect rooms (representing 8 of the 41 units) which may receive limited daylight and result in poor living environment for future occupiers.

Scale and massing

6.4 The proposed scale and massing of the Chesterton Road block is acceptable in design terms. The Sandy Lane block is supported and forms a relationship with the existing outbuildings along Sandy Lane.

Elevational treatment

6.5 The proposed development has taken a traditional approach to the materials and proposed elevation treatment to replicate the adjacent Victorian villas. The Chesterton Road block incorporates two symmetrical projecting bays with decorative brick detailing and pre-cast stone columns. The proposed elevational treatment of this block is supported. The Sandy Lane block is more simple in appearance and replicates the

more functional design of adjacent outbuildings. The proposed elevation treatment is acceptable but the materials should be conditioned for our agreement.

Shadow impact

6.6 The shadow analysis indicates that at least half of the central courtyard will receive direct sunlight on the 21st March and is acceptable in design terms. The shadow analysis show that the Sandy Lane block will result in small levels of additional overshadowing of the adjacent car parking to 154 Chesterton Road and rear garden of no.162. However, the level of overshadowing is minimal and limited to the rear portions of the gardens and is therefore acceptable in design terms.

6.7 Concerns remain regarding the daylighting to en-suite rooms in the lower ground level of the Chesterton Road block (rooms 22-25) and Sandy Lane block (rooms 39-42). These rooms are north facing with single aspect. No daylight assessment has been provided for these rooms.

Overlooking

6.8 The windows in the east and west side elevations have been removed to address concerns with overlooking into the neighbouring houses.

Amenity Space

6.9 The main amenity space would be provided in the centre of the site. Proposed treatment of the lower ground floor terraces need to be provided.

Comments on additional information

Scale of rear block

6.10 The addendum to the Design and Access Statement included 12 case studies/precedents showing a variety of existing infill developments to response to the concerns raised relating to scale and size of the rear block. The submitted scheme proposes a 17.1 metre back to back distance between the Chesterton Road and Sandy Lane blocks. This indicates that

the back-to-back distances is similar to other existing scheme in the City and is therefore acceptable in design terms.

Loss of privacy

6.11 The number of windows in the rear elevation of the rear block has been reduced and desks (0.6 metres in depth) are proposed to be inserted adjacent to windows for the units in the first floor, which will prevent occupiers from standing close to the window which would further reduce the potential overlooking impact. Also the southernmost window at 1st floor in the rear block would be located between 22-27 metres from the rear elevation of no.162 Chesterton Road. This level of separation is considered sufficient to limit overlooking impact.

Comments in relation to amendment to elevations

6.12 This only affects the rear elevations of both blocks. The fenestration of both blocks has been harmonised so that it consistent and proportionate. The proposed rear elevation of the Chesterton Road block includes a canopy and external platform lift for wheelchair uses to access. Whilst this is acceptable in design terms, details of the canopy and platform need to be provided and therefore should be conditioned.

Comments in relation to further information on Internal Daylight

6.13 the internal daylight assessment shows that Average Daylight Factor (ADF) tests for selected rooms at lower ground, upper ground and 1st floor in accordance with BRE methodology. The test results show that the rooms assessed all will meet or exceed the required 2% ADF target. The levels of daylight to these rooms is therefore acceptable in design terms.

Senior Sustainability Officer (Design and Construction)

Sustainable design and construction

6.14 The following measures are proposed to be incorporated into the scheme:

- Hierarchical approach to reducing carbon emissions;
- Mechanical ventilation with heat recovery

- Potable water consumption levels of no more than 105 litres/person/day through the use of water efficient applicants and sanitary ware

6.15 All these measures are supported. The applicant should also give consideration to be use of materials with low embodied energy and which are certified as being responsibly sourced.

Renewable Energy Provision

6.16 The proposal is to use photovoltaic panels (pv) spilt across the roofs of both blocks. Having checked the carbon calculations, the use of pv delivers a 1,146.68 Kg/CO2/annum reduction, which when set against the Part L target baseline of 42,409.05 Kg/CO2/annum, represents a 3% reduction in emissions. Although it might be possible to increase the number of panels utilised on the rear block, this may not be enough to achieve the required levels.

6.17 Therefore, whilst supportive of the overall approach being taken to renewable energy provision, the Council's standard 10% renewable energy condition should be used, which will give the applicant time to consider whether it would be feasible, and viable, to include a larger amount of pv panels in order to get the level of carbon reduction closer to the 10% requirement, which by my calculations is 4,240 Kg/CO2/annum. A revised energy report can then be submitted to discharge the condition, which will need to include revised carbon calculations showing the contribution of the pv panels set against the energy efficient baseline carbon emissions.

Access Officer

6.18 Concerned with the location of the disabled car parking spaces, which are under part of the first floor of the rear block and accessible rooms are located main block. Whether or not each disabled resident will use a car, the Local Plan asks for one Blue Badge space for every accessible room. As the need cannot be predicted throughout the lifetime of the building and that the building is not immediate to any educational institution then this minimum provision should be met.

Head of Streets and Open Spaces (Landscape Team)

6.19 The landscape proposals for the courtyard are satisfactory but details of the landscape need to be conditioned. Therefore generally supportive of the proposal submit to conditions on hard and soft landscaping, hard and soft landscaping implementation and boundary treatment.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.20 Enough information has been supplied to indicate a drainage solution for the site can be achieved however there is a lack and as infiltration is the proposed method of disposal a surface water drainage condition is recommended.

Cambridgeshire Constabulary (Architectural Liaison Officer)

6.21 The proposal is acceptable.

Disability Consultative Panel (Meeting of 27 January 2015)

6.22 The accessible bathrooms should be fitted with sliding doors if space is at a premium. Adequate turning circles for wheelchairs should also be a consideration aswell as a clear route from the bedroom to the bathroom for a hoist (providing the design can accommodate this.) Features such as non-slip tiling and clutch bars are recommended in other bathrooms for the benefit of more ambulant users. Re-consider the evacuation escape routes to take into account the needs of the disabled and include a lift to all levels with a secondary power supply for emergencies.

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:

- 142 Chesterton Road
- 144 Chesterton Road
- 154 Chesterton Road
- 162 Chesterton Road
- 166 Chesterton Road

7.2 The representations can be summarised as follows:

Traffic/car parking

- The proposal would increase the population of the neighbourhood and have a serious adverse effect on parking spaces unless effectively controlled;
- Lead to excessive demand on existing permit spaces on Chesterton Road and parking in Sandy Lane and other unrestricted streets;
- The prospective detrimental impact on local parking arrangement will severely inconvenience existing residents;
- Inadequate to rely on vehicle restrictions imposed on students by their institutions;
- Excessive parking on Sandy Lane can also restrict access of refuse collection lorries;

Design/scale

- Design is too large for the site and bulk from Sandy Lane which will overshadow a number of neighbouring gardens and adversely affect light and privacy;
- Size of house on Chesterton Road is out of proportion with neighbouring properties;
- Concerned with the sheer mass of the rear block and its proximity to the boundary

Residential amenity

- Loss of privacy from the windows in the rear block;
- Increase in noise and disturbance and potentially antisocial behaviour;

- Ground works to excavate basement is of major concern as it could lead to subsidence and destabilise the foundations of neighbouring properties;
- Disruption during construction works

Drainage

- Concerned with the disruption to shared drains and increased loads the development would bring to drainage.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Public Art
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy

Principle of Development

8.2 Policy 6/3 (Tourist Accommodation) is relevant. This policy states that development will not be permitted which would result in the loss of existing short-stay tourist accommodation unless the change is to permanent residential accommodation or community facilities for which there is a need in Cambridge.

8.3 Although the hotel is no longer in use, the proposal would result in the loss of existing short-stay tourist accommodation. However the proposed use would be for a form of residential use for which there is a need in Cambridge.

8.4 The proposal is therefore compliant with policy 6/3 in my view.

8.5 Policy 7/10 (Speculative Student Hostel Accommodation) is also relevant. The policy states that development will only be permitted if:

a. Occupancy restrictions exist to ensure the accommodation is only available to full time students attending Anglia Ruskin University or the University of Cambridge;
b. Appropriate management arrangements are in place to ensure students do not keep cars in Cambridge;
c. They are reasonably close to accessible to the institutions they serve; and
d. They make appropriate provision for students who are disabled.

8.6 I set out below my assessment of the proposal in relation to the above policy criteria.

a – Occupancy restriction

8.7 The usual way of securing an occupancy restriction to comply with policy 7/10 is for the applicant to enter into a s106 Agreement. In this case the applicant sights draft policy 46 in the emerging Local Plan and considers that this provides justification for avoiding an occupancy restriction. The draft policy, does not include occupancy restrictions but in the absence of information to demonstrate why an occupancy restriction is not appropriate it is my view that a s106 obligation is required and I have proceeded to determine the application on this basis. I will provide an update on the applicants position on the Amendment Sheet or orally at the Committee meeting.

b – Appropriate management

8.8 The proposal includes an onsite manager/porter who will be full time and occupy one of the units. In relation to car park space management, this can be controlled via the Management Plan and s106 obligations. The s106 obligation can ensure that with the exception of disabled students the occupiers of the building cannot keep a car in the City. The Management Plan can also control the way in which students access their accommodation

at the beginning and end of term. This could involve using the disabled parking spaces or controlled use of Sandy Lane for car parking. The plans show three car parking spaces on Sandy Lane. However this is public highway and these spaces cannot be permanently delivered without a Traffic Regulation Order. A TRO cannot normally be used to secure parking for a particular development so these spaces cannot be relied upon. The applicant advises that the manager/porter will ensure this arrangement is carefully managed by allocating time slots for each person arriving or leaving, so as to avoid conflict. I am therefore satisfied that this part of the policy can be complied with subject to condition/planning obligations.

c – Reasonable distance to institutions

8.9 The site is located within 15 mins cycle distance of ARU, University of Cambridge and several of its colleges. Having carried out a brief check of distances using Google Maps, I set out below the following distances to institutions/colleges:

Institutions/college	Walking	Cycling	Distance
ARU	21 mins	6 mins	1 mile
University of Cambridge	17 mins	4 mins	0.8/0.9 miles
Magdalene College	18 mins	4 mins	0.9 miles
St John's College	19 mins	5 mins	0.9/1 miles
Churchill College	29 mins	9 mins	1.5 miles
Cambridge Library	29 mins	9 mins	1.5/1.7 miles
Downing College	25 mins	7 mins	1.3 miles
Selwyn College	36 mins	10 mins	1.8 miles/2 miles
Saint Catharine's and Christ's Colleges	49 mins	13 mins	2.5/2.7 miles

8.10 All the above institutions/colleges are also accessible by public transport. There is a bus stop a short distance from the site along Chesterton Road. I am therefore satisfied that the site is located within reasonable and accessible distance from several institutions/colleges.

d – provision for disabled students

8.11 The proposal includes two accessible rooms for disabled students and two disabled parking spaces. The applicant proposed to comply with Part M of Building Regulation to ensure there is inclusive access throughout the site. The proposal also includes a lift platform on the rear elevation of the main block to allow access for disabled access, particularly for wheel chair users into the main block. Concerns have been raised by the Access Officer regarding the travel distance for disabled access, particularly as the disabled space would be located in the rear block and accessible room would be located in the main block. The applicant argues that the accessible rooms offer good standard of amenity being south facing and overlooking the communal space. Also not all disabled students would have access to a car. The applicant has also argued that due to the split level nature of the rear block is has not been possible to configure an access to two accessible rooms in the rear block. The Access Officer has accepted the applicant's explanation and proposes that car parking spaces are made Blue Badge spaces.

8.12 In my opinion, the principle of the development is acceptable and in accordance with policies 6/3 and 7/10 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

8.13 The site is located between two distinct areas; Chesterton Road which is a wide and busy road where the scale of development is ranges from two storey dwellings to three storey blocks of flats; and Sandy Lane, which is a narrow lane where the scale of development is small scale domestic..

8.14 The architectural character and scale of development along Chesterton Road is varied but has a strong Victorian influence. The proposed front block in terms of its symmetrical and proportionate bays and window arrangement in the front façade, and detailed elevation treatment would introduce a form of development that would be of high quality and revitalise the tired appearance of the existing buildings whilst sympathetically assimilating into the architectural setting of the area. The existing buildings on the site are unremarkable. I am therefore satisfied that design of the proposed front block would enhance

the visual appearance of this part of Chesterton Road and make a positive contribution to the street scene.

8.15 At the front of the site, the proposal is to install a 300mm high brick wall with railings above set behind an area of landscaping. This would provide a high quality approach to the main entrance which is located within the centre of the block. The ridge line would extend slightly above the adjoining buildings either side. However ridge heights are not consistent along Chesterton Road and the additional increase will not make building unduly dominant or overbearing.

8.16 The main bulk of the side elevation of the front block would be contained with the side elevation of the neighbouring properties. The front block would extend slight beyond the rear elevation of no.162 whereas it would be set well back from the rear elevation of 154 to the west. The side elevations would be set off the side boundaries; 1.0mm from the eastern boundary and 1 metre (at the nearest point) from the western boundary.

8.17 The rear elevation facing the Courtyard presents a more functional appearance compared to the front. However, the fenestration has been carefully articulated and arranged. The rear elevation is broken by the introduction of a canopy and lift platform to provide wheel chair access from the courtyard to the ground floor. The details of the canopy and lift platform need to be the subject of further consideration and this can be secured by condition.

8.18 I am satisfied that the front block in terms of its design, scale and appearance would result in a form of development that is of high quality.

8.19 The scale of development along Sandy Lane is modest and predominantly 1S storey with rooms in lofts defined by dormer windows and rooflights. There are gaps between buildings along Sandy Lane that offer views towards the rear elevations of the more dominant buildings fronting Chesterton Road. The proposed rear block from Sandy Lane would maintain the modest/subservient appearance with garage and double timber doors along the ground floor and small pitched roof dormers within the roofscape breaking up the eaves line. The roof form is hipped on both sides to reduce it scale. Whilst the rear block would be one of the largest single building with Sandy Lane in

terms of its width, the height of the block would be lower than the existing building on the site and lower than the outbuilding to the west but taller than the outbuilding to the east. I am therefore satisfied that the elevation of the rear block from Sandy Lane would be in keeping with the prevailing character and appearance of development in this area.

8.20 The rear elevation would read as 2 S storey due to the lower ground level which would appear as a semi-basement with steps down to it from the Courtyard. The lower level apartments would benefit from terrace area in front which would be 1.4 metres in depth. The rear block would project 15.7 metres into the site from Sandy Lane compared to 7.8 metres depth of the existing building. Whilst the depth of the proposed rear block would double the depth of the existing, it would only marginally project further into the site than some of the existing outbuildings along Sandy Lane. Furthermore, the proposed depth of the rear block would still maintain a reasonable level of separation between the front block of 16 metres and over 20 metres from the nearest point of the rear elevation of no.162 Chesterton Road. The proposed rear block would however bring the living accommodation closer to the rear elevation of the adjoining hotel. The building form of the adjoining hotel staggers down in scale from the Chesterton Road. The rear block would be set 2.4 metres off the western boundary and separated approx. 6.4 metres from the nearest point of the hotel building. The applicant's shadow study indicates that the proposed rear block would cast a shadow over the car park and nearest hotel building in the mornings of the months of March and September but would not in the month of June. Furthermore, there would be no significant levels of overshadowing over the garden of no.162. I am therefore satisfied that the scale and depth of the rear block would not appearing overbearing or dominant from the rear car park of the hotel (no.154) and garden of no.162.

8.21 Between the proposed front and rear block would be a communal landscaped courtyard. This area would serve as a main outdoor amenity space for future occupiers. Eleven of the lower ground level units would also have the benefit of outdoor terraces. Whilst there are no policies prescribing the amount of amenity space that needs to be provided with these types of schemes I have set out below how the amount of amenity space

compares to other similar schemes and how much amenity space would be provided per student.

Site	Number of rooms	Area of approved usable amenity space (sq.m)	Usable amenity per student (sq.m)
156-160 Chesterton Road 14/2051/FUL	41	227.8	5.6
91-93 East Road 14/0764/FUL	33	76	2.3
100 Histon Road 12/1576/FUL	71	329	4.6
1 Milton Road 14/1938/S73	211	168	1.86
7-9 Abby Street 11/1430/FUL	24	194	8.08
73 Humberstone Road 13/0415/FUL	15	67	4.46
Texaco Site 11/0876/FUL	98	45	0.46
Thompsons Lane 14/0133/FUL	72	154	2.1
Primrose Street 15/0140/FUL	30	197.6	6.6

8.22 The above table demonstrates that the level of amenity space for the proposed development is comparable to other recent similar schemes. In light of this, I consider that the scheme is still acceptable in terms of the ratio of outdoor amenity space per student and would therefore provide a high quality living environment for future occupiers. It should also be noted that the site is located a short walk from Chesterton Recreation Ground (a public park) off Elizabeth Way.

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

Public Art

8.24 The applicant is proposing to provide on site public art by incorporating the railing on the Chesterton Road frontage. In my view such provision would be appropriate given the scale of development and its prominent location.

8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

Renewable energy and sustainability

Renewable energy

8.26 The applicant is proposing is to utilise the roofscape of both blocks to incorporate an array of solar photovoltaic panels. The Sustainability Officer advises that the level of panels shown on the plans would not achieve the 10% requirement. The roof plan shows that there may be space to incorporate more panels on the rear block and whilst this addition may not achieve 10% it would increase the proposed level. I have therefore recommended a renewable energy condition to ensure the maximum level of renewable energy provision can be achieved from the site. This approach is supported by the Council's Sustainability Officer.

Sustainability

8.27 The site is highly accessible from public transport links and is on several direct routes into and from the city centre. Bus stops are located a short distance from the site.

8.28 The site is located close to a convenience store and other commercial/services along Chesterton Road. The site is also within a 20 minute walk and less than 10 minute cycle ride from the city centre.

8.29 In my opinion, subject to a renewable energy condition, the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with

Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

Disabled access

8.30 The proposal includes two accessible rooms in the front block; one on the ground floor and one on the lower ground floor. Both units would be located adjacent to the internal lift and within easy access of the main entrance fronting Chesterton Road. The proposal also includes a lift platform with canopy overhang on the rear elevation adjacent to both accessible rooms. This would provide access into the front block from the communal garden, particularly for wheel chair users.

8.31 The proposal also includes two disabled parking spaces located within the rear block. Part of the side elevation of the rear block would be open to enable access from the internal side passage. All internal paths are proposed to be 1 metre wide.

8.32 The internal arrangements of the proposal building have been designed to ensure wheelchairs are also able to access every level including the external courtyard. The proposed access arrangements are supported by the Access Officer.

8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

Impact on 162 Chesterton Road

8.34 The area is characterised by buildings fronting Chesterton Road and buildings at the rear fronting Sandy Lane with gardens, courtyards or car parking areas in between. To the east of the site is no.162 which is a two storey semi-detached dwelling. The dwelling has been extended at the rear and there are small timber sheds in the garden. There is also a detached single storey outbuilding which (during my last site visit) was fenced off from the garden. In the middle of the eastern boundary is a mature tree which would be 9.6 metres from the rear elevation of the rear block.

8.35 The front block would project beyond the main rear elevation of no.162 by 6.8 metres. This element would also be 3.6 metres off the boundary and stepped back from the adjacent part of the rear elevation. Having carried out a 45 degree test (from the approximate positon of the first floor window in no.162), the line of sight would clip the corner section of the rear projection. However, I do not consider this would have a significant adverse impact on the outlook from no.162. The shadow study also indicates that the proposed front block would not significant overshadow the rear garden of no.162 over and above the existing. The main impact from shadowing is likely to be in the late afternoon in the summer months.

8.36 No windows are proposed in the eastern elevation that would enable direct overlooking of the private amenity space. Two false windows have been proposed at ground and first floor but this is to add interest into the side elevation.

8.37 The proposed rear block would introduce windows in at upper ground floor and first floor levels that would face back into the site. The level of separation from the rear elevation of the rear block to the rear elevation of no.162 would be over 20 metres and the existing boundary tree would screen direct views from the windows in the student block. The applicant has proposed to arrange the rooms facing into the Courtyard so that the desks are located adjacent to the window in order to prevent future occupiers to stand up against the window. This would narrow the angle of view. To further mitigate any impact, the applicant is proposing to plant pleached trees along a section of both side boundaries. I have therefore recommended a landscape condition to ensure the details of such are submitted for officer approval. In this context, therefore, I am satisfied that the rear block would not cause significant overlooking of the adjoining neighbours such that it would have a significant adverse impact on their residential amenity.

154 Chesterton Road

8.38 In terms of the adjacent hotel site, the sensitivity of amenity impacts is not the same as a private dwelling because of the short term nature of the occupation. Nevertheless, the applicant is proposing to plant a row of pleached trees along the

boundary to mitigate any impact. In relation to the rear protection of the front block, this would not extend beyond the rear protection of the hotel building and would be set off the boundary by between 1.7 and 2.6 metres. I am therefore satisfied that the proposed development would not have a significant adverse impact on the hotel use in terms of scale and overlooking.

8.39 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

8.40 I am of the view that the proposed development would provide a high quality living environment for future residents particularly in this urban context. The communal garden would provide a pleasant outdoor space with a southerly aspect for all residents to enjoy.

8.41 The room sizes would vary between the 27 x studio student apartments and the 14 x 1bed student apartments. The size of the 27 studio units would range from 22.3 sqm to 35.2 sqm and the 1bed units would range from 32 sqm to 46.2 sqm. This range is considered to be appropriate for the type of accommodation being proposed and similar to other approved student accommodation schemes.

8.42 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

8.43 The refuse arrangement for the proposed development would be provided in on the ground floor of the rear block within a separate and internalised store. The store could be accessed from the communal area via a side passage adjacent to the eastern boundary and via double doors from Sandy Lane. The store would contain 12 bins; 3 x 660 litres for glass and paper recycling, 8 x 940 litre for general waste, and a 360 litre for

compostable waste. This would provide a total of 9860 litres of refuse storage which equates to 240 litres per unit. Details of how the refuse bins will be collected is not clear and therefore the Environmental Service Team has requested a Waste and Recycling condition, which I have recommended as condition X.

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

Highway Safety

8.45 The proposed development would not have a detrimental impact on highway safety. The County Highway Officer has however raised concerns with the potential impact on residential amenity from car parking associated with the proposed development. The applicant has confirmed that students will not be permitted to own or park vehicles at the site and this can be secured via a s106 Agreement.

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

Car and Cycle Parking

Car parking

8.47 The proposal includes provision for two off street parking spaces within the rear block. Both spaces would be for disabled parking. The applicant has also advised that there would be provision for three additional cars to be parked across the rear of the site on Sandy Lane. However, these spaces would only be used for dropping off and picking up during term time. This is proposed to be managed by the site manager. I have explained in paragraph 8.8 above why these spaces cannot be relied upon permanently.

8.48 Concerns have been raised locally regarding the potential negative impact from additional car parking from the proposed development. In my view this is unlikely to arise if controls are in place to prevent occupiers from keeping a car in the City. .

Cycle parking

4.49 The Cycle Parking Standards require 2 spaces per 3 bedspaces and 1 visitor space per 5 bedspaces. This would mean 28 spaces for occupiers are required and 9 visitor spaces. The proposal includes provision for 38 spaces in two separate areas; one in the rear block (22 spaces) and one in the front block (16 spaces. Both areas would provide secure and enclosed cycle storage. 8 visitor spaces are also proposed at the front of the site. I am satisfied with the proposed arrangement.

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

Third Party Representations

8.51 I set out below my response to the third party representations received below:

Representation	**Response**
Increase car parking	See para 8.47-8.48
Increased traffic	As above
Design is too large for the site and bulk from Sandy Lane which will overshadow a number of neighbouring gardens and adversely affect light and privacy;	See para 8.34-8.38
Size of house on Chesterton Road is out of proportion with neighbouring properties;	See para 8.14
Concerned with the sheer mass of the rear block and its proximity to the boundary	See para 8.17-8.20 and para 8.37-8.38
Loss of privacy from the windows in the rear block;	See Para 8.37-8.38

Increase in noise and disturbance and potentially antisocial behaviour;	The proposed student accommodation would be managed by an on-site manager/porter to ensure students abide by house rules. The manager/porter will also be available as a contact for the local community.
Ground works to excavate basement is of major concern as it could lead to subsidence and destabilise the foundations of neighbouring properties;	This is not a material planning issue.
Disruption during construction works	I have recommended a construction hours condition to mitigate impact outside of unsociable hours.
Drainage	The Drainage officer has not raised any significant concerns with capacity but has recommended a surface water drainage condition.

Planning Obligation Strategy

Planning Obligations

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

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

(b) directly related to the development; and

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

8.53 The Council has agreed an interim approach to seeking s106 contributions until the local implementation of a Community Infrastructure Levy for Cambridge. (Community Services Scrutiny Committee March 2015). The proposed interim approach aims to make sure that the planning authority can continue to mitigate the impact of new developments by securing new S106 contributions (where on-site mitigations are not appropriate) for specific projects at nearby facilities which may need to increase their capacity in order to meet demands arising from the new developments.

8.54 In this case officers have given consideration to the need to mitigate against impact on informal open space and sports facilities (indoor and outdoor).

Informal Open Space

8.55 The application proposes the erection of 27 x student studio units and 14 x 1bed student units. 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 calculated using the Planning Obligation Strategy (2010) are as follows:

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242	27	6534
1 bed	1.5	242	363	14	5082
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					**11616**

8.56 I have consulted the Development Manager (Streets and Open Spaces) to assess whether there are specific projects at nearby facilities which may need to increase their capacity in order to meet demands arising from the new developments. I will report his response on the Amendment Sheet or orally at the Committee meeting.

Sports Facilities (Indoor and Outdoor)

8.57 There is no evidence of specific projects at nearby facilities which may need to increase their capacity in order to meet demands arising from the new developments. In the light of this there is no justification to seek commuted sums to mitigate the impact of the new development.

Other Planning Obligations

Planning obligations are also required to secure occupancy restrictions and to prevent occupants, other than disabled students, from keeping a car in the City.

<u>Planning Obligations Conclusion</u>

8.58 It is my view, subject to further advice from the Development Manager (Streets and Open Spaces) that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

9.1 The proposed development for student accommodation comprising 41 units arranged within two blocks including bin and cycle storage and communal space and associated provision.

9.2 After careful consideration the proposal is considered to be acceptable in terms of its scale and design. The scale of development is in keeping with the built form along Chesterton Road and Sandy Lane. Whilst the rear elevation of the rear block would appear dominant against the existing outbuildings either side of it, I do not consider the scale of rear block is so significantly out of character as to justify refusal of planning permission.

9.3 The proposed building would have a limited impact on the residential amenity of the adjoining uses. The internal rooms at first floor level in the rear block have been arranged so that desks are located in front of windows to reduce the angle of view over the neighbours gardens. The proposal also includes landscaping along the boundaries to further mitigation overlooking from the rear block. The rear projection of the front block would be set off the boundary with the adjoining neighbours and would not appear unduly overbearing or create an adverse sense of enclosure.

9.4 In these terms, the proposed development is considered to comply with policies 3/4, 3/7, 3/12 and 7/10 of the adopted Cambridge Local Plan (2006).

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement and 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 (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. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

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

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

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced 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. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

7. Prior to the commencement of development, with the exception of the demolition of the existing buildings on the site, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the total predicted energy requirements of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme. It shall also include an assessment of any air quality noise or odour impact and mitigation measures required to maintain amenity and prevent nuisance in accordance with the Council's Sustainable Construction And Design Supplementary Planning Document shall be submitted to, and approved in writing by the LPA prior to installation. The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any of the flats hereby approved and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

   Reason: In the interests of reducing carbon dioxide emissions and to ensure that the development does not give rise to unacceptable pollution. (Cambridge Local Plan 2006 policies 4/13 and 8/16).

8. The approved renewable energy technologies set out in the Renewable Energy Statement approved under condition number [inset number of condition for Renewables 1 Condition on pp] shall be fully installed and operational prior to the first occupation of the development and shall thereafter be retained as and remain fully operational in accordance with the approved maintenance programme.

   Reason: In the interests of reducing carbon dioxide emissions and to ensure that the development does not give rise to unacceptable pollution. (Cambridge Local Plan 2006 policies 4/13, 4/14 and 8/16).

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

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

The development shall be carried out in accordance with the approved details.

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

10. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:
-Detailed history of the site uses and surrounding area (including any use of radioactive materials)
-General environmental setting.
-Site investigation strategy based on the information identified in the desk study.
(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

11. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:
(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

12. Implementation of remediation.

Prior to the first occupation of the development or (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

13. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.
(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

14. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:
a) Include details of the volumes and types of material proposed to be imported or reused on site
b) Include details of the proposed source(s) of the imported or reused material
c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
d) Include the results of the chemical testing which must show the material is suitable for use on the development
e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.
All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

15. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

16. 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)

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

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)

18. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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)

19. 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 policy4/13

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

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

21. 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 thereafter be retained as such.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policy 4/13)

22. Prior to the commencement of the development, full details and plans for the on-site storage facilities for waste and 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, or any other means of storage will be stationed to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. Details should include the on-site storage facilities for waste, including waste for recycling and the arrangements for the disposal of waste detailed; these arrangements shall subsequently be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

23. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

ii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In order to safeguard against the increased risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site (Cambridge Local Plan 2006 policies 3/7, 3/12 and 4/13).

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

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

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

The Public Art Delivery Plan shall include:

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

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

The Public Art Maintenance Plan shall include:

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

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

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

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

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

25. No windows or opening of any kind shall be installed in the west and/or east elevation of the approved building fronting Chesterton Road.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy 3/7

INFORMATIVE: Dust condition informative

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

-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

-Control of dust and emissions during construction and demolition - supplementary planning guidance
https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

INFORMATIVE: To satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 2014 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises.

It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into a noise assessment as described within this informative.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

INFORMATIVE: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

PLANNING COMMITTEE **1st July 2015**

Application Number	15/0363/FUL	**Agenda Item**	
Date Received	6th March 2015	**Officer**	Elizabeth Thomas
Target Date	5th June 2015		
Ward	West Chesterton		
Site	Land At 21 To 23 Milton Road Cambridge CB4 1UY		
Proposal	Erection of 10 dwellings to be arranged within two blocks comprising 5 x 1 bed flats and 1 x 2 bed flat at the front with 4 x 4 bed semi-detached dwellings at the rear along with 5 x car parking spaces, cycle parking and hard and soft landscaping		
Applicant	Elleric Limited		

SUMMARY	The development accords with the Development Plan for the following reasons: • The principle of residential development is acceptable • The new building will enhance the street frontage • The development will provide a reasonable amount of amenity for future occupiers and will not have adverse impact on residential amenity in the area.
RECOMMENDATION	APPROVAL with conditions

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is situated close to the southern end of Milton Road and runs along the east side of Westbrook Drive.

1.2 To the south and north of the site are semi-detached dwellings which front Milton Road and to the west is the Westbrook Centre which is a large scale office complex. The wider area is undergoing rapid change including the redevelopment of the Cambridge City football club ground and 1 Milton Road where

student accommodation blocks are under construction. The adjacent dwellings generally have long gardens which extend the full depth between Milton Road and the Westbrook Centre, but the exception is 19 Milton Road which has a shorter garden and is bounded to the side and rear by the application site. The site shares a boundary with 17 Milton Road.

1.3 There are no specific designated planning constraints affecting the site. However, there are surrounding constraints. 9 to 19 Milton Road are designated Buildings of Local Interest (BLI's). 19 Milton Road is adjacent to the proposal site. The site is also situated adjacent to a designated district and local centre.

2.0 THE PROPOSAL

2.1 The proposal is for the erection of 10 dwellings to be arranged within two blocks comprising 5 x 1 bed flats and 1 x 2 bed flat in a block on the Milton Road frontage and four 4 bed semi-detached dwellings at the rear facing Westbrook Drive. Five car parking spaces to serve the development and cycle parking/bin store to serve the flats sit between the two blocks. The houses have private garden space and flats five and six have roof level terraces/gardens. Hard and soft landscaping areas serve the other four flats.

2.2 There has already been a previously approved scheme on this site under reference 06/1286/FUL for the erection of 12 residential units comprising 12 residential units (10no 2 bed and 2no 1 bed), which was permitted.

2.3 The proposed scheme has been slightly amended to correct the proposed rear boundary line of proposed semi-detached plots 1 to 4 with 17 Milton Road.

3.0 SITE HISTORY

Reference	Description	Outcome
06/1286/FUL	Erection of 12 residential units.	A/C
10/0218/EXP	Extension of time for implementation of 06/1286/FUL for erection of 12 residential units.	Refused. (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 3/6 3/7 3/10 3/11 3/12 4/12 4/13 5/1 8/2 8/6 8/10

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

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

	<u>City Wide Guidance</u> Balanced and Mixed Communities – A Good Practice Guide (2006) Cycle Parking Guide for New Residential Developments (2010) Air Quality in Cambridge – Developers Guide (2008) Roof Extensions Design Guide (2003) 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 are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection to the principle of the proposal. Residents may seek to park on surrounding streets and although the impact of additional parking demand on these streets is unlikely to result in any significant adverse impact upon highway safety, there is, however, a potential impact upon residential amenity which the

Planning Authority may wish to consider when assessing this application.

The Transport Statement identifies the need for Corridor Area Transport contributions. The scale of the development is not of a scale that it could contribute meaningfully to any useful scheme in the vicinity and so no transport contribution is sought by the Highway Authority.

Refuse and Environment

6.2 No objection subject to conditions relating to contaminated land, construction hours, construction delivery hours, piling, airborne dust and noise insulation (traffic noise impact)

Urban Design and Conservation Team

6.3 **Scale and massing**

The Milton Road block rises to 2.5 storeys (with second floor accommodation located within the roof space). The height of the block is equivalent to the ridge height of Nos. 17-19 adjacent (approximately 8.6m) and is set approximately 3m away from the gable end of No. 19 Milton Road. The second floor is set back 2.4m behind the front parapet and forms a roof terrace to Plot 6. The rear 2 storey element of the block extends 7m back into the site and has the appearance of a subsidiary 'extension'.

The town house units (Plots 1-4) are 2.5 storeys (approximately 8.1m) in height and include flat roofs on the Westbrook Drive (front) elevation and pitched roofs on the rear. The second floor accommodation is setback 1.5m behind the front parapet and creating a roof terrace to the master bedrooms. Single storey flat roofed 'extensions' are proposed to the rear of the units and accommodate the lounge areas of the ground floor living spaces.

The proposed scale and massing of the flat block and town houses is acceptable in design terms and have the potential to relate well to the scale of the existing adjacent semi-detached houses on Milton Road.

Elevations and materials

The proposal takes a contemporary approach to the proposed elevation treatment. The projecting bay windows, chimneys and brick gable ends are supported and replicate, to some extent, the proportions of the surrounding semi-detached houses.

Proposed materials are included on the submitted drawings and comprise of pre-patented zinc cladding to the bay windows and 2nd floors, weathered buff facing brickwork and dark grey PPC Velfac composite windows. Natural slate tiles are also proposed for the rear pitched roof elements of the townhouses. The proposed materials are acceptable in design terms and should be conditioned should the application be approved. Further details of the treatment of the window heads and cills, parapet coping and rainwater downpipes and gutters needs to be provided as part of the discharge of conditions.

The 2nd floor levels of both the flat block and townhouses are clad in pre-patented zinc cladding. The junction between the cladding and brick gables needs to be clarified. Setting back the cladding would allow the 2nd floors to read as recessive elements and emphasise the appearance of the brick gables. This detail can be conditioned should the application be approved.

The proposed chimneys are supported in design terms and help articulate the roofline. It is not clear if the chimneys will be functional (i.e. accommodate vents/flue extracts from kitchens and bathrooms). The positioning of vent extracts on the front elevations should be avoided.

It is not clear if the PV panels will protrude above the roofline (and therefore be potentially visible from street level) or laid flat.

Landscape and amenity

The proposal includes private roof terraces for Plots F5 and F6 at second floor level. The terraces are large and form usable amenity spaces for these units. No private amenity space is provided for Plots F1-F4 (1 bed flats).

Gardens are proposed at the rear (south) of each of the townhouses and measure approximately 6m wide x 8m deep and form adequate and usable amenity spaces.

A 1m high brick wall is proposed on the Milton Road and Westbrook Drive frontages of the flat block. The brick wall boundary treatment should continue in front of the townhouse further along Westbrook Drive so as to enclose and define the thresholds of these units.

Cycle and refuse storage

Cycle and refuse storage is proposed within the rear gardens of the townhouses within designated enclosures and is acceptable in design terms.

The proposed width of the footpath to the rear garden of Plot 4 (1.1m wide narrowing to 1m) is too narrow. Paragraph 3.7.1 of the Cambridge Cycle Parking Guide for New Residential Developments (Feb 2010) states *'…where cycle parking is provided to the rear or side of private dwellings, the access way should preferably be 1500mm wide or a minimum of 1200mm, over a distance of no more than 10m'.* The width of the footpath should therefore be increased to 1.2m as a minimum.

The footpath between Plots 2 and 3 measures 1.5m narrowing to 1.2m and is acceptable in design terms.

Planning Obligations

The UDC team consider that a contribution towards the delivery of the Mitcham's Corner Opportunity Area Masterplan should be sought.

Conclusion

The scale and massing and elevation treatment of the flat block and townhouses have the potential to relate well to the existing adjacent semi-detached houses. The following amendments and further clarification of information is required before we could fully support the submitted application:

- Further details of the junction and setback of the pre-patented zinc cladding needs to be provided;

- Clarify that the proposed PV panels will not protrude above the roofline of the flat block;
- Continue the low brick boundary wall in front townhouses so as to enclose and define the threshold spaces, and;
- Increase the width of the footpath to the side of Plot 4 to accord with the City Council Cycle Parking Guide.

Conditions are recommended in relation to a sample panel, non-masonry walling systems and windows/doors

Landscape

6.4 No objections subject to conditions to control detailed landscaping proposals.

Policy (Senior Sustainability Officer Design and Construction)

6.5 Approach taken to sustainable development is supported. The use of photovoltaic cells and solar panels is predicted to result is a reduction in carbon emissions in excess of the 10% requirement.

Drainage

6.6 Support subject to condition relating to surface water drainage.

Anglian Water

6.7 Overall Anglian Water considers the water utility connections needed for the site are possible. There are assets owned by Anglian Water or those that are subject to an adoption agreement. An informative is recommended. The preferred method of surface water is SUDS in accordance with building regulations and a condition regarding surface water management is requested.

Ministry of Defence

6.8 No safeguarding objections.

Cambridgeshire Constabulary (Architectural Liaison Officer)

6.9 No objection to what is proposed

Cambridgeshire County Council (Archaeology)

6.10 Site lies in an area of high archaeological potential.

6.11 County archaeology do not object to the development, but request a condition for a programme of archaeological investigation secured through the inclusion of a negative condition.

6.12 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

17 Milton Road – (Objection and comment)

7.1 Object and comment on the grounds of:

- Not respecting character or context of the area
- Overdevelopment impacting on excessive traffic, noise and light pollution
- Inadequate parking
- Light pollution
- Overlooking
- Incorrect boundary line
- Water course running along the site

25 Metcalfe Road – (Neutral)

7.2 Comment on the following:

7.3 A public drain runs along the side of the Westbrook Drive; Anglian Water have records.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 The principle of development is acceptable the site is primarily surrounded by residential development and use. The site is in a sustainable location, which is within easy walking, cycling or public transport distance to everyday services and facility needs.

8.3 The proposed development is therefore considered compatible with adjoining uses. In my opinion, the principle of the development is acceptable and in accordance with policies 3/1 and 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

Response to context

8.4 The proposed development should simulate sensitively into its immediate surrounding context as the modern design compliments existing surrounding character and includes features such as chimney details and the alignment of windows. The perspective views of the proposal in the Design and Access Statement show a well integrated and formed design with aesthetics that have complemented characteristics from the surrounding and immediate vicinity.

8.5 The scale and massing of the overall proposed building forms is in keeping as the forms of the three main blocks of the proposed buildings match a similar footprint to the semi-detached properties that already exist on Milton Road. The

UDC team has not raised any concerns regarding the relationship of the development to the adjacent Buildings of Local Interest.

Movement and Access

8.6 The proposed development demonstrates good integration with the existing pattern and form of development as the front of the three proposed blocks face Milton Road and Westbrook Drive all of which provide a principle elevation, which relates to clear existing routes.

8.7 There is a clear presumption in favor of walking, cycling and public transport through the easily accessible links and sustainable location adjacent to a designated district and local centre as discussed in the principle of development section above in this report.

8.8 The proposed vehicle parking arrangement on the site is well integrated within the centre of the site, which helps to break up the form of the development and maintain the diverse spacious context west of Milton Road.

Layout

8.9 The layout of the proposed scheme follows a similar pattern and form of development as the existing semi-detached dwellings west of Milton Road in so far as the proposed shape and footprint form is similar to that existing in adjacent residential plots.

8.10 The principle of development will create a contemporary approach to the existing historic and diverse new development along this stretch of Milton Road, subsequently creating active fronts with natural surveillance, which should achieve functional, safe and enjoyable use.

Scale and Massing

8.11 The Milton Road block rises to 2.5 storeys (with second floor accommodation located within the roof space). The height of the block is equivalent to the ridge height of Nos. 17-19 adjacent (approximately 8.6m) and is set approximately 3m away from the gable end of No. 19 Milton Road. The second

floor is set back 2.4m behind the front parapet and forms a roof terrace to Plot 6. The rear 2 storey element of the block extends 7m back into the site and has the appearance of a subsidiary 'extension'.

8.12 The town house units (Plots 1-4) are 2.5 storeys (approximately 8.1m) in height and include flat roofs on the Westbrook Drive (front) elevation and pitched roofs on the rear. The second floor accommodation is setback 1.5m behind the front parapet and creating a roof terrace to the master bedrooms. Single storey flat roofed 'extensions' are proposed to the rear of the units and accommodate the lounge areas of the ground floor living spaces.

8.13 The proposed scale and massing of the flat block and town houses is acceptable in design terms. I concur with the view of the UDC team that the development as the potential to relate well to the scale of the existing adjacent semi-detached houses on Milton Road. I consider that the proposed development will create a positive impact on the area and street scape and the active frontage that will be created will add to the sense of changing place of Milton Road.

Open space and landscaping

8.14 The proposed landscaping is integral to the proposed development as there is amenity and landscaping surrounding the site with some units benefiting from private roof terraces. There is no private amenity space provided for plots F1 to F4 (1 bed flats) but there is some landscaping/amenity space to the front of the building that may be used. Jesus Green and Midsummer Common are within a few minutes walking distance from the site. This is considered adequate to meet the needs of plots F1 to F4 (1 bed flats).

Elevations and Materials

8.15 The proposal takes a contemporary approach to the proposed elevation treatment. The projecting bay windows, chimneys and brick gable ends are supported and replicate, to some extent, the proportions of the surrounding semi-detached houses.

8.16 Proposed materials are included on the submitted drawings and comprise of pre-patinated zinc cladding to the bay windows and

2nd floors, weathered buff facing brickwork and dark grey PPC Velfac composite windows. Natural slate tiles are also proposed for the rear pitched roof elements of the townhouses. The proposed materials are acceptable in design terms and can be controlled by condition.

8.17 The 2nd floor levels of both the flat block and townhouses are clad in pre-patinated zinc cladding. The junction between the cladding and brick gables needs to be clarified. Setting back the cladding would allow the 2nd floors to read as recessive elements and emphasise the appearance of the brick gables. This detail can be conditioned should the application be approved.

8.18 The proposed chimneys are supported in design terms and help articulate the roofline. It is not clear if the chimneys will be functional (i.e. accommodate vents/flue extracts from kitchens and bathrooms). The positioning of vent extracts on the front elevations should be avoided. I have recommended a condition relating to ventilation grilles etc.

8.19 The submitted drawings (Proposed Flats Plans & Elevations drawing 355 P- 02 Rev P4) shows 'self-weighted PV panels' on the flat roof of the flat block, it is not clear if the PV panels will protrude above the roofline (and therefore be potentially visible from street level) or laid flat. I have recommended a condition to control the appearance and position of solar panels.

Public Art

8.20 The scheme does not incorporate any public art. In my view given the scale of the development it is not necessary to secure public art in order to make the development acceptable in this case.

8.21 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.22 The application should not have any detrimental impact on neighbouring amenity because the four proposed semi-

detached dwellings are set 8 metres away from the rear side boundary line of number 17 Milton Road. There are also landscaping features proposed to help with screening which will enhance existing planting in gardens which already screens the site.

8.23 The proposed first floor rear windows of the four proposed semi-detached dwellings will contain fixed screens to ensure views are not direct into the rear gardens of Milton Road they will be obscured to the west of the site. I have recommended the conditions suggested by the Environmental Health officer regarding construction impacts.

8.24 The Highways officer has raised the potential for off street parking to have an impact on amenity given the limited car parking on site. In my view given the scale of the scheme and the proximity to local facilities and public transport the potential for this is low. I have recommended an informative regarding car clubs.

8.25 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

8.26 I consider the proposed development can accommodate for adequate amenity for the units proposed. The four proposed semi-detached dwellings will contain rear gardens and roof terraced facing Westbrook Drive. Flat 5 and 6 will contain their own roof gardens. Flat 1 to 4 will not have any specific amenity space provided. However, as previously discussed there is some landscaping in front of the proposed flat building and Jesus Green and Midsummer Common open space is within easy walking distance. I have recommended conditions in relation to contaminated land remediation.

8.27 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

8.28 A bin store is proposed adjacent to the flat block. This accommodates the bins and is accessible by refuse vehicles. Each house has space for bin storage in the rear garden and the occupiers will move the bins to the street edge on collection day.

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

Highway Safety

8.30 The Highways officer has not identified any highway safety issues associated with the development. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.31 The proposed cycle parking arrangements are acceptable. The proposed development can accommodate 4 cycle parking spaces per semi-detached dwelling and 8 cycle parking spaces for 6 flats (which includes 5 flats at 1 bedroom and 1 flat at 2 bedroom). The detail of the cycle parking will need to be established via condition.

8.32 The proposed development can accommodate for 5 parking spaces which is appropriate given the highly accessible location. A car club informative is recommended.

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

Third Party Representations

8.34 I have addressed the majority of issues raised in my assessment. I have considered the outstanding matters accordingly:

<u>Light pollution</u>

I do not consider the proposed development to create detrimental light pollution to surrounding neighbouring

properties as the size of windows and the relationship of the proposed buildings to existing properties are of adequate spacing and distance for the locality and surrounding relation to context.

Incorrect boundary line

This has been noted and addressed with a subsequent amended drawing to correct the south boundary line.

Water course running along the site

Anglian Water and the Drainage officer have noted this in their comments and I have recommended a surface water condition.

Planning Obligations

8.35 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold (826sqm) therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

8.36 The UDC team has requested that a contribution towards the delivery of the Mitcham's Corner Opportunity Area Masterplan. In my view the scheme is of a scale where this is not reasonable.

9.0 CONCLUSION

9.1 The proposed development will enable a well-integrated scheme that should assimilate within the street scene in a complementary way. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to conditions

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

   Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

   (a) Desk study to include:
   -Detailed history of the site uses and surrounding area (including any use of radioactive materials)
   -General environmental setting.
   -Site investigation strategy based on the information identified in the desk study.
   (b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

   Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:
(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

5. Implementation of remediation.

Prior to the first occupation of the development or (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.
(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:
a) Include details of the volumes and types of material proposed to be imported or reused on site
b) Include details of the proposed source(s) of the imported or reused material
c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
d) Include the results of the chemical testing which must show the material is suitable for use on the development
e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.
All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

9. 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)

10. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

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

    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)

12. 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 policy4/13

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

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

14. Prior to the commencement of development, with the exception of below ground works, full details of all windows and doors, as identified on the approved drawings, including design, materials, colours, surface finishes/textures shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

    Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

15. Prior to the commencement of development, with the exception of below ground works, full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. The development shall be carried out in accordance with the approved details.

    Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the non-masonry walling systems/cladding panels/other external screens is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

16. Prior to the commencement of development, with the exception of below ground works, full details of the junction between the cladding and the brick gables shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

    Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

17. Prior to the commencement of development, with the exception of below ground works, full details of all ventilation grilles shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

    Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

18. Prior to the commencement of development, with the exception of below ground works, full details of the appearance and positon of photovoltaic cells/solar panels shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

    Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

19. 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)

20. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

21. 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 residents. Cambridge Local Plan 2006 policy4/13

22. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall:

1. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16)

23. 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: 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: Dust condition informative

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

-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

-Control of dust and emissions during construction and demolition - supplementary planning guidance
https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

INFORMATIVE: Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted a the developers cost under Section 185 of the Water Industry Act 1991 or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

INFORMATIVE: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

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PLANNING COMMITTEE **1st July 2015**

Application Number	15/0140/FUL	**Agenda Item**	
Date Received	2nd February 2015	**Officer**	Mr Amit Patel
Target Date	4th May 2015		
Ward	West Chesterton		
Site	Former Hilltop Day Centre Primrose Street Cambridge CB4 3EH		
Proposal	Erection of student accommodation comprising 30 studios, a common room, laundry room, bin and bicycle store, following the demolition of the existing building.		
Applicant	MPM Properties (PS) Ltd		

SUMMARY	The development accords with the Development Plan for the following reasons: • The community facility previously accommodated on the site has been relocated • The use is compatible with surrounding residential uses • The design of the building is appropriate in the street scene
RECOMMENDATION	APPROVAL

0.0 ADDITIONAL INFORMATION FOLLOWING DEFERRAL FROM PLANNING COMMITTEE JUNE 2015

0.1 This application was considered by Planning Committee at their meeting on 3 June 2015. At the meeting the Committee decided to defer the determination of the application to enable officers to provide further guidance in respect of the following:

a) A Draft Management Plan
b) Clarification of arrangements for an on-site warden
c) Restrictions of occupancy
d) Restrictions on occupiers keeping a private car
e) Provision of amenity space for use by residents.

0.2 The applicant has provided further information as follows:

- Draft Management Plan (Appendix1)
- Covering Letter (Appendix 2)
- Advice from SAB letting agents (Appendix 3)
- Letter from Savills (Appendix 4)
- Landscape Plan (Appendix 5)
- Amenity Space Study (Appendix 6)

0.3 These documents cover the reasons for the deferral and other points raised by the Committee in its discussion, such as:

1. The control of the drop off area
2. Relationship with Anglia Ruskin University and University of Cambridge

0.4 **Draft Management Plan**

The applicants have submitted a draft Management Plan which covers the following:

1. Introduction which contains the philosophy of the scheme, management principles and the scheme;
2. Traffic Management which includes how and who will control the arrival and leaving of students, introduction letter to students, enforcement of no car policy, which is discussed in detail below and bicycle parking;
3. Access to and from the building, bike store and disabled and maintenance;
4. Security which covers security in and around the building and includes contact of the managing agent details and security plan in case of major incidents which will be provided to students on the commencement of Tenancy Agreement.
5. Refuse storage and collection covers details such as responsibilities of waste discarding to the storage compound, security, ventilation and vermin control and bin enclosure design which covers collection, how the bins are identified and information to students.

0.5 **On-site warden/arrangements for 24 hour contact**

The applicants have provided details of the Management Company and Draft Management Plan to cover this point. The

Managing Agent will provide day to day management of the facility. They have experience in providing this service elsewhere in the City and it is stated that the Tenancy Agreement, House rules, Management Plan and onsite facility will be provided and the managing agents will be contactable 24 hours a day. Section 4 of the draft Management Plan states that contact details of the managing agent (SAB) will be available on site or by phone 24 hours a day and the contact details will be displayed on the building. SAB in their covering letter under paragraph 2 state that they manage other student blocks and provide 24hour contact to both neighbours and students in case of any issues. I consider that this would

0.6 **Restrictions on occupancy**

The section 106 is a tried and tested means of restricting the occupancy of the building by students of Anglia Ruskin University or the University of Cambridge.

The draft Management Plan in the introduction section under Management Principles states that the rooms will be let on a sole occupancy Tenancy Agreement. SAB as the managing agents have also confirmed in their letter under paragraph 12 that the tenancy agreement is for sole occupancy. They add that this is needed for insurance purposes as well. Once the student signs the Tenancy Agreement house rules will be distributed which will enforce this. A student representative will be proposed to keep a close eye on management matters with an out of hour's number which will be displayed around the building.

The Tenancy Agreement will run for 48 to 50 weeks. Out of term time use would not be feasible as the rooms will be let for most of the year. If the student leaves early the type of occupier is controlled by the legal agreement and Management Plan and in addition controlled as part of condition 18.

0.7 **Restrictions on occupiers keeping a private car**

The draft Management Agreement also sets out that no cars will be allowed to be kept by students under the section headed the scheme and traffic/parking/bikes. The latter section also states the plan of action if students are found to have cars under the enforcement of no car policy.

SAB the managing agent have also confirmed that the Tenancy Agreement will have a clause within it requiring that the students will not keep a car and this will be enforced. They state that as the Tenancy is a legally binding contract and understand that this issue can raise issues with other neighbours they actively police this once they are made aware from either a neighbour or students. The draft Management Plan as sets out that if breaches of this are found then there will be a fine and if this continues the student will be asked to leave.

SAB also confirm that a breach of this under the Tenancy Agreement will be acted on quickly. They add that due to high competition, re-letting the space would not be difficult. Having looked at the information provided I consider that the management and enforcement of this section is robust and acceptable.

0.8 **Provision of amenity space for use by residents.**

The applicants working with the Council's Urban Design and Conservation Team have provided an updated landscaping plan with some comparisons (appendix 5 and 6) about the amount of amenity space provided on the proposed development and other comparable developments. The table shows that 6.6 square meters of useable amenity space provided per student. This is at the high end of other student accommodation schemes. This is the second highest behind 7 to 9 Abbey Street. SAB as the managing agent have stated that in their experience of other student schemes the provision of the amenity space is welcomed but being in close proximity to larger open space of Midsummer Common and Jesus Green the students are likely to use this space more than the space onsite. From previous experience the use of the on-site facility will generally be ad hoc and weather dependant.

0.9 **The control of the drop off area**

The draft Management Agreement includes traffic management under section 2. The draft Management Plan shows that the arrival and departure of students travelling by car will be controlled over a two week period. The managing agents SAB also confirm that students prior to their arrival and departure will be given slots which will be controlled by them. They state that

not all students will arrive by car and considering that it will be 30 students arriving or leaving over a two week period and designated space to deliver and collect their possessions the task will not be difficult to deliver. SAB have extensive experience in managing student accommodations around the City. I consider that this procedure will help in alleviating the concerns raised.

Relationship to Anglia Ruskin University and University of Cambridge

0.10 The applicant has provided information on routes to and from Anglia Ruskin and University of Cambridge from the site in their covering letter. This shows that Anglia Ruskin University is located approximately 2km away from the site. The City Centre is approximately 1.5km, which is comparable to other student developments. I have done my own google maps search and agree that the distances quoted are accurate. The distances are not significantly different from other student accommodation developments e.g. 100 Histon Road and 1 Milton Road.

CONCLUSION

0.11 In my view the additional information from the applicants addresses the issues which were the subject of the deferral by Planning Committee. They support my recommendation that student accommodation is an appropriate use of site and I continue to recommend approval.

0.12 My recommendation remains subject to the completion of a s106 Agreement to secure occupancy controls and to prevent occupiers bringing a car into the City. A contribution towards the provision of public art off site is no longer required because this should not be sought in the light of the Ministerial Statement.

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site accommodates a vacant care home at the end of Primrose Street on the eastern side of the road. The sites topography is such that the Primrose Street side is approximately 2m higher than the Greens Road side.

1.2 The care home building is single-storey on the Primrose Street frontage and two to three-storeys on the Greens Road side with a mono-pitched roof. To the north the building is adjacent to a care home and to the east and south it is bounded by residential properties. The western boundary is Primrose Street. Primrose Street is a narrow street characterised by predominately residential properties, two-storey in height.

1.3 The site is within a Conservation Area and has two substantial trees on the frontage which have Tree Preservation Orders on them. The site is outside a controlled parking zone.

2.0 THE PROPOSAL

2.1 The application seeks approval for the demolition of the existing care home and construction of a 30 room student accommodation. The design will be contemporary with the use of modern materials.

2.2 The replacement building will be higher than the current building in that the Primrose Street elevation will increase from single storey to three storey with part of this elevation at lower ground floor. At street level the elevation will appear as two-storey with living space in the roof. There will be a two-storey element on the south side which will be set back from the Primrose Street elevation.

2.3 There is a two storey wing currently that runs along the boundary with the care home on the northern side. This will increase in height to three storey but again with a lower ground floor and will reduce in depth so the building will be pulled away from the boundary with number 47 Greens Road.

2.4 Due to the topography of the site the rear elevation facing Greens Road currently appears as a two storey building. The new proposal will increase to appear as a three storey building with living space in the roof. On this elevation there is a stair well close to 47 Greens Road and care home boundary. There is also a common room in this corner with doors allowing access to patio area.

2.5 The application has been amended three times since submission. The first amendments were a response to concerns

raised by the Urban Design and Conservation (UDC) and Landscape teams and neighbours.

The first amendments are as follows:

- Removal of external stair tower from the rear of the building and provision of an internal staircase
- Relocation of Common Room to the southern end of the building
- Reconfigured form of the building at the rear on the northern corner of the building (to accommodate the internal staircase)
- Enclosure of bike store and provision of revised racking system
- Reconfiguration of internal rooms to reflect provision of internal staircase
- Removal of timber cladding on the elevations
- Installation of additional roof lights
- Reconfiguration of amenity area. A terraced area has been provided and the enclosed garden area has been pulled back from Green's Road to enable the turning head to remain
- Confirmation that the pedestrian link will be enclosed by railings and will be illuminated.

2.6 The second amendments which were received in response to concerns of officers were as follows:

- Changes to the dormer design
- Timber cladding removed from all elevations
- Balcony balustrade have been removed
- Changes to the full height windows in the east elevation introduces obscure glazing to the lower half
- The light well to the front lower ground level have been treated to be smooth white render
- Access door to the lower ground floor level units facing Primrose Street have been removed
- Treatment windows to units S16 and S25 which have an outlook towards Primrose Street
- The amenity area has been pulled back to enable a turning area at the head of Green's Road

2.7 The third amendment which were received in response to consultee and officer concerns were as follows:

- Omission of the footpath link between Primrose Street and Green Street
- Common room moved to centre of the rear elevation and patio moved and landscaping introduced adjacent to boundary with 22 Primrose Street
- Associated internal and external alterations.
- Relocation of access gates to Green's Road and additional gate for maintenance

3.0 SITE HISTORY

Reference	Description	Outcome
C/64/0508	Extension to old people s home to provide new sitting room etc.	Permitted
C/73/0235	Erection of two-storey Day Centre, with kitchens and storage	Permitted

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/12 4/4 4/6 4/7 4/11 5/11 5/12 5/13 5/14 5/15 7/10 8/1 8/2 8/4 8/5 8/6 8/9 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Planning Obligation Strategy (March 2010) Public Art (January 2010)

	<u>City Wide Guidance</u> Cambridge City Council (2011) - Open Space and Recreation Strategy Balanced and Mixed Communities – A Good Practice Guide (2006) Cambridgeshire Design Guide For Streets and Public Realm (2007) Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Cambridge City Council (2003)–Northern Corridor Area Transport Plan: Castle and Victoria Road Conservation Area Appraisal (2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Application as submitted

6.1 The Transport Statement makes several unsupported statement. Further information is required to fully assess the impact of the proposal.

The applicants must show dimensions for the proposed disabled car parking space and access to it. There may be additional car parking demands for on street car parking but it is unlikely to result in adverse impact on highway safety.

If the above can be met then the highway authority recommends conditions relating to boundary materials, no gates, drainage, redundant cross over, access to be retained free from obstruction, contractors arrangement and informatives relating to works in highway, encroachment and public utility.

Comments in response to Amendment 23rd March 2015

No additional comments the original comments still stand.

Comments in response to Amendment dated 12th May 2015

To be reported on Amendment Sheet

Head of Refuse and Environment

Application as submitted

No objection to the application in principle subject to the following conditions contaminated land, construction hours, piling, dust and Informative relating to dust.

Comments in response to Amendment 23rd March 2015

Previous comments still relevant.

Comments in response to Amendment dated 12th May 2015

To be reported on Amendment Sheet

Urban Design and Conservation Team

Application as submitted

The scale and massing of the proposal is acceptable. The design of the proposal is also acceptable in the street scene. There are concerns over the usability of the rear amenity space as the patio area and the common room are hidden behind the stair well the area will not be a well-designed space as it will be in shadow for most of the time. The privacy of future occupiers to the rear elevation will not be high quality as there is no buffer space between the amenity area and the living room windows for the lower ground units facing Green Street. Concerns are also raised regarding the light into the lower ground units facing Primrose Street and the windows at high level will give rise to overlooking and loss of privacy to adjoining neighbours on Green Street and Primrose Street.

Comments in response to Amendment 10th March 2015

The proposal is better related to the amenity space and the breaking up of the dormers is acceptable in design and conservation terms. The proposal has addressed the previous concerns raised and subject to conditions relating to brick sample, walling system, windows, solar panels and railing details.

Comments in response to Amendment dated 12th May 2015

The consultees have not been consulted

Senior Sustainability Officer (Design and Construction)

Application as submitted

The overall approach to sustainable design is acceptable. There are no targets set for water consumption and fixture and fittings to achieve this. Water butts may be added and the specification of materials needs to be considered recommendations relating to Green Guides to Specification as well as FSC and PEFC.

There needs clarification on the energy strategy as there may be shadowing from dormer and the stair well on the proposed panels and the Carbon figure in Appendix 1 seems a little high and clarification is sought for this.

Comments in response to Amendment 23rd March 2015

The design of the dormers will reduce shadowing on the panels. Clarification is sought on whether optimisers or inverters are to be used and original comments on calculations still stand but can be conditioned.

Access Officer

Application as submitted

A ramp is needed for the upper ground floor entrance, the entrance shall have tactile marking and be useable by all. Two car parking spacing are preferred and doors shall open outwards to bathroom/toilet and shower room. Colour contrast and signage is needed for the visually impaired. Doors need to be designed so they are powered or held open on magnets. Two disabled rooms need to be provided. The wheelchair room needs to be near car parking space. The room is not acceptable in design and further discussions are needed with the architect. Hearing loops are needed and lifts should serve all floors.

Not consulted on the amendments.

Head of Streets and Open Spaces (Tree Team)

Comments in response to Amendment dated 12th May 2015

The trees at the front are important in the street. The new building is within the Root Protection Area of the retained trees and the building can be constructed without material damage being caused to trees. This is acceptable subject to conditions relating to Arboriculture Method Statement and Tree Protection Plan, Agree tree works on site and the Arboriculture Method Statement and Tree Protection Plan shall be implemented.

Head of Streets and Open Spaces (Landscape Team)

Application as submitted

The proposal cannot be supported as the common room will need to be relocated and a threshold in front of the lower ground floor rooms facing the amenity area shall be provided and the proposed link through is a concern relation to Secure by Design.

Comments in response to Amendment 23rd March 2015

Acceptable subject to condition relating to hard and soft landscaping.

Head of Streets and Open Spaces (Walking and Cycling Officer)

Comments in response to Amendment dated 12th May 2015

Comments have been received on the amended scheme to seek clarification on the layout and stands to be used.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

Application as submitted

The use of soakaways is acceptable. The proposal is acceptable subject to conditions relating to surface water drainage and levels.

Comments in response to Amendment 23rd March 2015

Original comments remain valid.

Defence Safeguarding

No safeguarding objections.

Housing Services Enabling Team

The site is for 100% student accommodation and therefore affordable housing is not required on site.

Planning Policy Team

Application as submitted

The proposal is speculative and therefore policy 7/10 should apply. The occupation of the student accommodation shall be secured by legal agreement with either University of Cambridge or Anglia Ruskin. Without a legal agreement the proposal is not compliant with Cambridge Local Plan (2006).

Further details are required to demonstrate if there is any interest from either university.

In the current form the application is not supported.

Comments in response to Amendment 23rd March 2015

Information has been submitted that the applicant is willing to enter into a legal agreement and therefore the application is policy compliant.

Anglian Water

Application as submitted

No asset owned by Anglia Water or those subject to adoption agreement within the development boundary. Wastewater treatment is with Water Recycling Centre that has capacity for the development. Foul Sewerage Network also has capacity and the developer should serve notice under s106 of the Water Industry Act 1991. Surface Water and Trade Effluent is not with in the remit of Anglia Water.

Cambridgeshire Constabulary (Architectural Liaison Officer)

Application as submitted

There is no anti-social behaviour in the area. The informal link between Greens Road and Primrose Street could be designed out from a safety perspective. The boundary treatment and glazing on the ground floor will need to have outlook over the path way for safety reasons and protection of the site. Mail

delivery shall be external or through the wall and visitor entry by intercom with no automatic door release. There are no objections in principal to the proposal.

Comments in response to Amendment 23rd March 2015

Further to my comments on the footpath through the development linking Primrose Street to Greens Road, I have been giving a lot of thought to the creation of a narrow enclosed passageway which will dogleg and give the user no view of the path ahead. This type of design is contrary to any advice given on footpath design.
Secured by Design outlines the following:
Footpaths should not run to the rear of properties. This design could give access to the garden of the next door property.
Footpath design should be as straight as possible, Wide, Well lit, Devoid of hiding places, Overlooked (which in this case it should be, maybe not when dark though).
For reasons of community safety (outlined above), I strongly feel the enclosed footpath link should be designed out of the scheme.

Comments in response to Amendment 12th May

The footpath between Primrose Street and Greens Road has been designed out and now fully support the application from a crime reduction and/or community safety perspective.

Nature Conservation Officer

Comments in response to Amendment 12th May

The Ecology report states that there are several potential access points for bats. It is recommended that prior to any development a survey is undertaken and provision of bird and bat boxes to enhance biodiversity shall be agreed by condition. This should include numbers, specification and locations.

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 Comments have been received from Julian Huppert MP. The concerns raised are as follows:

- The proposal is poorly suited to the site and will exacerbate the existing problems of access onsite;
- The proposal will double the number residents in a quiet cul-de-sac street and impact upon the access for servicing traffic which is already an issue in the street;
- With no useable pavement, guest with disabilities may find it particularly difficult to access;

7.2 Comments have also been received from the West Chesterton Labour Party, their concerns are as follows:

- The proposed use is not suitable for the area, as Primrose Street has poor access and is residential in character and care home;
- The design does not compliment the two-storey character of the area;
- There will be overlooking, overshadowing and loss of privacy to adjoining properties;
- There will be an increased noise and disturbance in the street with this type of use;
- There is no provision on site for parking and this will be difficult to control;
- Studio flats are not required by Universities in Cambridge and therefore this may change into another use which would be even more detrimental to the amenity of Primrose Street.
- Access from Greens Road to Primrose Street to remain
- Drainage concerns about the new development

7.3 The owners/occupiers of the following addresses have made representations in relation to the application as submitted:

- 10 Greens Road
- 12 Greens Road
- 47 Greens Road
- 2 Primrose Street
- 4 Primrose Street
- 6 Primrose Street
- 7 Primrose Street
- 11 Primrose Street

- 12 Primrose Street

7.4 The representations can be summarised as follows:

Principal

- Site is not located for student accommodation and is not linked with Anglia Ruskin
- No affordable housing is provided
- Not compliant with Cambridge Local Plan 2006
- The increase in number of students will alter the character of the street
- How is the proposal going to be managed and who is to live there?

Design

- The design does not conform to the design in the street by siting the building close to the pavement
- Overdevelopment of the site due to the density of the incoming student numbers

Amenity

- There will be noise and disturbance due to the increase in traffic and gathering in the street
- The proposed building will be overbearing and create overshadowing and overlooking to neighbouring properties

Traffic

- The area will become overcrowded with extra traffic and pedestrian movements impacting on highway safety for children;
- The proposed grassed area leading to Greens Road will remove the turning space;
- The removal of the turning circle in Greens Road will lead to Greens Road being blocked and not enough room to turn vehicles
- The Transport Statement is incorrect and nearest bus stop for students is near Greens Road and they will have an additional impact on traffic and amenity of Greens Road

Revised scheme (9th March 2015)

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

- 47 Greens Road (x3)
- 49 Hertford Street
- 5 Primrose Street
- 9 Primrose Street
- 10 Primrose Street
- 72 Victoria Road

7.6 The representations can be summarised as follows:

Principal

- The proposal needs to have a legal agreement in place and good management plan
- Not in keeping with the character of the area
- Only for student accommodation

Design

- The proposal is still out of keeping with the character of the street and design of the Victorian Terrace as the fenestration details such as windows and bays need to be more sympathetic to the area
- Scale and size and density is too great for the site and area
- The path way is not a appropriate secure by design

Amenity

- Noise and disturbance

Trees

- The TPO trees will need work to accommodate the proposal which will be detrimental to the trees

Parking and traffic

- Increase parking pressure on street from students and visitors
- Increase traffic and air quality impact

- Access to the site is severely restricted by the narrow street and construction traffic will impact on this

Amendments dated 24th March 2015

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

- 12 Greens Road
- 47 Greens Road (x5)
- 7 Primrose Street
- 10 Primrose Street
- 12 Primrose Street
- 72 Victoria Road

7.8 The representations can be summarised as follows:

Principal

- Same objections on as previously on the grounds that not appropriate development for the site

Deign

- Not appropriate for the street in terms of scale and massing
- Not in keeping with the character of the Conservation Area
- The path should be designed out of the scheme

Amenity

- Over development
- Density of numbers too high for the site and area
- Impact on adjoining neighbours through noise and disturbance

Car Parking

- Impact on car parking
- Management on site relating to car parking
- No space for turning and therefore impact on traffic safety with larger vehicles

Other

- The proposal should go ahead but subject to tight control on contractors and management of the contractors

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

Principle of Development

8.2 The site is a former care home which constitutes a community facility. Policy 5/11 is pertinent. Policy 5/11 of the Cambridge Local Plan (2006) states that development leading to the loss of community facilities will only be permitted if it can be demonstrated that a) the facility can be replaced to at least its existing level and quality within the new development; or b) the facility is to be relocated to another appropriate premises or site of similar accessibility for its users; or c) there is no longer a need within the local community for the facility or that the need can be adequately met at an alternative facility of similar accessibility for its users.

8.3 The facility has been relocated to a site in Newmarket Road development and therefore in my opinion, the care home use has relocated to other appropriate premises with similar accessibility and the proposal complies with part b) of policy 5/11 of the Local Plan.

8.4 This is not an allocated site. The principle of development for student accommodation would be in accordance with development plan policy provided that clauses in a Section 106 agreement were in place to restrict occupancy to full-time students of the city's two universities and to prevent such occupiers from keeping cars in the city. The applicants are prepared to enter into such an agreement, although it has not yet been completed.

8.5 In my opinion, subject to an appropriate legal agreement to restrict occupancy, the principle of the development is acceptable and in accordance with policies 5/11 and 7/10 of the Cambridge Local Plan 2006.

Context of site, design and external spaces

Scale and massing

8.6 Representations have been received that the proposal does not fit into the context of the site or the wider Conservation Area. The site is higher at the Primrose Street level than the rear elevation facing Greens Road. The proposed building will be contemporary in design but will take cues from the surrounding as it will be similar in height to number 22 and will have bay design and pitched roof with individual dormers. I appreciate that the design and materials will be modern but I consider that there are a mixture of designs and materials in the area from the Victorian Terrace to the single-storey care home and three storey buildings.

8.7 The street frontage of the building is approximately 26.5m in length. The Primrose Street frontage is broken into two elements, the southern element is 2 storeys plus pitched roof (8.2m high to the ridge) and forms a similar building line to that of the adjacent No. 22 Primrose Street. The northern element of the building rises to 2.5 storeys (9.8m high to the ridge line) and includes accommodation within the pitched roof space. The 2.5 storey element is set 5.2m further forward of the 2 storey

element and front elevation of No. 22 Primrose Street but is setback 2m from the existing building line of the Day Centre.

8.8 The proposed new building relates to its context in terms of height, the 2.5 storey element being only slightly higher (0.34m) than the ridge line of the existing No. 22 Primrose Street building to the south of the site. I have assessed the scale and massing of the proposal against the existing built form which surrounds the site. I have also considered the advice given by the Urban Design and Conservation team.

8.9 In the revised scheme, the reduction in dormer sizes and the removal of the rear stair and relocation of the common room has been acceptable to the Urban Design and Conservation Team and the Landscape Officer. They considered that the scale and massing was acceptable but the layout caused concern regarding the usability of the common room and the amended scheme has addressed their concerns I am satisfied that the proposal would not have a harmful impact on the conservation area, and is appropriate in its context. I concur with the advice of the Urban Design and Conservation team that the proposal is acceptable in design terms, I recommend conditions relating to the materials (3), walling system (4), windows (5), solar panel (6) and railing details (7).

Landscaping

8.10 The Landscape Officer raised concerns regarding the landscaped area to the rear and the function of it. The revised scheme removes the stairwell and relocates the common room. The landscape officer is content with this subject to a hard and soft landscaping condition (8). I agree with her advice and recommend a condition.

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

Public Art

8.12 All major developments are required to provide Public Art either on site, if appropriate, or as a commuted sum. This is a very constrained site. A strategy for Public Art will need to be agreed through the section 106 agreement. The applicants have proposed a commuted sum which is appropriate in my view.

8.13 In order to pass the Community Infrastructure Levy tests the provision of public art needs to be directly related to the development, reasonable in scale and kind and necessary to make the development acceptable in planning terms.

8.14 In this case the provision of commuted sums would facilitate the provision of public art in the vicinity of the site. The commuted sum is based on construction cost so has a direct relationship with the scale of development. The provision of public art is necessary to enable the development to be accordance with planning policy and would enhance the development.

8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

Renewable energy and sustainability

8.16 Policy 8/16 of the Cambridge Local Plan (2006) states that 10% of the development's total predicted energy requirements must be provided on site from renewable energy sources. To meet the requirements of Policy 8/16, two technologies are to be implemented; photovoltaic panels and gas fired Combined Heat and Power (CHP) with an accompanying thermal store to meet hot water demand.

8.17 The Senior Sustainable Design Officer has commented that the proposal to use photovoltaic panels is acceptable. There was some concern over the rear stair well and dormers casting shadows on the panels and therefore impacting on their efficient production of electricity but the revised scheme has now reduced the size of the dormers and removed the stairwell which is welcomed a condition for renewable energy to meet the 10% is required. (condition 9).

8.18 The Sustainable Drainage officer has commented that the proposal is acceptable subject to conditions relating to sustainable water drainage (10) and levels (11). I agree with the advice and recommend conditions.

8.19 Subject to condition, in my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006)

policy 8/16 and the Sustainable Design and Construction SPD 2007.

Disabled access

8.20 The Access Officer has commented that some aspects of the proposal would need re-designing such as internal door opening and how doors open and are kept open. This would be controlled through Building Regulations and I attach an informative for the applicant to discuss further the design of the room with the Access Officer.

8.21 The Access Officer has also commented that the proposed disabled room would need to be located close to the car parking space. I do not consider that this would be necessary as there is level access and lift access to the room, therefore the location would be acceptable.

8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.23 The neighbouring properties that may potentially be directly impacted by the proposals are 47 Greens Road and neighbouring properties 22 Primrose Street to the south and the Care Home to the north.

Impact on 22 Primrose Street

Dominance enclosure and overshadowing

8.24 The proposal would be lower in height than the main building and being north and set forward of the number 22, I do not consider that the proposal will have any significant overshadowing or enclosure to the windows in the side elevation or the garden area. The shadow study and day light study submitted also confirms this and the Urban Design Team have not commented that there would be an issue. I consider that the proposal is acceptable in this regard.

Overlooking

8.25 The southern elevation windows are now designed to face Primrose Street and the existing building has windows facing number 22 from a high level. However the proposal is closer to the common boundary. The applicants, in their amended scheme, have added a frosted element to the windows in the eastern elevation to stop this overlooking and I consider that this can be controlled by condition (12).

Impact on Care Home to the North

8.26 The current building has windows facing the site. The area immediately adjacent to this elevation is the garden of the care home. There will be new windows in this elevation but I do not consider that the impact of overlooking will be significantly different to the existing.

Dominance, enclosure and overshadowing

8.27 The proposed building is taller but more slender in depth than the current building along this boundary. There will be overshadowing to the garden area adjacent to the northern boundary but the proposed shadowing as shown on the submitted shadow analysis will not be significantly different to the current situation and therefore in my opinion, due to the overshadowing occurring only in part of the site and similar to the existing situation this is acceptable. The separation distance between the buildings would not be overly dominant or oppressive. The proposed building would stand to the south of the neighbouring property the care home but there is a separation distance of approximately 17m from building to building and there is a large substantial tree in between the buildings and would obscure the proposed building. In light of the assessment above I do not consider that the proposal will have a dominating impact or produce a sense of enclosure on the care home.

Impact on Number 47 Greens Road

Overlooking

8.28 On the eastern elevation windows are proposed on all levels, which would serve bedrooms and wash rooms. There would be windows at high level facing this property. However, the

windows that will give opportunity to overlook this site will be from bathroom windows and bedroom windows in the northeast corner of the building. These windows face the gable wall of number 47 and therefore will have limited views on the rear amenity space of no.47. I consider that the bathroom windows should be obscure glazed and any opening shall be 1.7m above floor level and subject to this the proposal is acceptable. (condition 12).

Dominance, enclosure and overshadowing

8.29 The current building is hard up against the boundary with number 47 and is two-storey in height. The amended scheme removes the stairwell and therefore opens up the gap between the two properties to 11m. Number 47 is located to the east of the application site and therefore there would be some overshadowing to this neighbour in the later part of the afternoon to evening but this would be the case currently. The shadow analysis shows that the situation would not be significantly different to the existing situation and therefore I do not consider that it would be so significant as to warrant refusal.

Noise and disturbance

8.30 The site is close to residential properties and the occupiers of them are likely to experience noise and disturbance created by demolition/construction works. To minimize this the Environmental Health officer has recommended conditions controlling activities during the construction phase relating to dust, contractor working hours, delivery hours and piling(14-17).

8.31 Concern has been raised about noise and disturbance caused by the students occupying the site, and anti-social behavior. The amended scheme removes doors from the common room onto the patio area and therefore this will also help in reduce noise and disturbance to the neighbouring occupiers. There will still be the amenity space for students to gather and this could give rise to noise and disturbance but would be controlled if it was well managed. I recommend a condition requiring the submission of a Management Plan (18) to alleviate this concern. Any anti-social behavior would be a matter for the Police.

8.32 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

8.33 The proposal seeks to have windows and doors at lower ground floor level facing the amenity space to the rear. It is possible that overspill from the common room into the amenity space would have an impact on other students but I consider that a well-managed block would alleviate this and a Management Plan would assist.

Contamination

8.34 Environmental Health officers have taken the view that the contamination is not at a level that would preclude development. However, Environmental Health officers and have recommended that further investigation is carried out which can be secured by conditions. (13).

Air quality

8.35 Comments have been received that the proposal is close to a Air Quality Management Area. Environmental Health officers have not raised concerns on this being an issue and I agree with their advice.

Amenity space

8.36 The courtyard area is centrally located on the lower ground level. The Urban Design and Conservation Team have commented that this area will receive sunlight throughout the day and would be a useable and functional space for future occupiers.

Outlook

8.37 The UDC team has commented that the lower ground floor rooms facing Primrose Street could receive reduced levels of sunlight due to enclosure by foliage of the protected tree.

However, the Daylight Study submitted confirms that the amount of light entering into these rooms is acceptable.

8.38 Subject to conditions, in my opinion the proposal provides an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Trees

8.39 There are two trees on the Primrose Street frontage that have Tree Protection Orders on them. The Arboriculture Officer has commented that the proposal will be within the Root Protection Zone of these trees but these roots have been restricted by the current building and considers that the building can be constructed without material damage to these trees. In order for this to occur a site specific Arboriculture Method Statement (19), meeting on site (20) and a Tree Protection Plan (21) should be conditioned. I have recommended these conditions.

8.40 The trees play a significant role within the street and add to the character of the Conservation Area by giving a buffer to the development. During the site visit it was noted that works have been carried out to the tree close to the boundary with number 22 which has been significantly pruned. The Tree Officer has commented that the applicant did not carry out the works.

8.41 Subject to condition, in my opinion the proposal provides adequate protection to trees and I consider that in this respect compliant with Cambridge Local Plan (2006) policy 4/4.

Refuse Arrangements

8.42 The Environmental Health officer has commented that the proposal provides adequate refuse and recycling storage for the proposed use. I agree with their advice.

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

Highway Safety

8.44 The Highway Engineer has commented that the proposal will not have a highway safety impact subject to conditions relating

to boundary materials, no gates, drainage, redundant cross over, access to be retained free from obstruction, contractors arrangement (22 to 27) and informatives relating to works in highway, encroachment and public utility.

8.45 Representations have been received that the use of the narrow road, turning and car and construction parking will lead to highway safety problems. I note that the road is not within a Controlled Parking Zone and that the proposed use could be controlled by a strict management plan. In addition the applicants have amended the scheme to introduce a turning area at the head of Green's Road. In my view the proposed use would not lead to highway safety issues and I agree with the advice given by the Highway Engineer.

8.46 Representations have also been made that the servicing of the proposed building will lead to highway safety issues as this is a narrow street and there are already issues on site. The site was a previously used as a care home and this would need to have been serviced. The adjacent care home and other properties are also serviced by refuse vehicles etc. Given that the site has been in use recently and the low level of car parking provided I do not anticipate that the development will exacerbate existing problems.

8.47 Representations have also been received that car parking already restricts the movement of large vehicles. This this may be the case but on site I noted that cars were parked illegally on keep clear signs and double yellow lines. This would not be controlled by the local highway authority but a matter for the police.

8.48 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2 and 8/9.

Car and Cycle Parking

8.49 The proposed scheme provides 20 to 25 cycle parking spaces. The Cycle Parking Standards for a use of this type requires 1 space for every 2 bed spaces and 1 visitor for every 5 bed spaces. This totals 15 spaces for the accommodation and 6 visitor spaces. The plans show that 6 visitor spaces are provided at the front of the building and therefore subject to a condition requiring a large scale plan showing the layout of the

student spaces on the upper ground floor the proposal is acceptable. (condition 29).

8.50 The proposal shows a single disabled car parking space on site. The Car Parking Standards are maximum standards and therefore the provision of a single car parking on site is acceptable.

8.51 Comments have been received that the students will have cars and park within the street or adjoining streets. The site is outside a controlled parking zone and therefore anyone with a legal road worthy car can park in the street. However, the applicant has confirmed that students will not be able to have cars. This can be controlled by a lease or tenancy agreement and will be contained in the management plan. The s106 can also confirm this arrangement.

8.52 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Nature Conservation

8.53 The Nature Conservation Officer has commented that the proposal has the potential to have bats on site. This should be confirmed with a report prior to any works undertaken. It is also recommended that conditions relating to introduction of bat and bird boxes with number, specification and location to be submitted. I agree with their advice. (Condition 30 and 31).

8.54 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 4/6 and 4/7.

Third Party Representations

8.55 The concerns raised have been addressed in the main body of the report above.

Principal of development – including appropriate for student accommodation, no affordable housing, not compliant with local plan, only for student accommodation	Covered in paragraphs 8.2 – 8.5 and 8.55

Amenity – including noise and disturbance, overbearing and overlooking, overdevelopment	Covered in 8.23 – 8.32
Design – including scale and massing, out of character with street and Conservation Area, materials	Covered in 8.6 to 8.11
Traffic – including increased movements will impact on highway safety, increased parking, air quality, access	Covered in 8.35 and 8.45 – 8.51 and 8.58
Trees – including works to accommodate the building	Covered in 8.40 – 8.41
Other – including tight control on construction activity and management of contractors	Covered in 8.45

8.56 The comments that residents would like to see family homes being built would not be a reasonable reason for refusal. The application must be assessed on its own merits and other potential uses cannot be considered.

8.57 The concerns raised regarding the potential use of the site would not materialize because student accommodation is a Sui Generis use and any change away from this would need specific planning permission.

Planning Obligation Strategy

Planning Obligations

8.58 At the meeting of the Community Services Scrutiny Committee on 19 March 2015 the Executive Councillor for City Centre and Public Places agreed to delegate authority to the Head of Planning Services to finalise the city council's interim approach to seeking S106 contributions from 6 April 2015 until the local implementation of a Community Infrastructure Levy for Cambridge. The final details of this interim approach are to be agreed in consultation with the Executive Councillors for City Centre & Public Places and Planning Policy & Transport, their Opposition Spokes and the Chairs of the Community Services and Environment Scrutiny Committees.

8.59 Officers are working on the interim approach but the work has not been sufficiently advanced to allow it to apply as part of the determination of this application. It is anticipated that applications that will be reported to the Planning Committee in July and future meetings will be subject to the interim approach.

8.60 A section 106 agreement would be required to secure control over the occupancy of the accommodation and to prevent residents from keeping cars in the City. The commuted sum payment for Public Art would also need to be secured via the s106.

9.0 CONCLUSION

9.1 The proposal is for the demolition of the existing building and erection of a new building for student accommodation. The proposed building will run north to south within the plot. The scale and design of the building although contemporary, has taken cues from the design of surrounding buildings. The Urban Design and Conservation team support the application.

9.2 The proposed building will be taller but the footprint will be pulled away from the boundary with number 47 and will become closer to adjoining occupiers at number 22 albeit lower than the main building. In my view the building will not have a significant impact and is therefore acceptable in residential amenity terms.

9.3 I am confident that the Management Plan together with controls over occupation and car use included in the section 106 will ensure that the use of the development will be properly controlled.

10.0 RECOMMENDATION

1. **APPROVE** subject to completion of the s106 Agreement by 28th August 2015 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. Before starting any brick 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 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 policy 3/12).

4. Full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing are to be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to any variation in writing.

   Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

5. Full details of all windows (including dormer windows) and doors, as identified on the approved drawings, including materials, colours, surface finishes/textures are to be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to any variation in writing.

Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

6. Full details of all solar panels [water pre-heat, etc.] and/or photovoltaic cells, including type, dimensions, materials, location, fixing, etc., to be submitted to and approved in writing by the local planning authority.

   Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

7. Large scale drawings of iron/steel railings, railing finials, backstays, dog bars, horizontal cross-members, gates, gateposts, gate piers, means of fixing into wall copings/ground/paving, attachments to buildings, junctions between panels of railings, etc. to be submitted to and approved in writing by the local planning authority.

   Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to any variation in writing.

8. 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)

9. Full details of the renewables, including any inverters or micro-filters, shall be submitted, including the 10% renewable calculations shall be submitted to and approved in writing by the local planning authority. The proposal shall then be implemented in accordance with the approved scheme.

Reason: To provide 10% renewable technology on site. (Cambridge Local Plan (2006) policy 8/16

10. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment, including onsite infiltration testing, provided to the local planning authority. The submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding in the area. (National Planning Policy Framework (2012) and National Planning Policy Guidance (2014)

11. No building hereby permitted shall be occupied until a levels drawing has been submitted to and approved in writing by the local planning authority. This drawing should show how levels are to be managed onsite to ensure that surface water flood risk is managed and exceedance/ overland flows do not flood the ground floor of the development.

    Reason: To reduce the risk of flooding in the area. (National Planning Policy Framework (2012) and National Planning Policy Guidance (2014)

12. The obscure glazing as shown on the eastern elevation shall be implemented in accordance with the plan reference C036 112-P11. Any opening shall be above 1.7m floor level. The development shall be retained unless agreed in writing by the local planning authority.

    Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan (2006) policies 3/7 and 3/12)

13. 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 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 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 LPA 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 local planning authority. 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 occupiers. (Cambridge Local Plan (2006) policy 4/13.

14. Prior to commencement 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 occupiers and nearby properties. (Cambridge Local Plan (2006) policy 4/13.

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

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

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

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

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

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

18. Prior to the occupation of the building a Management Plan shall be submitted to and approved in writing by the local planning authority.

    Reason: To protect the amenity of neigbouring occupiers. (Cambridge Local Plan (2006) policies 3/7 and 4/13).

19. Prior to the commencement of development and with reference to BS 5837 2012, details of the specification and position of all protection measures and techniques to be adopted for the protection of any trees from damage during the course of any activity related to the development and timescales for arboricultural monitoring shall be submitted to the local planning authority for its written approval in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

    Reason: To protect the trees on site. (Cambridge Local Plan (2006) policy 4/4).

20. Prior to commencement, a site visit will be arranged with the retained arboriculturalist, developer and local planning authority Tree Officer to agree tree works and the location and specification of tree protection barriers and temporary ground protection.

    Reason: To protect the trees on site. (Cambridge Local Plan (2006) policy 4/4).

21. The approved AMS and TPP will be implemented throughout the development and 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. An Arboriculturalist will be retained to monitor the development in accordance with the approved AMS and report back to local planning authority.

    Reason: To protect the trees on site. (Cambridge Local Plan (2006) policy 4/4).

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

    Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

23. No gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

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

Reason: To prevent surface water discharging to the highway. (Cambridge local plan (2006) policy 8/2).

25. Any redundant vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

Reason: for the safe and efficient operation of the public highway. (Cambridge local plan (2006) policy 8/2).

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

Reason: In the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

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

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

Reason: in the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

28. The premises shall be used for student accommodation and for no other purpose.

Reason: For the avoidance of doubt, and because use of the building for any other purpose would require re-examination of its impact. (Cambridge Local Plan 2006 policies 3/4, 3/12, 4/13 and 8/2)

29. No development shall commence until full details of large scale parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The agreed 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)

30. Prior to any works carried out on site, including demolition, a report relating to the bat survey shall be submitted and approved in writing by the local planning authority. The development shall then be implemented in accordance with the agreed information.

Reason: To protect the nature conservation on site. (Cambridge Local Plan (2006) polices 4/6 and 4/7)

31. Prior to the occupation of the building, a plan showing the location, specification and number of bat and bird boxes to be introduced shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To protect nature conservation. (Cambridge Local Plan (2006) policies 4/6 and 4/7)

INFORMATIVE: It will normally be expected that railings will be lead caulked into masonry copings and that elements will be welded together not bolted up.

INFORMATIVE: The applicant is reminded that the proposal will need to meet DDA requirements and therefore it is recommended that they liaise with the City Council Access Officer on 01223 457075

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

'Control of dust and emissions during construction and demolition' supplementary planning guidance
https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

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 applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: 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.

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.

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 28th August 2015, 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):**

   In the absence of a planning obligation to secure control of occupancy of the accommodation to students attending full time courses at University of Cambridge and Anglia Ruskin University and to prevent any occupier of the accommodation, with the exception of a disabled person, from keeping cars in the City of Cambridge, the development is contrary to policies 7/10 and 8/2 of the Cambridge Local Plan (2006).

   The proposed development does not make appropriate provision for Public Art, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12 and 10/1 and as detailed in the Planning Obligation Strategy 2010.

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**

MPM PROPERTIES

MANAGEMENT AGREEMENT

STUDENT ACCOMMODATION

PRIMROSE LODGE

PRIMROSE ST, CAMBRIDGE

June 2015

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1.0 INTRODUCTION

Philosophy

MPM's philosophy for student accommodation is to provide quality accommodation that meets the needs of the students in a safe, secure and welcoming environment so that the students can enjoy the University experience whilst being considerate to the neighbourhood community.

MPM complies with the guidelines of the NPPF within the constraints set by the nature of a site and we seek to maximize the use of public transport, walking and cycling whilst focusing development in locations which are or can be made sustainable as a core planning principle.

We encourage a sense of community within the property with communal areas inside and out.

We fit quality products to ensure best life cycles. We seek to minimise bin & bike impact by enclosing within the building and encourage access at a single point thus providing control. CCTV is fitted for this and security reasons.

Management Principles

MPM are local developers with a good reputation which we wish to preserve. We seek to employ local consultants, professionals and contractors.

We have thus asked Saint Andrews Bureau (Sab) to act as our managing agents. They are aware of our needs. They have many years of experience in handling student lettings, are local and thus approachable for both the students and the community, have an excellent track record and provide the full service level we seek to ensure quality of management and service.

- The occupation of the student rooms will be limited by the sec106.
- Each room is for a single student and this will be controlled by this Management Agreement and tenancy.
- All tenancy agreements will be for between 48 and 50 weeks.
- Subletting will be prohibited in the tenancy agreement.
- The managing agent will be enforcing the terms of the tenancy agreement.
- This Management Agreement will form part of the planning consent and is enforceable by the local authority.

The Scheme

The site is located within walking and cycling distance of the main college campuses and is also located within close proximity of the local amenities in the City Centre and a range of public transport connections.

This document is to be read in conjunction with other documents forming the full planning application including the Planning Statement and Design and Access Statement.

The impacts from the scheme have also been considered proportionately and the proposals include for:

- No car use by students. This will be secured by restrictions within the sec106, proctorial control and stipulations set out within the tenancy agreement.
- A reduction in car use along Primrose St and the removal of all vehicular movements and bins on Green's Road. The existing use has significant traffic movements, the proposal reduces this to taxis and year end/start (as we let on 48 to 50 weeks).
- Promoting access by sustainable travel through the promotion of walking, cycling and use of public transport services.
- Designed to a high spec that respects the scale, form and massing of adjacent buildings.
- Bin collection from Primrose St.
- The provision of a management office, CCTV, video entry, secure perimeter, local managing agent with 24/7 access all provides for secure accommodation.
- Restricted occupation to 48 to 50 week tenancies, single occupancy and a restriction on subletting. Short-term lets (seminars, conferences, residential courses) outside term times is thus not possible and will in any case be prohibited.

The studios are designed to a quality standard offering WiFi, digital TV, foldaway wall bed with sofa under, video entry, fitted kitchenette, washer/dryer, microwave/oven, ceramic hob etc.

2.0 TRAFFIC / PARKING / BIKES

General

Whilst the development is car free (save for the disabled parking space), MPM is fully aware of the potential traffic implications that can arise at the commencement and completion of the academic year. The management of traffic on and off-site at these times is crucial to the success of the development. It is important that there is safe and secure access during these periods coupled with a desire to limit any disruption to residents, owners and occupiers of adjoining properties.

Traffic Management – Beginning/End of academic year

As the students sign up to 48 to 50 weeks the beginning and end of the academic year are potential busy times. Arrangements will be put in place by our managing agents Sab to manage traffic and parking at the beginning and end of each academic year.

There are 30 student studios within the development. These rooms will be available for letting on or around the first week of September of each calendar year.

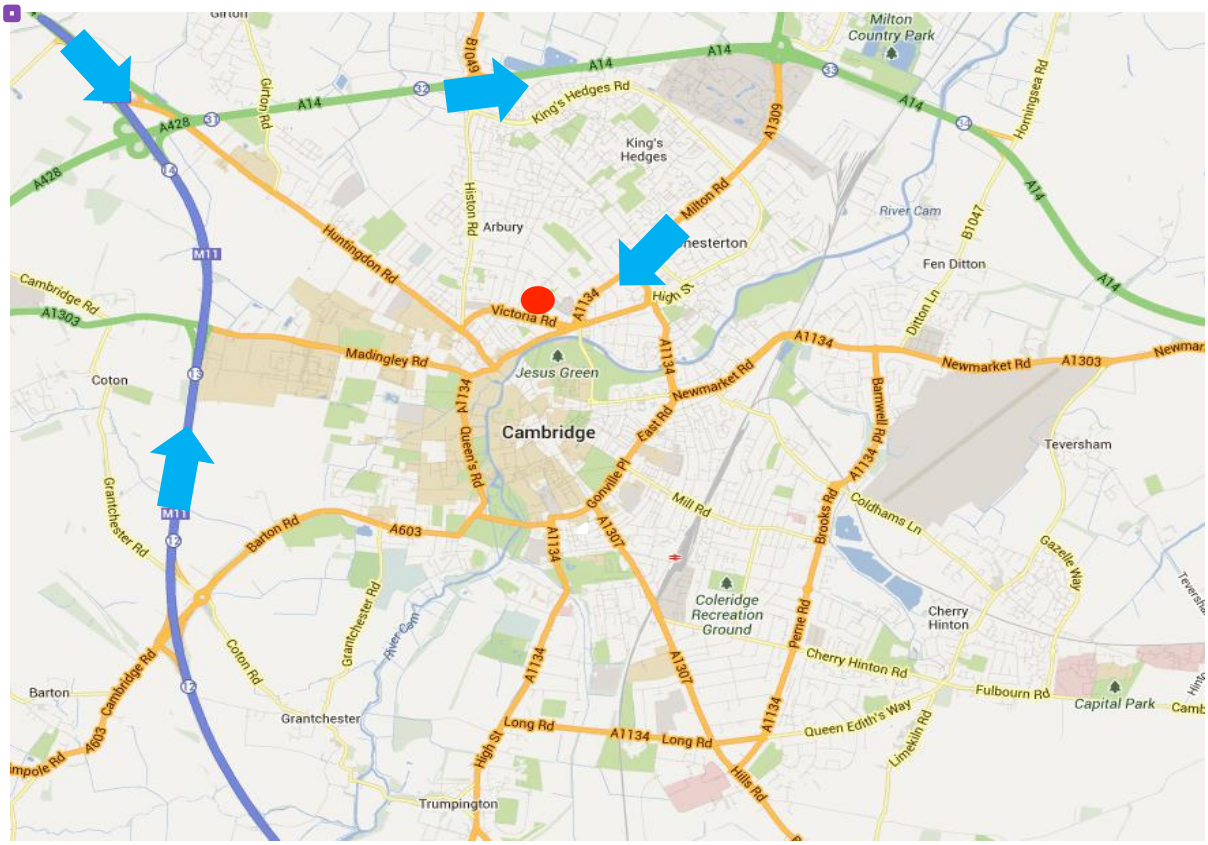
Based on experience, the table below provides an initial forecast of the number of students who are anticipated to arrive by private car during the first and second weekends of September of each calendar year, noting some students will arrive by taxi or on foot.

	Arrivals
Week 1	10
Week 2	12
Other	8

The management of arrival/drop off vehicle movements will be achieved by Sab allocating each student who intends to arrive by car with a date and time slot over this two week period in which they have exclusive use of the drop of zone to the front of the property.

Instruction Letter to Students

Prior to the arrival of students a letter/map/SatNav coordinates will be issued electronically advising them of how they are to access the development. This letter will advise that students should approach the student accommodation by leaving the M11 north or south bound via junction 14 onto the A14 and then to leave the A14 at Junction 33 onto Milton Road thus helping to minimize traffic in the centre of Cambridge itself.



A description of the route together with identifiable landmarks will also be provided.

Enforcement of no car policy

Students will be prevented from bringing cars to Cambridge through the Tenancy Agreement enforced by the sec 106 and proctorial control which applies to all University full time students in the City.

On signing the tenancy all students will be given a list of 'house rules' which will be enforced by the managing agent and include the no car policy. Students found to be in breach of the restriction will be given a warning with a fine and if they are found to continue to breach the restriction will be asked to leave the scheme.

Bikes

Tenants with cycles are required to leave cycles in the cycle rack area located within the building to the side.

Covered lockable cycle storage is being provided and students will be encouraged to use it. There will be no provision for the storage of cycles in rooms or in other locations. The tenancy agreement will require the students to store bikes in the cycle store only, fines will apply to those who breach these

terms.

3.0 DAILY ACCESS AND EGRESS FOR PEDESTRIANS, CYCLISTS & DISABLED TRAFFIC

Access and Egress of Pedestrians

The main pedestrian access is located on Primrose Street and will be operational twenty-four hours a day whilst the site is tenanted.

Access and Egress of Cyclists

Cyclist access is via the cyclist gate in Primrose Street.

Access and Egress of Disabled and Maintenance Vehicles

Vehicle access to the site will be for disabled students and taxis only and will be from Primrose Street only.

Most maintenance that occurs during tenant occupancy is of a reactive nature and consists in the main of rectification of mechanical, electrical and plumbing issues with commensurably little requirement for vehicle movement on site. The drop off area will be used in such eventualities.

In overall terms the site is designed as a vehicle free environment and recognizes that pedestrian and cycle movements predominate.

4.0 SECURITY

General

The accommodation is designed to be secure against intrusion. All of the entrances and individual bedroom doors are lockable, the main entrance doors only being accessible by residents of the building and room doors only being accessible by the student occupant.

- CCTV will be fitted and a door video entry system.
- All opening windows will be securable by the student and the windows will not present a safety hazard and will be fitted with stays to prevent over opening.
- The managing agent will be available 24 hours a day either on site or contactable at all times by phone in the case of emergency.
- Contact details for the managing agent will be displayed on the building.
- Staff accessing bedrooms in the absence of the student will be required to keep a log recording the reason for access.

Security Plan

The managing agent will maintain a security plan which will identify the general approach to security matters. The plan will include procedures in the event of an emergency.

In case of major incidents the managing agent will have senior management telephone numbers and work closely with local authority emergency planning officers to ensure full support in the event of a major incident. There will be a clear major incident plan in place before our residents move in. Contact details for the managing agent will be provided to the local residents.

Each resident of the development will be provided with a security plan on commencement of his/her tenancy. This will address aspects including access to the pedestrian and cycle gates, the main entrance and individual door to his or her accommodation area.

5.0 REFUSE STORAGE AND COLLECTION

Good Practice

MPM recognizes the social and economic importance of protecting the environment, that its commitment to this must encompass all activities, and that it will seek to promote a considered attitude to the environment.

As such MPM acknowledges that the transport, treatment and disposal of waste are all energy demanding activities and contribute to harmful greenhouse gas emissions. Recycling and reuse have become common practice in addressing some of the environmental impacts of waste generation by reducing the need for raw materials extraction and processing and the demand for landfill space.

This development will provide safe and convenient facilities for residents to recycle and dispose of their waste.

The integrated approach to waste and recycling collection helps contribute to sustainable waste management and waste minimization

Internal refuse and recyclables

Internal storage capacity

Consideration will be given to providing sufficient space in the kitchen areas within each room for the storage of recyclables and waste

- Refuse
- Mixed dry recyclables
- Compostable

External refuse and recyclables

The development has incorporated a designated compound for the storage of refuse and recycling bins.

- The compound will be situated at ground level within the building.
- The bin storage facilities are accessible from within the building and from Primrose St only.
- Students will be expected to manage their own refuse by taking waste to the bin compound.

Odour / Vermin control

- Bin compounds will be well ventilated and have a smooth easily cleanable floor.

Secure

- The design of the communal bin compound will allow easy access to residents but not to non-residents.
- Good lighting will be provided to allow the usage of the bin store at all times.

Bin enclosure design

- The bin enclosure area has been designed to allow for filling and emptying and provide clear space of 5cm between containers. Each individual container will be accessible, with collection operatives able to facilitate emptying without the need to remove other containers.

- Separate areas will be provided, clearly identified using appropriate signage, for the storage of waste which cannot be recycled, and waste which can be recycled.

- The student induction scheme will include a briefing on the use of waste and recycling facilities including a leaflet on the correct use of the waste and recycling facilities and the materials collected as part of the scheme.

END

Carter Jonas

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Mr A Patel
The Planning Department
Cambridge City Council
The Guildhall
Cambridge
CB2 3QJ

Your ref: 15/0140/FUL
Our ref: 107257

Date 8th June 2015

Dear Mr Patel

PROPOSED ERECTION OF STUDENT ACCOMMODATION (30 STUDIOS) AND ASSOCIATED WORKS FOLLOWING DEMOLITION OF EXISTING BUILDING

PRIMROSE STREET, CAMBRIDGE

Following the deferral of the above mentioned application at last week's Planning Committee I write to set out the applicant's response to a number of the points raised and discussed by Members. This letter is structured beneath the key questions raised by the Committee.

Is the type of accommodation proposed (studios) needed?
As you are aware, the proposed development relates to the provision of 30 student studio rooms. During the discussion at Planning Committee reference was made to a suggested lack of demand for student studio rooms. While this question was fielded by officers, we have asked the managing agents of the development (Sab) to comment further on this issue.

I attach a briefing note that has been prepared by Sab which responds to a number of the points raised at Committee (**Enclosure 1**). Within this note it is confirmed that demand for studio accommodation, the type of which is proposed within this application, remains very strong within the City. Sab makes reference to the very high demand for a recently completed scheme off Abbey Street. The type of accommodation provided at Abbey Street is very similar to that proposed here. The advice of Savills was also sought in December 2014. While the letter from Savills has been submitted to you previously, this is reattached for completeness (**Enclosure 2**). This letter also confirms the high demand for the type of studio accommodation proposed within this application.

During the discussion at Planning Committee, it was noted that the title of policy 7/10 refers to "Hostels". It was questioned if this specific title implied that only certain types of student accommodation (hostels) can be provided. The term "Hostels" is not defined within the Local Plan. Policy 7/10 does not however provide any specific guidance on the type or nature of accommodation to be provided. The policy only requires occupancy restrictions to be imposed, appropriate management arrangements to be in place as well as requirements for the development to be accessible to the institutions they will serve and accessible by students who are disabled.

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A wide variety of student accommodation schemes have been approved pursuant to Policy 7/10 since the Local Plan was adopted in 2006. These include both studio and cluster developments. Subject to complying with all of the specific requirements of Policy 7/10 (as this scheme does), the principle of developing either form of student accommodation facility is accepted.

This is only a speculative development proposal. Should operators be named?
Concerns were raised by Members as to the fact that this is a speculative student housing scheme only with no apparent identified operator. Productive discussions have been held with regards to the future occupation of the building. As is common, the proposed accommodation will be let directly to and will be occupied by Cambridge University or ARU students. This will be controlled by the terms of the s106 agreement. This application continues to be promoted as a speculative student housing scheme therefore.

As you are aware, Policies 7/7-7/9 of the Local Plan provides the policy framework for assessing development proposals that are seeking to provide accommodation specifically being named for either ARU or the University of Cambridge. Policy 7/10 of the Adopted Local Plan specifically allows for (and supports in principle) the provision of delivering speculative student housing schemes. What is proposed here is fully supported by the Adopted Local Plan**.**

Is this site well related to ARU and the University of Cambridge?
It was questioned during the Committee's discussion if this site is well situated relatively to the University of Cambridge and/or ARU, the institutions that will serve the resident occupiers. The application site is very well located to the educational institutions it will serve. The colleges of the University of Cambridge are accessible via a short walk or cycle along Victoria Road, down Castle Hill and into the City Centre. ARU is equally accessible and well connected via the established pedestrian and cycle routes to the south. Both institutions are fully accessible by walking, cycling and public transport and their interest in the scheme underlines this.

Given this was however questioned by Members the distance from the site to the City Centre, and to ARU, has been measured as walking/cycling distances (rather than "as the crow flies distances"). The City Centre is located 1.5km from the site and ARU is located 2km from the site. Both of these are comfortable and recognised walking and cycling distances. With access also not relying on busy routes through the City this relationship is considered to be entirely appropriate. Student schemes have already been approved within the local area including sites at either end of Victoria Road (1 Milton Road and the former Texaco Filling Station site). Schemes located further away from the City Centre such as the Lucy Cavendish scheme at 100 Histon Road are also considered to be highly successful student accommodation schemes but which are located a greater distance from the universities they serve. The proposed development therefore complies with criteria (C) of policy 7/10.

Concerned about possible future uses of the building
Concerns were raised by both the public speaker, and Members of the Committee, as to the potential for this building to be used for purposes other than student accommodation. As Officers confirmed, student accommodation is a 'sui generis' use and as such other uses are not permitted without planning permission first having been granted. The applicants are fully committed to delivering a student housing scheme on this site. The applicants are also happy for the occupation of the proposed facility to be limited to students of the University of Cambridge and ARU. In light of the above, the proposed development complies with criteria (A) of policy 7/10.

Management of the Building
Members wanted to be fully briefed on the content of the Management Plan for the building. The planning application was supported by a Draft Management Plan which was subsequently updated following a meeting held with Officers. While this was not reported to Members, I attach a copy of the now updated "Management Agreement" to this letter (**Enclosure 3**). The attached statement from the appointed

managing agents Sab (**Enclosure 1**) also provides additional clarity on matters relating to the management of the building.

I respond to the specific questions raised by Members below:

Occupancy numbers.
It was questioned if the number of students able to occupy the building could be as high as 60 persons. As confirmed within the Statement from Sab, each studio is to be let to a single person only. Dual occupation is prohibited and as a result the number of occupants will be 30 students. The single occupancy of the rooms is specified within the Management Agreement and can therefore be controlled by the Council through the enforcement of Condition 18.

To ensure this is possible, I would request that the wording of this condition be amended to read as follows:

> *"Prior to the occupation of the building a Management Agreement shall be submitted to and approved in writing by the Local Planning Authority.*
>
> *Once approved in writing, the Management Agreement shall be treated as the "Approved Management Agreement".*
>
> *The development shall be implemented and managed thereafter in accordance with the conditions and stipulations set out within the Approved Management Agreement.*
>
> *Any amendments to the Approved Management Agreement shall only be implemented on site if first approved in writing by the Local Planning Authority."*

Length of Tenancy
The statement from Sab confirms that all rooms will be let for a period of between 48 and 50 weeks. Subletting of rooms is prohibited and as such, occupation by summer schools and/or conference attendees will not be allowed. If students leave during term breaks their room will be left vacant. This is again specified within the Management Agreement and can therefore be controlled by the Council through the enforcement of Condition 18 (as amended above).

Warden control
The Management Agreement confirms that a Managing Agent will be appointed to oversee the development. An on-site office is provided for the sole use of the managing agent. Since submitting the Draft Management Plan in April, Sab have been appointed as the managing agent. The statement submitted by Sab (**Enclosure 1**) confirms that when the Manager is not on site they will be contactable 24 hours a day by both occupiers of the scheme and neighbours. An on-site manager's representative will also be appointed to oversee matters on site when the Manager is not present. These measures are specified within the Management Agreement and can therefore be controlled by the Council through the enforcement of Condition 18.

Sab have confirmed that they manage an extensive portfolio of student accommodation facilities in the manner described above. Occupants are made aware of the strict house rules on arrival and the few issues that do arise are able to be resolved swiftly and effectively.

Are adequate parking controls in place?
As was confirmed at the Planning Committee meeting, students will be prevented from bringing a car into Cambridge by virtue of the S106 agreement, the proctorial control of the colleges and by the restrictions within the tenancy agreement of the development.

While the successfulness of any car use restriction was questioned at Committee, these restrictions are tried and tested and have been proven to be successful across the City. As is set out with the statement from Sab, any breach of this restriction is taken seriously with an eviction protocol in place for those who do not abide by the rules. The proposed restrictions are consistent with the requirements of criteria B of policy 7/10 of the Local Plan and are therefore considered to be entirely appropriate.

As we have discussed, the proposed use as student accommodation is one of the few uses where car usage can be prohibited. The previous use of the building as a community centre/care facility generated a greater number of vehicle movements. Other alternative uses, including traditional residential uses will generate a far greater number of vehicle movements also and the occupants will be unable to be prevented from bringing vehicles into the congested streets of Green's Road and Primrose Street.

Pick up and drop off times.

As I explained during my speech at the Committee Meeting, not all students will travel to the site at the beginning and end of term via car. Those students who are going to arrive by car will be provided with a specific slot over a 2 week period during which they will have exclusive use of the drop off space provided off the highway, at the front of the building. This drop off area will be managed by the managing agent (Sab). The statement from Sab (**Enclosure 1)** confirms this approach.

Amenity Areas

There are no defined standards which set out the amount of amenity/garden land that should be provided as part of a student housing development such as this. During the discussion at Planning Committee it was however questioned if the proposed private garden area, located to the rear of the building, was of sufficient size to cater for the proposed 30 student rooms. In response, we have collectively been reviewing other recent planning approvals for speculative student accommodation developments across the City. These recent approvals have been reviewed to understand how many student rooms have been provided on any given site, how much useable amenity space has been provided (the useable area calculated excludes any planting areas that cannot be accessed/used) and what this provision equates to per head. The study document we have jointly put together is attached (**Enclosure 4**). The summary table is re-produced below.

Site	Number of rooms	Area of approved usable amenity space (sq.m)	Usable amenity per student (sq.m)
91-93 East Road 14/0764/FUL	33	76	2.3
100 Histon Road 12/1576/FUL	71	329	4.6
1 Milton Road 14/1938/S73	211	168	1.86
7-9 Abby Street 11/1430/FUL	24	194	8.08
73 Humberstone Road 13/0415/FUL	15	67	4.46
Texaco Site 11/0876/FUL	98	45	0.46
Thompsons Lane 14/0133/FUL	72	154	2.1
Primrose Street 15/0140/FUL	30	197.6	6.6

The above table confirms that the average amount of amenity space provided per student across the surveyed schemes is 3.8m² per student. In the case of this development, 6.6m² of amenity space is provided per student. Only one of the eight surveyed schemes provided more open space per head than the proposed development and that was Abbey Street where 8.08m² of open space per student is provided. It is also of note that the amount of open space being provided by the proposed development is greater than that provided at 100 Histon Road where 4.6m² of open space is provided per student. This is an existing student accommodation development regarded as being exemplar by the Committee.

Following on from the Committee Meeting we have also looked more closely at how the area of open space could be laid out on site. An updated Landscape Plan (369-01G) is attached (**Enclosure 5**). This demonstrates how an attractive and useable external open space will be able to be provided.

The above assessment has demonstrated that the proposed amenity area is of a very generous area and exceeds the amount of open space provided on most other speculative student housing schemes that have been approved over recent years within the city. The proposed amenity area is an enclosed, private and useable space. The proposed development exceeds the clear precedents that have been set across the City. There are, as a result, no sound reasons upon which an objection could be sustained on the subject of amenity space provision.

As is set out within the statement from Sab (**Enclosure 1**), their general experience suggests that garden areas within student accommodation schemes generally only get used for occasional breakout space. In central locations that are well served by nearby public open spaces students very often choose to utilise larger public parks and meeting places. This site is well related to nearby areas of public open space. The green (Alexandra Gardens) located off Carlyle Road is a 340m walk from the site while Jesus Green is located 580m away from the site. This adds further weight to the case that high quality access to amenity areas will be provided.

What is the difference in footprint between the existing and proposed building?
In response to the Councillor's question I can confirm that the footprint of the existing building is 289.5m². The footprint of the proposed building is 316.89m² which is 27.39m² or 9% larger than the existing.

Conclusion

We have sought to answer the questions raised by the Planning Committee during its deliberations last Wednesday either by referring to information already submitted, or through the submission of additional information. My concluding observations are as follows:

- The proposed development complies with all policies included within the Adopted Local Plan.
- The proposed site is therefore considered to be entirely suitable for the proposed use as student accommodation.
- The provision of a speculative student housing scheme such as this is fully supported by Policy 7/10 of the Adopted Local Plan.
- Policy 7/10 also supports the provision of student studios, as is proposed within this application.
- It has been demonstrated that demand for the studios hereby proposed do exist and similar developments have and continue to prove very successful.

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- The site will be fully managed and appropriate safeguarding measures can be put in place to ensure the amenity of adjacent properties will not be adversely affected.

- Each room will be for single occupancy and rooms cannot be sublet. This is controlled by the Management Agreement.

- Use outside of term time other than by the existing tenants will not occur. This is again controlled by the Management Agreement.

- Students will also be prevented from keeping cars in the City. This is also controlled by the Management Agreement.

- The site is located close to existing areas of public open space at Alexandra Gardens, Jesus Green and Midsummer Common.

- The area of the proposed on-site amenity space also exceeds that provided on most speculative student housing schemes across the city.

There are, as a result, no policy conflicts that relate to this proposal and the development accords with the Adopted Development Plan. It is therefore considered that the development should again be recommended for approval. Given the full support offered by the Adopted Local Plan and given we have provided further justification in support of our proposal and have answered the Planning Committee's questions in full, I also trust that the Planning Committee will now be able to approve this application.

Yours sincerely



Paul Belton MRTPI
Associate Partner, Planning and Development

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Enclosure 1 – Statement from Sab Managing Agents
Enclosure 2 – Letter from Savills dated 16th December 2014
Enclosure 3 –Management Agreement
Enclosure 4 – Amenity Space Study
Enclosure 5 – Updated Landscaping Plan

DRAFT

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MPM Properties (PS) Ltd
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5 June 2015

Dear Mr Mutty,

Re: Primrose Street Cambridge

Further to our various meetings and discussions about the proposed 30 bed student accommodation scheme at Primrose Street, known as Primrose Lodge, I am pleased to summarize our advice and views on the management of the proposed development.

Sab have been managing property in Cambridge since 1959 and over the last 15 years we have specialised in the management and letting of student accommodation. As a firm we have a dedicated team that looks after all our student properties and we ensure that they are managed to the highest standard to maintain value and ensure they play their part in a mixed and vibrant local community. We currently manage in excess of 100 Student Tenancies and 60 Estate Blocks and we provide a contact for every scheme so that residents or neighbours can easily contact us 24 hours a day to deal with any issue that might arise. Contrary to popular belief we have relatively few issues because we lay down clear ground rules with students from the outset.

Currently the demand for good quality student studio accommodation of this nature outweighs the supply that is available and I believe your development will attract a high demand and the studios will all be let within a few weeks. It is for this reason that we have advised you to complete the scheme to a high standard and I am pleased that you have given such attention to detail in terms of the specification and landscaping.

We currently have a new student development on Malta Road which is not yet complete but where there are 11 studios and already in just two weeks we have over 40 registered students wanting to take them. This gives you an idea of the considerable demand and why I consider your development will prove very attractive and popular. You will be aware from Savills latest Cambridge Student Accommodation Review that there are some 29,788 students in Cambridge of which 26,899 are full time. There are 17,721 beds in Purpose Built Student Accommodation in the City with the remainder of students living either at home or in private family housing.

The layout of the development has been well designed with a good level and quality of outdoor space for the proposed 30 students. While as a general rule, on site garden areas are under-utilised within student accommodation developments within the City, the provision of an external seating area, lawn and a patio area provide the type and nature of external space that is needed. You have the particular advantage that Primrose Lodge is less is just a five

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Registered office as above. Company Registration Number 628433. VAT No. 214 1748 86

minute walk down Albert Street to Jesus Green/Midsummer Common and the River Cam. With this proximity to such large areas of open space and amenities it is our view, based on similar experiences, that it is likely that the students will use this garden area as a break out space only. When the weather is fine students are more likely to venture further afield outside of the development to the nearby amenities.

The provision of a communal lounge within the development where the students can meet will provide a very useable resource that will add to the overall quality and attractiveness of this development. The lack of doors in this lounge opening directly into the garden area will help minimise any disturbance, which will be used throughout the year whilst use of the garden will be more weather dependent.

Parking is always raised as a concern but the Section 106 Agreement states that students are not allowed to keep cars in Cambridge and in turn it is always a written requirement imposed in the letting agreement that all students must sign, which is a legally binding contract. This is something we police closely and we will act immediately if we have suspicions raised by neighbours or others that this "no car" rule is being flouted. We are so robust in enforcing this provision because it is a legal requirement of the tenancy agreement, because it causes ill feeling with neighbours if not enforced and because we have no difficulty in re-letting rooms. The City's Planning Team also have enforcement powers but it is our job to deal with any issues long before they might have to become aware or involved.

I know you have promoted a student scheme instead of a residential development because the demand for a further say 20/30 cars for residential flat owners could not possibly be accommodated in Primrose Street / Greens Road and it is for this reason that the "no car" rule will be enforced vigorously.

Moving students into the property at the start of the year is done under strict control via ourselves. We allocate time slots so that there is minimal disruption and only the designated private drop off area is allowed to be used. There will be only 30 students at Primrose Lodge (not all of whom will have their belongings delivered by car, some coming by taxi or foot) and so it is an easy task to allocate each a slot over a two week period when they can have their possessions delivered by car if they need to.

.

All contracts we enter into with students are for a minimum of 48 weeks and a maximum of 50 weeks. This then gives us enough time to undertake any refurbishment/maintenance that is needed on the apartments prior to future lets. Because students sign up to this 48/50 week period there is no opportunity for any letting to others groups through the year/summer holidays etc. Sub-letting is prohibited.

All tenancies are single person tenancy agreements that are subject to a "One Student Per Room" letting restriction. This is a non-negotiable requirement of the development, in particular to comply with insurance requirements.

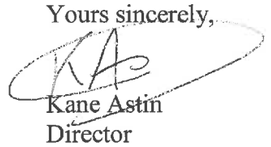
More generally we advise all our tenants to be vigilant and to report anything they believe is out of turn to us immediately. Most respond positively and responsibly to this request. We give all residents a list of rules when they arrive and generally the vast majority will abide by the rules as they know that they will be removed if they do not. This is made clear from the outset. On a few sites we have a Student Representative which we would propose to do at Primrose Lodge, so the one Student keeps a close eye on management matters and reports to

us. As part of our management we have an 'out of hours' number which will be clearly marked around the building should any problems arise.

With all these measures in place and a proper management regime we find that there tends to be few problems and because of the small size of this scheme, the residents will tend to have a greater level of community spirit and pride for their home.

Please let me know if you need anything further at this stage.

Yours sincerely,



Kane Astin
Director

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16 December 2014

PRIVATE AND CONFIDENTIAL

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Dear Chris

Proposed student apartment scheme at Primrose Street, Cambridge

Further to our recent meeting I set out below my thoughts with regards to your proposed development at Primrose Street (PS) based upon our past experience of similar projects elsewhere in the city.

Your proposed PS scheme has evolved and been re-designed following the work and advice that Savills has given you in relation to No.1 Milton Road over the past three years. You are aware that the scheme had to reduce in size from approximately 300 beds to 211 beds as a result of planning restrictions but is now a development that will deliver much needed bed space for autumn 2016, predominately to satisfy demand from ARU. I know that you also have interest from some of the University Colleges. A number of studios were lost at Milton road through planning, and this loss I hope will be remedied at PS.

The most comparable student accommodation scheme to PS would be the redevelopment of the former 'Fleur-De-Lys' Public House on Humberstone Road. This was redeveloped by Chard Robinson into 23 purpose built self contained studio apartments, known as 'The Newton'. We were the retained property consultants and selling agents for that scheme, and I can confirm that the units in that scheme were let from day of handover, and remain let to date, with strong student tenant demand.

We also understand that the 'Abbey Street' studio scheme was let within a week of its release and both the studio and cluster accommodation at Brunswick House (adjacent to the Cambridge Riverside scheme off Newmarket road) remains extremely popular and fully let.

Whilst we appreciate the ongoing need for affordable cluster student accommodation, there is also a very pressing need for affordable small 'self-contained' studio accommodation to cater for mature students, couples, foreign students and postgraduates.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Should you require any further clarification on the above please do not hesitate to contact me.

Yours sincerely



Toby Greenhow MNAEA
Director

Existing mature Lime retained to continue its contribution to the local streetscene and add maturity to the development.

Indicative plant list

Trees
ACER CAMPERSTRE 'ELSRIJK'
AMELANCHIER 'ROBIN HILL'
MALUS cvs
PHOTINIA 'RED ROBIN'

Ornamental planting
BRACHYGLOTTIS 'DRYSDALE'
CAREX cvs
CHAENOMELES cvs
CHOISYA TERNATA
CORNUS 'MIDWINTER FIRE'
GERANIUM MACRORRHYZUM'
HELLEBORUS ORIENTALIS
IRIS FOETIDISSIMA
MAHONIA 'APOLLO'
PULMONARIA cvs
SARCOCCOCA cvs
SYMPHYTUM cvs
VIBURNUM cvs
VINCA MINOR cvs

Hedge
BERBERIS cvs
PYRACANTHA CVS
ROSA RUGOSA

No 12

Primrose Street

Existing mature Pine retained to continue its contribution to the local streetscene and add maturity to the development.

MPM Properties (PS) Ltd

The Huck Partnership
Chartered Landscape Architects
19 The Row
Sutton
Ely
Cambridgeshire CB6 2PD
Tel 01353 778599
Email lhp@thehucks.co.uk

PROJECT Primrose Street
Cambridge

TITLE Landscape Concept Plan

SCALE	DATE	DRAWN BY	DRAWING No.
1:100 @A1	11.14	AJH	369-01 C

0 1 2 3 4 5 10m

Planting is used to visually divide the amenity space to maximise its use. The planting will be a combination of groundcovers and shrubs selected for wildlife value and to create a planting bed with varied heights.

No 22

Mixed ornamental planting is proposed to contribute to the streetscene, provide a degree of enclosure and to add to the diversity of the development. The plants will be selected for colour, flower and nectar to encourage a range of wildlife.

Gathering / social space with seating

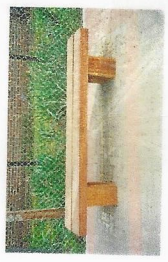
The amenity lawn area is of a scale to be used for informal recreation by residents and visitors with a degree of enclosure. The lawns make an important contribution to the overall development.

Picnic bench for six people. Table 1.77m x 0.75m

No 47

Planting on this boundary will be a mix of groundcovers and self-clinging climbers. The planting will soften the existing retaining wall and provide interest throughout the year.







Mixed evergreen hedge with post and wire fence is proposed to provide a degree of enclosure and privacy to the amenity space. The hedge will provide all year round interest with flower and berry and provide a pleasant boundary.

No 41

Groundcover planting, with taller specimens. Planting to be selected to encourage a range of wildlife.

Existing Road

Green's Road

Benches placed for the individual or groups

KEY

Existing Trees
Proposed Trees
Mixed planting
Hedges
Lawns

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Comparison of usable amenity space in student accommodation developments

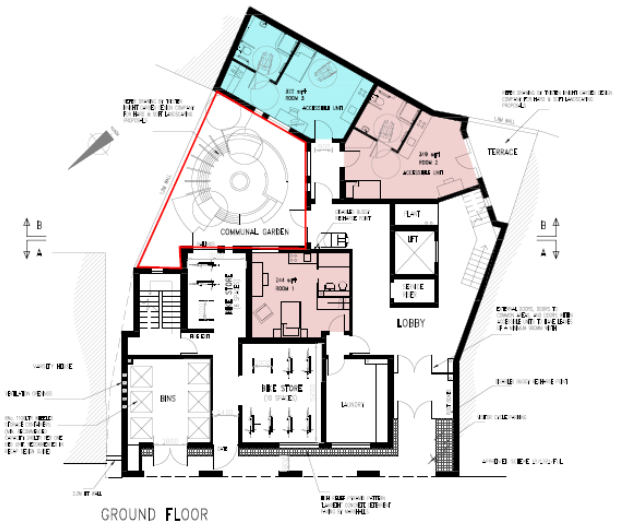
Site	Number of rooms	Area of approved usable amenity space (sq.m)	Usable amenity per student (sq.m)
91-93 East Road 14/0764/FUL	33	76	2.3
100 Histon Road 12/1576/FUL	71	329	4.6
1 Milton Road 14/1938/S73	211	168	1.86
7-9 Abby Street 11/1430/FUL	24	194	8.08
73 Humberstone Road 13/0415/FUL	15	67	4.46
Texaco Site 11/0876/FUL	98	45	0.46
Thompsons Lane 14/0133/FUL	72	154	2.1
Primrose Street 15/0140/FUL	30	197.6	6.6

91-93 East Road (14/0764/FUL)

33 Student Studios

48sq.m + 28sq. m = 76sq.m of usable amenity space

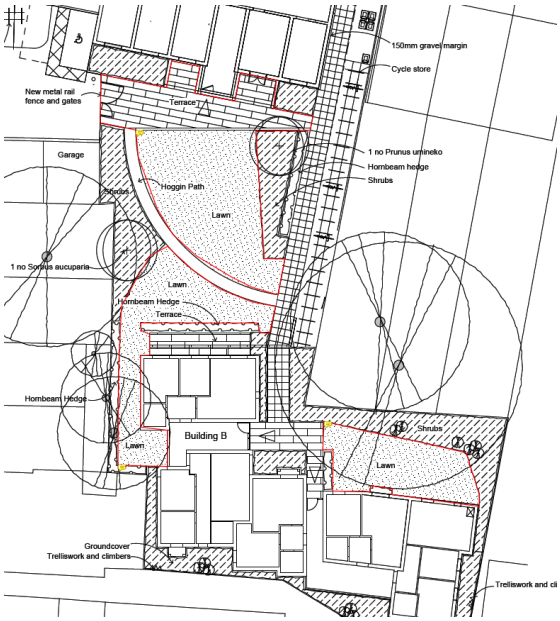




100 Histon Road (12/1576/FUL)

59 en-suit rooms, 4 x 1 bed, 4 x 2 bed units = total 71 bedrooms

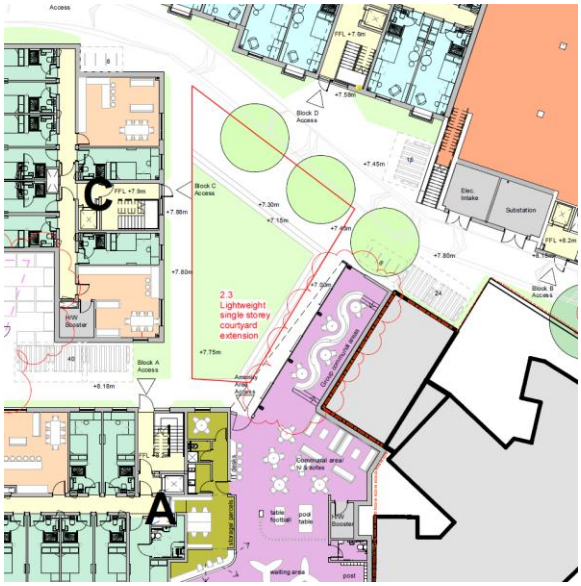
328.6sq.m



1 Milton Road (14/1938/S73)

211 Student units

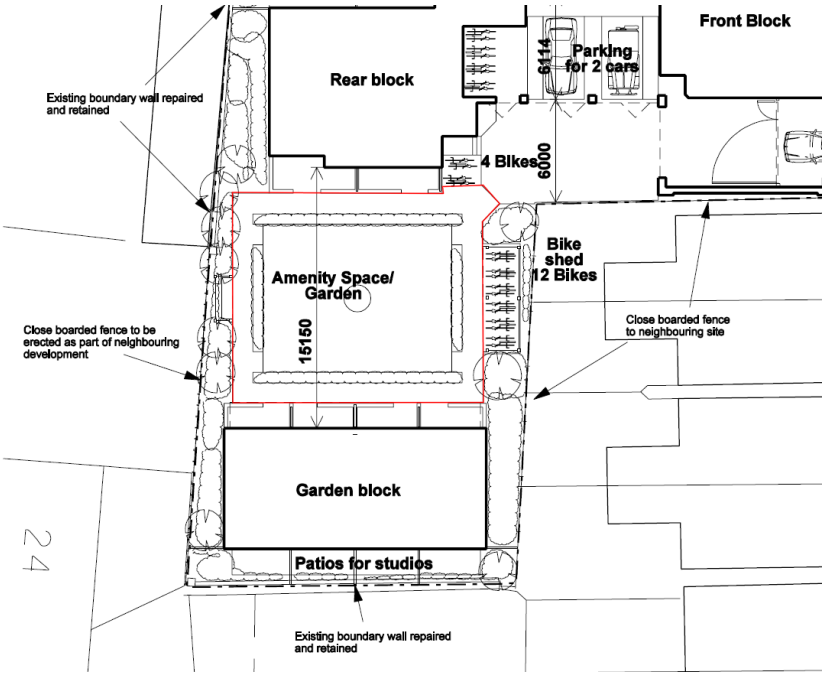
168sq.m usable amenity space



7-9 Abbey Street (11/1430/FUL)

24 Student Studios

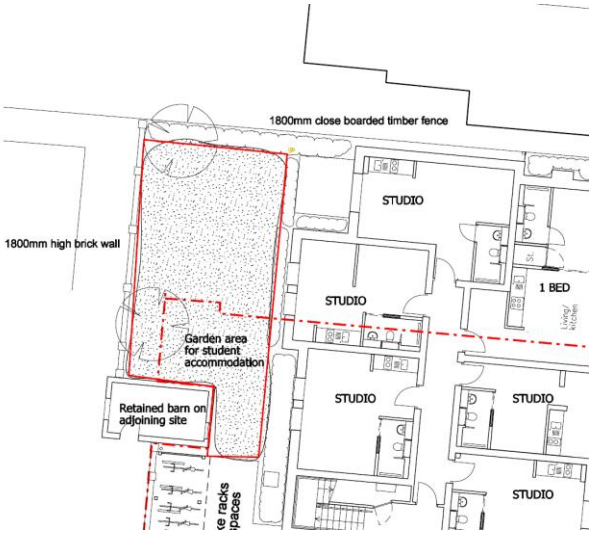
194sq.m of communal usable amenity space



73 Humberstone Road (13/0415/FUL)

13 Studios, 2 x 1 bed flats

67 sq.m usable amenity space



Texaco Site (11/0876/FUL)

98 Student Units

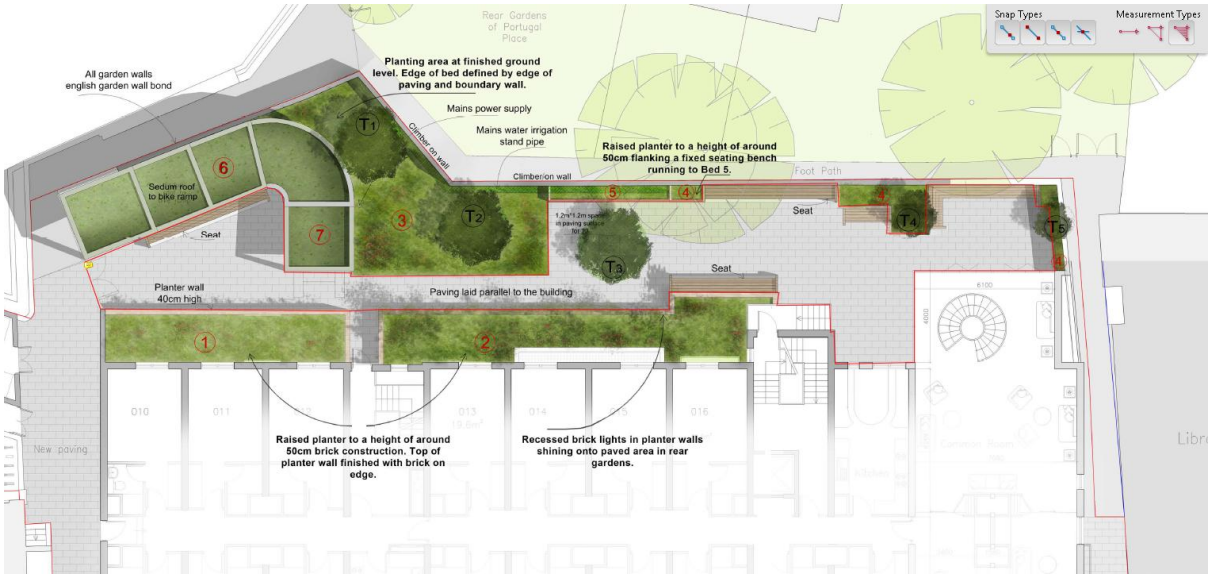
45 sq.m (internal covered courtyard



Thompsons Lane (14/0133/FUL)

72 Study Bedrooms

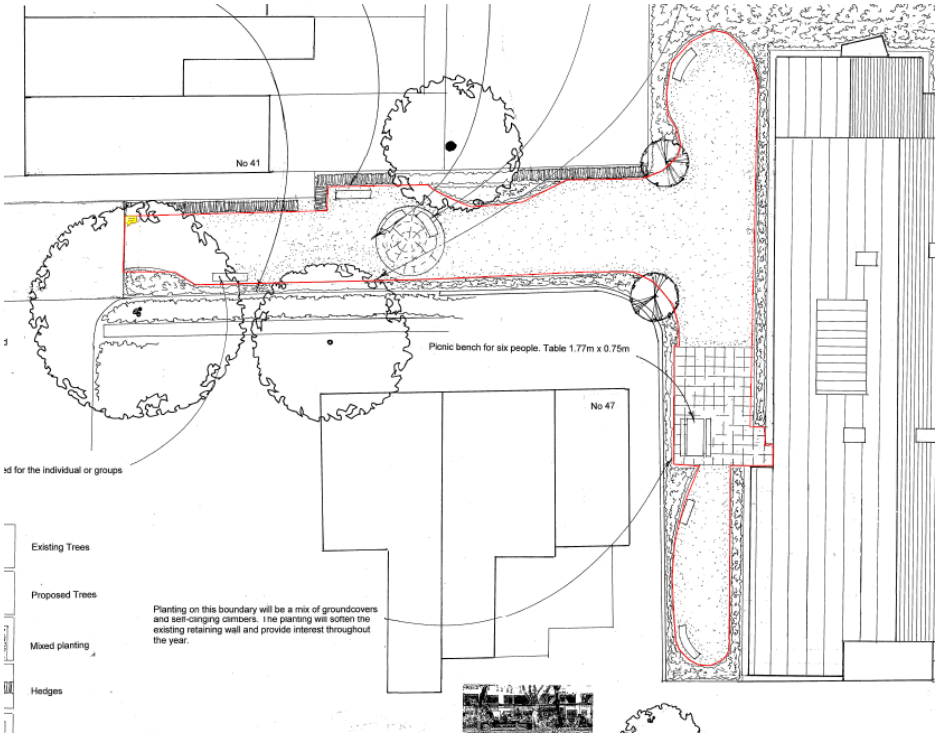
154sq.m



Primrose Street (15/0140/FUL)

30 student studios

197.6 sq.m



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PLANNING COMMITTEE **1st July 2015**

Application Number	15/0225/FUL	**Agenda Item**	
Date Received	6th February 2015	**Officer**	Mr Sav Patel
Target Date	3rd April 2015		
Ward	Trumpington		
Site	2 Barrow Road Cambridge CB2 8AS		
Proposal	Erection of new dwelling following demolition of existing dwelling on the site.		
Applicant	Ms C Speed		

SUMMARY	The development accords with the Development Plan for the following reasons: • The proposed development is considered to be of high quality design and would preserve the character and appearance of the area and sympathetically assimilate into the site without appearing dominant or out of keeping. • The proposed development has been designed to mitigate any significant adverse impact on the residential amenity of the adjoining neighbours. • The proposal would not have a detrimental impact on the existing protected trees.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site relates to a detached residential property situated within a large rectangular garden plot, on the southern side of Barrow Road. The site is located close to the corner of Barrow Road and Trumpington Road.

1.2 The existing dwelling is partly screened from the road side by a front boundary hedge. Views of the dwelling from Trumpington Road are screened by boundary trees which are protected.

There is an existing gated access into the site directly from Trumpington Road.

1.3 The existing building on the site has elements of the 'Arts and Crafts' style, which is characteristic of this area. It has a rectangular footprint and projecting front gable. The front elevation has symmetrical fenestration, across eaves dormers and part external chimney breasts, which are design features associated with the Arts and Crafts style.

1.4 The building is not Listed or a Building of Local Interest. The site is not within a Conservation Area although a proposal has been made by Barrow Road residents to make the road a Conservation Area. This was considered by Environment Scrutiny Committee on 17 October 2014 but the work to undertake the process of evaluation and consultation was not considered to be a priority.

1.5 To the west of the dwellinghouse and along the western boundary of the site are mature trees which form part of a group of trees along Trumpington Road which are protected by a group Tree Preservation Order.

1.6 Barrow Road is referenced in the Trumpington Road Suburbs and Approaches Study (March 2012) and the application site is located within 'Character 3' area. The study states *"The overriding character of this section of Trumpington Road is of a wide, generous road flanked either side by mature deciduous trees, some of which overhang the road, that create a sense of enclosure and privacy…."""Views down Porson Road, Bentley Road and Barrow Road are of substantial private residential properties set in a maintained landscape of tree avenues that emphasise the linear nature of these side roads"*.

2.0 THE PROPOSAL

2.1 The proposal is for the demolition of the existing two storey five bed detached dwellinghouse and replace it with a double gable fronted six bed detached dwellinghouse. The proposed dwellinghouse also includes an additional level within the roof space for two bedrooms, and a basement level which contains a swimming pool, cinema room, wine store, gym and sauna/steam room and storage and plant room.

2.2 The replacement dwelling has been designed in an 'arts and crafts' style. The main form of the proposed dwelling consists of two gable elements that are connected by a central link. The eastern gable would be the more dominant in terms of height.

2.3 The proposed replacement dwelling would be 8.85 metres to the main ridge (existing ridge 8.1 metres) and 5.05 metres to the eaves, 21.8 metres wide (existing width 19.4) and 18.4 metres in depth; at it deepest (existing deepest depth 11.7 metres). The eaves line of the proposed garage on the eastern boundary would be 2.4 metres rising to 5.25 metres.

2.4 The application is accompanied by the following supporting information:

1. Supporting Statement (including Structural Engineer's report)
2. Tree Survey
3. Plans

2.5 The planning application follows previously refused application (14/1615/FUL) and pre-application discussions with Officers.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1615/FUL	Replacement dwelling.	REFUSED
14/1616/FUL	New dwelling	WITHDRAWN
15/0804/FUL	New dwelling to rear of site with access from Trumpington Road.	PENDING

3.1 The previous planning application was refused for the following reasons:

1. *The proposed replacement dwelling would by virtue of its two storey depth, location of first floor windows in the side elevation and close proximity to the boundary with no.4 Barrow Road result in a form of development that would appear overbearing, visually intrusive and result in an unacceptable invasion of privacy currently enjoyed by adjacent occupiers. The proposed dwelling would therefore have a significantly detrimental impact on the residential amenity of the adjoining neighbour such that it*

would be contrary to Policies 3/4, 3/7 and 3/12 of the Local Plan.

2. *The proposed replacement dwelling would by virtue of its two storey front projecting gable and layout have a detrimental impact on the pattern of development along Barrow Road. As a result the development would appear out of character and upset the consistent pattern of development along Barrow Road. The proposal development is therefore contrary to policy 3/4 and 3/12 Cambridge Local Plan (2006) which states that development will be permitted which demonstrate that it responds to its context and draws inspiration from the key characteristics of its surroundings. The proposed development has failed to respond to the site context and is out of character in terms of its scale and layout.*

3. *The proposed development would by virtue of its width within the plot and proximity to the western boundary result in the loss of a protected tree, which screens development of the dwelling from Trumpington Road. The loss of the tree would therefore increase views into Barrow Road from this location which would not only have a detrimental impact on the character of the area but result in the loss of tree from the belt of trees which plays an important amenity role within the site and area. Therefore contrary to Cambridge Local Plan (2006) policy 4/4 and guidance in the National Planning Policy Framework (2012).*

3.2 In response to the refusal reasons, the applicant held pre-application discussions with Officers to try and resolve the concerns in the above refusal reasons.

3.3 To address the first refusal reason, the applicant 'flipped' the dwelling, so that the garage accommodation moved to the eastern side with a sloping roof that connected to the main two storey gable. This also resulted in the main two storey element being push back approx. 4.8 metres from the eastern boundary; instead of 1.5 metres as with the refused scheme. However, the number of windows (including dormer windows) was increased from two to five.

3.4 The proposed double garage with first floor accommodation above has been removed and replaced with a single garage with sloping roof which connects to the roof of the two storey

element. The width of the proposed dwelling has also been reduced from 24.5 metres to 21.8 metres.

3.5 With regards to the other refusal reasons, the applicant has pulled the proposed dwelling back to behind the 'building line' for the street. The reduced width of the dwelling has enabled the footprint of the proposed dwelling to fall outside the Root Protection Zone of the main trees along the eastern boundary.

3.6 Following a meeting with officers, the applicant subsequently amended the revised scheme. Amendments were made to the eastern elevation. The rear roof two storey eastern wing has now been hipped to reduce its bulk and visual dominance from no.4. The eastern elevation was also moved forward to nearer the front elevation but still set back from it and stepped in at the rear to reduce the expanse of the roofslope.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	Area Guidelines Trumpington Road Suburbs and Approaches Study (March 2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 As Barrow Road is not an adopted public highway and the proposed access to the site is onto Barrow Road, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Head of Refuse and Environment

6.2 No objections in principle subject to conditions on construction collection and delivery hours, construction hours, dust (including dust informative) and piling.

Urban Design and Conservation team

6.3 Object to the proposal for the same reasons made on the previous application (14/1615/FUL); see below, and acknowledge the changes made to the plans as now proposed. Clearly the projecting two storey front gable element has been reduced in response to the previous reason for refusal. However, if approved, the following condition recommended:

No works for the demolition of the building or any part thereof shall commence on site until an unconditional contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which Planning Permission has been granted under application reference(s) XX/XXXX/FUL and evidence of the said contract has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid harm to the appearance of the area and to be consistent with NPPF para 136.

Comments on previous application – 14/1615/FUL:

6.4 The new development is not considered to make a positive contribution to local character and distinctiveness because it requires the demolition of the original house; would lose the connection with No.1 and is not of a form characteristic of Barrow Road.

Street and Open Space (Tree Officer)

6.5 Satisfied with the tree retention and proposed protection of the trees. Therefore no objection subject to conditions requiring Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) and implementation of the approved AMS and TPP.

Drainage Officer

6.6 No comments to make.

Historic England

6.7 The history and architecture of Barrow Road, a development of the 1930s by Trinity College, contribute to the interest of Cambridge. The street and its original buildings have a coherent character, and we understand that consideration is being given to the possibility of designating the street as a conservation area. In this context, the demolition of one of the original buildings – one which forms one of a pair flanking the entrance to the road – would erode the character of this potential conservation area.

Twentieth Century Society

6.8 Makes the following comments:

- The proposal will have a negative impact on a non-designated heritage asset;
- Loss of house to a modern structure is out of keeping with the area and loss of the original and unaltered feature of the estate will detrimentally harm this non-designated heritage asset
- The house remains fit for purpose and sensitive refurbishment should be encouraged

Cambridge Past, Present and Future

6.9 Makes the following comments:

- The principle of demolition should be re-evaluated in view of its connection with the replacement dwelling;
- The loss of these buildings would impact the context and original design;

- The buildings should be considered as non-designated heritage assets
- In areas such as this where the design of the street has been intentionally designed greater protection should be afforded to proposal that would permanently alter the character and appearance;
- Scale of replacement dwelling is considerably at odds with the existing dwellings;

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

7.0 REPRESENTATIONS

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

- 1 Barrow Road
- 3 Barrow Road
- 4 Barrow Road
- 6 Barrow Road
- 8 Barrow Road
- 9 Barrow Road
- 11 Barrow Road
- 12 Barrow Road
- 15 Barrow Road
- 18 Barrow Road
- 20 Barrow Road
- 21 Barrow Road
- 24 Barrow Road
- 25 Barrow Road
- 27 Barrow Road
- 29 Barrow Road
- 30 Barrow Road
- 31 Barrow Road
- 32 Barrow Road
- 39 Barrow Road
- 45 Barrow Road
- 13 Porson Road
- 29 Porson Road
- 34 Porson Road
- 38 Porson Road
- Ardglas, Inverlounin Road, Lochgoilhead

- Salix House, Top Road, Wimbish
- Twentieth Century Society
- Cambridge Past, Present and Future
- English Heritage

7.2 Context, scale, design, character:

- Proposed dwelling would be very close to the boundary and extend a long way into the garden;
- The character of Barrow Road will be spoiled;
- Dislike the tall chimney and sloping roof;
- Demolition of no.2 destroys the original architectural design of the entrance to Barrow Road;
- No.2 is one of the more elegant houses of the road and is proportionally appropriate for its role as a gateway to the street
- Design of replacement house fails to recognise both architectural character and nature of original layout of the road;
- Proposed dwelling out of character and would destroy the architectural integrity of the road;
- Revised design still very large and bulky;
- Modern structure is out of keeping with other area and loss of original and unaltered feature will detrimentally harm this non-designated heritage asset;
- East elevation presents an extensive and imposing area of tiled roof;
- Height of proposed dwelling would be 1 metre taller than existing which is out of context with Barrow Road;
- Proposed dwelling would be significant bigger that other properties in Barrow road and encroach deeper into the garden adversely affecting the balance between built area and surrounding land;
- No positive impact on the area as required by policy 3/12
- The proposal would destroy the architectural symmetry of no.1 and 2 forming entrance to Barrow Road;
- The existing façade should be retained to preserve the gatehouse concept;
- Demolition of no.2 would be a tragedy and wholly wrong;
- To permit a pastiche replacement robs the road and city of its architectural heritage;
- Concerns regarding the demolition and proposed replacement dwelling supported by Cambridge Past, Present and Future and, 20th Century Society and English Heritage;

- The proposed dwelling is unnecessarily large and similar to the scheme that was refused;
- Concerns that the swimming pool along with the applicant occupation may result in business use at this site would change the nature of the neighbourhood;
- The proposal replacement dwelling would set a poor precedent;
- The proposal to demolish an original building would erode the character of this potential conservation area.

7.3 Residential amenity

- Concerned by noise and disturbance
- Outflanking and overbearing no.4 Barrow Road
- Overlooking and loss of privacy on no.4 Barrow road

7.4 Comments following amendments:

- Revisions do not address objection and remains out of keeping;
- The proposed house is still very large and overbearing, out of character with the design of the original Barrow Road houses and will still be intrusive on its neighbouring properties.
- The large roofslope would appear dominant from no.4
- Remains out of character with other houses in Barrow Road in height and floor area
- Applicant should be encouraged to do a tasteful extension behind the existing façade;
- Reduction in mass, number of windows and cutting back the dwelling from the boundary is welcome;
- Scale of new building still oppressive from the garden no.4;
- Three storey house in the context of two storey houses;
- End the "*Blitzkrieg*" approach to home improvements;
- Barrow Road is a "*smiling road*" which a "*second ugly tooth*" would spoil;
- Commercial building which is inappropriate;
- Concerns with contractor parking on the corner of Barrow Road

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

8.0 ASSESSMENT

Principle of Development

8.1 The provision of a replacement dwelling accords with Local Plan Policy 5/1, housing provision.

8.2 The house and its garden are not within a Conservation Area. I acknowledge the desirability of retaining the existing house but its loss cannot be protected under current planning legislation because the applicant could submit a notification under Part 11B of the General Permitted Development Order 2015 to demolish the dwelling and the Council could not refuse such an application. The Council could only control the method of demolition current. Therefore, whilst there are aspirations for the street to be included within a Conservation Area in the future, there is no policy protection against the demolition of the existing dwelling.

8.3 Requests have been made for Barrow Road to be included within a new Conservation Area. This has been formerly considered by Environmental Scrutiny Committee and would also require the production of a Conservation Area Appraisal and include public consultation. In my view, the aspiration for Barrow Road to be included within a Conservation Area adds very little weight in favour of retaining the existing building. If Barrow Road was a Conservation Area, it would become a Designated Heritage Asset. This would not negate all demolition but would place a higher test of consideration for the demolition and replacement because issues of demolition would come with the control of the Council. I recognise the issues raised by both Historic England and The 20th Century Society but they have limited weight and do not enable the Council to resist demolition in this instance due to the building falling within an emerging Conservation Area. That does not mean that the Council cannot consider the context and character of the road and whether the replacement dwelling adequately reflects this. The existing property is not a Building of Local Interest (BLI = a non-designated heritage asset) and does not appear on the current list of BLI's and there are no such designations within Barrow Road.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. There are no planning grounds on which to resist the principle of demolition.

Context of site, design and external spaces

8.5 Barrow Road consists of large two storey detached dwellings, which are set back from the road with well landscaped frontages and on generous plots. The character of the street has a spacious suburban feel with wide grass verges, tree lined avenue and a general consistency in terms of building line and two storey scale on both sides. In terms of architecture, many of the dwellings are in an 'Arts and Crafts' style, typically in brick and render with tiled hipped, gabled roofs and dormer windows. However, many of the dwellings have also been extended and altered to increase their size with modern interventions which have diluted the arts and craft style.

8.6 No's.1 and 2 Barrow Road are set behind landscaped/green boundaries, which are between 2 and 2.5 metres in height, and are screened from Trumpington Road by a dense band of mature trees, which are group protected. Neither dwelling has been designed to mark them out as being important 'gateway' buildings into Barrow Road but careful consideration needs to be given to the replacement building to ensure it can sympathetically assimilate into the site and context of Barrow Road.

8.7 Local Plan policy 3/12 (New buildings) is relevant for consideration of this proposal. Policy 3/12 requires new buildings to have a positive impact on their setting in terms of location on the site, height, scale and form, materials, detailing and wider townscape and landscape impacts and available views. The footprint of the proposed new dwelling can be comfortably accommodated within the large rectangular plot. The proposed dwelling has a deeper footprint as compared with the existing house and its neighbour no.4, but this does not result in any harm to the character and appearance of the suburban street scene or from the rear gardens.

8.8 The increased depth of the proposed dwelling (compared to the existing) would only be apparent from oblique angles from along Barrow Road. However, the rear projecting gables (particular the eastern gable) would project beyond the rear of no.4 and be

visible from neighbours gardens. In my view, the additional depth of the proposed dwelling beyond the rear of no.4 and the hipped roof form would have limited impact. As such the rear aspect of the proposed dwelling would not significantly alter the character of the rear garden landscape. Views of the proposed dwelling and its depth would be limited and largely screened from Trumpington Road by the existing band of trees and boundary treatment.

8.9 Several of the properties along Barrow Road have been extended and altered from their existing form. A range of extensions, predominantly to the rear and side, have resulted in a more varied street scene from its original appearance. This has also changed the rear view of the dwellings from rear garden-scape. Therefore the location within the plot is considered to be acceptable in this context.

8.10 In terms of height, the proposed dwelling would be approx. 750mm above the existing ridgeline (excluding the main gable which would project 600mm above the main ridge, which runs north-south). The increase in height over the existing would not be harmful because of the spacing between properties. In my view, the variation in heights in the front elevation of the proposed dwelling gives architectural interest and articulation. The height of the proposed dwelling is considered to be acceptable in this context and would not appear significantly out of keeping such that it would have an adverse impact on the character of this area.

8.11 The proposed dwelling would occupy most of the footprint of the existing dwelling and stretch beyond it at the rear and sides whilst maintaining a two storey form and appearance. The scale of the proposed dwelling has been broken up by a combination of gables projecting off a central element, varied roofslopes and roofscape and features such as bay windows and dormers. I am of the view that the scale of the proposed dwelling would fit comfortably within the plot without appearing unduly dominant or out of scale with other existing dwellings. The proposed dwelling would in my view complement the existing built form along Barrow Road.

8.12 The applicant states that the proposed dwelling has been designed to maintain and respect the ‘art and craft’ theme of Barrow Road. The projecting gables, steep roofslope, dormer

windows, prominent chimneys and tiled roof are features that are found in existing dwellings in this locality. However, because of its depth and form, I am not convinced that it could be said to be a faithful replication. In my view, the proposed design and form are considered to be of high quality and would preserve the character and appearance of the area. Whilst I understand the existing dwelling is part of the original development along Barrow Road at a time when the 'arts and craft' movement was in fashion, I do not consider this reason alone is worthy of its protection. The proposed dwelling has a more prominent appearance with strong articulation and bold features visible from the road such as the gable but I do not consider its presence would be harmful. It would not, in my view, be appropriate or reasonable to insist the applicant retains the front façade of the existing dwelling, as some third parties have suggested, as this would result in a contrived form of development. The proposed dwelling has incorporated sympathetic architectural references which would complement the character of the area.

8.13 Materials and detailing are important elements to ensure the appearance of the proposed dwelling is appropriate. I have therefore recommended a materials condition (condition 3) so that such details can be agreed before development is commenced.

8.14 The proposed dwelling has been designed to respond to the context of the site whilst respecting the architectural form of Barrow Road. The proposed dwelling would adequately respect the character and appearance of the area.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.16 The proposed dwelling has been amended, particularly the eastern elevation, to mitigate its impact on the adjoining neighbour (no.4) in terms of enclosure.

8.17 The ridge of the eastern gable would be higher than the existing property, but would be located over 4.6 metres away from the

boundary and the roofscape would slope down towards the boundary. This would allow for an improved outlook from the rear of no.4 than existing. The roof of the rear facing projecting gable end has also been hipped and a section of the single storey element removed to create a step, which removes a large area of roofscape. The combination of these amendments has reduced the visual mass of the roofscape and bulk of the eastern elevation.

8.18 The existing dwelling has four windows at first floor, two serving bathrooms and two serving bedrooms. The bedroom at the rear of the property has a slot window which faces over the garden of no.4. The other bedroom window is located nearer the front of the property but is a larger window that overlooks the side elevation of no.4 and the boundary. The proposal includes four windows in the eastern elevation at first and second floor levels. All these windows are to be obscure glazed and I have recommended a condition as such (condition 10). The first floor windows are proposed to be recessed dormers that would serve a bathroom and ensuite. The window in the second floor would serve a landing and ensuite. None of the windows would serve habitable rooms. Therefore, I believe the proposed scheme would not result in overlooking from the eastern elevation such that it would have a detrimental impact on the privacy of the adjacent neighbour.

8.19 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

8.20 The proposed new house provides a high-quality living environment, appropriate in this setting, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12. I recognise that there is a current application for a new dwelling in the rear garden, but even in the event that that proposal were to be acceptable, it would not alter my conclusion.

Refuse Arrangements

8.21 There is enough space within the curtilage to accommodate the required level of waste receptacles.

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

Highway Safety

8.23 The applicant has demonstrated on plan that adequate visibility splays and car parking dimensions can be accommodated.

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

Car and Cycle Parking

Car parking

8.25 The proposed dwelling would not have any impact on the existing parking provision.

Cycle parking

8.26 The proposed dwelling makes provision for four cycles to be stored within the garage. There is also enough space within and around the dwelling to accommodate additional spaces.

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

Third Party Representations

8.28 I have addressed most of the comments received by third party representation in the above section. However, I set out below the comments that I have not addressed.

Issue	**Officer response and report section**
Noise, disturbance and contractor parking during construction	This can be mitigated through appropriate planning conditions. See construction hours condition 4.

Commercial use of the proposed dwelling	This is not what has been applied. Nevertheless, this would require separate planning permission subject to the degree of commercial activity from the site.
The applicants should pay for the surface of the road to be re-laid.	The maintenance of the Barrow Road is a civil matter and is not a material planning consideration.
Damage to trees from construction traffic.	This can be ensured through the imposition of a suitable planning condition.
Existing dwelling is elegant and original to the street	I do not agree that its appearance could be considered as elegant, but as an original house to the street, its loss cannot be resisted
Precedent for demolition and replacement	Any future proposed development would be assessed on its own individual merits.
Application to subdivide garden would adversely affect the neighbour at no.4	The application for the subdivision has not been determined and cannot be assessed as part of this application.
Unnecessary increase in carbon footprint.	I recognise that the existing building could feasibly be retained and extended but the fact that this may be unnecessary does not make it unacceptable. A new dwelling is likely to be built to higher energy efficiency standards than at present and as stated above the demolition of the building could not be resisted.

9.0 CONCLUSION

9.1 Whilst it is acknowledged that Barrow Road has heritage significance it is not currently designated as a Conservation Area and limited weight can be given to this under national and

local policy provision. The proposal to demolish the existing dwelling at no.2 Barrow Road is therefore acceptable in principle. The proposed replacement dwelling is of a design and scale that would sympathetically assimilate into the site and would preserve the character and appearance of the area, despite its depth of form.

9.2 The proposed dwelling has been designed and laid out to mitigate the impact on the residential amenity of the adjoining occupier. The scale and mass of roofslope on the eastern elevation has been reduced from the original scheme and all windows in the eastern elevation are proposed to be obscure glazed to prevent overlooking.

9.3 The proposed dwelling would not have any adverse impact on the existing trees along the western boundary as it would be located outside the root protection zone.

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)

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

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

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

   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)

6. 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 policy4/13

7. Prior to the commencement of development and with reference to BS 5837 2012, details of the specification and position of all protection measures and techniques to be adopted for the protection of any trees from damage during the course of any activity related to the development, shall be submitted to the local planning authority for its written approval in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). In addition the method statement should include details to be adopted to minimise the impact of retained trees on the building in the future.

   The development shall be carried out in accordance with the approved details.

   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)

8. Prior to commencement, a site visit will be arranged with the retained arboriculturalist, developer and LPA Tree Officer to agree tree works and the location and specification of tree protection barriers and temporary ground protection.

   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)

9. The approved AMS and TPP will be implemented throughout the development and 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)

10. The windows on the east elevation at first and second floor level 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).

11. No windows or openings of any kind shall be introduced in the first floor or second floor level of the east elevation.

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

    INFORMATIVE: Dust condition informative

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

    -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

    -Control of dust and emissions during construction and demolition - supplementary planning guidance
    https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

PLANNING COMMITTEE **1st July 2015**

Application Number	15/0665/S73	**Agenda Item**	
Date Received	13th April 2015	**Officer**	Mr Tony Collins
Target Date	13th July 2015		
Ward	Coleridge		
Site	Cambridge Water Company 41 Rustat Road Cambridge CB1 3QR		
Proposal	Section 73 application to vary condition 13 of Application 07/1223/REM to allow amendments to refuse storage, cycle storage, landscaping and block positions.		
Applicant	Mr Paul Reynolds Weston Group Business Centre Parsonage Road Takeley Essex CM22 6PU		

SUMMARY	The development accords with the Development Plan for the following reasons: The proposed amendments would not detract from the appearance, or impair the functioning, of the development as a whole The proposed amendments would not result in a significant reduction of open space on the site The proposed amendments would not have a significant impact on the amenity of neighbouring residents.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site (1.163 ha) lies on the west side of Rustat Road. The buildings which formerly occupied the site - the offices and workshops formerly used by the Cambridge Water Company, and the two semi-detached houses which stood further north - were demolished in 2005. Development has commenced on the site. The approved scheme consists of four

large blocks of flats and maisonettes running east west across the site (from south to north, they are Blocks A, B, C and D). There are also five small blocks of houses and flats on the western (Clifton Road) side of the site (from south to north, these are Blocks E, G, J, L and N). Finally, five further small blocks (F, H, K, M and O) front Rustat Road. The long blocks split the open area of the site into five landscaped courtyards, which I have termed (from south to north) Courtyards, 1, 2, 3 4 and 5.

1.2 There is a large horse chestnut tree, which is the subject of a TPO, in the centre of Courtyard 4. The north boundary of the site is bounded by a wire and close-boarded fence, beyond which is a pedestrian and cycle way which links Rustat Road and Clifton Road. On the northern side of the cycleway is a late 1990's development of 24 residential units on three floors (Regency Square). 61 Rustat Road is in the south-east corner of Regency Square, separated from the north-east corner of the application site only by the pedestrian/cycleway. The property has two windows in the south elevation, and permission for a single-storey extension. In the south-west corner of Regency Square, the gable of the flats on the boundary has three windows which overlook the application site.

1.3 To the south of the site is a detached house, 37 Rustat Road. The building is 3m from the application site, and has a 1.8m high blockwork wall on the common boundary. This house has two side windows on the side elevation which overlook the application site. The rear garden of 35 Rustat Road, which is much longer than that of 37 Rustat Road, also directly abuts the application site. To the west of the application site is the Clifton Road industrial estate, with units 18 and 21 hard up to the common boundary with the application site. Opposite the site, on the east side of Rustat Road, are residential properties.

1.4 The site has no specific designation in either the Cambridge Local Plan 2006 or the Cambridge Local Plan 2014 Draft Submission.

1.5 The site is not within any conservation area. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

2.1 The proposal seeks to vary Condition 13 of the existing permission 07/1223/REM, which was added by the non-material amendment application 15/0409/NMA, and states that the development must take place in accordance with the drawings listed on the original decision notice. This application proposes the substitution of a new list of drawings in Condition 13, which would bring about a series of minor material amendments to the scheme. The proposed amendments are listed below.

ref	amendment	reason
A and B	New crossover points/dropped kerbs and reinforcement system to grass area	To meet Building Regs fire safety requirements
C	Revised cycle storage	
D	Removal of refuse bin lifts from basement.	Because towable bins, moved from basement to collection points by the management company are preferred.
E	Addition of access stair to the lower car park	To meet Building Regs fire safety requirements
F	Landscaping in second and third courtyards altered to create level access	To improve accessibility
G	Amendment to staircases between courtyard levels	Result of altered landscaping
I	Block D moved 1m to the west (away from Rustat Road)	Because of 'no dig' zone of frontage trees and to allow space for services
J	Block L moved 1m to the east (away from Clifton Road)	To avoid an existing drain and increase garden sizes in this block

K	Block N moved 500mm to south (away from Regency Square)	To allow space for relocated substation (subject of a separate application)

3.0 SITE HISTORY since 2000 (earlier site history is not relevant)

3.1

Reference	Description	Outcome
02/0582/OP	Outline permission for residential development following demolition of existing buildings	Approved
05/1336/OUT	Renewal of outline permission	Approved
06/0590/REM	Reserved matters submission for 153 dwellings	Refused; Appeal dismissed
07/1223/REM	Reserved matters submission for 143 dwellings	Approved
09/0137/REM	Reserved matters submission for landscaping	Approved
13/6001/S106BA	Reduce the Affordable Housing provision from 30% to 6%.	Approved
15/0409/NMA	Add condition listing the approved plans	Approved
15/0686/FUL	Relocation of sub-station	Under consideration

3.2 Outline permission for residential development was granted on 6th June 2003, under C/02/0582/OP. Because of fears that permission might lapse before it could be implemented, a new application for outline permission was made, under 05/1336/OUT and approved on 10th April 2006. A submission of reserved matters (06/0590/REM) was received on 31st May 2006 and refused by Planning Committee on 16th August 2006. An appeal was lodged, and a Public Inquiry was held on 6th-8th March and 8th May 2007. The appeal was dismissed.

3.3 A new reserved matters submission (07/1223/REM) was made on 16th October 2007, substantially similar to 06/0590/REM, but

including a number of changes designed to address the reasons given by the Inspector for the refusal of the latter submission. This submission was approved, subject to conditions, on 11th January 2008.

3.4 Although a landscape masterplan drawing was submitted with 07/1223/REM, and landscaping was explained in supporting documents to that application, no landscape drawing was included in the list of approved plans on the decision notice for that application. A third reserved matters submission was made on 16th February 2009 seeking clear approval for an overall landscaping proposal.

3.5 Conditions attached to 05/1336/OUT and 07/1223/REM were discharged between July 2010 and January 2011. A table showing the dates of discharge of pre-commencement conditions is attached to this report as Appendix A.

3.6 Development commenced on site on 14th March 2011. The Outline permission and reserved matters approvals therefore remain valid.

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 3/8 3/11 3/12 4/4

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cambridge City Council (2011) - Open Space and Recreation Strategy Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No implications affecting the highway network.

Head of Refuse and Environment

6.2 First advice (01.05.2015)

- unexplained difference in provision between Blocks N and O
- information required on the distances involved both for residents moving their bins to stores and collection points and for crews moving bins from collection points to vehicles
- bins in the basement are incorrectly aligned
- two basement stores have only 9 x 1100 bins instead of 10. However, in these stores, for refuse, 4 x 940 litre bins would be sufficient rather than 4x1100, which would allow extra space
- Unclear rationale for communal bin stores for some of the houses
- Confirmation required that there is provision of 3 x 240 litre bins for houses F,H,K,L and M
- Bin moving distances for the managing company seem long

6.3 Second advice (15.06.2015)

- Towable bins acceptable provided they are properly managed
- Issues in first advice can be secured by conditions

Head of Streets and Open Spaces (Landscape Team)

6.4 Concerns regarding (a) practicability of the proposed detailing for access by fire-fighting vehicles, and (b) location of sub-station abutting the side wall of a dwelling in Block N.

Head of Streets and Open Spaces (Walking and Cycling Officer)

6.5 High-low racks at 400mm are acceptable. They are not the preferred option but we do allow for them in the current Cycle Parking standards and so I would accept the Falco Ideal racks with fixing posts within the cycle stores and would like to see the Falco Cam racks (like those in the city centre) for those located outside – these in particular have a greater distance between handlebars and so large baskets can be accommodated.

6.6 Concerned about: access to some cycle stores across gravel or grass areas; proximity of cycle store to planted area in front of Block C; inconvenient positions for some individual cycle stores. Also suggest cycle parking for units on ground floor of Block D could be in rear gardens, thus reducing need for shelters in the courtyard.

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 Councillor Herbert has objected to this application. His concerns are as follows.

- Cycle storage less convenient
- Hi-Lo racks are not appropriate because clash of handlebars results in loss of effective capacity
- Loss of open space
- Waste storage arrangements risk poor management causing problems
- Unnecessary additional structures in courtyards
- Works commenced without permission for changes

7.2 The full text of Coun. Herbert's objection is attached as Appendix B.

7.3 Representations have been received from the following:

- Owner of 16 Regency Square
- Owners of 61 Rustat Road
- Rustat Neighbourhood Association
- Regency Square Owners Association

7.4 The representations can be summarised as follows:

- Concerned about landscaping changes
- Concern about substation position
- Movement of blocks will increase overshadowing
- Block O should be moved to reduce overshadowing but no such change is proposed
- Alternative substation positions possible
- Waste storage provision worse than approved scheme
- Revised cycle parking results in loss of open space
- Loss of play area
- Loss of meadow planting
- Position of acacia trees

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

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. Design
2. Open space
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Cycle parking
7. Third party representations

Design

8.2 The application proposes amendments to the following elements of the approved development:

- Dropped kerbs and access points
- Cycle storage
- Waste storage arrangements
- Exit stair from car park
- Levels and layout in landscaped courtyards
- Positions of blocks

8.3 I deal with each of these in turn below.

Dropped kerbs and access points

8.4 I do not consider that the additional dropped kerb and alterations to access points would have any harmful impact on the overall appearance or functioning of the development. The detailed design of the crossovers and secure gates can be secured by condition. The associated change to the landscaping to provide the necessary support for fire appliances in reaching the centres of courtyards 2 and 3 would alter the appearance of these areas only in a minor way. The precise detail of the surfacing here can be controlled by condition. The issue of turning space for fire appliances, which has been raised by the landscape team, falls under the Building Regulations. I have checked with the Building Control department, and I can confirm that the issue of access for fire appliances is under ongoing discussion between the Building Control teams at this Council and Chelmsford Council, and Cambridgeshire Fire and Rescue Service. It is likely to be resolved by the use of maximum reversing distances and the use or sprinklers. It must be resolved through the Building Regulations channel, however, and does not form a reason for the refusal of this application. In my view, these changes are visually and functionally appropriate, and in accordance with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan 2006.

Cycle storage

8.5 The proposed amendment would remove cycle storage from the upper levels of Blocks A, B, C and D. 80 of the spaces removed would be replaced by Hi-Lo racks in the basement. Visually, this would be an improvement, reducing external clutter above ground in these blocks. Some of the additional cycle storage spaces required, however, are proposed in ground level shelters on the north side of Block C (32 spaces + 24 spaces), and on the south and east sides of the open space in Courtyard 5 (30 spaces + 24 spaces).This reduces the amount of open space available in both courtyards, and, particularly in the northernmost courtyard, introduces significant additional structures to the space.

8.6 In my view, the additional shelters in Courtyard 4, which run along the edge of the ground floor access walkway of Block C, are acceptable, if not ideal. The shelters in Courtyard 5, however, which encircle two sides of the open space are, reducing its size and cutting it off visually from Block D and from the main route of access from Rustat Road, in the southeast corner, are a serious design shortcoming, and this part of the proposed amendment needs redesign. Given that the cycling officer has suggested that some of the flats could have cycle parking space in their gardens, I feel there is scope for a reduction in the number of cycle parking spaces in this courtyard. I do not consider that it would be reasonable to refuse permission for the whole of the application because of this shortcoming, but I recommend a condition requiring the submission of a revised details for the layout of Courtyard 5, including the waste bin storage and cycle parking to be accommodated within it.

Waste storage

8.7 The proposals involve a change to the means by which waste bins are brought from basement level to collection points. I consider this issue below, but the waste storage changes also involve the enlargement of the bin storage area in Courtyard 5, which leads in turn to a further diminution of the effective open space in this courtyard. This bin store is only slightly larger than that previously approved, but because I consider the proposed amended layout for this courtyard unsatisfactory, and recommend a condition requiring amended details, an opportunity exists to find an improved integration of this waste storage into the overall layout of the courtyard

8.8 The waste strategy manager has raised a number of other minor issues, but these all relate to functional and capacity questions rather than design. I address them further below.

Car park exit stair

8.9 The addition of this small staircase from basement level in Courtyard 1 is necessary for fire safety reasons. It results in a small loss of grassed area in this courtyard, but I do not consider this to be significant. Its visual impact would be minor. In my view, this amendment is visually and functionally

appropriate, and in accordance with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan 2006.

Courtyard levels and layouts

8.10 The open spaces in the centre of Courtyards 2 and 3 include a change of level, because of the semi-basement car park, which lies partly beneath these courtyards. The amendment proposes altering the position of the change of level, bringing it further east, closer to Rustat Road, and altering the layout of the steps connecting the two levels. The arrangements for wheelchairs, buggies, delivery trolleys and other non-pedestrian traffic, which would need to use the lifts to get to the upper level in these courts, are unaltered from the approved scheme.

8.11 The revised landscaping, which would lead to a larger and more coherent area of open space at the upper level in both courtyards (although causing a slight diminution of the space available at the lower level in Courtyard 2) is in my view an improvement on the approved scheme, and it would enable future occupiers to make more use of the open space available. In my view, this amendment is visually and functionally positive.

8.12 The applicants have submitted a comparison of open space in the approved layout and that proposed here. This comparison is of the areas to be surfaced in grass or soft landscaping, and excludes the areas of courtyard which would be paved. The approved scheme would have 1685m^2 of such 'soft' open space, and the proposed amended scheme would have 1682m^2, a loss of 3m^2. In my view this is not a significant loss, particularly since in Courtyards 2 and 3, the coherence and usability of the space would be improved. Only in Courtyard 5 would there be a significant reduction in the quantity and quality of open space, and I have recommended that a condition be attached to any permission to require a revised scheme for this courtyard, to address this shortcoming. Subject to such a condition, I am satisfied that the amended proposal is acceptable, and in accordance with policies 3/7 and 3/11 of the Cambridge Local Plan 2006.

Block positions

8.13 The alterations to block positions are detailed in the table at paragraph 2.1 above. I assess the possible impact on neighbour amenity below, but in design terms, these changes are too slight to have any impact on the design of the scheme and do not raise any issues under policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan 2006.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.14 The changes to cycle storage, waste bin movements, courtyard layouts and dropped kerbs have no implications for neighbours.

8.15 The movement of Block L is too far from any residential neighbours to have any implications. The movement of Block N (further away from Regency Square) would have a very small, but positive, impact on occupiers of that development, in terms of light and visual impact.

8.16 The positioning of Block D 1m further west would make a slight difference to the position of shadows produced by the building. However, given that it is 34m from the nearest residential neighbour and the altered position is only different by 1m, I do not consider this to be significant.

8.17 In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.18 I do not consider that any of the proposed changes would produce any overlooking, overshadowing, visual impact, noise or disturbance impacts which would result in unacceptable living conditions.

8.19 In my opinion the scheme as amended by this proposal continues to provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers,

and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

8.20 The proposal would replace a lift system to bring bins to the collection points with a system of towable bins. Concerns have been expressed about the risks and delays which might follow from towable bins being brought up the car park entrance ramp. Accordingly, the applicants have proposed an arrangement whereby the towable bins are brought out of the car park through the pedestrian entrance adjacent to the courtyard stairs in Courtyard 3 and moved to the collection point from there. In my view this is acceptable. I acknowledge and agree with the concerns expressed by respondents about the risk of a management company not handling bin movements effectively, but these risks are no different under the proposed system from those that existed previously. They are inherent in the layout of the site, whose principles have been tested at a public inquiry and approved via the Inspector's decision. I do not consider the towable bins proposal to be less satisfactory than the lift system, and in my view, a condition is sufficient to guard against the risks.

8.21 The Waste Strategy Manager's comments include a number of concerns and questions about the exact numbers, sizes and positions of bins in various locations. In my view these issues are not fundamental to an appropriate waste management strategy. Clear resolution of these points is essential, but it can be addressed by an appropriate condition. In my opinion, subject to such a condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.22 The highway authority has confirmed that it does not consider that the application has any highway implications. I concur with this view, and my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Cycle Parking

8.23 The application provides 204 cycle parking spaces for residents, 80 in the basement, and 124 in ground level external shelters. These spaces are all of the Hi-Lo variety. The cycling officer has indicated that she considers these to be in accordance with policy, and I concur. The Cycle Parking Standards would require 192 spaces. The application also provides 48 visitor parking spaces, 36 of which are covered. I consider this to be adequate. I recommend a condition to ensure that both resident and visitor cycle parking spaces correspond to the designs specified by the cycling officer.

8.24 In my view, the provision of cycle parking is acceptable in terms of capacity, convenience and security. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/6. I have indicated above that in design terms, I consider the provision in Courtyard 5 to be poorly sited. I recommend a condition to require the submission of an alternative layout for this courtyard.

Third Party Representations

8.25 I have addressed the issues concerning waste storage provision, cycle parking, additional structures in courtyards, area of open space available, and block positions in the relevant sections above.

8.26 The proposal for a new substation does not form part of this application. A separate application has been made for this building and it will be assessed in its own right. I have been assured, and have received drawings to confirm, that the proposed meadow planting and acacia trees will be retained in Courtyard 5.

8.27 The potential impact of Block O on the residential amenity of neighbours was exhaustively examined at the public inquiry into 06/0590/REM. The Inspector was satisfied then that this issue did not form a reason for refusal of the development, and there have been no changes inn planning circumstances since that time which might lead to a different conclusion now. The Council would have no justification for arguing that Block O should be moved.

9.0 CONCLUSION

9.1 I am satisfied that, subject to conditions, the proposed amendments would not lead to any loss of quality in the proposed development or to any significant impacts on neighbouring occupiers.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. No occupation of the development shall take place until a management system for the storage, transfer and collection of waste, including waste for recycling, has been submitted to, and approved in writing by the local planning authority. The details submitted must include precise specifications of bin sizes, numbers, orientations and locations, and an explanation of how efficient and timely movement of bins to and from collection points will be secured, spillage of waste avoided, and the cleanliness and good order of bin storage areas maintained at all times. The approved scheme shall be maintained permanently.

   Reason: To ensure satisfactory waste storage and recycling arrangements (Cambridge Local Plan 2006, policies 3/1, 3/7 and 3/12)

2. The proposed on-site renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings, and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority prior to any occupation. The renewable energy technologies shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

   Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16).

3. Development shall proceed only in accordance with the report in accordance with the provisions of BS 5228 'Noise Control on Construction and Open Sites: Code of Practice for Basic Information and Procedures for Noise and Vibration Control' submitted to discharge conditions attached to 07/1223/REM and associated mitigation measures required by the council in connection with that permission.

   Reason: To protect the amenities of nearby residential and office accommodation, and to avoid noise pollution. (Cambridge Local Plan 2006, policies 3/4 and 4/13)

4. Development shall proceed only in accordance with the measures to mitigate noise from the nearby railway line and industrial premises agreed with the local planning authority as a result of the acoustic assessment submitted in connection with 07/1223/REM, and the applicant shall submit a completion report to demonstrate that the scheme has been implemented effectively, before the premises are occupied.

   Reason: To protect future residents against the impact of industrial/commercial and rail traffic noise. (Cambridge Local Plan 2006, policies 3/4 and 4/13.)

5. Development shall proceed only in accordance with the details of acoustic specifications of all fixed plant, machinery and equipment associated with any proposed extract/ventilation system and lifting equipment at the proposed development, approved by the Local Planning Authority in connection with 07/1223/REM.

   Reason: To protect future residents and neighbouring occupiers against the impact of plant noise. (Cambridge Local Plan 2006, policies 3/4 and 4/13.)

6. The management system to enable deliveries (which shall include addressed deliveries), goods deliveries, utility meter reading and refuse and recycling collections to take place without compromising the security of the site, approved in writing by the local planning authority in connection with 07/1223/REM shall be implemented before any occupation of the development hereby approved, and shall remain in operation thereafter.

Reason: To ensure that buildings are safe for all users and visitors, avoid insecurity and the threat of crime or the fear of crime, and foster community safety, but that they also remain accessible and socially inclusive. (Cambridge Local Plan 2006, policies 3/7 and 3/12)

7. Development of the pedestrian entrances to the site and the car park entrance shall proceed only in accordance with the details of access control agreed by the local planning authority in connection with 07/1223/REM. The approved details shall be fully implemented prior to occupation and maintained in place thereafter.

   Reason: To ensure the buildings are safe for all users and visitors, avoid insecurity and the threat of crime or the fear of crime, and foster community safety. (Cambridge Local Plan 2006, policies 3/7 and 3/12)

8. Development shall proceed only in accordance with the details of surface water attenuation approved by the local planning authority in connection with 07/1223/REM

   Reason: To prevent flooding from surface water runoff. (Cambridge Local Plan 2006, policies 4/13 and 4/16)

9. Development shall proceed only in accordance with the details of petrol/oil/grit filters to any runoff from impermeable parking areas agreed by the local planning authority in connection with 07/1223/REM.

   Reason: To prevent pollution (Cambridge Local Plan 2006, policy 4/13)

10. Development shall proceed only in accordance with the details of wheel washing and other mitigation measures in relation to dust suppression approved in writing by the local planning authority in connection with 07/1223/REM.

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

11. Notwithstanding the details shown on the approved drawings, development of balconies and glazing to the units on the south side of Block A shall take place only in accordance with the details which limit the opportunities for overlooking to the south approved by the local planning authority in connection with the reserved matters approval 07/1223/REM, and no changes to the agreed details may subsequently be made without the prior written approval of the local planning authority.

    Reason: To prevent detriment to the privacy of the occupiers of 37 Rustat Road. (Cambridge Local Plan 2006, policy 3/4)

12. Development shall proceed only in accordance with the landscaping/screening scheme between Block A and the common boundary with 37 and 35 Rustat Road approved by the local planning authority in connection with 07/1223/REM. The agreed scheme shall be provided to the satisfaction of the local planning authority before occupation of any residential unit in Block A. The agreed, provided scheme shall thereafter be maintained to the absolute satisfaction of the local planning authority.

    Reason: In the interests of safeguarding the amenity and privacy of the adjacent property. (Cambridge Local Plan 2006 policy 3/4)

13. 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.

14. Notwithstanding the approved drawings, within 56 days of this permission, full details of the cycle parking for the development shall be submitted to the local planning authority for approval. The details shall specify exactly which cycle storage stands are to be used in both basement and ground level locations, and shall clarify how all cycle parking locations can be accessed by users without moving cycles across grass or gravel or impinging on planted areas within the landscaping scheme.

Reason: To ensure appropriate cycle parking. (Cambridge Local Plan 2006 policy 8/6)

15. Notwithstanding the approved drawings, no development of the courtyard space at the north end of the development, to the north of Block D, shall take place until full details of a revised scheme of landscaping for this space, including structures to be used for waste and cycle storage, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure this space is developed in a high-quality manner which is stimulating, safe and convenient for users. (Cambridge Local Plan 2006 policies 3/7 and 3/11.)

Appendix A

Discharge of conditions on Former Cambridge Water site, Rustat Road, Cambridge

05/1336/OUT – outline permission

Number	Subject	Date of discharge
1	time limit for reserved matters	discharged by submission of 07/1223/REM on 16th October 2007
2	time limit for implementation	by commencement on or before 18.03.2011
3	reserved matters before implementation	discharged by submission of 07/1223/REM on 16th October 2007
4	total number of dwellings	by submission of 07/1223 and compliance
5	materials	30.11.2010
6	details at 1:20	20.12.2010
7	sample panel	required only before brickwork commences
8	car parking laid out	required only before occupation
9	cycle parking	25.01.2011
10	hard and soft landscaping	20.12.2010
11	earthworks	20.12.2010
12	landscape maintenance plan	20.12.2010
13	implementation of landscape	required only before occupation
14	landscape management plan	20.12.2010 (but required only before occupation)
15	boundary treatments	20.12.2010
16	external lighting	20.12.2010 (but required only before occupation)
17	tree protection plan	30.12.2010 subject to additional sections
18	arboricultural works	30.12.2010 subject to additional sections
19	construction hours	must be discharged by compliance
20	contractors' arrangements	20.12.2010
21	piling	30.12.2010
22	ground contamination	Parts a-c 08.12.2010. Parts d-f must be complied with before occupation
23	wheel washing	30.12.2010
24	waste storage arrangements	24.08.2010
25	foul and surface water drainage	14.12.2010

07/1223/REM – reserved matters approval

Number	Subject	Date of discharge
1	management system for waste and recycling	24.08.2010
2	renewable energy technologies	08.12.2010
3	construction noise and vibration	30.12.2010
4	noise assessment and mitigation	16.02.2011
5	plant noise	03.09.2010

6	management plan for deliveries	03.09.2010
7	details of pedestrian entrances	21.07.2010
8	surface water attenuation	30.12.2010
9	petrol and oil filters	30.12.2010
10	wheel washing	30.12.2010
11	balcony design	11.02.2011
12	landscape screen	11.02.2011

09/0137/REM – reserved matters: landscaping

Number	Subject	Date of discharge
1	tree details	required only before planting commences

Appendix B

Objection to 15/0665/S73 from Councillor Herbert

I want to object to changes in design which go backwards compared to the original plans, and activity at this site in breach of planning approval, and ask that the Planning Committee consider the application for three reasons:

a Cycle storage

The proposed revision makes cycle provision significantly worse as

- the relocation will make the racks less convenient and reduce usage,

and

- the "high-low cycle racks at 400 mm centres" are not fit for purpose as such racks are not used at their claimed capacity because of the collision of handlebars of different designs, so the changed provide lower capacity compared to stated capacity of say 20 cycles, when only 10 can be accommodated in practice.

The resulting loss of open space is also a backward step and avoidable.

B Waste and recycling facilities and waste disposal

Again, the new proposals are not as good as earlier proposals, introduce avoidable new structures and risk worse waste and recycling management.

I am concerned also how the subsequent Management Company will manage these facilities as expecting them to shift waste bins on a regular basis is asking for trouble. If visible trash, foul odours or vermin are the result, this will affect life on this site and potentially also neighbours. This site is likely to be overwhelmingly dominated by tenants, including potential for significant turnover, and weak waste and recycling provision could cause public health and environmental problems later.

I also want to raise a further objection because the developers are proceeding with works in advance of, and without, planning approval

C Block N

Construction of Block N in the revised s73 application location has already proceeded, with bricks and blocks laid, I presume on the presumption of approval of the S73 application to move its position.

It is wrong for the developer to commence without permission.

I am concerned also to see early evidence of a possible wider intention by the developer to cut corners and develop the site without consideration of the impact on neighbours, along

with reports from nearby residents of site operations outside hours approved in the original application, and I want the planning authority to be clear that such actions are totally unacceptable.

PLANNING COMMITTEE **1st July 2015**

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

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

15A Derby Street; Update to the report dated 29/04/15

0.1 This update is in response to questions asked by Members of Planning Committee (29/04/2015) regarding the application for a Certificate of Lawful Use in respect of 15A Derby Street. At the meeting the matter was deferred for further information and advice.

0.2 The two questions raised were:

Q1. Is the lack of a tenancy agreement for the periods of short or holiday lets fatal to the Applicant's application?

Q2. If there were short lets can these count towards the period of the unlawful use of the property as a separate dwelling house?

0.3 A1.Advice from a City Legal Officer is as follows: The Applicant has to prove on a balance of probabilities that 15A Derby Street has been used as a separate C3 dwelling house for more than 4 years .The Applicant has provided a Statutory Declaration and copy leases (for most of the material period) but he has not produced any tenancy agreements or licenses in respect of the period of short lets. He states (under oath) that during summer periods (01/06/2003 – 13/09/2003, 13/06/2004 – 17/09/2004, 06/08/2005 – 17/09/2005, 09/08/2009 – 28/08/2009, 29/08/2010 – 30/09/2010, 01/07/2011 – 14/09/2011, 15/07/2012 – 30/09/2012) he has let out the property to visitors etc. The Council has no evidence to contradict this and given the strength of the Cambridge rental market, especially for short term lets over the summer months, it appears to the Planning Officer unlikely that the Applicant would leave empty a fully furnished and self-contained unit whilst continuing to pay Council tax in respect of the property. Therefore, on the balance of probabilities the Legal Officer accepts the contents of the Statutory Declaration.

0.4 Notwithstanding a lack of documentary evidence for the short term lets the Planning Officer having made a site visit, is of the opinion that the unit has been functionally set up and used as a dwelling house for some time and has no reason to doubt the Applicant's assertion in his Statutory Declaration that it has been so used since 1st April 2000. To emphasise the importance of a Statutory Declaration, if the information contained in it were false, the Applicant would be liable for perjury.

0.5 A2.The case of Gravesham Borough Council v Secretary of State for the Environment and Another (1984) 47 P & CR 142 provides a helpful definition of a dwelling house. It is a building which ordinarily affords the facilities required for day-to-day existence. (There is no requirement that the dwelling house must be used as a permanent residence nor is the nature of the

type of tenancy relevant). Applying that test to 15A Derby Street and the facilities present (a kitchen bathroom lounge /bedroom) the Planning Officer is satisfied that 15A is a dwelling house.

0.6 The Planning Officer accepts that the building has been let as an independent dwelling for more than 4 years continuously prior to the date of the application taking all the above factors into account and the fact that that Council Tax has been paid by the tenants (during the tenancy agreements) and by the Applicant at the other times.

1.0 SITE DESCRIPTION/AREA CONTEXT

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

2.0 BACKGROUND

2.1 This is an application for a Certificate of Lawfulness of an existing use in breach of a planning condition. The application is made under Section 191 of the Town and Country Planning Act 1990. **It is not a planning application**.

2.2 On 24th June 1998 planning permission was granted for the erection of a first floor extension over the existing double garage to form a studio room (98/0129). That permission was granted on the condition that the studio was only to be used in conjunction with and incidental to 31 Grantchester Street (the host dwelling). The extension over the garage was subsequently built (as amended under 99/0931). The application for the certificate of lawfulness sets out to demonstrate that since April 2000 (in breach of the condition) the studio has been occupied continuously as an independent dwellinghouse (C3).

2.3 The application is being brought to Committee because of the public interest in the application and an associated planning application for the conversion of the ground floor garage

element of the outbuilding (15/0065/FUL) for a 1 bedroom studio -flat.

3.0 CERTIFICATES OF LAWFULNESS

3.1 Applications for Certificates of Lawfulness are not normally considered by Committee and are routinely dealt with by officers under delegated powers. An application for a Certificate of Lawfulness differs from a planning application in that its purpose is to establish whether:

a) any existing use of buildings or other land is lawful
b) any operations which have been carried out in, on, over or under land are lawful
c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful

3.2 Criteria C applies in this case.

3.3 Uses and operations are considered lawful if no enforcement action can be taken against them and the uses and operations do not contravene the requirement of an enforcement notice.

3.4 If a Certificate is granted then the development is immune from enforcement action. The judgment as to whether a use or operation is lawful is based on an assessment of evidence; the planning merits of the proposed development cannot be considered. For applications involving an unauthorised change of use in breach of a condition, the applicants have to prove, on the balance of probability, that the breach and separate use occurred more than 10 years ago and has been continuous up to the date of the application.

3.5 When an application for a Lawful Development Certificate is made, the onus of proof is on the applicant to demonstrate to the local planning authority that a certificate should be issued. The evidence submitted should be clear and convincing.

3.6 Without sufficient or precise enough information, the authority will be justified in refusing a certificate. This does not preclude another application if more information can be produced later on.

4.0 THE PROPOSAL

4.1 This is an application for a Certificate of Lawfulness (s191) for the use of the first floor of the building as an independent dwelling (C3).

4.2 The application is supported by the following evidence:

- Statutory declaration (including details of furnished letting agreements from 2000)
- Site Location Plan
- Floor plans

5.0 SITE HISTORY

Reference	Description	Outcome
C/67/0159	Erection of double garage (31 Grantchester Street)	A/C
15/0065/FUL	Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3)	Pending
C/98/0129	Erection of first floor extension over existing double garage fronting onto Derby Street to provide studio room.	Approved with conditions.
C/99/0931	Amendment to planning permission ref: C/98/0129/FP, for alterations to rear elevations and roof.	Approved with conditions.

6.0 PUBLICITY

6.1

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

7.0 POLICY

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

7.2 Relevant Development Plan policies

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

8.0 REPRESENTATIONS

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

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

8.2 The representations can be summarised as follows:

- The garage has always been within the boundary of 31 Grantchester Street and is registered there for council tax purposes.
- The studio described in the application has only 'existed' since early 2014 due to the attachment of this new address to the garden gate and so there is no letting history and this should be treated as a new application.
- There are no UPRN numbers attached to these house numbers.

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

9.0 ASSESSMENT

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

LIST OF DOCUMENTS

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

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

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

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

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

10.0 RECOMMENDATION

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

1. It appears to the Local Planning Authority that on the basis of probability and evidence submitted, the premises has been used as self contained residential unit for more than 10 years.

2. 15A Derby Street, Cambridge, as identified outlined in RED on the location plan attached to this Certificate.

3. The use of the first floor of the garage of no.31 Grantchester Street, known as 15A Derby Street, as an independent dwelling (C3).

PLANNING COMMITTEE **1st July 2015**

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

SUMMARY	The development accords with the Development Plan for the following reasons: – The proposal does not harm the amenity of neighbouring properties. – The proposal does not harm the character of the Conservation Area. – The level of parking provision on site is acceptable.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

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

2.0 THE PROPOSAL

2.1 The proposal seeks retrospective planning permission for the change of use of the ground floor of the garage of no.31

Grantchester Street into a one-bedroom self-contained dwelling (c3).

2.2 The proposal does not involve any extensions or significant alterations to the built form of the building. The garage doors on the front elevation of the building would be replaced with glazing. There are also internal arrangements in terms of the internal floor area of the ground floor flat.

2.3 One parking space and bin storage is provided on-site at the front of the building and there is a rear garden 3.5m x 6m proposed.

2.4 Amendments have been made to the internal arrangement of rooms and the front fenestration of the building.

3.0 SITE HISTORY

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

4.0 PUBLICITY

4.1

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

	Area Guidelines Newnham Croft Conservation Area Appraisal (2013)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

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

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

Urban Design and Conservation Team

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

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

7.0 REPRESENTATIONS

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

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

7.2 The representations can be summarised as follows:

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

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

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces and impact on conservation area
3. Residential amenity

4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity

Impact on amenity of neighbouring occupiers

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

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

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

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

8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

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

Refuse Arrangements

8.17 A bin collection point is already in use outside the front of the building to the south of the existing parking spaces which serves both the upstairs and downstairs flats. Whilst the refuse arrangements outside the front of the property are not ideal, they do not protrude over the footpath of Derby Street and are set behind the established building line of properties to the north and so are deemed to be satisfactory.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 5/2 and 3/12.

Highway Safety

8.19 As the proposed access and number of parking spaces in front of the building is not altered by the proposed development, the proposal will not exacerbate issues of highway safety any more than existing.

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

Car and Cycle Parking

8.21 The proposal includes a cycle store attached to the rear of the property which has sufficient space to accommodate cycle space on site for future occupiers and so this is acceptable.

8.22 Concerns have been raised regarding the increase in demand for on-street parking that the proposed dwelling would cause. The existing two parking spaces are used by the owner/ occupier of no.31 Grantchester Street. Under the proposed change of use, the northern-most parking space would be

allocated for the occupiers of the proposed ground floor flat. I do not consider that the displacement of one of the car parking spaces of 31 Grantchester Street, or the use of the garage structure for separate use and subsequent use of the external parking space by the ground floor flat would significantly exacerbate parking demand on surrounding streets to such an extent as to warrant refusal.

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

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

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

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

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

on street, which I acknowledge suggest that parking is at or over capacity.

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

Third Party Representations

8.27 The majority of concerns have been addressed in the main body of this report.

8.28 The designation of this site under the Newnham Croft Conservation Area does not negate a change of use of the building. I am not in receipt of an objection from the Urban Design and Conservation Team.

8.29 The concerns raised regarding the legality of the street names are not planning considerations.

8.30 The other concerns are not planning considerations and so have not been addressed in this report.

Planning Obligation Strategy

Planning Obligations

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

9.0 CONCLUSION

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

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

PLANNING APPLICATION **1st July 2015**

Application Number	15/0430/FUL	**Agenda Item**	
Date Received	6th March 2015	**Officer**	Mr Amit Patel
Target Date	1st May 2015		
Ward	Cherry Hinton		
Site	Garage Block 1- 34 Fulbourn Road Cambridge		
Proposal	The demolition of existing 34 garages and erection of 8 affordable residential units (2 two-bed houses, 2 three-bed houses and 4 one-bed flats) with associated car parking and private and shared amenity space.		
Applicant	Keepmoat and Cambridge City Council, 950 Capability Green Luton LU1 3LU		

SUMMARY	The development accords with the Development Plan for the following reasons: • The development provides for affordable housing • The impact on the neighbours will not be significant • The design will fit well into the general character of the area
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is currently garages that are located off Fulbourn Road on the northern side. The garages are single storey and some are arranged in a row along the common boundary with existing properties facing Malletts Road and a cycle path.

1.2 The Fulbourn Road site is located to the South East of the city. The proposed development is on the land adjacent to No. 79 Fulbourn Road. The site is generally surrounded by rear gardens and two storey houses with the exception of the South East side; which is currently a large green open space.

1.3 There are a number of trees on the site; these are mostly concentrated along the western boundary. The dense tree and hedge line to the West surrounds the site creating a visual barrier between the development and the properties on Headington Close (North West). The trees should be considered as part of the overall development. There is an electric substation located near the entrance to the site in the southern part.

1.4 The site is not allocated in the Cambridge Local Plan (2006). It is not within a Conservation Area. There are no listed buildings or Building of Local Interest or tree preservation orders on the site. The site falls outside the controlled parking zone and within the Airport Safeguarding Zone of Marshalls Airport.

2.0 THE PROPOSAL

2.1 This application is a re-submission of a previously withdrawn scheme. The previous scheme was withdrawn because there were concerns regarding highway safety. This application is the same scheme as previously in terms of housing numbers and design but with altered access enlargement. The scheme still seeks permission for the redevelopment of the site for affordable housing, which will be maintained by the City Council.

2.2 The following dwellings would be provided:

4 x 1-bed flats
2 x 2-bed houses
2 x 3-bed houses

Plots 1-2: terrace of 3-bed houses

2.3 The terrace would be situated at the northern end of the site and would stand at its closest point 3m from the western boundary with Headington Close; a minimum of 17m from the northern boundary with properties facing Malletts Road. The proposed houses would be two storeys in height. Cycle and bin stores would be provided in the rear gardens.

Plots 3 -4: terrace of 2-bed houses

2.4 This building would be two storeys in height and follow the built form of the 3 bed properties in the northern part of the site. Due to the plot shape the boundary with the properties facing Malletts Road would be 6m at its closest point and 17m at its furthest point. These properties would have bins and bike storage.

Plots 5-8: 4 one bed flats

2.5 The building would mirror the scale and size of the proposed houses but would run along the south eastern boundary adjacent to the cycle and footpath linking Fulbourn Road and Malletts Road.

2.6 Six car parking spaces would be provided. Each dwelling would have an individual cycle and bin store.

2.7 The application is accompanied by the following supporting information:

1. Materials Schedule
2. Services Appraisal
3. Soft landscaping
4. Sustainability Checklist
5. Tree Survey
6. Waste Management
7. Zero Carbon Technical report
8. Arboriculture Impact Assessment
9. Landscape management plan
10. Code for sustainable homes estimator tool
11. Soiltechnics report
12. Flood Risk Assessment
13. Transport Statement

2.8 The Disability Panel commented on the application at its 3rd March 2015 meeting. Their comments are attached as appendix 1 at the back of this report.

2.9 The applicants in the light of Urban Design and Landscape comments have submitted additional information relating to shadow study and revised layout plans.

3.0 SITE HISTORY

Reference	Description	Outcome
14/0921/FUL	The demolition of existing 34 no. garages and erection of 8 affordable residential units.	Withdrawn

4.0 PUBLICITY

4.1

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/4 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	City Wide Guidance Cycle Parking Guide for New Residential Developments (2010) Modelling the Costs of Affordable Housing (2006)

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 (Highways Development Management)

6.1 No objection: Garages are not regarded as trip generators in themselves and so Corridor payments for 68 trips are triggered.

6.2 The revised access layout provides a length of carriageway clear of the carriageway and footway of Fulbourn Road of sufficient width to allow two cars to pass in the entrance, and segregated footway areas on both sides of the access for pedestrians.

6.3 Although the access is next to a pedestrian crossing emerging vehicles will have sufficient view of pedestrians and cyclists at the crossing and so the access and crossing should operate within acceptable levels of safety.

6.4 The potential for this conflict already exists with the existing access and this proposal allows a degree of improvement.

6.5 The following conditions are recommended: driveway material, no gates, access specification, drainage, manoeuvring and access conditions, construction management plan and informatives relating to works in the highway, encroachment and public utilities.

Head of Refuse and Environment

6.6 The proposal is acceptable subject to conditions relating to: contaminated land, construction hours, construction, noise, vibration and piling, collection and deliveries, dust mitigation, electric sub-station and informatives relating to contaminated land, asbestos and dust.

Urban Design and Conservation team

6.7 The Urban Design and Conservation Team did not originally support the scheme due to overshadowing concerns for plot 4, amenity space and privacy issues.

6.8 The applicant has provided additional information in light of the comments above. The Urban Design Team have commented that the proposal is now supported.

- Plot 4 will receive 2 hours of light and now passes the BRE recommendations
- The amenity space of plot 5 is acceptable as it is a sufficient size to accommodate table and chairs. However the boundary treatment is conditioned as the planting may not be suitable.
- The addition of a screen to plot 4 will limit oblique views and addresses the concern relating to the loss of privacy to 1b Malletts Road
- The revised submitted floor plans and elevations show that the 1.8m high timber screen to the roof terrace of Plot 7 (first floor flat) has been relocated on the west side of the terrace. We support this approach which reduces potential overlooking impacts to the rear garden of No. 79 Fulbourn Road.

Cambridgeshire County Council (Archaeology)

6.9 No objection subject to condition requiring archaeological investigations.

Nature Conservation

6.10 No objection to the proposal as the site would not be good place for roosting bats as the garage structures would lead to unstable temperatures but recommend an informative relating to nesting birds.

Landscape

6.11 The Landscape team originally did not support the application due to the quality of the amenity space provided for the development. The applicants have provided further information to address these concerns and the scheme is now acceptable subject to condition for boundary treatment around plots 5 and 6.

Sustainable Drainage

6.12 No objection to the proposal but no information is provided regarding surface water drainage but conditions relating to sustainable drainage can overcome this and therefore recommend conditions.

Access Officer

6.13 No objection to the proposal but one of these homes should be built to Wheelchair homes standards as there is a short supply of such stock in Cambridge.

There should be a Blue Badge parking space set out.

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

7.0 REPRESENTATIONS

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

- 79 Fulbourn Road

7.2 The representation can be summarised as follows:

- Loss of privacy to the rear garden and side windows
- Car parking on site will lead to overflow of cars parking in the surrounding area and illegally parked cars or service vehicles cause obstruction
- Agree with Urban Design comments
- Increase in noise and disturbance from vehicle traffic
- Highway safety concerns about cars entering and exiting the site
- Supporting documents relate to a different site
- If the proposal is approved then conditions relating to construction hours and noise should be recommended

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

8.0 ASSESSMENT

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

1. Principle of development
2. Affordable Housing
3. Context of site, design and external spaces
4. Disabled access
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Third party representations
10. 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.

Affordable Housing

8.3 The proposal will provide 8 new affordable housing units which will be managed by the City Council. It will help meet the housing need.

8.4 The proposal is acceptable as set out in policy 5/1 and 5/5 (Meeting Housing Needs).

Context of site, design and external spaces

Scale

8.5 The proposed houses and block of flats are two storeys in height. This is the prevailing character of the area and is considered to be acceptable.

Elevations and materials

8.6 The proposed elevations and materials are similar to other recently approved City Council housing sites with a mixture of red and buff facing brickwork, grey flat concrete roof tiles, and grey PVCu windows. The majority of the proposed materials are supported. Subject to the approval of the materials, which can be controlled by condition (9), the proposal is acceptable.

8.7 The submitted elevations show projecting bays at ground floor to the 3 bedroom houses and plain front to the 2 bed houses and 1 bed flats. This will give some interest within the estate. The ratio of brick to voids will also add interest in the estate and this approach is supported and helps to articulate the elevations.

8.8 Timber boarding is shown on the front elevation of the balconies associated with the first floor flat units (Plots 7 and 8) which prevents overlooking of the rear gardens of 79 Fulbourn Road. This approach is considered to be visually acceptable.

8.9 The roof plan shows the photovoltaic panels but the elevations do not. These details can be controlled by condition 10.

Landscape and amenity space

8.10 The general approach to private amenity space is supported with approximately 5 to 18m deep gardens proposed for the houses and some amenity space in the front of the properties to the ground-floor flats. Balconies (4.3m wide x 2.3m deep) are proposed for the first floor flat units and provide private amenity space for these units.

8.11 The rear garden boundaries of No. 1-3 Malletts Road are currently secured by the back wall of the garages. It is proposed that a 1.8m high close boarded fence is provided along the boundaries. The boundary detail proposed in this section is to be 1.8m high close boarded fence which is acceptable.

8.12 The Urban Design Team have commented that the proposal should be flats over garages (FOG) to overcome their concerns. I do not consider this appropriate as this would create dead space at ground floor level. In addition they have also commented that plot 4 will not receive light to the rear garden and plot 5 amenity space is not functional. The Landscape and Urban Design Team have commented that the amenity space to the front of the ground floor flats (plots 5 and 6) is not appropriate to serve its function. The applicants have provided additional details and now show a space for table and chairs this is now considered acceptable. The Urban Design Team have concerns on whether the planting proposed would be appropriate on a tight area and therefore recommend a condition to control the boundary treatment around this space (12). Also considering that there is green open space adjacent to the site I consider that the layout is acceptable.

8.13 Where it passes infront of the substation, the internal access road would be 2.7m in width. This would discourage ad hoc parking.

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

Disabled access

8.15 The Access Officer has commented that the proposal should provide a disabled parking space. I agree with the advice given. I consider there is room on site to accommodate this and recommend a condition (11).

8.16 The issue with the Wheelchair homes standard is not a planning consideration but if a future tenant needed these facilities then the property would need adaptations which is covered by Housing and Building Control legislation and I consider that the Access Officer be approached to give advice on this. See informative 33.

8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on 79 Fulbourn Road

8.18 Comments have been received regarding the potential for overlooking to the neighbour from third party and Urban Design colleagues. There are first-floor windows proposed looking in this direction from the first-floor flats, which serve the kitchen/dining, landing and bathroom. The closest point from the proposed building to the common boundary with number 79 is 8m. However, the angle of the building will give an outlook towards the end of the garden and is acceptable.

8.19 The balcony is 10m away from the common boundary with number 79. The applicants have submitted additional information to add a 1.8m screen rather than the balustrade proposed in the submitted scheme to overcome this concern, which the Urban Design Team accept and therefore I consider it acceptable.

8.20 The proposed building would be situated to the northeast of the neighbouring houses on Fulbourn Road. The submitted shadow diagrams demonstrate that generally the shadows cast by the proposed buildings reach number 79 is during the

morning of March and September with the rest of the year not creating a shadow at all. I do not consider this to be an issue.

Impact on Malletts Road

8.21 The proposed 3-bed and 2-bed houses (plots 1 to 4) would be situated directly to the southwest of the neighbouring houses on Malletts Road. The submitted shadow diagrams demonstrate that generally the shadows cast by the proposed houses do not reach the houses on Malletts Road with the exception of December 12pm to 3pm and partially in March/September at 4pm. In my opinion, the overshadowing would not be significant as to warrant a refusal and I consider it to be acceptable.

8.22 Due to the site context the rear elevation of the proposed houses will run east to west along the boundary with properties facing Malletts Road. Windows are proposed on the rear and side elevations of the houses, which would be 18m for plot 1 and 8m for plot 4 to the closest point to the boundary. The Malletts Road properties are at 90 degrees to the proposed houses and concerns have been raised regarding overlooking. The Urban Design Team commented on the submitted scheme that they had concerns about overlooking to Malletts Road properties. The applicants have submitted additional drawings showing a screen that would overcome this concern and the Urban Design Team agree. I now consider the proposal acceptable.

8.23 The proposal will have side windows that face 2 Malletts Road. Number 2 has been extended and has side facing windows itself. There will be a separation gap of 15m from proposed windows in first-floor to number 2. There is planting in the adjacent green space that will obscure direct overlooking to the rear gardens from these windows. I do not consider that this would be any worse.

Disturbance from construction

8.24 Concerns have been raised regarding noise and disturbance from vehicle movements. However, this is a garage site and there would be vehicle movements already. I note that there would be boundary treatment installed along this part of the site which will help in mitigating the noise created by car movements.

8.25 The Environmental Health Officer has recommended conditions to control; Construction hours (13); noise, vibration and piling (14); deliveries and collections (15); and dust suppression (16) and informatives relating to; contaminated land (29), asbestos (30); dust (31), Impact piling (32) I agree with their advice and recommend conditions as numbered above.

8.26 Subject to conditions, 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

8.27 The applicants have submitted a further shadow study and shows that there will be 2 hours of light to the rear parts of the garden of plot 4 and this meets that BRE guidance and the Urban Design Team also accept this. I do not consider that this would be detrimental to the future occupiers.

8.28 Urban Design and Conservation Team also commented regarding the amenity space for plot 5. I note that this will not have a narrow strip of land between the threshold and the internal road access. The applicants now show table and chairs can be accommodated within the amenity space of plots 5 and 6. However, there is concern about the boundary treatment to plots 5 and 6, which can be controlled by condition; subject to the boundary treatment to this space the scheme is acceptable. Additionally adjacent to the site is large green open space which is in close proximity to the future occupiers. The Urban Design Team has commented that this is now acceptable and I agree with their advice.

8.29 The Environmental Health Officer has commented that there may be contaminated land issues on site due to previous uses and recommends a condition to control this. In addition, the sub-station could potentially have an impact on future occupiers and recommends a condition to assess this impact and mitigate against this and I agree with their advice and recommend conditions (3 to 8 and 17).

8.30 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 and 3/12.

Refuse Arrangements

8.31 A Waste Strategy has been provided as part of the application, which is considered to be satisfactory.

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

Highway Safety

8.33 The local highway engineer has not raised concerns regarding the proposal causing highway safety issues. However, third party comments have been received regarding vehicles obstructing access for the adjoining site at number 79 and cars entering and exiting the site. The local highway engineer has commented that the entering and exiting the site is acceptable and Number 79 has its own access. Any infringement on road traffic such as illegally parked cars and causing obstruction would not be within the control of planning authorities but a matter for the highway or the police and therefore would be unreasonable to refuse the application on these grounds.

8.34 The local highway engineer has commented that the following conditions are recommended relating to driveway material (18), no gates (19), County Council Construction specification (20), drainage (21), free of obstruction for manoeuvring and access (22), construction management plan (23) and informative relating to works in highway (26); encroachment (27) and public utilities (28). I agree with this advice and recommend the conditions.

8.35 Subject to conditions, In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

<u>Car parking</u>

8.36 It is proposed that car parking spaces are allocated for each of the houses and the ground floor flat units. The first floor flats would not be provided with a car parking space. Some of the proposed car parking is placed further from the relevant units

than I would wish. This is a result of the constrained site layout and whilst not ideal is generally acceptable. I recommend a car club informative (34).

Cycle parking

8.37 It is proposed that each dwelling would have an individual store, with the stores for the houses situated in the rear gardens and the stores for the flats attached to the building. This approach is acceptable.

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

County Archaeology

8.39 The County Archaeology have commented that there may be Archaeological remains in the site and therefore recommend a condition. I agree with their advice and recommend condition 24.

8.40 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/9.

Sustainable Drainage

8.41 The Sustainable Drainage Officer has commented that the proposal does not provide any details relating to surface water drainage but considers a condition to mitigate this and I accept this view and recommend condition 25.

8.42 Subject to condition, in my opinion the proposal is compliant with National Planning Policy Framework 2012.

Third Party Representations

8.43 The third party comments have been addressed in the main body of the report above.

Amenity – including Loss of privacy, noise and disturbance	Covered in 8.19 – 8.25
Traffic – including increased movements will impact on highway safety, increased	Covered in 8.33 and 8.34

parking, access	
Other – including documents relating to different site	Covered in 2.9

Planning Obligation Strategy

Planning Obligations

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

9.0 CONCLUSION

The proposal is a garage site located in the southern half of the City. The proposal is for the demolition of the current garages and erection of a terrace of houses and a block of flats. There will be a mixture of 3 bed, 2 bed and 1 bed units.

The proposal has been assess to have minimal impact on the neighbours subject to conditions.

The Highway Engineer has confirmed that the proposal is acceptable and will not have any highway safety concerns.

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. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:
-Detailed history of the site uses and surrounding area (including any use of radioactive materials)
-General environmental setting.
-Site investigation strategy based on the information identified in the desk study.
(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:
(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

5. Implementation of remediation.

Prior to the first occupation of the development or (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.
(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.
(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:
a) Include details of the volumes and types of material proposed to be imported or reused on site
b) Include details of the proposed source(s) of the imported or reused material
c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
d) Include the results of the chemical testing which must show the material is suitable for use on the development
e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.
All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

9. No development should 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).

10. Full details of the location, size and type of solar panels shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented 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 and 3/12)

11. Prior to the occupation of the site a plan showing the layout of a disabled car park space shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

    Reason: To make the proposal inclusive. (Cambridge Local Plan (2006) policy 3/7).

12. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected at the front of plots 5 and 6. 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).

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

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

14. 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.

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

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

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

16. Prior to commencement 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 occupiers and nearby properties. (Cambridge Local Plan (2006) policy 4/13.

17. Prior to the commencement of development works a noise report prepared in accordance with the provisions of British Standard (BS) 4142:1997, 'Method for rating industrial noise affecting mixed residential and industrial areas,' that considers the impact of the electricity substation upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Following the submission of a BS 4142:1997 noise report and prior to the commencement of development works, 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) for protecting the residential units from noise from the neighbouring substation shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice'. These levels shall be achieved with ventilation meeting both the background and summer cooling requirements.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

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

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

19. No gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

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

Reason: In the interests of highway safety and to ensure satisfactory access into the site. (Cambridge local plan (2006) policy 8/2).

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

Reason: To prevent surface water discharging to the highway. (Cambridge local plan (2006) policy 8/2).

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

Reason: In the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

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

i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
ii. Contractor parking, for both phases all such parking should be within the curtilege of the site and not on street.

iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety. (Cambridge local plan (2006) policy 8/2).

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

Reason: This will secure the preservation of the archaeological interest of the area either by record or in situ as appropriate. (Cambridge Local Plan (2006) policy 4/9)

25. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall:
1. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
2. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To protect against flooding. (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 applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

INFORMATIVE: 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.

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: If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant/agent to need to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future
Contaminated Land Guide

The Council's document 'Developers Guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Council's website on

http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-and-nuisance/land-pollution.en.

Hard copies can also be provided upon request.

INFORMATIVE: Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

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':
https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.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

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

INFORMATIVE: The applicant should speak to the Access Officer regarding the Wheelchair Home Standards and issues relating to inclusive access

INFORMATIVE: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

Cambridge City Council
Disability Consultative Panel

Tuesday 31st March 2015, Lucy Cavendish College

Notes of the meeting

Attendees:

Mark Taylor	**City Council**
Jeremy Miller	**Resident**
Elizabeth French	**Resident**
Sue Imrie	**Cambridgeshire Hearing Help**
Gary Reed	**Cambridge University Estates**
Jean White	**Shopmobility (Retired)**
Jane Renfrew	**Resident**
Pauline Brown	**Hearing and visually impaired**
Nicholas Hellawell	**Resident/Camsight**
Rosalind Bird	**Architect/MS Society**
Sue Simms	**Cambridge City Council Housing (retired)/Friends with Disabilities.**

Apologies – Polly Macartney

Notes of the last meeting Tuesday 24th February 2015 and matters arising.
Notes agreed. Officers will look further into the procurement of a portable induction loop in the new financial year.

Presentation - North West Cambridge - Market housing lots M1/M2. The pre-application proposal for 241 units on behalf of Cambridge University.
Presentation by Joanna Thorndike from Hill Residential with Alexis Butterfield of PTE Architects, John Lawlor of Alison Brooks Architects and Dawn Purves of RM Associates (Landscaping). Introduction by Heather Topel of Cambridge University Estates.

The lots are located south of the new homes on Huntingdon Road and north of the proposed new neighbourhood/dense urban centre to the south accessed from Madingley Road. The proposal emphasises strong pedestrian connections between these new homes and the urban centre with linear parks running north/south. All homes to be built to Lifetime Homes standard.

Specific features include swales to restrict surface water, accessed via a series of bridges marked by kerbed edges and the use of texture and colour contrasts as indicators. Surface textures and colour will also delineate entrances etc. Shared zones will include 'safe zones' segregating pedestrians from any traffic.

The Panel's comments are as follows:

Swales. The Panel expressed some concern as to the possible risks associated with crossing these water channels. Although the generous 3m bridge width is noted, the Panel would recommend handrails on all the bridges and at steps/level changes as even a fall of a shallow distance can cause injury. The need for contrasting textures and colours of surface material is emphasised.

Lighting strategy. The Panel note that full details on lighting arrangements are not yet available, but that the majority of roads will be managed by the University, not the County Council.

Car parking (visitors). 18 accessible bays will be provided across the site. The Panel would like to stress that residents with disabilities need 24/7 short stay parking provision as close to their homes as possible in order to receive deliveries or visits by carers at any time of the day or night. This should be a key consideration when arranging parking provision in relation to accessible units.

Lifetime Homes. The Panel would stress the need for internal walls to be built to accommodate hoists, as corrections or adaptations made retrospectively can be costly.
Some general concerns were expressed in terms of Lifetime Homes and wheelchair accessibility, as although internal spaces are described as flexible and adaptable, garage spaces did not appear to be sufficiently generous to accommodate a vehicle and turning space for a wheelchair user aswell as the usual storage requirements.
The architects are requested to examine accessible standards code BS8300 which provides helpful guidance on access from a disabled user's perspective.

Conclusion.
A generally commendable proposal that could be improved with some additional work.

Presentation - Cambridge Biomedical Campus - Circus, Piazza and High Street.
This is the proposal for the public realm that will link Francis Crick Avenue eastwards into the Addenbrooke's Hospital Site. It will be flanked by the new Papworth Hospital, AstraZeneca, The Forum and the ACRC unit. It will provide for public open space as well as for connectivity, including the Guided Busway.
Presentation by Eugenia Grilli of Gillespies Landscape Architects with Rupert Biggin of Buro Four (Project Management).

Features of the proposal include segregated pedestrian routes with resin bonded surfacing and an emphasis on de-cluttering the streetscape with bollards minimised and clear views and site lines for seating at regular intervals. Cycle routes will be shared with the Guided Bus.

The Panel's comments are as follows:

Metal tactile studs/strips at key crossing points. The design team are encouraged to consider alternatives as these are hazardous for pedestrians with walking sticks and are often slippery in wet weather.

Lighting strategy. The Panel welcome the appointment of a lighting consultant but would encourage the inclusion of colour contrasts for the benefit of the partially sighted and that columns are designed to inhibit cycle parking clutter.

Scented planting. To minimise the impact on allergy sufferers, the Panel would recommend that areas of sensory planting are clearly marked.

Cycle parking. The Panel note that cycle parking provision will not be included in the public realm as the individual buildings will provide their own covered and secure parking areas. Cycle stands will be provided along the CGB route and discreetly in the more functional, hard landscaped area. The Panel also note that cars will also be restricted; accessing only the parking bays provided by the buildings away from the open spaces.

Conclusion.
A very thorough and well-considered proposal.

New Applications.

15/0450/FUL - Inglis Building, Department Of Engineering Trumpington Street, Cambridge.
Alterations and extensions to Inglis and Baker Buildings, including erection of pedestrian link bridge, installation of new bay window in the Inglis Building, replacement windows in the Baker Building, and insertion of ventilation louvers in the Baker Building.

Comments: Gary Reed gave a summary of the accessible features to be included in this proposal including provision for disabled lecturers and appropriate lighting and handrail for the stairway. The welcome inclusion of a fire evacuation lift should eliminate the need for refuge points. A very good scheme.

15/0165/FUL – Abbey Stadium, Newmarket Road (R Costings).
Erection of club office and shop following demolition of old club office/shop (retrospective).

Comments: It is not clear from the plans that the cabin is wheelchair accessible or whether the interior layout could accommodate wheelchair turning circles. A low counter section and hearing loop are recommended if not already installed.

15/0398/FUL - 8, 10 and 10A Cheddars Lane, and 351-355 Newmarket Road Cambridge.
Erection of student accommodation with 321 student rooms (following demolition of existing buildings), together with ancillary accommodation comprising common/study rooms, porters lodge, laundry room, plant room, bin and bike enclosures, landscaping and associated infrastructure including a sub-station.

Comments:
Accessible unit. The bedroom and bathroom should be located next to eachother in order to accommodate an overhead or manual hoist. The shower appears to have a level threshold but is not of the correct dimensions and does not include handrails. No room has been provided next to the pedestal for transfer and the basin is poorly located. Doorways also appear compromised (sliding doors are recommended if space is limited) and doubt was expressed as

to the accessibility of the study room cooking facilities and suitability of the storage area, with also no indication that the desk height could be adjusted.
In the Panel's view this is one of the worst schemes ever submitted in terms of accessibility. The design team are advised to seek expert advice before a thorough re-examination of the scheme.

The Panel invite the designers to attend a future meeting in order to obtain some expert advice on appropriate accessible features.

15/0430/FUL - Garage Block 1- 34 Fulbourn Road, Cambridge.
The demolition of existing 34 garages and erection of 8 affordable residential units (2 two-bed houses, 2 three-bed houses and 4 one-bed flats) with associated car parking and private and shared amenity space.

Comments: Although quoted as being of Lifetime Homes standard, internal layouts appear awkward with access to the WC appearing difficult. With baths proposed in all bathrooms, the Lifetime Homes standard requires these to be wet room adaptable with appropriate drainage. The provision of any accessible parking bays was also questioned.
The Panel would recommend further work on this scheme. As so many wheelchair users are currently in need of accommodation that suits their needs, the Panel would urge that at least one of these units is made wheelchair accessible for immediate use.

15/0427/FUL - 5 St Andrews Street, Cambridge.
Conversion and refurbishment of existing commercial property to student accommodation. (First, Second and Third Floors only). Extension to rear following demolition of existing 1st floor extension.

Comments: As the site is owned by nearby Christ's College, the Panel felt if it could not be adapted to be wheelchair accessible, this facility could be suitable to hearing impaired or graduate students with different disabilities who could benefit from living independently from the college but at a convenient, central location. With this in mind, the shower rooms could benefit from being re-designed to include outward-opening doors and clutch bars etc.

Any Other Business.

Disability Needs Assessment - a Cambridge City Council survey (closes 31st May 2015). It asks local people their views on what they think about living in the City. This will mean the Council and voluntary sector know about what issues need to be addressed.
https://www.surveymonkey.com/r/XTBBSWX

If anyone would like assistance in completing the survey or would like it in a different format, please contact Ariadne Henry at Cambridge City Council on 01223 457876 or by email Ariadne.Henry@cambridge.gov.uk

St Andrew's Street zebra crossing linking the bus station with the Lion Yard. This was never installed following the completion of the bus station and remains unresolved. The crossing from Emmanuel Street has also been removed.

ACTION: Mark to write to the County Council's Head of Road Safety and Parking Services Richard Preston re. pedestrian crossings in central Cambridge.

Papworth Trust hustings 21st April, 4pm-6pm.
A ticketed event giving prospective candidates the opportunity to respond to questions from an audience of disabled voters.
http://www.papworthtrust.org.uk/campaigns/hustings-event-cambridge-city
All agreed politicians generally had very little awareness of disability issues.

Date of next meeting – Tuesday 28th April, 2pm (same venue)
Apologies in advance from Elizabeth French.

PLANNING COMMITTEE **1st July 2015**

Application Number	15/0634/FUL	**Agenda Item**	
Date Received	8th April 2015	**Officer**	Mr Amit Patel
Target Date	3rd June 2015		
Ward	Petersfield		
Site	6 Hooper Street Cambridge CB1 2NZ		
Proposal	Minor material amendment, to application 13/1465/FUL, to include re-configuration of the bike store; new door arrangement from the utility to the strip of land at the rear of 7 and 8 Hooper Street; move the window serving the bedroom at ground floor flat at 6 Hooper Street to accommodate the change to the bike store; and addition of a canopy to stairs serving the first-floor flat at 6 Hooper Street.		
Applicant	Ashby Homes Ltd		

SUMMARY	The development accords with the Development Plan for the following reasons: • The principle of development has been established in the previous application • The design of the amendments is acceptable • The amendments will not have a significant impact upon neighbouring occupiers
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is an irregular shaped parcel of land that comprises a mix of residential and light industrial uses; the site frontage has an end of terrace two-storey dwelling, while to the rear at the northern end of the plot is an industrial unit, part of which is of two storey height, part single storey, that has been previously utilised as a car repair workshop.

1.2 The area is more generally characterised by narrow streets, tightly enclosed by 2-storey buildings, predominantly terraced late Victorian dwellings. To the east of the site are the terraced properties, 7 and 8 Hooper Street and their associated rear garden areas. To the west and of a slightly different character, with a rather more open feel are two larger buildings, that have been converted into flats, the nearest being 5 Hooper Street. To the north of the commercial building on the site is a small relatively low-key range of business units. To the south across the road is further terraced residential development running south along Kingston Street. There are trees in the rear gardens of properties adjacent properties, which are important to the site and immediate area.

1.3 The site lies within City of Cambridge Conservation Area No. 1 (Central). There is a significant tree located to the rear of numbers 6, 7, and 8 Hooper Street and houses on Sturton Street, which is visually important within the area to the rear of the Hooper Street dwellings. The tree is protected by its location within the Conservation Area.

1.4 There is a high demand for on-street parking in the vicinity of the application site, with a small number of formal on-street spaces. The access to the side of number 6 Hooper Street has been utilised for car parking. The site is also located within the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 The application is a minor material amendment to the previously approved scheme under planning reference 13/1465/FUL. The amendments are as follows:

- *New door at ground floor from the utility to the strip of land at the rear of 7 and 8 Hooper Street*
- *Re-configuration of the bike store*
- *Move the window serving the bedroom at ground floor flat at 6 Hooper Street to accommodate the change to the bike store*
- *Add a canopy to the stairs serving the firs-floor flat at 6 Hooper Street*

2.2 The application is accompanied by the following supporting information:

1. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
07/0182/FUL	Conversion of existing dwelling house to 2 flats. Change of use of remaining site from car repair workshop to residential (demolition of workshop and erection of new block of 4 flats).	REF
07/0184/CAC	Demolition of car repair workshop.	W/D
08/1464/CAC	Demolition of workshop	A/C
08/1465/FUL	Subdivision of existing house to 2 flats and erection of a house (following demolition of existing workshop).	W/D
11/0441/FUL	Conversion of house to flats and demolition of workshop and replacement by one house.	Refused – Appeal Dismissed
13/1465/FUL	Erection of one 2 x bed dwelling, and conversion of No.6 Hooper Street into two 2 x bed flats together with cycle parking and associated hard and soft landscaping (following the demolition of the existing garage building present on site and part of the single store rear addition to No.6)	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 3/11 3/14 4/4 4/11 4/13 5/1 8/6 8/10

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

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

	Area Guidelines 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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 The Highway Authority does not consider that this application has any implications that will affect the highway network.

Head of Refuse and Environment

6.2 The proposal is acceptable subject to the conditions relating to construction hours, delivery hours, piling, dust, waste and contamination. Informative requested relating to dust.

Urban Design and Conservation team

6.3 The Urban Design Team have no comments to make on the submitted application.

It is considered that there are no material Conservation issues with this proposal.

Head of Streets and Open Spaces (Tree Team)

6.4 The potential loss of the cherry tree is regrettable but the more prominent tree in the front garden of the adjacent property can be retained. There is no objection to the proposal subject to conditions relating to a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to be submitted and implemented throughout the development.

Landscape

6.5 The Landscape Team has no objections to the proposed minor material amendments.

6.6 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:

- 8 Hooper Street

7.2 The representations can be summarised as follows:

- Not a minor material amendment as this is substantially different to the original scheme;
- The addition of the door to the utility leads to the change of use of the land close to the boundary with properties facing Hooper Street leading to noise and disturbance;
- The proposal will lead to overlooking to rear of 3, 5, 7 and 9 Sturton Street.

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 Heritage Assets
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Trees
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

8.2 The principle of development has already been established by the approval of application reference 13/1465/FUL. There are no changes in policy or material considerations that affect the principle of the development.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces and impact on Heritage Assets

8.4 The previous proposal accepted that the design of the proposal fitted into the context subject to conditions. I note that the site context has not altered from the previous application and therefore the conditions remain relevant. The changes to the scheme are minor in comparison to the overall scheme.

8.5 The change proposed to the bike store, addition of a canopy over the stairs and moving the window are acceptable and the Urban Design and Conservation Team have not raised any issues regarding this.

8.6 The insertion of a door is not in itself a design issue but the use of the land is, which I cover in the amenity section below.

8.7 Considering the changes proposed and the representations received I consider that the development is acceptable in design terms.

8.8 Subject to condition, 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

8.9 The Environmental Health Officer has commented that the proposal being in a residential area is likely to create noise and disturbance through construction activity and therefore recommends conditions to control the hours of operation (Condition 5), and deliveries (Condition 6), and dust (Condition 7) and contaminated land (Condition 8), which I have recommended.

8.10 Representations have been received that the proposal will introduce amenity space to the rear of number 7 and 8 Hooper Street and this will lead to noise and disturbance and overlooking to Sturton Street.

8.11 The addition of the door from the utility room will make that strip of land more useable but this will only be for the occupiers of the new unit. No change of use is involved because the strip of land was part of land for the residential unit and still remains to be used by residential unit. The land measures 2.5m by 5m and therefore the increase in noise and disturbance will be limited as the space is not large enough to have gatherings and the main space is still to the rear of 7 and to the side of 8 Hooper Street.

8.12 The strip of land will be at ground-floor. There are no windows at first-floor. Representations have been received relating to overlooking. Considering that this will be at ground-floor and existing boundary treatment, the use of this space would not in my opinion lead to overlooking to the detriment of occupiers facing Sturton Street and Hooper Street.

8.13 The reconfiguration of the bike store will lead to a shift in the window serving the ground floor flat. I consider that this is

acceptable, as it will still provide light and outlook from this window. The addition of the canopy over the stairs serving the upper flat in 6 Hooper Street is also acceptable and would not give rise to any significant impact upon the neighbours. There are no other amendments that will lead to any other issues that were not covered previously and are therefore acceptable in other regards.

8.14 The conditions relating to the green screen are still recommended as this helped mitigate overlooking to the occupiers of number 5.

8.15 Subject to condition, 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.

Amenity for future occupiers of the site

8.16 With the introduction of additional amenity space I consider the proposal is acceptable and will provide a high quality living space. There are no other changes proposed than the ones listed above.

8.17 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

8.18 Comments have been received regarding the number of bins shown on the plans as not being adequate. The Environmental Health Officer has also commented that this is not sufficient but recommends a condition (Condition 13). I consider that there is room on site to accommodate the required number of bins as per the Council requirement and recommend a condition. The applicants have provided information on the previous scheme but not provided it on this scheme. The information was acceptable and I consider that this condition remains relevant.

8.19 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and 4/13, and advice provided by the Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management Design Guide

Highway Safety

8.20 The local highway authority have commented that the proposal will not lead to any highway safety concerns. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2

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Car and Cycle Parking

Car Parking

8.21 The previous scheme provided no car parking on site. This still remains and I consider that this was acceptable as the site is within close proximity to local amenities on Mill Road and cycle and bus routes. As there have been no alterations to routes and location I still consider this approach acceptable. The proposal of a car free scheme was considered acceptable in relation to the previous scheme which is a significant material consideration. I have taken the opportunity to add an informative regarding the existing car club scheme in the City.

Cycle Parking

8.22 There is cycle parking to be provided on site. This application seeks to re-configure this and therefore now each of the units will have enclosed cycle parking store. The plan shows two spaces per unit which is acceptable and in accordance with Cycle Parking Standards. I therefore do not recommend a condition relating to this.

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

Trees

8.24 The impact of the proposal on the existing cherry tree was raised by the previous Inspector, and was raised by third party objectors. This tree is in the rear garden environment and is not

highly visible from the street. It plays a limited role in the wider area and its loss has been accepted by the Arboriculture Officer. I agree with her advice and accept her request for tree protection conditions.

Third Party Representations

8.25 Representations have been raised that this is not a minor material amendment. The main scheme is not changing but there are some amendments to the original scheme. I consider that in this instance significant amount of the development is the same and therefore a 'minor material amendment' is an acceptable description of the development.

8.26 The issue of the use of land behind 7 and 8 Hooper Street has been addressed in the main body of the report under the heading "Residential Amenity" paragraphs 8.10 and 8.11.

8.27 The overlooking issue has been addressed in the main body of the report, under the heading "Residential Amenity" paragraph 8.11.

Planning Obligation Strategy

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

9.0 CONCLUSION

9.1 The development is an amendment to an already approved scheme under planning reference 13/1465/FUL. The amendments are considered to be acceptable in design terms and would not have a significant impact upon the neighbours. I therefore recommend approval subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. Prior to the commencement of development, with the exception of below ground works, full details of all external materials shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. 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)

4. Notwithstanding the plan reference 06/552L/57C floor plan details are required showing the position and size of the window.

   Reason: To protect the character and setting of the Conservation Area. (Cambridge Local Plan (2006) policy 4/11).

5. 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)

6. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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. 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 neighbour occupiers. (Cambridge Local Plan (2006) policy 4/13).

8. 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 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 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.

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

(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 local planning authority. 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.

9. The windows identified as having obscured glass on drawing number 06/552L/57B on the south and east elevation at ground floor level 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 dwelling 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).

10. Prior to the occupation of the new dwelling in the rear part of the site of 6 Hooper Street the green screen shown on drawing number 06/552L/57B shall be installed to the full height and details of the planting shall be submitted to and agreed in writing by the local planning authority. The Green Screen shall be implemented and retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of adjoining occupiers. (Cambridge Local Plan (2006) policy 3/4, 3/7 and 3/12).

11. A maintenance schedule for the green screen covering full details of planting and replacement planting 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: To protect the amenity of adjoining occupiers. (Cambridge Local Plan (2006) policy 3/4, 3/7 and 3/12).

12. Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

    The approved AMS and TPP will be implemented throughout the development and 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: For the protection of trees on and adjoining the site. (Cambridge Local Plan (2006) policy 4/4).

13. 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 wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. 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: To protect the amenity of the adjoining occupiers. (Cambridge Local Plan (2006) policies 3/7 and 4/13)

    INFORMATIVE: The applicants are reminded that the future occupiers will not have any on street parking permits except visitors.

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

INFORMATIVE: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

INFORMATIVE: Conditions 3, 4, 7 and 13 have been discharged under reference 13/1465/FUL. No further information is needed in relation to them. The conditions provided the development is to be carried out in accordance with the agreed details.

Conditions 8 and 12 are partially discharged and require further details and completion on site to be fully discharged under planning reference 13/1465/FUL.

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PLANNING COMMITTEE **1st July 2015**

Application Number	15/0268/FUL	**Agenda Item**	
Date Received	17th February 2015	**Officer**	Mr Sav Patel
Target Date	14th April 2015		
Ward	Coleridge		
Site	Land To The Rear Of 175 - 177 Cherry Hinton Road Cambridge CB1 7BX		
Proposal	Erection of two 3 x bed detached dwellings, along with car parking, cycle parking and associated landscaping.		
Applicant	Blues Property Levada 2 Ltd		

SUMMARY	The development accords with the Development Plan for the following reasons: The proposed development is considered to be of high quality design and would make a positive contribution to this area. The proposed development has been designed to mitigate any significant adverse impact on the residential amenity of the adjoining neighbours. The proposal would make efficient and effective use of land.
RECOMMENDATION	APPROVAL subject to conditions.

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located within an area characterised by two storey residential development. The pattern of development within this locality is varied with examples of detached and semidetached dwellings with hipped roofs and gabled ends. To the west of the site (on the other side of the road) is a relatively new three storey block of flats (no.164) which replaced a two storey dwelling and to the south; on the corner of Coleridge Road and Cherry Hinton Road is another block of flats (no.173) contained with a two ½ storey building which steps down in height from Cherry Hinton Road to single storey. The single

storey timber carport (with attached bin store) that serves the flats in no.173 is located adjacent to and further forward of no.201 Coleridge Road. No.201 is a two storey semi-detached dwelling which is set off the side boundary (southern).

1.2 The land between the car port and rear of no.173 is partly defined by a timber fence and the access point into the car parking area. The application site is located to the east of the boundary fence which defines the eastern boundary of no.173.

1.3 The application site appears to occupy an area of rear garden land which relates to no.175 and no.177 Cherry Hinton Road, which are two, two storey detached dwellings. There is a tree to the rear of no.175 which overhangs the application.

1.4 The stump of a tree is located between the car port and two car spaces at the rear of no.173.

1.5 The application site is not located within a Conservation Area and the site is not located within close proximity to any Listed Buildings or Buildings of Local Interest. Also none of the trees to the rear of the dwellings in Cherry Hinton Road which are visible from Coleridge Road are protected.

2.0 THE PROPOSAL

2.1 The proposal is to provide 2no. two storey detached dwellings. The proposal also includes car parking provision for each unit, bin and cycle storage and boundary treatment.

2.2 The proposed dwellings would be 3bed units separated by a shared access path that runs between each dwelling enabling access to the rear gardens of each dwelling.

2.3 The proposed dwellings would be flat roofed and 5.6 metres in height. Unit 1 (nearest to the northern boundary with no.201) would be approx. 10.6 metres wide and between 7.1 and 11.4 metres in depth. Unit 2 to the south of unit 1 would be 11.1 metres wide and between 5.5 and 8.5 metres in depth.

2.4 Unit 1 would have an undercroft parking space to the rear of the existing timber carport. Unit 2 would have a car parking space in front of the dwelling.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Plans

3.0 SITE HISTORY

No relevant planning history for the site but there is planning history for development adjacent to the site which is worthy of note.

Reference	Description	Outcome
07/1301/FUL	Land R/O 167a, 169 And 171 Cherry Hinton Road - Erection of a three storey building to create 6no apartments.	APPROVED
08/0125/FUL	Demolition of 187 Cherry Hinton Road and the erection of a three storey building consisting of 5 flats, together with the erection of 4 semi-detached, three storey town houses at the northern end of the site in place of the garages. An approved road off Cherry Hinton Road serves the houses and flats. 14 car parking spaces and 7 bicycle parking spaces will be provided.	REFUSED – ALLOWED AT APPEAL
10/1045/FUL	Land To The Rear Of 163 - 165 Coleridge Road - Erection of three 3-bed dwellings to form terrace with off street parking.	APPROVED

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/12 4/4

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)

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 No adverse effect upon the public highway should result from this proposal.

Head of Refuse and Environment

6.2 No objection to the application in principle subject to the following conditions/informative; construction hours, piling and dust.

Tree Officer

6.3 These will be reported on the amendment sheet or orally at the meeting.

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 Councillor Herbert has commented on this application. Cllr Herbert objects to the proposed development on the grounds that he feels it represents overdevelopment; removal of the tree at the site entrance and potential impact on the existing tree to the rear of 177; and the scale of development will unduly damage the character of the area.

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

- 203 Coleridge Road (support)
- 177 Cherry Hinton Road
- 181 Cherry Hinton Road
- 183 Cherry Hinton Road

7.3 The representations can be summarised as follows:

Support:

- Contemporary design will enhance the area
- Adopts a scale that is consistent with the surrounding area
- Clean, minimum roof line and no south facing windows
- No windows would overlooking issues
- Provide much needed and good quality housing
- Would set a good benchmark for future developments of a similar nature

Objections:

- The rear elevations of the proposed dwellings should line up with the rear elevation of the dwellings to the north;
- The development of the land is too dense for this site and should be one dwelling;
- The proposal would overshadow the adjacent houses on Coleridge Road;
- Drainage capacity issues;
- Proximity of dwellings would cause light issues;
- Design is not in keeping with the surrounding properties
- Concerns with the potential impact on existing trees;
- No details of boundary treatment

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

Principle of Development

8.1 The application site is located within a residential area and within close proximity to Cherry Hinton Road 'Local Centre' including Clifton Road leisure park. The site is also within close proximity to bus stops and reasonable walking and cycling distance of the railway station. The City Centre is approximately 1.8 miles away which is a 30 minute walk or 12 minute cycle ride.

8.2 The proposed residential redevelopment of the site is considered to be acceptable in this location and context.

Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.

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

Context of site, design and external spaces

8.4 The built form of this part of Coleridge Road and Cherry Hinton Road has changed in recent years through the intervention of new forms of residential development such as the three storey block of flats to the west and the two storey block of flats to the south of the site. The architectural context of this part of Coleridge Road is mixed in style and therefore there is no specific character for new development to respond to other than two storey form of development. The recent interventions have in my view enhanced the existing appearance the area. The proposed dwellings would in my view make a positive contribution to the area by introducing a modern and contemporary style of residential development, which is unique and successful in contrasting with the semi-detached housing to the north and relatively new development to the south on the corner of Coleridge Road and Cherry Hinton Road.

8.5 The proposed dwellings would be lower in height than the existing dwellings to the north and south. Each dwelling has been designed differently but are related by references in detailing and form. The first floor elements of each dwelling are either within the line of the side elevation of the neighbouring property or set away from the side boundary. The side elevation of unit 1 would be set in line with the side elevation of no.201 Coleridge Road. The element that extends beyond the rear elevation of no.201 would be set 5.6 metres away from the boundary. The side elevation (1st floor element) of unit 2 would be set off the boundary by 3.6 metres with 175 and 177 Cherry Hinton Road. I am satisfied that the scale and layout of the proposed dwelling would sit comfortably with the site and would not appear unduly dominant from neighbouring dwellings and their gardens.

8.6 As well being of contemporary design, high quality materials are also proposed in terms of vertical zinc cladding, velfac glazing, lime rendered panels and sections of buff stock brick. I have

recommended a material condition (3) to ensure such details are submitted and agreed. These materials and the contemporary angular form of the proposed dwellings are considered to be positive features, which would contribute to the diverse palate of architectural styles in this location.

8.7 In terms of external space, the proposed dwellings have been designed and laid out to ensure they both provide suitable levels of private garden space as well as provision for cycle and bin storage. Unit 1 would have a rear garden of 5.1 metres in depth and 10.5 metres in width. The proposed development would contain a sufficient amount of external space.

8.8 The proposed development is considered to be of high quality design. The contemporary approach would work well in this context and enable the development to successfully integrate into the site without having an adverse impact on the character of the area.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.10 The residential amenity of the adjacent dwellings would not be adversely affected by the proposed dwellings due to their scale, layout and proximity from the common boundaries. There would be no habitable windows at first floor level that would directly overlook private garden areas of the adjacent dwellings. All windows have been carefully positioned so they mainly face east and west. The nearest window to the eastern boundary is a bedroom window which would be 5 metres away. The next closest would be 5.8 metres. The eastern elevation would abut and face the rear most part of the garden of no.179 Cherry Hinton Road. The rear garden of no.179 is approx. 38 metres in depth. Unit 2, which would be closest dwelling to no.179 would contain 3 windows at first floor. Two of the three windows serve a bathroom (the nearest to the southern boundary) and a landing window; between the bathroom and bedroom (furthest from the southern boundary). I am satisfied that in this urban context, the position of the windows, and level of separation that the residential amenity of no.179 and 181 would not be

adversely such that it would warrant refusal. There are no windows that would overlook no.201 Coleridge Road.

8.11 The scale of development is considered to be appropriate in terms of height and footprint. The ridge line of unit 1 would be at the same height as the eaves line of no.201 Coleridge Road and unit 2 would be slightly above. Both units have been designed with a flat roof and would be between 1.8 metres and 2 metres below the ridge of no.201. Therefore, the visual appearance of the dwellings would not be overbearing or dominant from the street scene or neighbouring gardens. Furthermore, the use of zinc and larch cladding on the first floor element of the units would also assist in softening the appearance of elevations, in my view.

8.12 The layout of the proposed dwellings have, in my view, been designed to mitigate the impact on the adjacent dwellings. The northern elevation at first floor of unit 1, which extends beyond the side elevation of no.201, has been stepped away from the boundary by approx. 5.45 metres. No.201 is located a further 2.3 metres from the boundary; giving a total level of separation of 7.75 metres. No.201 also has four opening (three windows and one door) in the side elevation that face the southern boundary. However, these windows appear to be secondary in terms of the rooms they serve. The first floor of unit 1 would be located 3.2 metres away from the boundary at a height of 5.1 metres with a chamfered roof. In this context, I am satisfied that with the level of separation and scale of the proposed dwelling (unit 1), the proposal would not have an adverse overbearing or overshadowing impact on the residential amenity of the occupier of no.201. The occupiers of the dwellings to the south are considered to be a significant distance from the proposal so as not be adverse affected in terms of outlook or overbearingness. The proposal would also be located to the north of the dwellings in Cherry Hinton Road and so would not be adversely affected by overshadowing.

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 Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

8.14 The proposed development would provide a high quality form of living accommodation over two levels with a satisfactory level of outdoor space (5.8 metre by 10.4 metres for unit 1 and 5.8 metre by 11.6 metres).

8.15 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

8.16 The proposal includes refuse provision for three receptacles for each dwellings. The Environmental Services team are satisfied with the proposed refuse storage provision and with the access to Coleridge Road for drop off and collection.

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

Highway Safety

8.18 No highway safety issues have been raised by the Highway Authority.

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

Car and Cycle Parking

Car parking

8.20 The proposal includes one off street car parking space for each dwelling. In this context, which is close to public transport links, shops and services and proximity to the city centre, the level of parking is acceptable. There is sufficient space for vehicles to enter and leave the site in forward gear.

Cycle parking

8.21 The proposal includes provision for four cycles in an enclosed and secure storage area on the boundary between both dwellings. This is considered to be acceptable.

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

Third Party Representations

8.23 I set out below my response to the issues raised in the third party representations:

Issue	**Response**
The rear elevations of the proposed dwellings should line up with the rear elevation of the dwellings to the north;	I do not consider it essential for the proposed dwellings to line up with rear elevations of the dwellings to the north, particularly as many of the existing dwellings have been extended or have outbuildings which project further into the gardens than the proposed dwellings.
The development of the land is too dense for this site and should be one dwelling;	The proposed dwellings are not considered to be overdevelopment of the plot, as they provide sufficient amounts of gardens space, spacing between each dwelling and appropriate provision for bin and cycle storage. The proposal would also make efficient use of land in an urban context.
The proposal would overshadow the adjacent houses on Coleridge Road;	See paragraph 8.9 and 8.10
Drainage capacity issues;	The proposed development is unlikely to material affect the existing drainage provision.

Proximity of dwellings would cause light issues;	The proposed dwellings due to their scale, layout and design, would not appear overbearing such that it would result in significant overshadowing of neighbouring dwellings.
Design is not in keeping with the surrounding properties	Whilst not in keeping with the existing built form, the proposal is considered to be of high quality design and would successfully integrate into the site and context.
Concerns with the potential impact on existing trees;	There are no trees on the site and the trees that overhang the site from the neighbouring gardens appear to be fruit trees which have limited amenity value.
No details of boundary treatment	I have recommended a boundary treatment and landscape condition (4 and 5).

Planning Obligation Strategy

Planning Obligations

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

9.0 CONCLUSION

9.1 The proposal is for residential development consisting of 2no. 3bed two storey detached dwelling on land to the rear of no.175 and 177 Cherry Hinton Road. The land appears to have already

been subdivided from the rear gardens of these dwelling and is overgrown with vegetation.

9.2 The proposed development would introduce a contemporary form of development that would represent a successful contrast in design and scale. The scale of development is considered to be appropriate for this infill and back land site such that it would not appear unduly dominant or overbearing on the neighbouring properties or gardens.

10. 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)

4. 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)

5. 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)

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

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

7. 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)

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

   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)

10. 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 policy4/13

11. No new windows or openings shall be installed at first floor level in the north elevation of Unit 1 and south elevation of Unit 2 of the hereby approved development.

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

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

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

INFORMATIVE: Dust condition informative

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

-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

-Control of dust and emissions during construction and demolition - supplementary planning guidance
https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

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PLANNING COMMITTEE **1st July 2015**

Application Number	15/0557/FUL	**Agenda Item**	
Date Received	24th March 2015	**Officer**	Elizabeth Thomas
Target Date	19th May 2015		
Ward	Arbury		
Site	Langham House Histon Road Cambridge CB4 3HP		
Proposal	Demolition of 6no. garages and erection of 4no. apartments with associated parking, bin storage and landscaping.		
Applicant	Morris Brothers LLP 39 New Road Over Cambridge CB24 5DJ		

SUMMARY	The development accords with the Development Plan for the following reasons: • The principle of residential use is acceptable • The new building will enhance the street frontage • The development will provide a reasonable amount of amenity for future occupiers and will not have adverse impact on residential amenity in the area.
RECOMMENDATION	APPROVE

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is situated on the busy junction where Histon Road meets Gilbert Road. The surrounding area has a general feel of spaciousness as existing development is set back from the main highways and there are trees and landscaping surrounding the area.

1.2 The site has some TPO protected trees in front of Langham House fronting Histon Road, which makes a positive contribution to the street scape.

1.3 1 – 6 Langham House is not specifically protected or designated, but the building has an Art Deco appearance, which is of importance to the character of the area given it's prominence on a busy junction corner.

1.4 There are trees on the site which are protected by a Tree Preservation Order.

1.5 The site does not fall within a Conservation Area and the existing building is not listed or a Building of Local Interest. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

2.1 The proposal is for the demolition of 6 garages and erection of 4 apartments with associated parking, bin storage and landscaping.

2.2 This application is a resubmission of previously withdrawn applications (14/1349/FUL and 14/1350/FUL) as mentioned in section 3 below.

2.3 The application is accompanied by the following supporting information:

1. Design and access statement
2. Arboricultural Implications Assessment and method statement
3. Tree protection plan

2.4 The application has been amended since the original submission to ensure the windows remain in keeping with the Art Deco period and style of the adjacent existing property.

3.0 SITE HISTORY

Reference	Description	Outcome
15/0558/FUL	External insulation and render to existing external walls to all apartments. Additional window and doors to front and rear elevations	Permitted
14/1349/FUL	Demolition of 6 garages and erection of 5 apartments with	Withdrawn

	associated parking, bin storage and landscaping.	
14/1350/FUL	Exterior insulation and render to existing external walls to all apartments and extension to form additional storey over apartments.	Withdrawn
C/03/1275	Erection of second floor extension to provide an additional 4no one bed flats.	Refused

4.0 PUBLICITY

4.1

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Balanced and Mixed Communities – A Good Practice Guide (2006) Cambridgeshire Design Guide For Streets and Public Realm (2007) Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

will have considerably more weight than emerging policies in the revised Local Plan.

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Application as submitted:

6.1 Concerns regarding the turning of vehicles on site.

Response to amendments:

6.2 Satisfied with the manoeuvring amended drawing to show adequate manoeuvring for larger vehicles.

Urban Design

Application as submitted:

6.3 The submitted scheme has developed considerably throughout the pre-application process; the revised footprint of the 2nd floor now reads as a discrete element and is supported in design terms. The proposed materials should be conditioned and the 'crittall' style windows should be specified so as to relate to the Langham House flat block and reinforce the Art Deco appearance.

Layout, Scale and massing

6.4 The proposed flat block is setback 3.6m from the back edge of the footpath on Histon Road behind a replacement yew hedge. The setback of the block is supported in design terms and relates well to the setback of the existing flat block to the north of Langham House (Nos. 42-47) and the detached house (No. 234 Histon Road) to the south.

6.5 The proposed scale and massing has been developed over a number of pre-application discussions. The block rises to 3 storeys (approximately 8.1m above finished ground level). The

second floor level is setback between 2 and 2.5m from the front (Histon Road) elevation and between 2.3m and 3m from the south (Gilbert Road) elevation. The setback of the north elevation at second floor level has increased significantly (from approximately 1.5m to 5.5m) following concerns raised at pre-application stages relating to the apparent bulk and overbearing impact to the rear garden of No. 216 Gilbert Road. The setback now forms a similar building line to the rear elevation of No. 216 Gilbert Road. The 3D SketchUp views (D&A Statement pages 16-28) indicates that the second floor level now reads as a discreet element from street level views.

Elevations and materials

6.6 The proposed elevations have been developed to replicate the Art Deco appearance of the adjacent Langham House block and predominantly comprise of white through coloured render. The southeast corner of the block is curved and addresses both Histon Road and Gilbert Road street frontages. The general approach to the proposed elevation treatment is supported in design terms.

6.7 Proposed materials are not listed on the submitted elevations. More information relating to the proposed materials needs to be provided including the window frame (RAL) colour and design, balcony glazing, parapet coping, gutters and downpipes, engineering brickwork below the DPC etc. The materials should be conditioned should the application be approved.

6.8 The proposed windows used on the submitted garage scheme are casement windows, 'crittall' windows should be specified so as to relate to Langham House and reinforce the Art Deco appearance.

Amenity space and thresholds

6.9 Following pre-application discussions separate private amenity spaces are now proposed for each of the 4 units. The ground floor 1-bed flat has access to a small patio area which is separated from the footpath by low level planting, the patio is approximately 2.5m x 1.5m and forms adequate and usable amenity space for the unit. The 2-bed ground floor unit has access to a generous garden which wraps around the Histon

Road/Gilbert Road corner of the block. At first floor level a 1.5m deep balcony is proposed for the 1-bed unit whilst the 3-bed duplex unit has access to a generous roof terrace. The proposed provision and arrangement of private amenity space is supported in design terms and improves to overall quality of the accommodation.

6.10 The submitted landscape plan proposes to retain all of the existing TPO trees on the site. The UDC team supports this approach; the large Ash tree forms a relationship with the other large trees lining this side of Histon Road, has a townscape value and helps to visually separate the proposed building from Langham House.

Car parking, cycle and refuse storage

6.11 The scheme includes 4 car parking spaces (including 1 disabled space) located between the existing Langham House and new flat block. The design of the cycle store needs to be provided and could be dealt with by condition should the application be approved.

Response to amendments:

6.12 Satisfied with the window arrangement amended drawing which shows better aesthetic relationship with the adjacent Langham House, the Art Deco aesthetics should be maintained, which will remain in keeping with the existing building.

6.13 Suggested conditions for material samples, windows and door details and cycle parking

Streets and Open Spaces (Landscape Team)

Application as submitted:

6.14 Subject to detailed design, the proposed scheme is supported from a landscape and amenity perspective.

Head of Environment and Refuse

6.15 A contamination land assessment will be required prior to the commencement of any development on site. The permission

should also be subject to construction, piling, dust, waste management and waste and recycling conditions.

6.16 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, the representations can be summarised as follows:

206 Gilbert Road – Object

7.2 Object on the grounds of:

- Out of keeping with surrounding area due to the third storey element
- Loss of privacy in back garden

208 Gilbert Road – Object

7.3 Object on the ground of:

- Privacy

210 Gilbert Road – Object

7.4 Object on the grounds of:

- Three storey element of the proposed building
- Cutting down of trees at the front
- Building is out of keeping with surrounding houses
- Reduction in light due to proposal
- Invasion of privacy
- Increased traffic
- Insufficient parking

212 Gilbert Road - Object

7.5 Object on the grounds of:

- Three storey element
- Over-shadow property
- Increased traffic
- Parking demands

216 Gilbert Road - Support

7.6 Support on the grounds of:

- Some windows have been proposed as obscured glass
- Some windows have been removed
- The proposed boundary treatment is not considered any worse than the existing situation.
- Look forward to seeing the unsightly garages and hedge removed

Windsor Road Residents Association - Support

7.7 Support on the grounds of:

- Pleased to see a development that proposes parking spaces for each unit
- Like the design of the proposed building
- Believe it will greatly improve the area.

7.8 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

Principle of Development

8.2 The principle of development is acceptable as the site already accommodates a residential use (Langham House) and the immediate surrounding area such as Gilbert Road and opposite the site at Histon Road is also in residential use.

8.3 The proposal relates to sub-division of the plot, therefore condition 3/10 is engaged. This policy requires consideration to be given to the impact on amenities of neighbours (part a), amenity space/car parking (b), impact on the character of the area (c), effect on listed buildings/BLI (d), impact on trees (e) and whether the proposal would compromise comprehensive redevelopment (f). In this case parts (d) and (e) are not relevant. I have addressed the other parts of policy 3/10 below.

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

Context of site, design and external spaces

8.5 Histon Road is wide, long and spacious which contributes to its spacious suburban feel. The development along Histon Road is diverse with a range of uses including commercial and residential. However, the site in question is primarily in a residential area as mentioned above.

8.6 The proposed development is to maintain the Art Deco theme and appearance, which will be in keeping with Langham House the adjacent property along Histon Road. This will help the new development become an integral part of the wider existing context.

8.7 The proposed development is set in and off the surrounding boundary edges, which allows a similar relationship as that of Langham House. There is new hedging and planting proposed within the landscape to replace the existing situation. This will open the site up and help with spacious views and support the prevailing character of this junction corner, subsequently

allowing for coordinated development and making a positive contribution to the streetscape.

8.8 The third storey of the building has been set back to reduce the bulk and mass of the building. This results in the proposed building making a positive contribution to the streetscene.

8.9 The UDC team has been involved with planning officers during a comprehensive pre-application process. The UDC team and Landscape Officers have reviewed the application in detail and support the scheme as amended. I have recommended the conditions that have been suggested. (Conditions 14, 15. 16, 17 and 18).

8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.11 The nearest dwellings to the site are 216 Gilbert Road to the east and the existing Langham House block of flats to the north. The new block will be set off the boundary with 216 Gilbert Road by between 1m and 1.6m at the closest point which aligns with the flank wall of no. 216. The cycle/refuse store increases this distance to between 3.5m and 5m. There is a separation distance of 11m between the existing flats and the proposed building.

8.12 The proposed flats will be visible from the garden area of no. 216 and to a more limited degree from the house itself. However given the set back from the boundary and the third floor set back I do not consider that the building will appear overbearing or enclosing. The orientation will mean that there may be some overshadowing of no. 216 in the evening but this will be limited. There will be no overlooking or loss of privacy because windows in the side elevation will be serving bathrooms or orientated to face the street.

8.13 There are no windows in the side elevation of Langham House and given the separation distance there will be no significant impacts on the occupiers of those flats. I have recommended

conditions suggested by the Environmental Health officer regarding construction impacts (Conditions 9, 10 and 11).

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, 3/10 and 4/13.

Amenity for future occupiers of the site

8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers. I have recommended contaminated land conditions as recommended by EHO. (Conditions 3 to 8) The application is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 and 4/13.

Refuse Arrangements

8.16 Refuse arrangements are proposed to the rear of the site opposite the proposed cycle parking. This is acceptable in principle but a condition is required to secure detailed provision. (Conditions 12 and 13)

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

Highway Safety

8.18 The Highways officer has confirmed the proposed development does not pose a highway safety concern, and the amended manoeuvring drawing demonstrates adequate manoeuvring for larger vehicles on site. Furthermore the Highways officer has not raised any matters regarding public safety or impact on the existing Highways network.

8.19 I do not consider the proposed development to have any unacceptable transport impact. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.20 The proposed development can accommodate adequate cycle storage on site for 4 units (totaling 6 bedrooms) as eight cycle

spaces are proposed. I have recommended a condition to secure details (Condition 16).

8.21 The site can accommodate for four parking spaces, which includes parking space for disabled person. This accord with one space per unit and is acceptable.

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

Third Party Representations

8.23 I have addressed most of the issue raised by objectors in my assessment. The trees which are to be removed are not covered by a Tree Preservation Order.

9.0 CONCLUSION

9.1 The design of the building is appropriate to its setting and the development will not have a significantly adverse impact on residential amenity such that refusal of planning permission could be justified. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to conditions

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:
-Detailed history of the site uses and surrounding area (including any use of radioactive materials)
-General environmental setting.
-Site investigation strategy based on the information identified in the desk study.
(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:
(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

5. Implementation of remediation.

Prior to the first occupation of the development or (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.
(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.
(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:
a) Include details of the volumes and types of material proposed to be imported or reused on site
b) Include details of the proposed source(s) of the imported or reused material
c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
d) Include the results of the chemical testing which must show the material is suitable for use on the development
e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.
All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

9. 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)

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

    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)

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 nearby properties Cambridge Local Plan 2006 policy4/13

12. Prior to the commencement of the use hereby permitted, the arrangements for the disposal of waste detailed on the approved plans shall be provided and information shall be provided on the management arrangements for the receptacles to facilitate their collection from a kerbside collection point. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

    Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

13. 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 for their intended use thereafter unless alternative arrangements are agreed in writing by the local planning authority.

    Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

14. 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)

15. Full details of all windows and doors, as identified on the approved drawings, including design, materials, colours, surface finishes/textures shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

    Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.

16. No development shall commence until full details of facilities for the covered, secure parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The agreed 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)

17. 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)

18. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

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).

PLANNING COMMITTEE **1st July 2015**

Application Number	15/0380/FUL	**Agenda Item**	
Date Received	2nd March 2015	**Officer**	Miss Alison Twyford
Target Date	27th April 2015		
Ward	Petersfield		
Site	2 Tenison Road Cambridge CB1 2DW		
Proposal	Continuation of use for additional assembly area for worship on Fridays (12.30pm to 2.30pm) and during Ramadan (midday to 2pm and 5pm to sunset).		
Applicant	Mr Islamic Centre 1 Mawson Road Cambridge CB1 2DZ		

SUMMARY	The development accords with the Development Plan for the following reasons: -The proposal, subject to conditions, would not significantly harm the amenity of neighbouring properties. -The proposal would not harm the character of the area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated between Tenison Road and Mawson Road, close to the junction at Mill Road. It adjoins at its western end, and is connected via internal doors to, the Islamic Centre premises at 1 Mawson Road. Tenison Road and Mawson Road are both predominantly residential, with a mixture of family houses and buildings which are in use as HMO's, or subdivided into flats. There are commercial premises on the opposite side of Tenison Road. The property forms the northernmost point of a terrace of houses on the west side of Tenison Road.

1.2 There is a narrow alleyway which runs along the whole length of the northern boundary of the application site, and continues along the northern boundary of 1 Mawson Road, forming a link between Tenison Road and Mawson Road. This alley provides

rear access to some of the retail premises along Mill Road and to flats which occupy the upper floors of most of these premises. Several of the flats have first floor rear terraces. There are emergency exits from both the application site and 1 Mawson Road into the alleyway. A number of large waste bins are kept along the alleyway.

1.3 The Islamic Centre at 1 Mawson Road is used for a number of religious purposes, including Friday prayers. The ground floor of 2 Tenison Road has also been used for prayers and educational activities.

1.4 The site falls within an area detailed as Mill Road West (District Centre) in the Cambridge Local Plan 2006.
The site falls within the Central Conservation Area.
The site falls within the controlled parking zone.

1.5 The application has been referred to the planning committee by officers in light of the wider concerns that have previously been raised regarding this site and for transparency.

2.0 THE PROPOSAL

2.1 The proposal as submitted relates to a previous temporary planning permission, and involves retention of use of the ground floor of the existing building for use for additional assembly area for worship on Fridays and during the period of Ramadan, on a permanent basis

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans

3.0 SITE HISTORY

As the property is physically linked to 1 Mawson Road and is used in connection with this property I have detailed the planning history for this property and 1 Mawson Road.

3.1

1 Mawson Rd

Reference	Description	Outcome
81/0483	Use of premises as Islamic Centre	Approved with conditions
81/0703	Use of premises as non-residential club	Refused
98/1013	Removal of flat roof and erection of pitched roof over rear assembly room	Approved with conditions
00/1046	Extension to rear to form enlarged assembly room	Approved with conditions

3.2 **2 Tenison Road**

Reference	Description	Outcome
98/0472	Conservatory	Approved with conditions
02/1261	Change of use of ground floor to assembly room for prayer meetings	Approved with conditions
12/1139/FUL	Retrospective application for temporary continuation of use for additional assembly area for worship on Fridays (12.30pm to 2.30pm) and during Ramadan (midday to 2pm and 5pm to sunset).	Perm
14/0221/S73	Section 73 application to vary condition 6 to allow educational activities to take place every Saturday and Sunday from 10am to 1-30pm.	Perm

4.0 PUBLICITY

4.1 Advertisement: No
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 4/11 4/13 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 Circular 11/95
	<u>City Wide Guidance</u> Balanced and Mixed Communities – A Good Practice Guide (2006)

6.0 CONSULTATIONS

6.1 **Cambridgeshire County Council (Highways)**
The temporary uses have now been in place for some time and so sufficient data should be available regarding travel and

parking demand for the Planning Authority to assess the prolongation of use of the site as proposed.

6.2 **Head of Refuse and Environment (Environmental Health)**
No objection in principle provided that conditions 2, 3 and 5 from the permission granted under planning permission reference 12/1139/FUL are also applied to this application if approved.

6.3 **Urban Design and Conservation team**
It is considered that there are no material Conservation Issues with this proposal.

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

7.0 REPRESENTATIONS

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

5 Mill Street

7.2 The representation can be summarised as follows:

-Attendees of the mosque do not adhere to parking regulations which puts pedestrians in dangerous situations, causes congestion, reduced provision of parking for residents of the surrounding streets, and increases risk of collisions. Extra noise created by extra traffic, slamming of doors, revving engines, and loud conversations.

7.3 Comments have also been received from:

The Islamic Forum

7.4 These comments can be summarised as follows:

-Concerns have been considered by the forum, attention has been paid to condition 3, the majority of users are locally based and travel by foot and bike, and the forum intend to continue to

encourage awareness of the worshippers regarding appropriate methods of travel.

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

8.0 ASSESSMENT

Principle of Development

8.1 The principle of mosque use on the wider site was accepted in 1981, and the principle of its extension (albeit temporarily) to 2 Tenison Road was initially approved in 2003 and then again in 2012. The development of community facilities for which there is a local need is supported by policy 5/12 of the Cambridge Local Plan (2006).

8.2 In my opinion, the principle of the development is acceptable and in accordance with policies 5/12 of the Cambridge Local Plan 2006.

Context of site

8.3 The Conservation Team have not raised an objection in relation to the application or suggested any conditions. The application does not seek to add to the property and will continue a use that was previously approved for a temporary period. It retains the façade of the original dwelling house and retains a residential use at first floor.

8.4 In my opinion the proposal is in accordance with policies 3/1, 3/4, 3/7, and 4/11 of the Cambridge Local Plan 2006.

Residential Amenity

8.5 In my view, the use of 2 Tenison Road as an additional assembly space for religious purposes has the potential for an adverse impact on the residential amenity of neighbours in several ways, which I will address in turn.

Noise from activities within the building

8.6 The use of any building used for worship is likely to have an impact on neighbour amenity from noise as a result of this use. The environmental health officer has noted in his consultation response that this has been an issue in recent years where the occupiers have failed to comply with planning conditions. I consider that a condition that would prohibit the use of amplification along with a condition that would require the fixing shut of the windows at the property during specific hours, and a further condition restricting hours of use, (all of which are detailed as acceptable conditions from the applicant in the design and access statement) would be adequate to address these concerns. Whilst I understand that there have been some issues with compliance of previous conditions I consider that to define these to particular hours, rather than "during prayer" will allow for a more robust condition that can be adequately enforced if required in the future. In addition, I consider that it is more enforceable and reasonable to impose a condition to agree Ramadan hours each year to ensure control of these times. To agree a term of "sunset" would not be suitable as the term cannot be clearly defined and in accordance with Circular 11/95 I therefore consider that written agreement of Ramadan hours would be more suitable, enforceable and reasonable.

8.7 Notwithstanding the closeness of residential uses, and the objections raised in representations, it is my view that for the limited hours sought, and subject to the conditions I recommend, the limited use for prayers sought in this application will have a noise impact which is acceptable. In accordance with the advice of the environmental health team, I have recommended conditions to control amplification, the closing of windows, and hours of use, which correspond to conditions 2, 3 and 5 of the previous temporary permission. Subject to these conditions, the application is considered in accordance with policy 4/13 of the Cambridge Local Plan 2006.

Noise and disturbance from those assembling and dispersing

8.8 The use of the Mosque at Mawson Road is an existing situation whose noise impacts could be exacerbated by the approval of this application. During my site visit it was noted that marshals are used during busy periods, such as those proposed, to ensure that any disturbance is kept to a minimum. I do not

consider that the likely noise and disturbance created by the approval of this application, above and beyond that associated with the use at 1 Mawson Road (which already has permanent permission) would be so detrimental as to warrant a refusal of the application.

8.9 The application proposes no additions to the existing building so, no issues of overlooking or overshadowing require consideration.

Car and Cycle Parking

8.10 The application makes no formal provision for car or cycle parking. There is considerable pressure on on-street car parking in this area, and it is clearly the case that some of those who attend the mosque for prayers travel by car. However, at the time of the original application for change of use on this site, the case officer expressed the view that it would be unreasonable to resist the proposal on the basis of a pre-existing traffic problem, given both that there are on-street parking restrictions, and that the mosque is by no means the only contributor to parking pressure in the area. In my opinion this view remains justified and the application is therefore considered in accordance with policy 8/2 of the Cambridge Local Plan 2006.

8.11 Issues with parking have been raised in the representation, but this is a matter which must be tackled by other regulatory systems, and is not solely a matter for planning control. Given that parking restrictions apply in this area, I do not consider that the continuation of the change of use sought is likely to worsen existing parking pressure. The city council's car parking standards are maxima, and I do not consider that the proposal is in conflict with policy 8/10 of the Cambridge Local Plan (2006).

8.12 The proposal does not provide cycle parking in accordance with policy 8/6 of the Cambridge Local Plan (2006), but the original application for change of use fell short of policy requirements in exactly the same way, and I do not consider that it would now be reasonable to invoke this shortcoming as a reason to refuse the application.

Third Party Representations

8.13 I have addressed the issues of noise, traffic, car and cycle parking, and the impact of people assembling at and dispersing from, the mosque. I therefore consider that the concerns raised in the representation have been adequately considered.

9.0 CONCLUSION

The proposal is acceptable subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

2. No amplification shall be used on the ground floor of the building.

   Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)

3. Windows, rooflights and external doors on the ground floor of the building shall be kept closed on Fridays between 12.00 hours and 15.00 hours and during additional hours approved for Ramadan periods.

   Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)

4. Except with the prior written approval of the local planning authority the use of the ground floor of the building shall not be used or occupied other than between the hours of 12.00 hours to 15.00 hours on Friday. Additional hours of use outside these times required for Ramadan shall be submitted to and approved in writing two calendar months prior to the start of Ramadan.

Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)

PLANNING COMMITTEE **1st July 2015**

Application Number	15/0663/FUL	**Agenda Item**	
Date Received	28th April 2015	**Officer**	Michael Hammond
Target Date	23rd June 2015		
Ward	Market		
Site	70 Paradise Street Cambridge CB1 1DR		
Proposal	Erection of a three storey building to accommodate 5x studio flats, together with minor alterations to the rear of existing building.		
Applicant	Mr M Tariq 35 St. Albans Road Cambridge CB4 2HF		

SUMMARY	The development accords with the Development Plan for the following reasons: – The development would not be overbearing or cause any significant loss of amenity in terms of light or privacy to neighbouring properties. – The design of the proposed building would be acceptable and would not harm the character of the area or adjacent Conservation Area. – The proposed building is in a city centre location and provides an acceptable level of amenity for future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is a broadly rectangular shaped plot, situated on the northern side of Paradise Street.

1.2 The northern side of Paradise Street has a service yard character serving the shop units which address Burleigh Street. There has been recent residential developments fronting onto Paradise Street at numbers 80 to 87 Paradise Street.

1.3 To the north and north east are residential flats. To the immediate south is Burleigh House, a relatively tall, bulky building containing various uses above the ground floor Cancer Research shop.

1.4 The site is adjacent to, but not within the Central Conservation Area.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the erection of a three storey building to accommodate 5x studio flats, together with minor alterations to the rear of the existing building.

2.2 The proposed building would measure 8.9m to the ridge with a flat but eclectic roof form, designed in zinc externally. The building at first and second floor would overhang the ground floor and would be supported by steel columns. The proposed building has been designed in brick on the ground floor, as well as acrylic resin render on the first and second floors.

2.3 The proposed extensions is very similar in terms of design and built form to a previous planning permission granted on this site (12/1288/FUL).

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
12/1288/FUL	Erection of 2 x 2 bed dwellings, together with minor alterations to rear of the existing building	Permitted.

4.0 PUBLICITY

4.1

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)

Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	City Wide Guidance Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 Following implementation of any Permission issued by the Planning Authority in regard to this proposal neither the residents of the new dwellings, nor the residential part of the existing development on the site will qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

6.2 No objection subject to condition and informative; *Traffic Management Plan, Standard Highways Informative*

Head of Refuse and Environment

6.3 No objection subject to conditions and informatives; *Construction Hours, Piling, Dust, Noise Assessment and Mitigation, Contaminated Land, Waste and Recycling, Dust Informative*

Conservation Team

6.4 The principle of the development is acceptable, and as the current design largely reflects the former scheme, with no changes to legislation or guidance in the intervening period, the proposal continues to preserve the character of the area. A materials sample condition is recommended for the external finishes to the roof and wall.

Urban Design Team

6.5 The submitted scheme cannot be supported in design terms. The arrangement of communal amenity space is poor and likely to be overshadowed from the proposed scheme and existing surrounding buildings. The size of the units are small and would fail to meet the required space standards set out within the draft Cambridge Local Plan 2014: Proposed Submission Policy 50: Residential Space Standards.

6.6 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:

- 54 Burleigh Street
- 55 Burleigh Street

7.2 The representations can be summarised as follows:

- It is not clear how the proposed building could be built.
- Lack of internal and external amenity space for future occupiers.
- The construction works would block access to no.54 Burleigh Street.
- The built form would block fumes from the extract fan at the nail bar at no.54 Burleigh Street which could cause smells for the occupiers of no.70 Paradise Street, as well as the future occupiers of the proposed dwellings.

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

8.0 ASSESSMENT

Principle of Development

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

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

8.2 The site is situated within an established residential area, where a degree of residential development already exists (no.68 and nos.80 to 87 Paradise Street). I therefore consider that residential development on this site could be supported.

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

Context of site, design and external spaces and Impact on Conservation Area

8.4 The key design issue is the design and appearance of the new building within its setting adjacent to the Conservation Area. The proposed building is very similar to a previous planning

permission granted on this site (12/1288/FUL) in terms of design and built form.

8.5 The north side of Paradise Street has a mixed service yard character from the businesses which front onto Burleigh Street. The southern side has a more regular street scene of terraced dwellings.

8.6 Local Plan policy 3/12 requires new buildings to have a positive impact on their setting in terms of scale and form. There is no overriding building line along the north side of Paradise Street, but the proposal would be consistent with the recently approved serviced apartments approved to the east. In terms of scale and massing I consider the new building appropriate in its context.

8.7 The proposed Paradise Street frontage may appear prominent which is exacerbated by the set back of adjacent buildings. It is worth noting that planning permission was granted at the neighbouring site at no.68 Paradise Street to add an additional storey for two new residential flats which is similar in scale to this proposed scheme. I am satisfied by the visuals submitted that the building will make a positive contribution to the mixed, evolving character of the street scene.

8.8 The application site is very narrow and deep which results in the proposed building, and the dwellings within it, having an unconventional orientation and outlook. Notwithstanding the above, I do not consider the wider development of adjacent plots to be compromised by the proposed orientation of the building.

8.9 The new building will be visible from Burleigh Street, but I do not consider this harmful to its character. The Conservation Team is supportive of the proposal and has recommended a material samples condition. I agree with this advice and have included the condition to preserve the character of the adjacent Conservation Area.

8.10 In my opinion, subject to condition, 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

8.11 The main consideration is the impact on the existing flats at nos.68 and 70 Paradise Street immediately adjacent to the site.

Overlooking

8.12 The outlooks for the proposed dwellings are on the north and south elevations and the windows on the side elevation are proposed in obscure glazing. In light of the lack of outlook towards no.68 Paradise Street and that any windows facing this direction will be obscure glazed, I am satisfied that the privacy of the occupiers of no.68 will be unaffected by the proposed development.

8.13 There are only two windows on the south elevation of the exiting flat at no.70, one of which is a small obscure glazed bathroom window and so will be unaffected by the proposed development. The other window serves a bedroom, but given that this window faces towards a public street it does not benefit from any significant levels of privacy. In my opinion, in consideration that the nearest window of the proposed development will be over 13.5m from this neighbouring window, and the lack of dependency on this window as a private outlook for this neighbouring property, I do not consider that the proposed development will lead to any harmful loss of privacy at this neighbouring property.

Overshadowing

8.14 Whilst there will be some enclosure of the south facing window of no.70, I consider that as this is a bedroom window, the dependency and value of this outlook is less significant than that of a living room for example. Furthermore, as there is a previous permission for a building identical in form and scale on this site, it would be difficult to argue this as a reason for refusal. In my opinion, while the building will block a degree of sunlight reaching this bedroom window, I do not perceive that the nature of the bedroom affected requires significant exposure to sunlight compared to that of a living room which is more dependent on sunlight and outlook. In considering the separation distance from the proposed building, I do not

consider that the loss of light resulting from this proposed building would adversely harm the amenity of this neighbour to such an extent as to warrant refusal.

8.15 The majority of light is already blocked in the morning hours by Burleigh House and given that the proposed building only projects 2m beyond this much larger structure, I am satisfied that the levels of sunlight reaching the south facing bedrooms of no.68 will be retained.

Visual Enclosure/ Dominance

8.16 In my opinion, given the compact nature of the site, the absence of any outdoor amenity space for no.70, and the lack of an existing positive outlook for this neighbouring property, I do not consider that the proposed building would visually dominate outlook from it.

8.17 The views out of the two south-facing bedroom windows of no.68 will be retained as the proposed building would be built at a tangent to these outlooks and so the proposed building will not be perceived as visually dominant from these windows.

8.18 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

8.19 I note that the Urban Design team has raised concerns with the quality of the outdoor amenity space for future occupiers. However, in my opinion, given the city centre location of the site, coupled with the nearby outdoor amenity spaces offered by New Square, Christ's Pieces and Midsummer Common which are all within walking distance of the application site, I do not consider private outdoor amenity space for these occupiers a necessity in this case. As a result, while the outdoor communal space is not of the highest quality given that it will be overshadowed by the proposed building, I consider there to be more than adequate alternative outdoor amenity areas available to future occupiers in the surrounding area and that the application should not be solely judged on the quality of the communal space provided on site.

8.20 I also note that the Urban Design team has raised concerns with the internal size of the proposed dwellings and that these are not in conformity with the standards set out within the draft Cambridge Local Plan 2014: Proposed Submission Policy 50: Residential Space Standards. However, as this policy has not been formally adopted at the time of writing this report, the policy has very little weight in the determination of this application and will be superseded by national standards in any case. Regardless of this, given that this is a city centre location where there is a strong presence of similar, if not smaller, sized studio dwellings in the surrounding area, I consider the level of internal amenity space and the outlooks to be in keeping with that provided in the local housing market and therefore acceptable.

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

Refuse Arrangements

8.22 Waste storage is positioned outside the front of the proposed building, shielded from the road by a low brick wall. The Environmental Health Team has recommended a condition requiring details of the proposed waste facilities prior to the commencement of the development and I agree with the inclusion of this condition.

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

Highway Safety

8.24 The proposal does not involve any car parking or any changes to the public highway. The Highway Authority has raised no objection to the proposal and I agree with this advice.

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

Car and Cycle Parking

8.26 No car parking is provided for the proposed development. As this is in a city centre location within walking distance of services and local amenities, I do not consider it necessary for the development to provide any car parking.

8.27 A car club informative has been included in the decision notice to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

8.28 A secure cycle store with provision for 7 cycle spaces has been proposed and I consider this level and type of cycle storage acceptable for the proposed development and in accordance with the cycle parking standards.

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

Third Party Representations

8.30 The concerns regarding the access during the construction phase of the proposed development is a civil matter and is not a planning consideration. A party wall agreement between users of this access will need to be entered into separately from this planning application.

8.31 The objection regarding the lack of internal and external amenity space for future occupiers has been addressed in the main body of this report.

8.32 The concern regarding the ability of no.54 to extract air and odour associated with the nail bar has not been addressed as a concern by the Environmental Health Team and so I am satisfied that the amenity of future occupiers will be acceptable in this respect. The ability of air to escape upwards from the extract ducts will not be prevented by the introduction of the proposed building.

Planning Obligation Strategy

Planning Obligations

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

9.0 CONCLUSION

9.1 In conclusion, it is considered that the proposed development would not detract from the character of the area, and would not harm the amenity of neighbouring occupiers and that therefore approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

5. 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)

6. Part A: Prior to the commencement of refurbishment/ development works a noise report that includes the provisions of British Standard (BS) 4142:2014, Methods for rating and assessing industrial and commercial sound, which considers the impact of noise upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Part B: Following the submission of a noise report and prior to the commencement of refurbishment/ development works, 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) for protecting the residential units from noise from the neighbouring industrial use shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall thereafter be retained as such.

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

7. 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 of the site is identified and remediation measures are appropriately undertaken to secure full mitigation in the interests of environmental and public safety. (Cambridge Local Plan 2006 policy 4/13).

8. 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 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: To protect the amenity of nearby properties and ensure there is sufficient waste storage for future occupiers (Cambridge Local Plan 2006 policy 4/13)

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

   Reason: In the interests of highway safety

10. 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 and to avoid harm to the adjacent Conservation Area. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

11. The windows identified as having obscured glass on drawing number (170 (03) 02 A) on the side elevation 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 3/14.

    INFORMATIVE: To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to: o Council's Supplementary Planning Document - "Sustainable Design and Construction 2007": http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf o Guidance on the assessment of dust from demolition and construction http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf o Control of dust and emissions during construction and demolition - supplementary planning guidance https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf Regards, Mr Ben Walther Senior Environmental Protection Officer Environmental Quality & Growth Team

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 applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

INFORMATIVE: Following implementation of any Permission issued by the Planning Authority in regard to this proposal neither the residents of the new dwellings, nor the residential part of the existing development on the site will qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

PLANNING COMMITTEE **1st July 2015**

Application Number	15/0687/FUL	**Agenda Item**	
Date Received	24th April 2015	**Officer**	Miss Catherine Linford
Target Date	19th June 2015		
Ward	Arbury		
Site	109 Perse Way Cambridge CB4 3SB		
Proposal	Two storey side extension (following demolition of existing garage/utility) and change of use to a house in multiple occupation		
Applicant	Mr & Mrs Adrian Stone 28 Sunningdale Orton Waterville Peterborough PE2 5UB		

SUMMARY	The development accords with the Development Plan for the following reasons: • The proposed extension would not have a detrimental impact on the appearance of the street; • The proposed extension would not have a detrimental impact on neighbouring properties; and • The proposed use would not have a detrimental impact on neighbouring properties subjecting to a condition limiting the occupation of the house to seven people.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 109 Perse Way is a two storey, semi-detached house situated on the northern side of Perse Way. The surrounding area is predominantly residential and the site is not within Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for a two storey, side extension, following the demolition of the existing garage and utility room; and the change of use of the resulting building into a House in Multiple Occupation (HMO) (sui generis).

2.2 The proposed two storey extension would be the same width as the garage and utility room it would replace. Seven rooms would be provided in the HMO, and it is proposed that the rooms would be let to professionals and students through a letting agent. Two (tandem) car parking spaces would be provided at the front of the house on the driveway, and a cycle store and bin store would be provided in the rear garden.

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 3/14 4/13 5/7 8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	City Wide Guidance Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The proposal reduces the off-street car parking provision for the site whilst increasing the number of sub-households. The layout of the car parking means that the cars cannot access the highway independently. This arrangement is considered impractical for separate sub-households and, at best, would multiply the number of vehicular movements using the access, and result in obstruction of the junction during manoeuvring.

6.2 The above response is a summary of the comment that has been received. Full details of the consultation response can be inspected on the application file.

7.0 REPRESENTATIONS

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

- No address

7.2 The representations can be summarised as follows:

- There has been a growing trend locally of houses being sold for very high prices to developers pricing families and young people out of the market
- Lack of social cohesion
- Commercial proposition from people who have no vested interest in the local area

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 change of use
2. Context of site, design and external spaces
3. Residential amenity

4. Refuse arrangements
5. Car and cycle parking
6. Third party representations

Principle of change of use

8.2 Policy 5/7 of the Cambridge Local Plan (2006) states that the development of properties for multiple occupation will be permitted subject to a) the potential impact on the residential amenity of the local area; b) the suitability of the building or site; and c) the proximity of bus stops and pedestrian and cycle routes, shops and other local services.

8.3 Local shops on Histon Road are easily accessible from Perse Way and the site is close to bus routes. It is, therefore, my view that the proposal complies with part c) of policy 5/7 of the Local Plan. Parts a) and b) of policy 5/7 are addressed below in paragraphs 8.6-8.12.

Context of site, design and external spaces

8.4 The proposed side extension would be the same width as the existing single storey garage and utility room that it would replace. The proposed extension would result in the pair of houses becoming unbalanced but it is my view that this would not result in a detrimental impact on the appearance of the street, as long as the materials used match the existing house. This can be secured by condition (4).

8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.6 The proposed two storey extension would be no deeper than the existing house. Given that there are no windows on the flank wall of the unattached neighbour, 111 Perse Way, it is my view that the proposed extension would not overshadow, dominate or enclose this neighbour to an unacceptable degree. There is no potential for overlooking.

8.7 The proposed floorplans show seven bedrooms for single occupancy. A dwelling house can be let to up to six people without the need for planning permission, and I have therefore assessed the impact of one additional person. In my opinion, the impact of this additional person in terms of noise and disturbance would not be significant and the occupation of the house by seven people is acceptable. Some of the rooms may be large enough to accommodate two people, and it is possible that the house could be occupied by up to 14 people. As the surrounding area predominantly consists of family houses it is my view that such an intensive use of the property could have a significant detrimental impact on the amenity of neighbours. I therefore recommend that the occupancy of the house is limited to seven people by condition (3).

8.8 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, and part a) of policy 5/7.

Amenity for future occupiers of the site

8.9 The occupiers would share a communal garden, which is considered to be acceptable.

8.10 In my opinion the proposal provides an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

8.11 It is proposed that a bin store is provided in the rear garden. Whilst the location is acceptable I recommend that further details of the size and appearance of the store are controlled by condition (5).

8.12 In my opinion the proposal is compliant with part b) of policy 5/7 of Cambridge Local Plan (2006), subject to a condition requiring further details.

Car and Cycle Parking

8.13 Two tandem car parking spaces are to be provided on the driveway at the front of the house, which is the current arrangement. The Highway Engineer consider this arrangement to be impractical for more than one household. There will be difficulties with maneuvering but it is my view that the impact of this would not be significant. In my opinion the additional occupant would not place such a strain on on-street parking spaces to warrant refusal of the application. I consider the arrangement to be acceptable.

8.14 It is proposed that a cycle store is located in the rear garden. Whilst the location is acceptable I recommend that further details of the size and appearance of the store are required by condition (6).

8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and part b) of policy 5/7, subject to a condition requiring further details of the cycle store.

Third Party Representations

Issue raised	Response
There has been a growing trend locally of houses being sold for very high prices to developers pricing families and young people out of the market.	This is not a planning consideration.
Lack of social cohesion	I do not consider the future occupants of this type of accommodation any more likely to be a source of anti-social behaviour. Anti-social behaviour could in any case be tackled by other legislation.
Commercial proposition from people who have no vested interest in the local area.	This is not a planning consideration.

9.0 CONCLUSION

9.1 In my opinion, the proposed extension would not have a detrimental impact on the appearance of the street or on

neighbouring properties. It is my view that the proposed use would not have a detrimental impact on neighbouring properties. I recommend that the application is approved subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. The house shall be occupied by no more than seven people at any one time.

   Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

4. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

   Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

5. Prior to occupation as a House in Multiple Occupation (HMO) 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. Thereafter the development shall be in accordance with the approved details. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

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

6. 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)

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PLANNING COMMITTEE **1st July 2015**

Application Number	15/0600/FUL	**Agenda Item**	
Date Received	30th March 2015	**Officer**	Miss Catherine Linford
Target Date	25th May 2015		
Ward	West Chesterton		
Site	1 Belvoir Road Cambridge CB4 1JQ		
Proposal	Rear roof extension		
Applicant	Mrs E Wright 1 Belvoir Road Cambridge CB4 1JQ		

SUMMARY	The development accords with the Development Plan for the following reasons: • The proposed box dormer would not have a detrimental impact on the character and appearance of the Conservation Area but the introduction of a Juliet balcony would be visually detrimental. • The proposal would not have a significant detrimental impact on neighbouring properties.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 1 Belvoir Road is a two-end of terrace house situated on the western side of Belvoir Road, close to the junction of Belvoir Road and Humberstone Road. 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 rear box dormer, including a Juliette balcony.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1452/FUL	Single storey rear extension (following demolition of existing conservatory).	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 4/11

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
	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u> De Freville Conservation Area Appraisal (2009)

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 (Highways Development Management)

6.1 The Highway Authority does not consider that this application has any implications that will affect the highway network.

Urban Design and Conservation Team

6.2 This application is not supported as the fenestration in the roof extension does not comply with the Roof Extensions Design Guide and therefore the application does not adhere to policy 4/11 of the Cambridge Local Plan 2006.

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

7.0 REPRESENTATIONS

7.1 No representations have been received.

7.2 The application has been called-in to Committee by Councillor Tunnacliffe.

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 impact on the Conservation Area
2. Residential amenity

Context of site, design and impact on the Conservation Area

8.2 As the house is the end of terrace glimpses of the side of the dormer would be visible from the street. 2 Belvoir Road, directly opposite the site, has a visible rear dormer and due to this and other visible roof extensions on this side of Belvoir Road it is my view that the proposed dormer is not unacceptable in principle. The majority of the houses on the terrace have box dormers to the rear and due to their existence it is my view that the proposed box dormer could not be argued to be out of character with its surroundings or that it would detract from the character or appearance of the Conservation Area.

8.3 I am, however, concerned about the inclusion of a Juliet balcony. Whilst there are Juliet balconies visible from the site on Humberstone Road, none of the dormer windows on this terrace include Juliet balconies and it is my view that the proposed Juliet balcony would have a detrimental visual impact. The Urban Design and Conservation team share this view. A roof extension should be a lightweight, subsidiary addition to the building, where the fenestration respects the traditional hierarchy of windows, where windows get smaller the further up the building they are. The use of double doors in a roof extension draws the eye to this part of the building and is not appropriate. It is, therefore, my view that the inclusion of a Juliet balcony would detract from the prevailing character of this part of the Conservation Area and that this is unacceptable.

8.4 In my opinion due to the inclusion of a Juliet balcony the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would be contrary to Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/11.

Residential Amenity

8.5 It is my opinion that the proposed dormer would not dominate, enclose or overshadow neighbouring properties to an unacceptable degree. The proposed Juliet balcony would allow oblique views into neighbouring gardens but it is my view that this would be no worse than the existing situation.

8.6 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.

9.0 CONCLUSION

9.1 Whilst the proposed dormer window is considered to be acceptable, the inclusion of a Juliet balcony is not as it would detract from the prevailing character of the area and would consequently neither preserve or enhance the character and appearance of the Conservation Area. I, therefore, recommend that the application is refused.

10.0 RECOMMENDATION

REFUSE for the following reason:

1. The proposed roof extension by virtue of the inclusion of the French doors and a Juliet balcony, results in the dormer having a dominant appearance within the roofscape. In so doing it would detract from the prevailing character of the area and would consequently not preserve or enhance the character or appearance of the Conservation Area. For this reason the proposal is in conflict with policies 3/4, 3/14 and 4/11 of the Cambridge Local Plan (2006)

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PLANNING COMMITTEE **1st July 2015**

Application Number	15/0299/FUL	**Agenda Item**	
Date Received	20th February 2015	**Officer**	Miss Catherine Linford
Target Date	17th April 2015		
Ward	West Chesterton		
Site	8 College Fields Woodhead Drive Cambridge CB4 1YZ		
Proposal	Change of use from house in multiple occupation (C4) to form large house in multiple occupation (sui generis) including extension, internal alteration and erection of bin store.		
Applicant	Honey-Ward Settlements Trust 2010		

SUMMARY	The development accords with the Development Plan for the following reasons: • The proposed use would not have a detrimental impact on neighbouring properties subjecting to a condition limiting the occupation of the house to nine people; • The proposed extension and bin store would not have a detrimental visual impact; and • The proposed extension and bin store would not have a detrimental impact on neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 8 College Fields is a 2.5 storey, detached house situated on the northeastern side of College Fields, which is off Woodhead Drive. The surrounding area is predominantly residential and the site is not within a Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for change of use from a small House in Multiple Occupation (C4) (up to six occupants) to a large house in multiple occupation (sui generis) (seven or more occupants), which includes the conversion of the garage into living accommodation; single storey rear extension to the side of the existing garage; and a bin store to the rear adjacent to the common boundary with 9 College Fields. Nine bedrooms would be provided.

3.0 SITE HISTORY

None relevant.

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 4/13 5/7 8/2 8/6 8/10

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

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

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The application form states that two parking spaces are provided within the site and that this level of provision will remain unchanged. The parking spaces are unable to access the highway independently, which is impractical for use as provision for an HMO. No additional provision is made for the proposal, which may generate additional parking demand. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Head of Refuse and Environment

6.2 No objection, subject to a condition restricting construction hours and an information regarding housing standards.

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:

- 7 College Fields
- 9 College Fields
- 10 College Fields
- 11 College Fields
- 12 College Fields
- 15 College Fields
- 42 College Fields

7.2 The representations can be summarised as follows:

- Lack of parking – cars already park on the pavement causing a dangerous obstruction for pedestrians and the emergency services

- The proposal would contravene the original planning permission (C/1060/89) and covenants which prevent garages from being converted
- Impact on the drainage system
- Bins will be left on the pavement
- Links to public transport are average and not high quality as stated by the applicant
- Increase in noise and disturbance
- Overlooking No. 7 from the converted garage

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

Principle of Development

8.2 Policy 5/7 of the Cambridge Local Plan (2006) states that the development of properties for multiple occupation will be permitted subject to a) the potential impact on the residential amenity of the local area; b) the suitability of the building or site; and c) the proximity of bus stops and pedestrian and cycle routes, shops and other local services.

8.3 The site is close to public transport routes and it is my view that the proposals, therefore, comply with part c) of policy 5/7 of the Local Plan. Parts a) and b) of policy 5/7 are addressed below in paragraphs 8.5-8.13.

Context of site, design and external spaces

8.4 The proposed single storey extension would not be visible from the street and it is my opinion that it would not have a detrimental impact on the appearance of the house. I consider it to be visually acceptable. As the garage is set back from the street it is my view that the replacement of the garage door with a window would be acceptable.

8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.6 The proposed extension and conversion of the garage would result in one additional window at the rear, looking into the garden of the house. There would be no additional overlooking of neighbouring properties.

8.7 The proposed floorplans show nine bedrooms and the applicant has confirmed the house would be occupied by nine people. A house can be let to up to six people without the need for planning permission, and I have therefore assessed the impact of three additional people. In my opinion, the impact of these additional people in terms of noise and disturbance would not be significant and it is my view that the occupation of the house by nine people is acceptable. Some of the rooms may be large enough to accommodate two people, and it is possible that the house could be occupied by up to 18 people. As the surrounding area predominantly consists of family houses it is my view that such an intensive use of the property could have a significant detrimental impact on the amenity of neighbours. I therefore recommend that the occupancy of the house is limited to nine people by condition (3).

8.8 The house is currently let to less than six people and I understand that bins are left on the pavement for prolonged periods of time. This is unsightly and it is my view that it could be rectified if there was an appropriate plan in place. I recommend that a management plan is required by condition (4).

8.9 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

8.10 The occupiers would share a communal garden, which is acceptable.

8.11 In my opinion the proposal provides an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

8.12 A bin store is proposed in the rear garden. This is acceptable.

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

Car and Cycle Parking

8.14 The proposal would result in the loss of the garage. The Highway Authority have commented that the proposal is unlikely to have a significant adverse impact on highway safety. The driveway can accommodate two cars parked in tandem. The Highway Engineer considers this to be impractical. There will be difficulties with maneuvering but it is my view that the impact of this would not be significant. In my opinion the additional occupants would not place such a strain on on-street parking spaces to warrant refusal of the application. I consider the arrangement to be acceptable.

8.15 A cycle store is proposed in the rear garden, which is acceptable.

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

Third Party Representations

Issue raised	Response
Lack of parking – cars already park on the pavement causing a dangerous obstruction for pedestrians and the emergency services	This is addressed in paragraph 8.11.
The proposal would contravene the original planning permission (C/1060/89) and covenants which prevent garages from being converted	Condition 8 of planning permission C/1060/89 states that the garages shall be used for the parking of cars only. If this application was approved it would override this condition. Covenants are not a planning consideration.
Impact on the drainage system	This is not a planning consideration.
Bins will be left on the pavement	This is addressed in paragraph 8.7.
Links to public transport are average and not high quality as stated by the applicant	This is addressed in paragraph 8.3.
Increase in noise and disturbance	This is addressed in paragraph 8.6.
Overlooking No. 7 from the converted garage	This is addressed in paragraph 8.5.

9.0 CONCLUSION

9.1 In my opinion, the proposed extension would not have a detrimental impact on the appearance of the house or on neighbouring properties. It is my view that the proposed use would not have a significant detrimental impact on neighbouring properties. I recommend that the application is approved subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. The house shall be occupied by no more than nine people at any one time.

   Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

4. Prior to occupation as a sui generis House in Multiple Occupation a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include an arrangement for bringing the bins to the kerbside for collection and returning them to the store. The development shall be implemented in accordance with the approved details.

   Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 5/7 and 3/7)

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee DATE: 1 July 2015

WARD: Queen Ediths

PLANNING ENFORCEMENT REPORT FOR:

Address: 27 Babraham Road, Cambridge
Details of Breach of Planning Control: Material change of use

SUMMARY	In June 2014 members of the South Area Committee authorised the service of two enforcement notices for material change of use of 27 Babraham Road for the storage of ice cream vans. **Notice 1:** for unauthorised change of use of a car port garage extension for the storage of ice cream vans. Notice served and appealed. Appeal dismissed 30 April 2015 **Notice 2:** for breach of condition 2 of C/97/0695 which states, 'The ice cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed'. Notice not served.
RECOMMENDATION	That members note the content of this report accept the recommendation of officers not to serve the outstanding enforcement notice for Breach of Condition 2 of C/97/0695 that was authorised in June 2014.

1 INTRODUCTION

1.1 27 Babraham Road is a large semi-detached property located on the north west side of the Babraham Road. The house is situated within a large plot and set back from the road behind a brick boundary wall and electronic gates. At the front of the property there is a paved forecourt area with a large three bay garage and a two bay car port extension.

Appendix A contains a plan of the site and an aerial photograph showing the extent of the garages and forecourt.

1.2 The area surrounding 27 Babraham Road is characterised by similar detached houses in large plots. Babraham Road (A1307) is an arterial road which provides access to Cambridge from the south-east. The adjacent dwelling at 29 Babraham Road is the last property on the on the edge of the built up area, beyond which is agricultural land which is designated as Green Belt.

1.3 The property is not within a Conservation Area or a Controlled Parking Zone.

2 PLANNING HISTORY

2.1 A summary of the relevant planning history can be found below and **Appendix B** contains a full planning history for the property.

2.2 In April 1993 planning permission was granted for a detached three-bay garage in the front forecourt of 27 Babraham Road. In 1997 permission was granted to allow the property to be used as a dwelling house and for the storage of two ice cream vans. This was subject to the following conditions:

1. The number of ice-cream vans stored at the premises shall not exceed two vehicles.
   Reason: To protect the residential amenity of adjacent residential occupiers.

2. The ice-cream vans, when not in use, shall be stored within the existing garage at all times with the doors closed.
   Reason: To protect the visual amenity of the area.

3. There shall be no deliveries to the premises associated with the ice-cream business.
   Reason: To protect the amenity of adjacent residential properties.

4. The garage shall be used for the parking of no more than two ice-cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority.
   Reason: To protect the residential amenity of adjacent residential properties.

2.3 In 2001 an application for a 2 bay car port extension to the 3 bay garage was permitted. There were no conditions regulating the use of the car port but an informative stated that the car port may not be used for the storage of commercial vehicles without the express permission of the local planning authority.

2.4 In August 2012, following a planning enforcement inquiry into allegations that the conditions attached to planning permission reference C/97/0695/FP were not being complied with, an application was made to vary the conditions attached to the permission for the garage. The application was withdrawn

2.5 In November 2012 an application was submitted for a Certificate of Lawful Use or Development relating to the use of 27 Babraham Road. The application sought to confirm the lawfulness of the following:

- The storage of four ice cream vans
- The stationing of a refrigerated storage unit
- Acceptance of deliveries in connection with an ice cream business
- Mixed C3/B1 use

The application was refused under delegated powers in January 2013 on the basis that the applicant had not demonstrated on a balance of probabilities that the breach of conditions and use had continued for 10 years.

2.6 The breaches of the conditions attached to C/97/0695/FP were ongoing and so in March 2013 a report recommending the service of enforcement notices to address each of the breaches of planning conditions and the increased business use of the property

was put before members of the South Area Committee. The Committee authorised the service of five enforcement notices for breaches of the planning conditions attached to C/97/0695/FP. The Committee agreed that the service of the notices would be dependent on the result of an Appeal against the refusal to issue the Certificate of Lawfulness which had been submitted to the Planning Inspectorate and was pending determination. On 23 July 2013 the Inspector allowed the appeal and granted the Certificate of Lawfulness.

Appendix C contains a copy of the Inspector's Decision letter/Certificate of Lawfulness**.**

3 ENFORCEMENT BACKGROUND

3.1 Following the grant of the Certificate of Lawfulness the Council continued to receive complaints from the occupiers of the houses on either side of 27 Babraham Road about the unacceptable and unauthorised level of business activity on the site. The complaints concerned the 'very noisy business activities' taking place at the site and queries were raised as to whether these activities fell into the scope of the Lawful Development Certificate.

3.2 The Certificate confirmed that certain specific planning uses of the site are lawful but it only relates to those specific uses that were the subject of the application and the complainants were concerned about the expansion of the business use over a greater part of the property and the effect that it had on their amenity.

3.3 The Head of Planning Services prepared a Position Statement which was intended to clarify the Council's position with regard to the lawful use of the site. The statement set out that the appellant had only sought to establish a limited mixed use of the site and although this included a commercial element, this element was strictly controlled and limited by condition. The Council's opinion was that the appellant had not sought to establish a more general and extensive business use of the site which would have included the use of the car port extension for the storage of ice cream vans or the storage of ice cream vans on the forecourt of the property.

Appendix D contains a copy of the Position Statement from November 2013.

3.4 Officers from Environmental Services also investigated the complaints regarding noise caused by the business activities at 27 Babraham Road. Officers from Planning and Environmental Services visited the site together to assess harm to amenity caused by the business use and discussed the running of the engines of the ice cream vans, the cleaning of the vans, the general and mechanical maintenance of the vans and the slamming of the doors of the refrigeration unit.

3.5 In April 2014 officers took two enforcement reports to the Council's South Area Committee in respect of ongoing breaches of planning condition at 27 Babraham Road and the business use of the property. The consideration of the reports was postponed until June 2014 because one of the complainants who attended the meeting was taken very ill and collapsed.

Appendix E contains copies of the enforcement reports.

3.6 **Enforcement notice for Breach of Condition 2 of C/97/0695**

One enforcement report provided an update on the effect that the grant of the Certificate had on the authorisation to serve five enforcement notices. In the light of the grant of the Certificate of Lawfulness officers recommended that only one of the notices be served.

In June 2014 the South Area Committee approved the recommendation to serve an enforcement notice for Breach of condition 2 of C/97/0695 to address the ice cream vans stored on the forecourt.

Condition 2 states: The ice cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed.

In the light of the grant of the Certificate of Lawfulness, the officer recommendation was that the wording of the notice would not require the doors of the garages to be closed.

3.7 **Enforcement notice for Material Change of Use of the car port**

The second report requested the authority to serve an enforcement notice for the material change of use of the car port extension for the storage of ice cream vans.

The recommendation to serve this notice was based on comments made by the Inspector on paragraph 14 of his decision which stated:

…..condition 2 of the 1997 permission restricted the use of the property as a whole. When it limited storage of ice cream vans to storage within the "existing garage", that meant the existing 3 bay garage shown on the application plan. The Council would have to consider whether it would be expedient to enforce against the storage of ice cream vans within the 2 bay extension.

In June 2014 the South Area Committee approved the service of the notice to address the storage of ice cream vans I the wo bay extension.

3.8 Both enforcement notices were intended to address the planning harm caused by the expansion of the business use of 27 Babraham Road. The reasons given for the service of the notices was that, unless the business use of 27 Babraham Road is strictly controlled, the additional noise and disturbance to neighbours, over and above that associated with the storage of ice cream vans, has adverse impacts on the residential amenities of occupiers of neighbouring house.

3.9 The enforcement notice for material change of use of the car port was served in July 2014. The service of the notice was appealed to the Planning Inspectorate who determined the appeal by way of a Public Inquiry. On 30 April 2015 the appeal was allowed. The Inspector's decision was that the mixed use of 27 Babraham Road, allowed by the 1997 permission, applies to the whole site and therefore the use of the car port to store ice cream vans is not a material change of use. The notice was quashed and so the car port at 27 Babraham Road can continue to be used to store ice cream vans.

Appendix F contains a copy of the Appeal decision.

3.10 The notice for Breach of condition 2 of C/97/0695 was not served. In the light of the Inspectorate's view that the 1997 permission and the Certificate of Lawfulness authorise a mixed business use of the site that does not restrict how and where the ice cream vans are stored officers are seeking the authority not to serve this notice.

Paragraph 8 of this report contains the detailed recommendation.

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 The Inspector who granted the Certificate of Lawfulness gave a clear indication in his decision (at paragraph 14) as to where the ice cream vans should be stored, this was the reason that enforcement action was pursued in relation to the use of the two bay garage.

4.4 In contrast, the Inspector who determined the appeal against the enforcement notice did not give significant weight to the supplementary plan issued with the Certificate of Lawfulness which related to the original garage or the previous Inspector's comments regarding enforcement action relating to the use of the two bay extension for the storage of ice cream vans.

4.5 Officers have received repeated complaints about the breaches of planning control at 27 Babraham Road over a number of years and as a result of investigations, enforcement action has been authorised by members. However, the Inspectorate's decisions to allow the appeal relating to the Certificate of Lawfulness and to quash the Enforcement notice for material change of use has clarified the Inspectors' view of the planning status of the property which officers have noted.

4.6 The Inspectorate's view that 27 Babraham Road has a lawful mixed business and residential use across the whole of the planning unit outweighs the consideration and application of local plan policies.

5 INVOLEMENT OF OTHER COUNCIL DEPARTMENTS OR OTHER AGENCIES

5.1 During the course of the investigation contact has been made with Environmental Services to seek to address issues at the site which fall outside of the planning enforcement remit. Environmental Services did not establish that there was a statutory noise from the business activities at 27 Babraham Road however in September 2014 the owner of the property signed a voluntary agreement regarding steps required to reduce the disturbance emanating from 27 Babraham Road.

6 CONSIDERATION OF ENFORCEMENT OPTIONS

6.1 OPTIONS

Option 1: The service of the notice for breach of condition

Members can instruct officers to serve the outstanding enforcement notice. Officers consider that if the service of the enforcement notice for breach of condition 2 of C/97/0695/CP is served, it is likely that the service would be appealed to the Planning Inspectorate. The two previous appeals relating to the use of 27 Babraham Road have been upheld and established the Inspectors' view of the scope of the 1997 permission and Certificate of Lawfulness. Therefore officers consider that if the notice is served and appealed the Inspectorate is likely to allow the appeal and quash the notice on the grounds that there is no breach of planning control. This would also put the Authority at risk of costs being awarded to the appellant in the light of the clear planning background to this site.

Option 2: That the enforcement notice for breach of condition 2 of C/97/0695 is not served.

Members can instruct officers not to serve the enforcement notice that had been authorised in June 2014. Officers do not consider that the decision not to serve this notice will have any additional impact on the residential amenity of the occupants of neighbouring properties and therefore it is not considered expedient to pursue this course of action.

6.2 Officers recommend that members choose to pursue Option 2.

7 POLICY CONSIDERATIONS

7.1 Enforcement is a discretionary power and the Planning 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.

7.2 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Enforcement Policy and the City Council's Corporate Enforcement Policy.

7.3 Consideration should be given to the Human Rights Act 1998 and to the Equality Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to

respect for private family life) and Article 14 (prohibition of discrimination) as being relevant considerations. The Council must also have regard to its public sector equality duty (PSED) under S.149 of the Equality Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing, minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion or belief, sex and sexual orientation.

Officers do not consider that the recommendation in this report would have a disproportionate impact on any protected characteristic.

7.4 Officers consider that the service of an Enforcement Notice is not appropriate in this instance.

8 RECOMMENDATION

8.1 That members instruct officers not to serve the enforcement notice for Breach of condition 2 of C/97/0695 that was authorised in June 2014.

BACKGROUND PAPERS

Planning application reference C/97/0695/FP

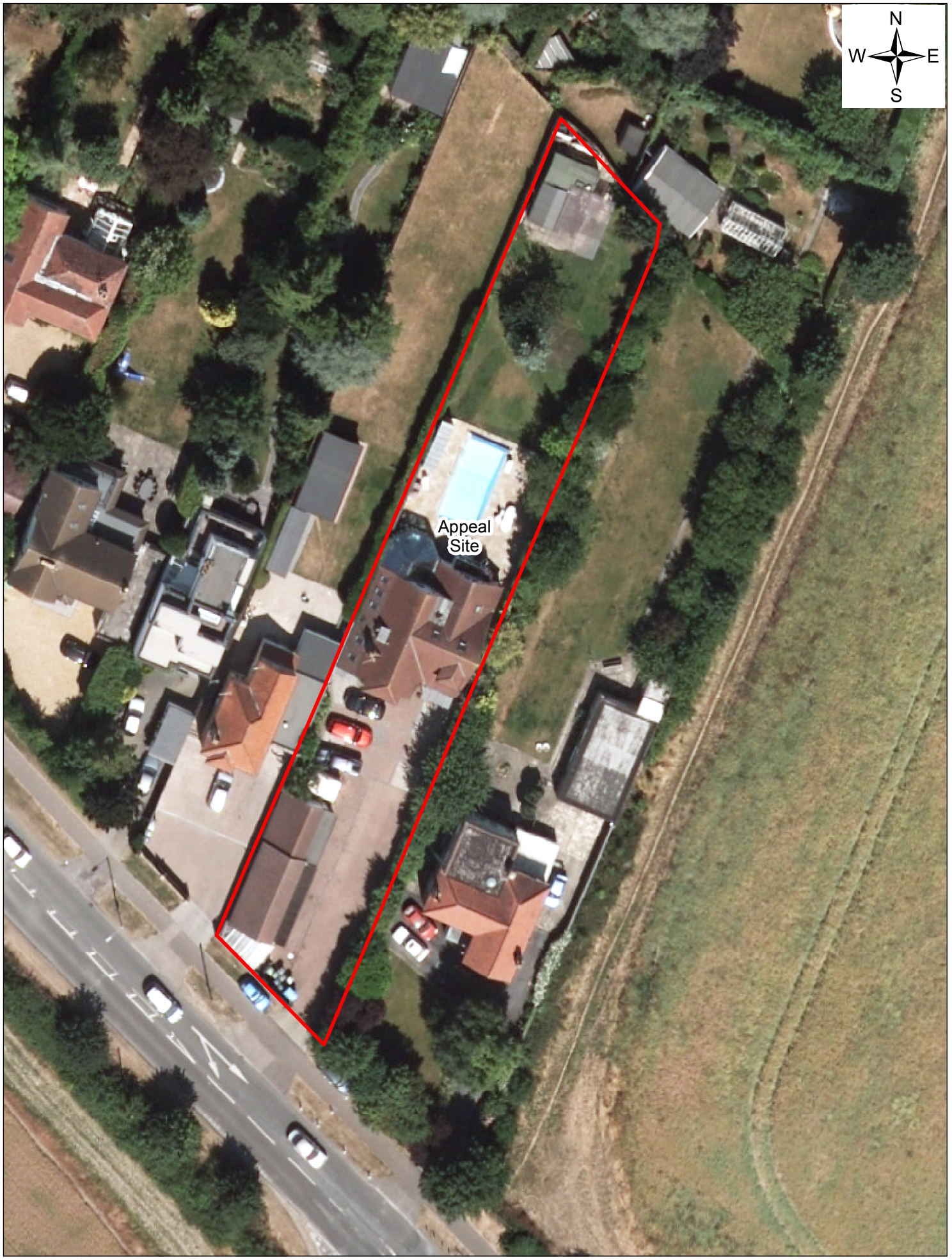
APPENDICES

Appendix A	site plan and aerial photograph
Appendix B	planning history of 27 Babraham Road
Appendix C	Inspector's decision and Certificate of Lawfulness
Appendix D	Planning position statement
Appendix E	Enforcement reports: South Area Committee June 14
Appendix F	Appeal decision relating to Enforcement notice

The contact officer for queries on the report is Debs Jeakins on extension 7163.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\27 Babraham Road\Report to Planning committee July 15.doc

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Relationship with 25 and 29 Babraham Road
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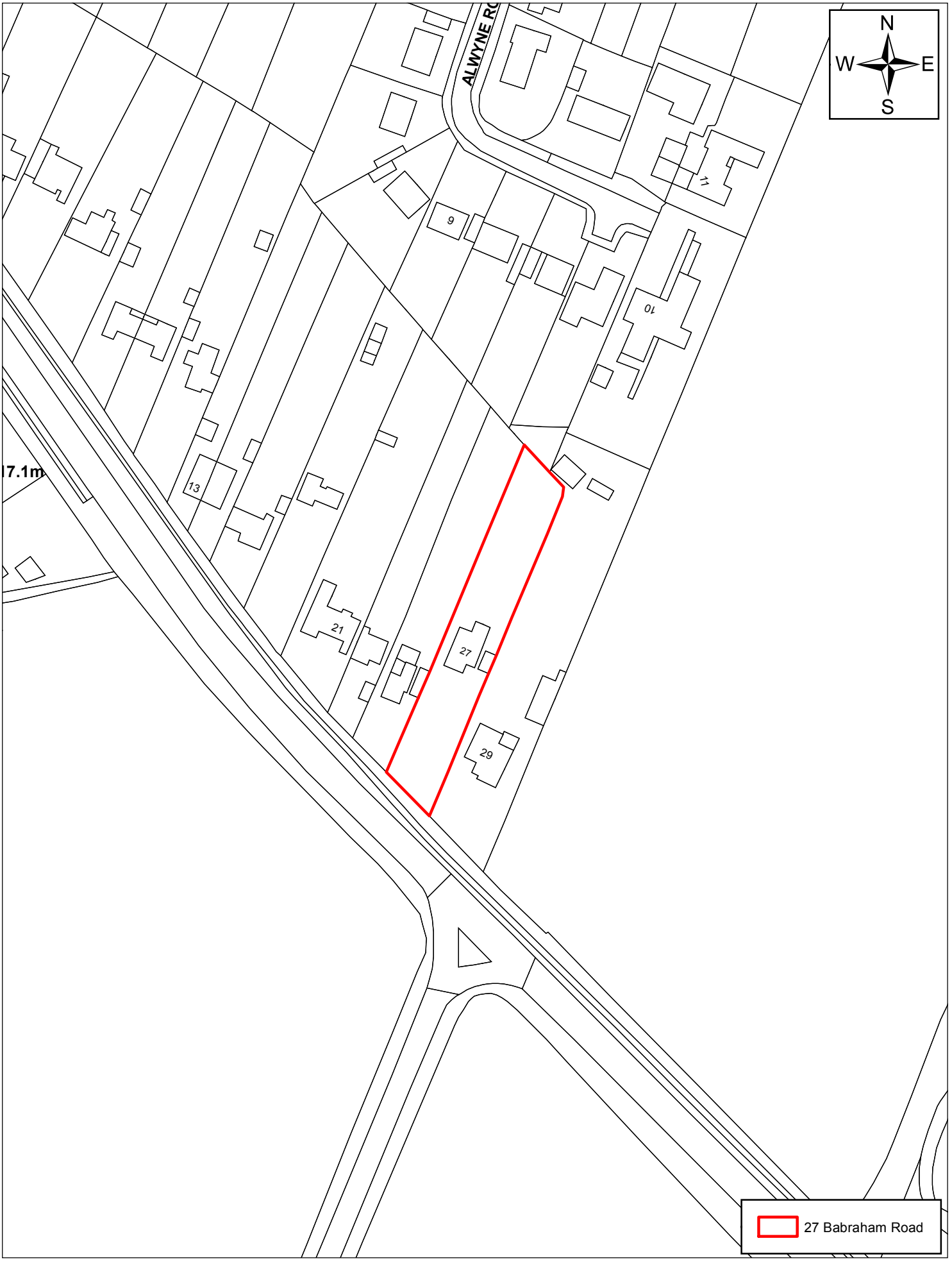
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CAMBRIDGE CITY COUNCIL

Date:	11 February 2015
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CAMBRIDGE CITY COUNCIL

27 Babraham Road
Page 387

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Date:	12 February 2013
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Section/Department:	Information Systems, Environment Dept
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APPENDIX B

PLANNING HISTORY:

Tonis Ices 27 Babraham Road Cambridge Cambridgeshire CB2 0RB

12/1438/CLUED - Application for a Section 191 for the storage of four ice cream vans, the stationing of a refrigerated storage unit, acceptance of deliveries in connection with the ice cream business and the mixed use (C3/B1) of the property.
CERTIFICATE NOT GRANTED 7th January 2013.
APPEAL UPHELD. CERTIFICATE GRANTED 23 July 2013

12/1107/S73 - Application to vary condition 1 to include a maximum of 4 ice cream vans, condition 2 so that vans not in use shall be stored in the existing garage but not behind closed doors, condtion 3 to allow deliveries to the site and condition 4 to allow the parking of 4 ice cream vans within the existing garage block on planning approval C/97/0695/FP.
WITHDRAWN 24th October 2012.

05/0918/FUL - Erection of single storey side extension and conservatory to rear.
PERMITTED 17th October 2005.

05/0603/FUL - Single storey side extension to dwellinghouse with conservatory to rear. Single storey front extension to garage.
REFUSED 16th August 2005.

C/03/1322 - Erection of a conservatory to rear of dwelling.
APPROVED 28th January 2004.

C/01/0558 - Erection of 2bay car port extension to existing garage.
APPROVED 13th July 2001.

C/97/0695 - The use of the land and buildings at 27 Babraham Road as a dwelling house and for the storage of two ice cream vans used for commercial purposes.
APPROVED 20th August 1997.

C/93/0133 - Erection of detached domestic garage in front garden.
APPROVED 28th April 1993.

C/92/0929 - Extension to house (erection of two storey side extension).
APPROVED 28th January 1993.

C/91/0211 – Erection of a two metre high front garden wall
APPROVED 14th June 1991.

C/90/0933 - Extension to dwelling (erection of a two storey side extension).
REFUSED 9th January 1991.

C/63/0075 - Alterations to existing bathroom and erection of new garage.
APPROVED 5th April 1963.

The Planning Inspectorate

Appeal Decision

Inquiry held on 19 and 20 June 2013
Site visit made on 19 June 2013

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 23 July 2013

Appeal Ref: APP/Q0505/X/13/2193066
27 Babraham Road, Cambridge, CB2 0RB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Toni Coppolaro against the decision of Cambridge City Council.
- The application Ref 12/1438/CLEUD, dated 8 November 2012, was refused by notice dated 7 January 2013.
- The application was made under section 191(1)(a) and (c) of the Town and Country Planning Act 1990 as amended.
- On the face of the application, the use for which a certificate of lawful use or development is sought is:
  (i) The storage of four ice cream vans at the property;
  (ii) The stationing of a refrigerated storage unit at the property;
  (iii) The acceptance of deliveries in connection with the ice cream business at the property;
  (iv) The mixed use (C3/B1) of the property.

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Decision.

Application for costs

1. At the Inquiry an application for costs was made by Mr Toni Coppolaro against Cambridge City Council. This application is the subject of a separate Decision.

Procedural and background matters

2. All evidence at the Inquiry was taken on oath.

3. On 28 April 1993, planning permission Ref C/0133/93 was granted for the erection of a detached domestic garage in the front garden of the appeal property. No conditions were imposed to restrict the use of the garage. On 20 August 1997 planning permission Ref C/97/0695/FP (the 1997 permission) was granted for "the use of the land and buildings at 27 Babraham Road as a dwelling house and for the storage of two ice cream vans used for commercial purposes. That permission was subject to 4 conditions, as follows:

   (1) The number of ice cream vans stored at the premises shall not exceed two vehicles;

   (2) The ice cream vans, when not in use, shall be stored within the existing garage at all times with the doors closed;

(3) There shall be no deliveries to the premises associated with the ice cream business;

(4) The garage shall be used for the parking of no more than two ice cream vans and the parking of domestic vehicles only and for no other purpose without express consent in writing to be given by the local planning authority.

4. On 13 July 2001 the Council granted planning permission Ref C/01/0558/FP (the 2001 permission) for the erection of a 2 bay car port extension to the existing 3 bay garage, which was granted permission under Ref C/0133/93. No conditions were imposed regulating the use of that extension.

5. As set out in the heading of this decision, the LDC application sought to establish, among other things, that the "mixed use (C3/B1) of the property" was lawful, as at the date of the application. However, as mixed uses do not fall within any particular use class[1] the parties agreed that any LDC should not refer to use classes.

6. Although the Council initially took a different view, at the Inquiry, the parties agreed that the 1997 permission authorised a mixed use of No 27 Babraham Road, which comprises a single planning unit, albeit that the commercial element of the mixed use was strictly limited and controlled by the conditions set out above. Notwithstanding the terms of part (iv) of the LDC application, as set out in the heading, the appellant does not seek to argue that there is a more general and extensive lawful business of the type described in Class B1. The appellant merely asks for an LDC in relation to a mixed use comprising the uses described in the 1997 permission, without complying with the conditions, along with use for the stationing of a refrigerated storage unit. Some of the evidence adduced by the Council was aimed at demonstrating that there was a material intensification of the business use within the 10 years up to the LDC application. However, in closing, the Council accepted that, as the appellant is not seeking to establish that a more general and extensive business use has become lawful, it is not necessary to pursue the intensification argument.

Main Issue

7. I must determine whether the Council's refusal of an LDC was well founded. Having regard to the background set out above, the main issue is whether the appellant has proved on the balance of probability that the use of the property as a dwellinghouse and: (i) for the storage of up to 4 ice cream vans for commercial purposes, in breach of conditions on the 1997 permission; (ii) for the acceptance of deliveries in connection with the ice cream business, in breach of conditions on the 1997 permission; and (iii) for the stationing of a refrigerated storage unit, all commenced on or before 8 November 2002 and continued for 10 years after commencement. In relation to (i) and (ii), I must also determine whether the appellant has proved on the balance of probability that the relevant conditions were still being breached as described when the LDC application was submitted on 8 November 2012[2].

[1] *Belmont Riding Centre v Secretary of State for Transport, Local Government and the Regions [2002] EWCA Civ 169.*

[2] To succeed on an LDC application concerning the failure to comply with a condition, the breach must be in existence at the time of the application: *Nicholson v Secretary of State for the Environment and Maldon District Council [1998] JPL 553.*

8. It is not for me to consider whether the matters the subject of this appeal are acceptable in planning terms; I can only determine whether they are lawful by virtue of being immune from enforcement action.

Reasons

9. As far as the number of ice cream vans is concerned, the appellant acknowledges that, as at the date of the LDC application, he only had 3 stored at the property. The fourth van was sold in February 2012, some 9 months before the application. Although the appellant says he has also stored a jacket potato trailer on the premises from August 2011 to the present date, this cannot contribute to a breach of condition 1 of the 1997 permission, which relates specifically to ice cream vans. At best then, I could only grant an LDC for the storage of up to 3 ice cream vans.

10. Mr and Mrs Coppolaro's evidence was that, in breach of condition 1 of the 1997 permission, between 1997 and the date of the LDC application, there has never been fewer than 3 ice cream vans stored at the appeal property. This was corroborated by the sworn oral testimony of Mr Iodice, the accountant and company secretary of the appellant's business, Toni's Ices.

11. In his proof, Mr Beaumont, of No 29 Babraham Road, said that he had never seen as many as 4 ice cream vans stored at the property during 2012. In oral evidence he said that until 2006 he was abroad on business for much of the time and did not pay much attention to the area. Under cross examination, his evidence on this aspect was a little confusing. At one point he suggested that there had only been 2 ice cream vans for some of the relevant 10 year period, but then he said he regularly saw 3 or 4, but believed some of them may have belonged to other dealers. The basis of that belief was unclear but, in any event Mr Beaumont 's letters to the Council dating from 15 June 2001 and sometime after August 2012[3] indicated that conditions on the 1997 permission, including condition 1, had been breached since 1997. I accept that Mr Beaumont's letters were not written in the context of a claim for immunity from enforcement action and he may not have been aware of the consequences of what he was alleging. Nevertheless, Condition 1 would only have been breached if there had been at least 3 ice cream vans stored on the premises. The other next door neighbour, Mr Cinque, said that he had lived at No 25 since 2001. In his proof, Mr Cinque said that there were not 4 ice cream vans stored at the appeal property when he entered in 2001. In oral evidence, he could not really remember how many ice cream vans had been stored during the relevant 10 year period, but he had probably seen 2 or 3. It was apparent from my inspection that Mr Cinque would not have had a view of the garage bays from his own property.

12. I accept that documents provided by the appellant, including registration documents, servicing invoices, receipts and insurance records, do not clearly demonstrate in themselves how many ice cream vans were stored on the property at any one time. This is especially so since the appellant says he often transferred personalised number plates between vehicles. However, neither do the documents indicate that the substance of what Mr and Mrs Coppolaro say about the number of ice cream vans is untrue. The evidence before me indicates that there were probably no fewer than 3 ice cream vans stored on the property in breach of conditions 1 and 4 throughout the period 8

[3] In response to application reference 12/1107/S73.

November 2002 to 8 November 2012. Indeed there is nothing which clearly contradicts the appellant's evidence.

13. In relation to condition 2 of the 1997 permission, whilst I have heard no evidence that ice cream vans have been consistently stored other than in the garage, the appellant's evidence that the garage doors have not been closed was corroborated by Mr Beaumont's evidence when he said in his proof that the garage doors were "rarely closed". The Council accepts that there is sufficient evidence of this breach of condition 2.

14. There was some debate over whether condition 2 of the 1997 permission would prevent ice cream vans being stored in the 2 bay garage extension constructed pursuant to the 2001 permission. The 2001 permission included an 'informative' indicating that the extension could not be used for the storage of commercial vehicles without express permission, but no condition to that effect. There is therefore nothing in the 2001 permission itself preventing use of the extension to store ice cream vans. I also accept the appellant's submission that, where a building has a permitted use, a permitted extension to that building could normally be used for the same purpose. However, condition 2 of the 1997 permission restricted the use of the property as a whole. When it limited storage of ice cream vans to storage within the "existing garage", that meant the existing 3 bay garage shown on the application plan. The Council would have to consider whether it would be expedient to enforce against the storage of ice cream vans within the 2 bay extension. Nevertheless, as I have not heard evidence of such storage for the relevant 10 year period, I cannot certify storage within that extension as lawful.

15. Turning to the matter of deliveries. Mr Beaumont says that there has been a significant increase in deliveries and activity on the appeal site since around 2006 and M Cinque refers to an increase in activities during the last couple of years. I am conscious that this alleged increase coincides with Mr Beaumont's retirement and consequent ability to observe a lot more and that, on the other hand, Mr Cinque says he is not in a good position to comment on deliveries because he works away from home during the day. In any event, as I have already indicated, the question of whether there has been a material intensification of the use of the property, so as to effect a fundamental change in the character of that use, is not relevant to the issues in this appeal. I merely have to determine whether condition 3 of the 1997 permission has been consistently breached for 10 years up to and including 8 November 2012 by the acceptance of deliveries to the premises associated with the ice cream business in a way that is more than de minimis.

16. The Council accepts that the breach of condition 3 became persistent, continuous and material some time around 2006, when neighbours became demonstrably aware of the deliveries. It also concedes that there may have been some deliveries in the years prior to 2005, but contends it would have been difficult for the Council to have proven that these were any more than occasional.

17. Mr and Mrs Coppolaro state that they have accepted deliveries of ice cream products at the appeal property since 1997. That was corroborated by the oral sworn testimony of Mr Iodice and, in relation to the period from 2000, by that of Mr Tanzarella, a director of Franco's Ices Ltd. With reference to the disputed period between 2002 and 2005/6, Mr Tanzarella said that from late 2000 to

date, his company delivered ice cream products (both ice cream mix and lollies) to the appeal property, 2 or 3 times a month during the summer months and throughout the year. He said that, up to 2007, he generally made the deliveries personally. Statutory declarations from both the managing director and a driver of Greco Brothers Ltd state that they delivered ice cream cones and wafers to the appeal property 2 or 3 times per year throughout the 11 years leading up to May 2013. In a further statutory declaration, the sales manager of the former company, Dairyland Ices (East Anglia) Ltd, said that from September 1997 to November 2005, as well as visiting regularly, he caused deliveries of ice cream products to be made to the appeal property on a weekly basis during the summer months and less often throughout the remainder of the year.

18. Though representatives of Greco Brothers Ltd and Dairyland Ices (East Anglia) Ltd did not attend the Inquiry, there is no evidence that their statutory declarations are untrue. Furthermore, whilst the supporting documentary evidence is a little patchy for the disputed period, the appellant produces copy invoices for ice cream products dating from 29 May 2002, 24 January 2003, 31 January 2003, 15 April 2003, February/April 2004, 13 July 2004 and from February 2005 for nearly every month to mid 2006. I note the Council's concern that this documentary evidence comprises invoices, rather than delivery notes and, whilst the address stated on them is the appeal property, this does not mean the goods were delivered there. The appellant said he did not generally keep delivery notes and, as his accountant, Mr Iodice said it was more important to keep invoices. Furthermore, whilst the Council points to a hand written note on one invoice which says "Del to Windsor Road", this could well suggest that all the other invoices which do not bear such a note relate to deliveries made to the invoice address, namely the appeal property. In addition, Mr Beaumont's letters to the Council dating from 2001 and 2012 also indicate that condition 3 had been breached from 1997.

19. To the extent that some of the appellant's business activities may have been conducted from Windsor Road and/or Winship Road, that is not relevant to whether condition 3 has been breached. The appellant does not need to prove that the appeal property was his sole place of business. Similarly, changes in the structure of the appellant's business, as a result of bankruptcy or otherwise have no bearing on this matter; I need only find that deliveries have been made to the appeal property in connection with the ice cream business throughout the period 8 November 2002 to 8 November 2012 inclusive. The evidence demonstrates that on the balance of probability. Furthermore, as a matter of fact and degree, I am satisfied that the deliveries were more than de minimis and there were not significant periods when deliveries were not being made. In making that judgement, I have taken account of the fact that there will inevitably be fewer deliveries in connection with an ice cream business during the winter months. On the evidence, I am unable to specify the number or frequency of deliveries which is lawful. Granting an LDC without quantifying this might suggest a 'free-for-all' but, in practice, deliveries will be limited by the number of ice cream vans, the size of the site and the size of the refrigerated unit, to which I now turn.

20. I note that the appellant's statutory declaration submitted in support of the LDC application exhibited a photograph of the refrigeration unit as it is now and stated that it had been on the property since 1997. In his proof, the appellant said that the unit in the photograph had only been on site since 2001 and that

it was vehicle mounted at first and then dismounted in 2010, when the vehicle was scrapped. Under cross examination, the appellant said the statement in the statutory declaration was an error. Although he had a refrigeration unit on a trailer from 1997, the one pictured was not present until 2001. The statutory declaration submitted by Mrs Coppolaro did say that the unit was on site from 2001, but dismounted from the vehicle in 2010. The contradiction in the appellant's own evidence is unfortunate, but it would appear to have been an error.

21. Mr Tanzarella said that he delivered to the appeal property from 2000, when and there was a refrigeration unit on a trailer the site in 2000, but this was changed to the current one after a year or so. He said that, when he delivered items he put them in the refrigerated unit. This is consistent with the appellant's evidence at the Inquiry and Mr Tanzarella also confirmed that the unit was dismounted in 2010. It was not put to him that he was mistaken or lying about this aspect. Further statutory declarations from Duncan Bennett (managing director of Bennetts Foods (Worcester) Ltd), Ian Knights (director of Pro-lec Electrical Solutions Ltd, formerly of Ian Knights Electrical Contractors) and Ian Ling (director of ISL Refrigeration Ltd) are also relevant on this point. Mr Bennett says he supplied the refrigerated unit in the spring of 2002 and, whilst it was originally vehicle mounted, it is nonetheless the same unit in the same location. Mr Knights says that, between November 2001 and January 2002, he installed the three phase electricity supply for the refrigeration unit, which was vehicle mounted at the time. Mr Ling says he has been carrying out regular maintenance and repair to this refrigeration unit since 2002. He confirms that it was vehicle mounted until about 2010.

22. There is a slight discrepancy in that Mr Bennett said in writing that the refrigerated unit was supplied in the spring of 2002, whereas the appellant said that it was 2001. The appellant suggested that Mr Bennett may have been looking at his records of when ownership transferred, rather than when delivery took place. This demonstrates the limitations of written evidence which cannot be tested. However, all of the sworn evidence, oral and written, on behalf of the appellant indicates that the current refrigeration unit, albeit initially vehicle mounted, has been stationed on the appeal site since the end of 2001 or the spring of 2002. Whatever the precise date, the appellant's evidence indicates that it has been there since well before 8 November 2002.

23. This of course is contradicted by the evidence of Mr Beaumont, who says that the refrigerated vehicle was brought onto the site in 2006, though he does confirm that the unit was dismounted from the vehicle about 18 months prior to May 2013. In his proof, the other neighbour, Mr Cinque said the refrigerated unit had only been on site for "a couple of years". In answer to my questions, he said in fact it had originally been there on a vehicle from about 2005/6. Aside from an obscure glazed window and the side panes of a box bay, none of the windows of Mr Cinque's house face the area where the refrigeration unit is located. There is also a boundary wall approximately 1.8m high and boundary planting. Mr Cinque's view is therefore limited, though not completely obscured.

24. Although there is some intervening boundary planting, Mr Beaumont's house includes first floor bedroom windows in the side elevation, overlooking the area where the refrigerated unit is located. The conflict between his evidence and that of the appellant and his witnesses is therefore difficult to resolve. I do not

believe that Mr Beaumont lied about the time when the refrigerated unit came on site. Although aspects of his evidence were confusing, I am sure that he gave an honest account, to the best of his recollection. However, as indicated, he was working abroad a great deal, for up to 9 months a year, until around 2006. Following his retirement, Mr Beaumont was able to take closer note of what was happening on the appeal site. I accept that, even before that, his family could have informed him of events on the site, but they were not at the Inquiry to clarify the position.

25. In any event, aside from Mr and Mrs Coppolaro's own evidence, sworn written evidence from people who separately supplied and maintained the refrigeration unit and provided it with an electricity supply is compelling. The oral evidence on oath from Mr Tanzarella, who delivered goods to the site and personally loaded them into the current refrigeration unit from 2001 is also convincing and was not challenged by the Council. Mr Beaumont and Mr Cinque can be forgiven for being mistaken over the date of arrival of the refrigeration unit. If the evidence of the appellant and his witnesses were to be set aside, that would suggest that there had been a conspiracy to lie on oath. I am not persuaded that this is the case and, for the reasons given, I prefer their evidence and I am satisfied on the balance of probability that the refrigeration unit was stationed on the appeal site from spring 2002 at the latest. Although the appellant acknowledged that, when it was still vehicle mounted, he occasionally took the refrigerated unit out to collect ice cream, I am satisfied that these were de minimus interruptions in the continuity of the use.

26. As I am concerned with the use of land, it is not the specific refrigerated unit that is relevant. However, I will indicate that the stationing of a refrigerated unit of the size currently on site, or smaller, is lawful. This will not operate as a condition and does not necessarily indicate that the stationing of a larger unit would not be lawful. It merely sets a base line against which the materiality of any future change could be assessed.

Overall conclusions

27. For the reasons given and having regard to all other matters raised, I conclude on the main issue that the appellant has proved on the balance of probability that the use of the property as a dwellinghouse and: (i) for the storage of up to 3 ice cream vans for commercial purposes, in breach of conditions on the 1997 permission; and (ii) for the acceptance of deliveries in connection with the ice cream business, in breach of conditions on the 1997 permission; and (iii) for the stationing of a refrigerated storage unit, all commenced on or before 8 November 2002 and continued for 10 years after commencement. In relation to (i) and (ii), the appellant has also proved on the balance of probability that the relevant conditions were still being breached when the LDC application was submitted on 8 November 2012.

28. Accordingly, the Council's refusal of the LDC was not well founded and I will allow the appeal. For the reasons given, I will grant an LDC limited to breaches of the relevant conditions and use for the stationing of a refrigerated storage unit. It will not encompass a more wide ranging B1 type business use.

Decision

Appeal Ref: APP/Q0505/X/13/2193066

29. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use and matters constituting a failure to comply with conditions which are considered to be lawful.

J A Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Philip Kratz BA(Hons) Solicitor LMRTPI	Instructed by the appellant
He called	
Toni Coppolaro	Appellant
Tracy Coppolaro	Appellant's wife
Givanni Iodice	Appellant's accountant
Pasquale Tanzarella	Supplier

FOR THE LOCAL PLANNING AUTHORITY:

Penny Jewkes	Non practising barrister, employed by Cambridge City Council
She called	
Catherine Linford BA(Hons), MSc MRTPI	Senior Planner, Cambridge City Council
Claudio Cinque	Neighbour
Terry Beaumont	Neighbour

DOCUMENTS SUBMITTED AT THE INQUIRY

1 Letter from Terry Beaumont to the Council referred to in the letter from Sarah Dyer dated 12 November 2012, which was submitted with the Appeal Questionnaire
2 Application plan for planning permission Ref C/97/0695/FP
3 Invoice dated 9 March 2001 for Vanilla Liquid Mix
4 Norwich Union renewal schedule 13 April 2007
5 Reliance Garage list of diesel purchases April 2003
6 Letter from Slade Edwards & Co insurance brokers 12 October 2012
7 Design and Access Statement dated August 2012 submitted with the application to amend conditions on planning permission Ref C/97/0695/FP
8 Closing submissions for the Council
9 Closing submissions for the appellant
10 Appellant's costs application
11 E-mail correspondence between the appellant's solicitor and the Council 30 November 2012; 4 December 2012, 4 - 6 December 2012; 2 & 3 January 2013

The Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010: ARTICLE 35

IT IS HEREBY CERTIFIED that on 8 November 2012 the use and matters constituting failures to comply with conditions or limitations subject to which planning permission has been granted all described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged and hatched in black on the plan 'A' attached to this certificate, were lawful within the meaning of section 191(2) and (3) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The time for enforcement action had expired.

Signed

J A Murray

Inspector

Date: 23 July 2013

Reference: APP/Q0505/X/13/2193066

First Schedule

The use of the property as a dwellinghouse and: (i) for the storage of up to 3 ice cream vans for commercial purposes in the garage referred to in conditions 2 and 4 of planning permission reference C/97/0695/FP dated 20 August 1997 (the 1997 permission) and shown cross-hatched in black on the plan 'B' attached to this decision, but with the garage doors open, in breach of conditions 1, 2 and 4 of the 1997 permission; (ii) for the acceptance of deliveries in connection with the ice cream business, in breach of condition 3 of the 1997 permission; and (iii) for the stationing of a refrigerated storage unit, of a size equivalent to or smaller than the unit stationed on the site on 8 November 2012, as shown on the photograph attached to this decision, and located between the dwelling and the garage as extended.

Second Schedule

Land at 27 Babraham Road, Cambridge, CB2 0RB

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use and matters constituting a failure to comply with any condition or limitation subject to which planning permission has been granted described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use and matters described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or matter which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The Planning Inspectorate

Plan

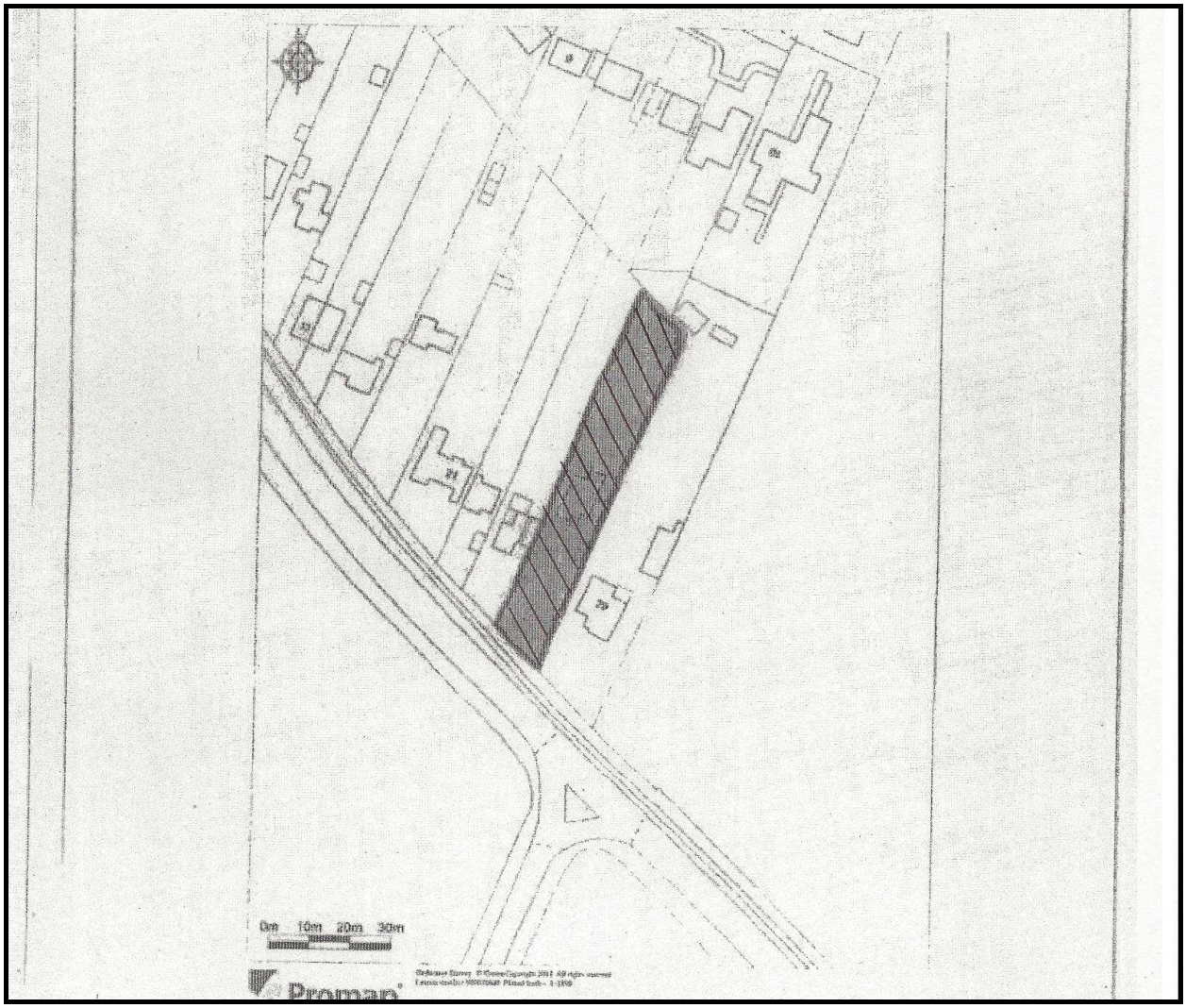
This is the **plan 'A'** referred to in the Lawful Development Certificate dated: 23 July 2013

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

Land at: 27 Babraham Road, Cambridge, CB2 0RB

Reference: APP/Q0505/X/13/2193066

Scale: DO NOT SCALE



Plan

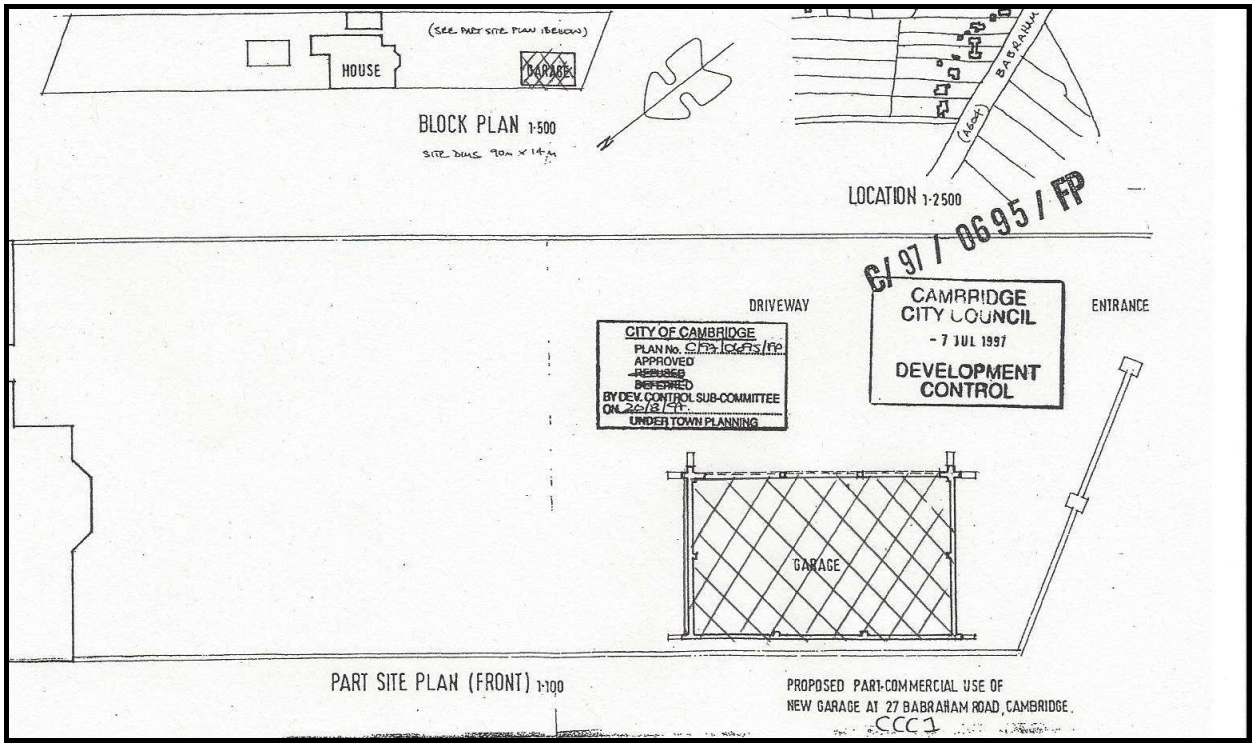
This is the **plan 'B'** referred to in the Lawful Development Certificate dated: 23 July 2013

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

Land at: 27 Babraham Road, Cambridge, CB2 0RB

Reference: APP/Q0505/X/13/2193066

Scale: DO NOT SCALE



The Planning Inspectorate

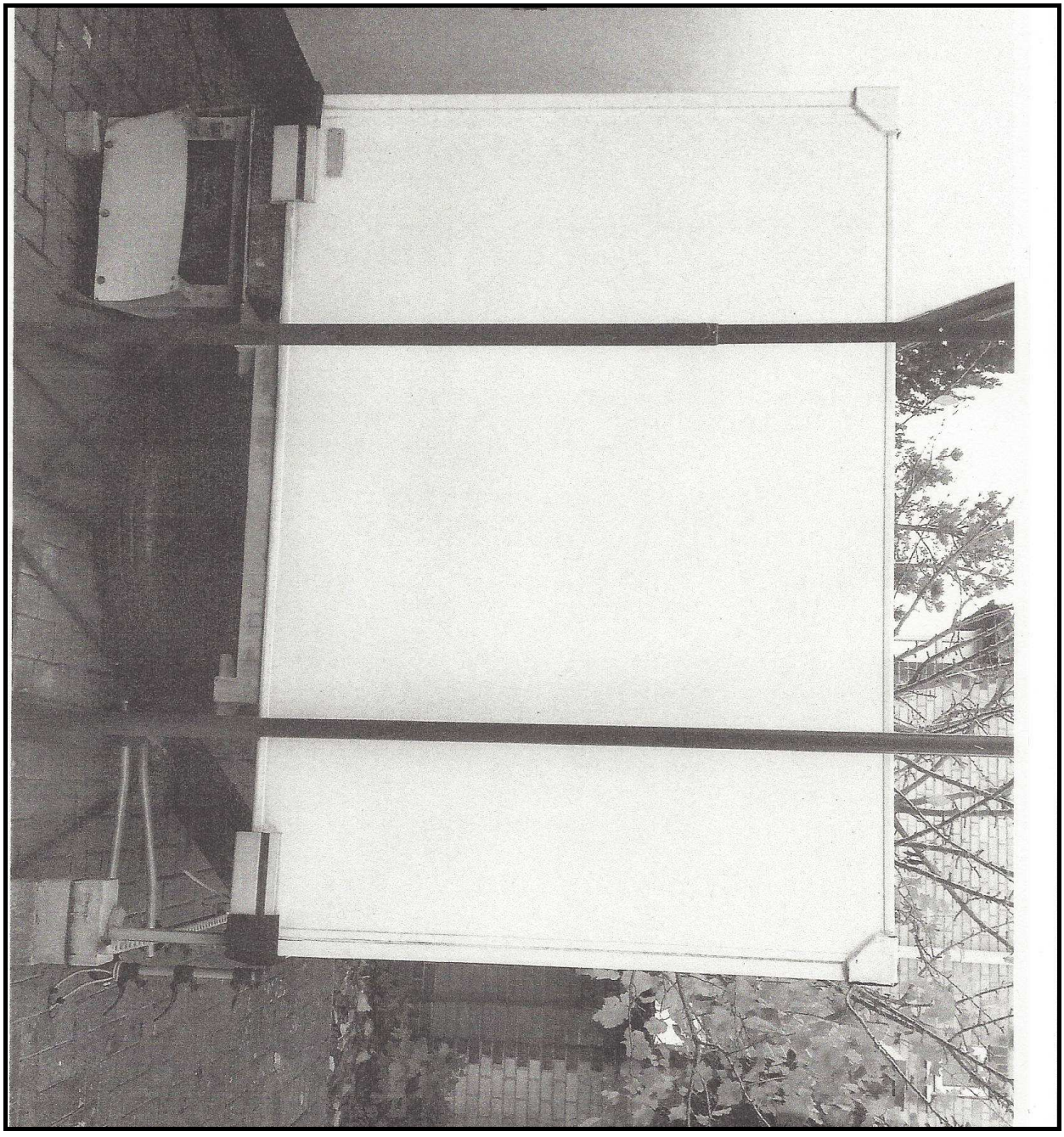
Photograph

This is the photograph referred to in the Lawful Development Certificate dated: 23 July 2013

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

Land at: 27 Babraham Road, Cambridge, CB2 0RB

Reference: APP/Q0505/X/13/2193066



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Cambridge City Council

Note on the Planning Status of 27 Babraham Road Cambridge

Purpose of this note

This note is prepared by the local planning authority and is intended to set out the Council's current view of the lawful planning use and activities that can take place at 27 Babraham Road Cambridge.

The Council recognises that a lawful mixed use exists at 27 Babraham Road. This note will set out the scale and nature of the business activities within the mixed use that the Council considers are commensurate with the lawful use.

The lawful use of 27 Babraham Road

The lawful use of the property, 27 Babraham Road is as a dwelling house and for the storage of up to three ice cream vans for commercial purposes in the garage which is shown cross hatched on the attached plan ("B") [1].(This does not include the 2 bay car port extension to the garage built subsequent to permission C/01/0558[2]).The vans may be stored in the garage with the doors open and deliveries in connection with the ice cream business may be made to the property. A refrigerated storage unit of a size similar to or smaller than that shown in the attached photo[3] and located between the dwelling and the extended garage is also lawful.

The local planning authority takes the view that the current lawful use[4] provides for no more than three ice cream vans, owned and operated in association with the residential occupation of 27 Babraham Road to be stored in the garage at the property when not in use. The Council considers this means they can traverse the driveway and hard standing areas that provide access to the garage where they are permitted to be stored. It does not provide for them to be stored/stationed outside the garages or anywhere else on the property when not in use. The Council also takes the view that the vehicles can only be outside the garages at the property when 'in use', only for the time it takes to move them into and out of the garages at the reasonably recognisable start and end of business trading periods.

[1] From Planning Permission ref: C/97/0695/FP and Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066
[2] Paragraph 14 Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066
[3] Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066
[4] Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066

The council takes the view that it is lawful for the restocking of the ice cream vans to happen when the ice cream vans are not in use at a time of day commensurate with the usual business trading hours for this type of business. The lawful use does not extend to the areas outside of the garages so by implication does not include use of these areas for the re-stocking or stationing of ice cream vehicles.

Likewise the delivery of any stock reasonably associated with three ice cream vans is interpreted as being lawful to happen at the property only for the minimum reasonable time to unload stock related deliveries and at times and frequencies considered reasonable in relation to the scale and type of lawful business activity being serviced from the up to three vehicles stored at this site[5].

The lawful use does not provide for the manufacturing of ice cream of other products anywhere on the premises. Nor the provision of or sale to third parties of ice-cream and refrigerated products or soft drinks etc.

There is no permission or lawful use for the storage/stationing of a hot potato cart at the property[6] and this is not considered to be an ancillary storage activity so is not lawful.[7]

The Council will review this position from time to time and may reconsider this position in the light of new evidence or material that comes forward.

Patsy Dell

Head of Planning Services

29/11/2013

Attachments:

Planning Appeal Decision letter: App/Q0505/X/13/2193066

[5] Paragraph 19, Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066
[6] Paragraph 9 Planning Inspector Decision Letter 23/7/13. Ref: App/Q0505/X/13/2193066
[7] The Planning Service has to report back to the Council's South Area Committee on the planning situation at the site and any outstanding unlawful activities at the site will need to be considered at that time.

Agenda Item

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: South Area Committee 23/06/2014

WARDS: Queen Ediths

PLANNING ENFORCEMENT CONTROL
ENFORCEMENT NOTICE REPORT

Breach of planning conditions and material change of use of 27 Babraham Road, Cambridge

Update following outcome of Appeal decision against the Council's decision to refuse to grant a Certificate of Lawful Use or Development (application reference 12/1438/CLUED)

1 INTRODUCTION

1.1 In March 2013 a report was brought before this Committee which recommended that enforcement action be authorised for non-compliance with conditions and a material change of use at 27 Babraham Road (see Appendix A for site plan). The recommendation was accepted but the Committee determined that the Enforcement Notices be issued following the conclusion of the pre-existing appeal against the Council's refusal to grant a certificate of lawful use and development. A copy of the report is attached at Appendix B.

1.2 The appeal has been allowed and the outcome impacts on the enforcement action that has been authorised by Committee. In summary, the appeal allows the site to be used for the storage of up to three ice cream vans in the garage that was approved under planning reference C/97/0695/FP, deliveries to be accepted in connection with the ice cream business and the stationing of a refrigeration unit. The purpose of this report is to provide an update to the Committee. Each Enforcement Notice is reviewed and the Committee is asked to authorise either that the Notice not be issued or that the Notice be issued as previously agreed or as amended.

1.3 There is a further report on this Agenda which requests authorisation for the service of a further Enforcement Notice for the unauthorised change of use of the garage extension to storage of ice cream vans.

2. BACKGROUND

2.1 In March 2013 a report was presented to South Area Committee which sought delegated authority to serve five Enforcement Notices to address the breach of four planning conditions attached to the planning permission (reference C/97/0695) at 27 Babraham Road and for the unauthorised change of use of the forecourt of the C3 Dwellinghouse to B1 business use. At the time of that report an Appeal was outstanding in respect of an application for a Certificate of Lawful Use or Development. The Appeal was subsequently allowed and this has altered the position with regard to which activities amount to a breach of planning control.

Planning History of 27 Babraham Road

2.2 In April 1993 planning permission was granted for a detached three-bay garage in the front forecourt of 27 Babraham Road. In 1997 permission was granted to allow 27 Babraham Road to be used as a dwelling house and for the storage of two ice cream vans. This was subject to the following conditions:

1. The number of ice-cream vans stored at the premises shall not exceed two vehicles.
   Reason: To protect the residential amenity of adjacent residential occupiers.

2. The ice-cream vans, when not in use, shall be stored within the existing garage at all times with the doors closed.
   Reason: To protect the visual amenity of the area.

3. There shall be no deliveries to the premises associated with the ice-cream business.
   Reason: To protect the amenity of adjacent residential properties.

4. The garage shall be used for the parking of no more than two ice-cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority.
   Reason: To protect the residential amenity of adjacent residential properties.

2.3 In 2001 an application for a 2 bay car port extension to the 3 bay garage was permitted. There were no conditions regulating the use of the car port but an informative stated that the car port may not be used for the storage of commercial vehicles without the express permission of the local planning authority.

2.4 In August 2012, following a planning enforcement inquiry into allegations that the conditions attached to planning permission reference C/97/0695/FP were not being complied with, an application was made to vary the conditions attached to the permission for the garage. The application sought the following variations to conditions:

- Condition 1 to include a maximum of 4 ice cream vans
- Condition 2 so that vans not in use shall be stored in the existing garage but not behind closed doors
- Condition 3 to allow deliveries to the site
- Condition 4 to allow the parking of 4 ice cream vans within the existing garage block on planning approval C/97/0695/FP

The application was withdrawn

2.5 In November 2012 an application was submitted for a Certificate of Lawful Use or Development. This sought to confirm the lawfulness of the following:

- The storage of four ice cream vans
- The stationing of a refrigerated storage unit
- Acceptance of deliveries in connection with an ice cream business
- Mixed C3/B1 use

The application was refused under delegated powers on the basis that the applicant had not demonstrated on a balance of probabilities that the use has continued for 10 years.

2.6 In March 2013 an Appeal was submitted in response to the Council's decision. This was heard by way of an Informal Hearing in June 2013 and the Inspector allowed the appeal.

<u>The Inspectors Decision and the terms of the Certificate of Lawful Use or Development ('The Certificate')</u>

2.7 A copy of the Inspector's Decision letter/Certificate of Lawfulness is attached at Appendix C. The Inspector allowed the appeal, decided that the time limit for enforcement had expired and certified that the

following uses were lawful within the meaning of section 191(2) and (3) of the Town and Country Planning Act 1990:

- The storage of up to three ice cream vans for commercial purposes in the garage referred to in conditions 2 and 4 of planning permission reference C/97/0695/FP and shown hatched on an attached plan but with the garage doors open in breach of conditions 1, 2 and 4 of the 1997 permission. (The plan identifies the original garage only and not the car port extension)

- The acceptance of deliveries in connection with the ice cream business in breach of condition 3 of the 1997 permission

- The stationing of a refrigerated storage unit, of a size equivalent to or smaller than the unit stationed on the site in November 2012 located between the dwelling and the garage as extended.

Planning Status of 27 Babraham Road Note

2.8 It is the view of officers that the Inspectors decision is clear; however for the avoidance of doubt a Note was prepared which sets out the Council's position regarding the Planning Status of 27 Babraham Road. A copy of the Note is attached at Appendix D. A copy of the Note has been sent to the appellant and the neighbours either side of 27 Babraham Road who have raised concerns about the way in which 27 Babraham Road is used.

2.9 Following his receipt of the Note the Appellant's Agent sought clarification about the use of the car port extension to the garage and the storage of a single hot potato cart at the premises. This is addressed in the other report relating to 27 Babraham Road on this agenda.

2.10 The certificate has confirmed that certain planning uses of the site are lawful but it only relates to those specific uses that were the subject of the application. The planning permission taken with the certificate provides confirmation of the lawful uses of the site. In the opinion of officers neither the use of the car port extension for the storage of ice cream vans nor the storage of the hot potato cart are covered by the planning permission or the certificate.

Implications of the Inspector's decision on the draft Enforcement Notices

2.11 The draft Enforcement Notices that were authorised by Committee in March 2013 addressed the following:

1 Breach of condition 1of C/97/0695 (The number of ice cream vans stored at the premises shall not exceed two vehicle)

2 Breach of condition 2 of C/97/0695 (The ice cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed)

3 Breach of condition 3 of C/97/0695 (There shall be no deliveries to the premises associated with the ice cream business)

4 Breach of condition 4 of C/97/0695 (The garage shall be used for the parking of no more than two ice cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority)

5 The material change of use of the area of the Land marked with green hatching on the attached plan of 27 Babraham Road Cambridge to a B1 business use.

I have considered the implications of the Inspector's decision on each of the Notices.

1. Breach of condition 1of C/97/0695 (The number of ice cream vans stored at the premises shall not exceed two vehicles)

2.12 The storage of up to three ice cream vans is lawful. Officers visited the site on 1 April 2014 and observed three ice cream vans on site. There is no breach of condition 1 and no justification for issuing an enforcement notice.

2. Breach of condition 2 of C/97/0695 (The ice cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed)

2.13 The storage of ice cream vans in the garage with the doors open is lawful. On 1 April 2014 officers observed that two ice cream vans were being stored in the car port extension when not in use and a third ice cream van was on the forecourt. This is in breach of condition 2 as modified by the certificate. Officers recommend that

an Enforcement Notice be served to address the ice cream vans stored on the forecourt.

3. *Breach of condition 3 of C/97/0695 (There shall be no deliveries to the premises associated with the ice cream business)*

2.14 Deliveries in connection with the ice cream business are lawful; there is no breach of condition 3 and no justification for issuing an enforcement notice.

4. *Breach of condition 4 of C/97/0695 (The garage shall be used for the parking of no more than two ice cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority)*

2.15 The storage of up to three ice cream vans in the garage is lawful; there is no breach of condition 4 and no justification for issuing an enforcement notice.

5. *The material change of use of the area of the Land marked with green hatching on the attached plan of 27 Babraham Road Cambridge to a B1 business use*

2.16 The Inspector noted that the appellant only sought to establish a mixed use which includes a commercial element and that this element is strictly controlled and limited by condition, the appellant did not seek to establish a more general and extensive use.

2.17 During the site visit the ice cream machines within the vans were being cleaned. This involves flushing out the machine and requires the vehicle engine to be switched on. This activity takes around 10-15 minutes and is carried out daily on each of the three ice cream vans. Three members of staff are employed who are responsible for each of the ice cream vans. The operator also advised that he uses the forecourt for washing the exterior of the ice cream vans and for changing the oil/filter/belt when necessary.

2.18 In the opinion of officers these activities represent ancillary uses associated with the use of the garage approved under reference C/07/0695/FP for storage of ice cream vans. These uses do not amount to a more extensive B1 Business use than that which is permitted by planning permission C/97/0695/FP as modified by the

certificate. On the basis of the way in which the premises are currently being used there is no justification for issuing an enforcement notice is relation to change of use to B1 business use.

3 CONSULTATIONS

3.1 I have consulted with the Council's legal officers and taken their advice in drafting this report.

4 OPTIONS

4.1 There are three options:

Option 1

Agree the recommendation that the Enforcement Notices in respect of breaches of conditions 1, 3 and 4 not be served. The effect of the certificate is to make to the current compliance with the conditions as amended by the certificate, lawful

Agree the recommendation that the Enforcement Notices in respect of the breach of condition 2 be amended to remove reference to doors remaining closed and then served.

Option 2

That none of the authorised Enforcement Notices be served.

I would not recommend Option 2 because unless strictly controlled the business use has adverse impacts on the residential amenities of occupiers of neighbouring house. Part of this control is the storage of the ice cream vans in the garage when not in use.

4.2 In assessing these options and recommending that enforcement action be pursued to secure compliance with condition 2 I have given consideration to the Human Rights Act 2000 and to the Equalities Act 2010, I have also 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. I 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 these considerations do not outweigh the reasons for proceeding with planning enforcement.

4.3 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.

5 CONCLUSIONS

5.1 In my view it is appropriate to review the authorisation for enforcement action in the light of the outcome of the appeal against refusal of the Certificate of Lawful Use or Development. I have recommended that the breach of condition 2 of permission reference C/97/0695/FP as modified by the certificate is pursued because the Certificate does not permit the following activities which are taking place on the site: the storage of ice cream vans on the forecourt and in the car port garage extension.

5.2 It is no longer necessary to serve the other four enforcement notices that relate to breaches to conditions 1, 3 and 4 of planning permission reference C/97/0695/FP as modified by the certificate and to change of use to B1 business use.

6 RECOMMENDATIONS

6.1 That the following actions be agreed in respect of each of the five Enforcement Notices authorised by Committee in March 2013:

1 Breach of condition 1of C/97/0695 (The number of ice cream vans stored at the premises shall not exceed two vehicle)

Enforcement notice not to be issued.

2 Breach of condition 2 of C/97/0695 (The ice cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed)

Enforcement notice to be served but amended to remove reference to ‘with the doors closed’.

3 Breach of condition 3 of C/97/0695 (There shall be no deliveries to the premises associated with the ice cream business)

Enforcement notice not to be issued.

4 Breach of condition 4 of C/97/0695 (The garage shall be used for the parking of no more than two ice cream vans and the parking of

domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority)

Enforcement notice not to be issued.

5 The material change of use of the area of the Land marked with green hatching on the attached plan of 27 Babraham Road Cambridge to a B1 business use.

Enforcement notice not to be issued.

7 IMPLICATIONS

(a) **Financial Implications - None**

(b) **Staffing Implications - None**

(c) **Equal Opportunities Implications - None**

(d) **Environmental Implications – None**

(e) **Community Safety - None**

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

Planning decision notices refs. C/01/0558, 12/1107/S73, 12/1438/CLUED

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\27 Babraham Road update SAC 23.04.14.doc

Date originated: 13 February 2015
Date of last revision: 13 February 2015

APPENDICES

Appendix A	Site location plan
Appendix B	Report to SAC of 7 March 2013
Appendix C	Inspectors Decision (12/1438/CLUED)
Appendix D	Note on the Planning Status of 27 Babraham Road

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: South Area Committee DATE: 23/06/14

WARD: Queen Ediths

PLANNING ENFORCEMENT CONTROL
ENFORCEMENT NOTICE REPORT

27 Babraham Road, Cambridge
Unauthorised storage of a hot potato cart and use of a car port garage extension for the storage of ice cream vans

SUMMARY	Planning enforcement investigations have identified an unauthorised storage of a hot potato cart and use of a car port garage extension for the storage of ice cream vans. The storage of the hot potato cart is ancillary to the use of the premises as a dwelling house. The use of the car port garage extension for the storage of ice cream vans represents an unacceptable expansion of the lawful non-residential use of the site and has an adverse impact on residential amenity.
RECOMMENDATION	That enforcement action be authorised in respect of the unauthorised change of use of a car port garage extension for the storage of ice cream vans.

1 INTRODUCTION

1.1 This report seeks delegated authority to serve an Enforcement Notice to address the unauthorised change of use of a car port garage extension for the storage of ice cream vans at 27 Babraham Road (see appendix A for site plan).

2 PLANNING HISTORY

See Appendix B.

3 THE INSPECTORS DECISION AND THE TERMS OF THE CERTIFICATE OF LAWFUL USE OR DEVELOPMENT ('THE CERTIFICATE')

3.1 A copy of the Inspector's Decision letter is attached at Appendix C. The Inspector allowed the appeal and in doing so issued a Lawful Development Certificate which is embedded in the Decision letter. The Certificate allows for the following:

- The storage of up to three ice cream vans for commercial purposes in the garage referred to in conditions 2 and 4 of planning permission reference C/97/0695/FP and shown hatched on an attached plan but with the garage doors open in breach of conditions 1, 2 and 4 of the 1997 permission. (The plan identifies the original garage only and not the car port extension)

- The acceptance of deliveries in connection with the ice cream business in breach of condition 3 of the 1997 permission

- The stationing of a refrigerated storage unit, of a size equivalent to or smaller than the unit stationed on the site in November 2012 located between the dwelling and the garage as extended.

4 PLANNING STATUS OF 27 BABRAHAM ROAD NOTE

4.1 It is the view of officers that the Inspectors decision is clear; however for the avoidance of doubt a Note has been prepared which sets out the Council's position regarding the Planning Status of 27 Babraham Road. A copy of the Note is attached at Appendix D. A copy of the Note has been sent to the appellant and the neighbours either side of 27 Babraham Road who have raised concerns about the way in which 27 Babraham Road is used.

4.2 The certificate has confirmed that certain planning uses of the site are lawful but it only relates to those uses that were the subject of the application. The planning permission taken with the certificate determines the lawful uses of the site. In the opinion of officers neither the use of the car port extension for the storage of ice cream

vans nor the storage of the hot potato cart are covered by the planning permission or the certificate.

5 BACKGROUND/TIMELINE OF ENFORCEMENT INVESTIGATION

5.1 An enforcement investigation has remained open throughout the determination of the application for a Certificate of Lawful Use or Development and the related appeal. The view of officers is that planning permission reference C/97/0695/FP as modified by the certificate clearly establishes which activities can lawfully be carried out at 27 Babraham Road. The certificate only covers those uses that were part of the lawful development certificate application. The certificate does not cover all the activities that are being carried out at the premises. It is for the Council to assess whether or not other activities being carried out at the premises can be considered a lawful use of the C3 dwelling. The purpose of the Note on the Planning Status of 27 Babraham Road was to set out the Council's position in detail following the outcome of the Appeal.

5.2 Since the production of the Note, officers have been contacted by local residents who have raised concerns about the activities which are currently being undertaken at 27 Babraham Road. In addition to the concerns regarding the planning use of the property their concerns include issues such as noise nuisance which fall outside planning control and a joint investigation by Planning Enforcement officers and Environmental Health officers has been initiated.

5.3 A joint site visit was carried out by Planning Enforcement officers and Environmental Health officers on 1 April 2014. In respect of the storage of the hot potato cart and the use of the car port garage extension for storage of ice cream vans the following observations were made:

- The hot potato cart is stored between the refrigeration units and the house frontage beside the boundary with 25 Babraham Road. It is stored in the open, on the forecourt and not in a garage.

- Two ice cream vans were being stored in the garage extension.

- The garage approved by C/97/0695/FP is being used for storage of domestic vehicles and for the storage of goods associated with the ice cream business.

5.4 Since the production of the Note there has been on-going correspondence between officers and the site owner's legal representative. The issues raised and the officer position is set out below:

Use of site for storage of hot potato cart

Operator's Legal representative's view

5.5 The storage of the hot potato cart could be regarded as an ancillary use to the main use of the property as a dwelling.

Officer's view

5.6 The lawful use of 27 Babraham Road is as a dwelling with storage of ice cream vans permitted in the garage. The storage of the hot potato cart is not ancillary to the storage of ice cream vans but could be regarded as ancillary to the use as a dwelling. In order to establish that it is an ancillary use the Council would need to be convinced that the storage of the hot potato cart does not conflict with the use as a dwelling and is not out of character with that use.

5.7 The storage of the hot potato cart results in some additional comings and goings to the premises and could be visible from beyond the boundaries of the site. The Food Team within the Environment and Refuse service has advised that the food premises registration form gives 27 Babraham Road as the address where the cart is stored whilst not trading and that the cart is cleaned at the premises. It would be difficult to demonstrate that these impacts differ from those normally associated with any operation of a business from home for example a painter and decorator storing his van overnight, cleaning it and loading it up.

5.8 In order to justify the service of an Enforcement Notice the Council would need to produce evidence to demonstrate that the storage of the hot potato cart is not an ancillary use to the principal use as a dwelling. It is the view of officers that it would be difficult to produce evidence of this in the event that an Enforcement Notice is served and an appeal submitted. This could result in the Enforcement Notice being quashed and would leave the Council open to a claim for costs.

5.9 The current position which is adopted by officers in relation to the storage of the hot potato cart differs from that set out in the Planning Status Note. The Note states that 'There is no permission or lawful

use for the storage/stationing of a hot potato cart at the property and this is not considered to be an ancillary storage activity so it not lawful'. The reason for the change of view is that in the light of comments made by the applicant and his legal representative and on reflection it is not going to be possible to provide evidence to demonstrate that the hot potato cart is not ancillary to the use as a dwelling. The fact that the storage of the hot potato cart is not referred to in the planning permission as modified by the certificate does not make it an unlawful use.

5.10 At the time of the preparation of the Status Note officers were considering whether the storage of the hot potato cart is ancillary to the commercial activity at 27 Babraham Road. However, as raised by the operator's legal representative, there is an argument for saying that the current use of land for storage of a hot potato cart is ancillary to the use as a dwellinghouse. At present officers cannot disagree with this argument. However if the storage of hot potato cart use intensified, for example through the storage of additional carts, then the ancillary test would need to be re-applied.

5.11 It is the view of officers that the storage of the hot potato cart is an ancillary and lawful use and that it is not expedient to pursue enforcement action to secure cessation of the use.

Use of car port garage extension for storage of ice cream vans

Operator's Legal representative's view

5.12 The use of car port garage extension for storage of ice cream vans is lawful because either condition 2 of the 1997 permission which permits 3 ice cream vans to be stored on the premises could be regarded as applying to the premises as a whole or that the extension has acquired its own immunity by use for more than ten years.

Officer's view

5.13 The car port garage extension was permitted in 2001. There are no conditions restricting the use of the garage extension or permitting the use for storage of ice cream vans. The use of the garage extension for storage of ice cream vans creates space in the original garage which is used for the storage of stock and this has resulted in an expansion of the ice cream van storage use over a greater part of the property. The original intention of the conditions attached to

planning permission reference C/97/0695/FP was to limit the impact of the non-residential use. The certificate granted at appeal does not change this approach and the appellant did not seek to establish the lawful use of the garage extension as part of the appeal.

5.14 It is considered expedient to pursue enforcement action to secure cessation of the use to ensure that the restrictions placed on a non-residential use within a residential area are effective in the interests of the protection of residential amenity.

6 ASSESSMENT AGAINST PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS

6.1 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.'

6.2 It is the view of officers that the principle of taking enforcement action is appropriate in this case and 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.

6.3 Consideration has also been given to the Human Rights Act 2000 and to the Equalities Act 2010. 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. 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. The protection afforded by the Human Rights Act 2000 and the Equalities Act 2010 do not outweigh the reasons for proceeding with planning enforcement.

6.4 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.

6.5 In reaching the view that enforcement action is necessary, Officers have assessed the unauthorised change of use of the car port garage extension for the storage of ice cream vans against Local Plan Policy and central government policy/guidance as follows.

Assessment against Cambridge Local Plan 2006

6.6 The relevant policy in the Local Plan is policy 4/13:

4/13 Pollution and Amenity

Development will only be permitted which:

a. does not lead to significant adverse effects on health, the environment and amenity from pollution; or
b. which can minimise any significant adverse effects through the use of appropriate reduction or mitigation measures.

Proposals that are sensitive to pollution, and located close to existing pollution sources, will be permitted only where adequate pollution mitigation measures are provided as part of the development package.

6.7 The use of the car port garage extension for storage of ice cream vans generates noise and disturbance over and above that associated with the lawful use of the site as a dwellinghouse and for the storage of three ice cream vans in the garage permitted under planning application reference C/97/0695/FP. In particular the use of the garage extension allows the garage to be used for storage associated with the storage of ice cream vans thereby expanding the area of the site given over to the business use. The degree of disturbance is such that it has an adverse impact on the amenities enjoyed by the occupiers of neighbouring properties. If an application for change of use of a car port garage extension for the storage of ice cream vans was to be submitted, officers would recommend refusal on the grounds of conflict with policy 4/13 of the Local Plan.

Assessment against central government guidance

6.8 Paragraph 123 of the NPPF provides the following guidance:

Planning policies and decisions should aim to:

1 avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

2 mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

3 recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and

4 identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

6.9 Point 4 is not relevant in this case. The site is bounded on each side by private gardens and could not be categorised as a protected area. Point 3 is also not relevant because nearby land uses have not changed. Points 1 and 2 are relevant.

6.10 The lawful use of 27 Babraham Road already has an adverse impact on the health and quality of life of nearby residents as reflected in comments made by them in correspondence with the Council. Continued use of the car port for storage of ice cream vans will exacerbate this impact. Whilst it may be possible to mitigate the impact of the use of the car port through conditions, in combination with other activities on at 27 Babraham Road this additional activity is not acceptable in terms of its impact on residential amenity. There is clear conflict with guidance provided by the NPPF.

6.11 Planning Practice Guidance offers the following advice in terms of how noise impact can be mitigated which is as follows:

How can the adverse effects of noise be mitigated?

This will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

6.12 The dwellings close to 27 Babraham Road constitute 'sensitive receptors'. The conditions that were originally imposed on the use of the site were intended to control the use to a level that was acceptable in a residential area. This was achieved by conditions to restrict the number of ice cream vans, the location where they could be stored and limiting the use of the garage to storage for two ice cream vans only. The Certificate has broadened the lawful use of 27 Babraham Road by for example allowing three vans to be stored lawfully and storage in the garage with the doors open and allowing storage of a refrigeration unit. Officers are of the view that it would not be possible to satisfactorily control the impact of the use of the car port for storage of ice cream vans via conditions/obligations to a level that would not have harmful effect on residential amenity given the cumulative effect that these additional activities generate.

Material Considerations

6.13 It could be argued that to take enforcement action in this case would not be appropriate because it would have an adverse impact on the operation of a small business. However in this case the business is being conducted in a residential area and the need to protect the residential amenity of neighbours outweighs this material consideration. There are no other material considerations that would lead officers to conclude that enforcement action would not be appropriate.

7 RECOMMENDATIONS

7.1 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:

1. To authorise the Head of Planning and the Head of Legal Services to prepare and serve an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of a breach of planning control, namely the material change of use of the car port garage approved under planning reference C/01/0558/FP at 27 Babraham Road to business use for storage of ice cream vans specifying the steps to comply and the period for compliance set out in paragraphs 7.2 and 7.3, for the reasons contained in paragraph 7.4.

2. 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 notices

<u>Enforcement Notice – Use of the car port garage extension for storage of ice cream vans</u>

7.2 *Steps to comply*

Cease the use of the car port garage extension for storage of ice cream vans.

7.3 *Period for compliance*

28 days after the date on which the Enforcement Notice takes effect.

7.4 *Statement of Reasons for inclusion on the Notice*:

It appears to the Council that the breach of planning control namely the material change of use of the car port garage approved under planning reference C/01/0558/FP at 27 Babraham Road to business use for storage of ice cream vans, has occurred within the last 10 years.

The change of use of the car port garage extension for the storage of ice cream vans has given rise to additional noise and disturbance to neighbours over and above that associated with the storage of ice cream vans within the garage permitted under planning reference

C/97/0695/FP and an expansion of the extent of the business activities on the site resulting in an unacceptably adverse impact on their amenities.

The material change of use of the car port garage approved under planning reference C/01/0558/FP at 27 Babraham Road to business use for storage of ice cream vans has been undertaken without the benefit of planning permission and is contrary to policy 4/13 of the Cambridge Local Plan 2006, and to government guidance in Paragraph 123 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 the Equalities Act 2010. 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). 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.

APPENDICES

Appendix A	Site location plan
Appendix B	Planning History
Appendix C	Inspectors Decision (12/1438/CLUED)
Appendix D	Note on the Planning Status of 27 Babraham Road

The contact officer for queries on the report is Sarah Dyer on ext 7153.

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Appeal Decision

Inquiry held on 17 March 2015

by Mr Keri Williams BA MA MRTPI

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

Decision date: 30 April 2015

Appeal Refs: APP/Q0505/C/14/2222570 and 2222571
Land at 27 Babraham Road, Cambridge, Cambridgeshire, CB2 0RB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr T Coppolaro and Mrs T Coppolaro against an enforcement notice issued by Cambridge City Council.
- The Council's reference is CE/5622.
- The notice was issued on 3 July 2014.
- The breach of planning control as alleged in the notice is the material change of use of a car-port garage extension for the storage of ice cream vans.
- The notice's requirement is to cease the use of the car-port garage extension for the storage of ice cream vans.
- The period for compliance with the requirements is 28 days.
- The appeals are proceeding on the grounds set out in section 174(2) (a), (c), (d) and (g) of the Town and Country Planning Act 1990 as amended. The applications for planning permission deemed to have been made under section 177(5) of the Act as amended also fall to be considered.

Summary of Decision: The appeals are allowed and the enforcement notice is quashed.

Preliminary Matters

1. Oral evidence was given at the Inquiry on oath. Applications for an award of costs were made by the appellant and by the Council. They are the subject of separate decisions.

Background and Relevant Planning History

2. No.27 is a detached house in a lengthy plot on the north side of Babraham Road. In April 1993 planning permission was granted for a 3-bay garage (Ref.C/0133/93). In August 1997 permission was granted for the use of the site as a dwelling house and for the storage of two ice-cream vans used for commercial purposes (Ref.C/97/0695/FP). Condition no.1 limited the number of ice-cream vans to be stored at the premises to 2. Condition no.2 said that *"The ice-cream vans, when not in use, shall be stored within the existing garage at all times with the doors closed."* Condition no.3 said that *"There shall be no deliveries to the premises associated with the ice-cream business."* Condition no.4 said that *"The garage shall be used for the parking of no more than two ice-cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority."*

3. In July 2001 permission was granted for the erection of a 2-bay car-port extension to the existing garage (Ref.C/01/0558/FP). The permission included no condition limiting the use of the car-port extension. An informative said that *"The car-port hereby approved may not be used for the storage of commercial vehicles without the express permission of the local planning authority."*

4. In June 2013 a Lawful Development Certificate (LDC) was granted on appeal (Ref.APP/Q0505/X/13/2193066). The certificate applied to the whole of the site. It set out in Schedule 1 that the following was lawful: *"The use of the property as a dwellinghouse and: (i) for the storage of up to 3 ice-cream vans for commercial purposes in the garage referred to in conditions 2 and 4 of planning permission reference C/97/0695/FP dated 20 August 1997 (the 1997 permission) and shown cross hatched on the plan "B" attached to this decision, but with the garage doors open in breach of conditions 1, 2 and 4 of the 1997 permission; (ii) for the acceptance of deliveries in connection with the ice-cream business, in breach of condition 3 of the 1997 permission; and (iii) for the stationing of a refrigerated storage unit, of a size equivalent to or smaller than the unit stationed on the site on 8 November 2012, as shown on the photograph attached to this decision, and located between the dwelling and the garage as extended."* LDC Plan A showed the site, Plan B showed the location of the garage and a photograph attached to the LDC showed a refrigerated storage unit.

5. The 3-bay garage is sited towards the front of the site, near the access from Babraham Road. The car-port extension which was approved in 2001 is attached to its northern end. It is open fronted, with 2 bays. One of them was occupied by an ice-cream van when I visited the site. Beyond that, and in front of the house, was a refrigerated storage unit, a mobile food kiosk and an area for vehicle parking. There is a domestic garden to the rear of the house.

6. The appellants acknowledge that 2 ice-cream vans have been stored in the car-port. They are high vans and require the additional clearance which they say the car-port extension was designed to provide. At the time of my visit, there was some use of the 3-bay garage for storage related to the business. Mr Coppolaro explains that ice-cream is not made at the premises but is delivered to the site. He stores his ice-cream vans and other items there and carries out cleaning of the vehicles and other activities related to his business at the premises.

The Enforcement Notice

7. In its legal submissions the Council suggests that I should vary the notice's allegation if I was to consider that the breach of planning control amounted to a breach of condition rather than a material change of use. The relevant condition is no.2 of the 1997 permission, which I set out above. It is not part of the Council's case that the condition applies to the car-port extension. Nor is that the appellants' view. Their evidence does not refer to this matter in detail. To vary the notice in this way would change the nature of the alleged breach. Had the notice alleged a breach of the condition the appellants may have responded with different and more comprehensive evidence and legal submissions. The appellants assert that to vary the notice in this way would therefore cause them injustice. The matter of whether the breach of control, if there was one, might be a breach of condition no.2 was drawn to the attention of the main parties in a Planning Inspectorate letter of 4 March 2014.

Nevertheless, I share the appellants' view that injustice would arise if the notice was varied in this manner and I shall not do so.

The appeals on ground (c)

8. To succeed on this ground it is for the appellants to show, on the balance of probabilities, that the matters alleged in the notice do not amount to a breach of planning control. In considering whether there has been a material change of use the correct planning unit must first be established. The whole of the appeal site is the unit of occupation. It is a readily identifiable physical unit and the mixed use for which permission was granted in 1997 takes place within it. It is also the basis of the 2013 LDC. It is not disputed by the main parties that it is the appropriate planning unit. I also take that view.

9. The Council's legal submissions address the effect of the 2013 LDC in clarifying and, in its view, restricting the 1997 permission. These submissions can be summarised as follows: LDC Plan B physically restricts the storage of ice-cream vans to the 3-bay garage but not the car port extension. The LDC does not encompass the whole site for the mixed business/residential use. The car-port, having been excluded from the LDC, is a domestic garage only. With the car-port extension excluded from the LDC for the storage of ice-cream vans, condition no.2 of the 1997 permission, concerning the number of vans that can be stored, does not apply to it. For these reasons, the breach of control is best characterised as a material change of use in the manner described in the notice.

10. These submissions do not seem to me to reflect the correct approach. The mixed use allowed by the 1997 permission applies to the whole site. LDC Plan A confirms that the 2013 LDC also applies to the whole site. There is nothing in the LDC to say that the part of the land occupied by the car-port extension is excluded or detached from the LDC as issued. Nor does the inclusion of LDC Plan B have that effect. The LDC certifies that the uses set out in its First Schedule were lawful on 23 July 2013 because the time for enforcement had expired. That included the storage of up to 3 ice-cream vans in the 3-bay garage. However, it does not follow from the issuing of the LDC that other uses of the site would not be lawful if carried out without planning permission. That would depend on whether those uses resulted in a material change of use. The extent of the relevant planning unit against which that should be judged falls to be determined in the normal way. In this case, as I set out above, it is clearly the whole site, as the Council acknowledges. Indeed, it seems to me that the Council's submission that the change of use should be considered on the basis of the car-port extension alone contradicts its acceptance that the relevant planning unit is the site as a whole.

11. I have also had regard to the Inspector's comments in paragraph 14 of the 2013 LDC decision. With regard to the storage of ice-cream vans in the car-port extension he said, having referred to the effect of condition no.2 of the 1997 permission that: *"the Council would have to consider whether it would be expedient to enforce against the storage of ice-cream vans within the 2-bay extension. Nevertheless, as I have not heard evidence of such storage for the relevant 10 year period, I cannot certify storage within that extension as lawful."* It seems to me that these remarks indicate that the Inspector was reaching no conclusion on whether such storage would be lawful.

12. The storage of ice-cream vans in the car-port extension takes place on a very small part of the site as a whole. It does not extend the range of the components of the mixed use approved in the 1997 permission, which included the storage of ice-cream vans. Nor does it extend the range of activities on the site which were set out in the 2013 LDC. The use of the appeal site and of the car-port extension has resulted in complaints from neighbours with regard to outlook and noise and disturbance, particularly from the occupiers of no.29 Babraham Road. Their concerns are confirmed in a representation of 24 December 2014. No.29 adjoins no.27 to the east. It is separated from no.27 by a boundary wall, with trees and other vegetation along the boundary. Windows on the side elevation of no.29 face towards the car-port extension and the 3-bay garage. An aerial photograph provided by the Council shows distances of 15.3 metres and 18.6 metres from the side elevation of no.29 to the car-port extension and the 3-bay garage respectively.

13. While I appreciate the concerns of the occupiers of no.29, it seems to me that any relevant noise and disturbance they experience is likely to result from the totality of the activities going on to the front of no.27. That would include, for example, the comings and goings of people and vehicles, including deliveries, and the cleaning or routine maintenance of ice-cream vans. The car-port extension has only 2 bays and the storage of ice-cream vans in it is unlikely, of itself, to result in a material change in the character of the use by reason of noise and disturbance. Some noise is likely from, for example, the running of engines when vehicles are parked. Although the car-port extension is a few metres closer to no.29, no substantive evidence is submitted to show that noise and disturbance resulting from of its use to store 2 ice-cream vans is likely to be materially different from use of the 3-bay garage, with its doors open, for storing up to 3 vans. Use of the car-port extension arguably releases space in the garage for other uses related to the business. However, the net effect would be similar if ice-cream vans were stored in the garage and the car-port extension used for other purposes within the scope of the 1997 permission and the LDC decision. Nor is there likely to be a marked difference in the effect on outlook if the car-port extension is occupied by ice-cream vans rather than other vehicles. No.29 is also near a major road so that traffic is likely to contribute to some extent to noise experienced by its occupiers.

Conclusion

14. I conclude that the use of the car-port extension for the storage of ice-cream vans has not led to a change in the character of the use of the site to the extent that it amounts to a material change of use. I find that what is alleged in the notice does not amount to a breach of planning control. Having regard to the above and to all other matters raised the appeals should succeed on ground (c). Consideration of the other grounds of appeal and of the deemed planning applications is therefore not required. The enforcement notice should be quashed.

Formal Decision

15. I allow the appeals and quash the enforcement notice.

K Williams

INSPECTOR

APPEARANCES

FOR THE APPELLANT: Mr P Krantz, Solicitor
He called:

Mr Toni Coppolaro	Appellant.

FOR THE LOCAL PLANNING AUTHORITY: Mr J Smyth, of Counsel
He called:

Ms S Dyer, BA, MRTPI	City Development Manager Cambridge City Council.

DOCUMENTS SUBMITTED AT THE INQUIRY:

1. Council's opening note.

2. Agenda item 9a, Report to South Area Committee, Cambridge City Council, 23 April 2014.

3. Letter from the Council to Mr Kratz, 12 March 2014.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee DATE: 1 July 2015

WARD: Castle

PLANNING ENFORCEMENT REPORT FOR BREACH OF PLANNING CONDITION

Address: 213 Huntingdon Road, Cambridge

Details of breach of planning control: breach of condition relating to separate use of an annex

SUMMARY	This case concerns the property at 213 Huntingdon Road, Cambridge. The property comprises a house, annex and gardens. The lawful use of the property is residential. The lawful use of the annex is a residential use, ancillary to the main house. The ancillary use of the annex is preserved by condition 4 of planning permission (reference number 10/0691/FUL) that granted planning permission for development of the annex. Following complaints received, the Council's officers have investigated allegations that the annex has not been being used for ancillary use to the main house. Enforcement officers conclude that the owners of 213 Huntingdon Road, Cambridge have been letting and continue to let, the annex out to tenants who occupy it as a residential unit of accommodation separate to and not ancillary to the main house. The separate use of the annex breaches condition 4 of planning permission (reference number 10/0691/FUL) and forms the subject matter of this enforcement report.

RECOMMENDATION	That planning committee authorise enforcement action be taken in respect of the breach of condition 4 of planning permission reference number 10/0691/FUL and that the committee authorise the service an enforcement notice to address the breach of condition 4 of on planning permission reference number 10/0691/FUL.
NOTICE TYPE	Enforcement notice for Breach of Condition

1 INTRODUCTION / SITE DESCRIPTION

1.1 213 Huntingdon Road is a large two-storey detached dwelling dating from the 1930s which is located on the south western side of Huntingdon Road. The house has been extended following the grant of planning permission in 2004, 2006 and 2010. The property has a large rear garden and large area at the front which is set behind electronic gates.

The neighbouring plots to the north east and south west contain detached dwellings. The Travellers Rest Public House and Premier Inn hotel are located to the north west. There are warehouses and farm land to the south west and north east of the property.

The two storey self-contained annex, which is the subject of this report, is located within the boundary of 213 Huntingdon Road, Cambridge at the western boundary with 215 Huntingdon Road. Originally the annex was a small single storey, studio that did not form self-contained living quarters. However in 2010 planning permission (reference number 10/0691/FUL) was granted for the annex to be developed into a self-contained residential unit subject to conditions, in particular condition 4 that requires the annex be used solely in conjunction with and ancillary to 213 Huntingdon Road, Cambridge and that it shall not be separately used, occupied or let.

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

1.3 Appendix A contains a site plan of 213 Huntingdon Road.

2 PLANNING HISTORY

Reference	Description	Outcome
10/0691/FUL	First floor side extension	Approved with conditions
06/1360/FUL	Front entrance porch, rear conservatory and single storey front /side / rear extensions	Approved
C/04/1025	Single storey front extension, roof extension including two dormer" windows and a rear conservatory	Approved
C/03/1204	Erection of new fence and installation of automatic entrance gates	Approved

2.2 The most recent planning application, reference 10/0691/FUL, was for a first floor side extension of the former garage / studio to create a self-contained annex. It was the applicant's intention that this would house the owners' elderly relative.

2.3 Appendix B contains floor plans of the annex which were submitted with 10/0691/FUL and approved by the planning permission.

2.4 The application, which was approved on 30 September 2010, was subject to conditions. Condition 4 of planning permission reference 10/0691/FUL states:

"The development hereby permitted shall be used solely in conjunction with and ancillary to 213 Huntingdon Road, Cambridge and shall not be separately used, occupied or let.

Reason: To protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit. (Cambridge Local Plan 2006 policies 3/4 and 4/13)".

3 BACKGROUND / ENFORCEMENT INVESTIGATION

3.1 On 29 August 2014 officers received a complaint alleging that the self-contained annex which had been created at the side of 213 Huntingdon Road was being used and let separately to the main house contrary to condition 4 of planning permission reference number 10/0691/FUL.

3.2 Officers contacted the owner and visited the property to view the annex and discuss its use. In September 2014 the owners of the property confirmed that they had recently let the annex out to tenants for separate use to that of the main house; prior to this the annex had remained empty since it was completed, due to changing family circumstances.

3.3 The owners were advised by officers that letting the annex out for use as a separate residential unit not ancillary to 213 Huntingdon Road, Cambridge breaches condition 4 of planning permission reference number 10/0691/FUL.

3.4 The plans in Appendix B confirm that the annex has all the facilities required for day to day independent living, it has its own front door which provides separate access and there is no inter connecting door between the annex and the main house at 213 Huntingdon Road, Cambridge. The tenants of the annex do not require access to the main house for any facilities. The officer assessment is clear that the annex is used as a separate planning unit and is not used as ancillary accommodation to the main house. The tenants of the annex are a separate family unit and do not access the main dwelling at the site in connection with their day to day living. The owners of the property have confirmed that the tenants live in the annex independently. Whilst the owners have advised that the tenants do have a key and can access the main house as they are personal friends, this arrangement is not necessary to the functioning of the annex. The fact that the annex is let out separately and is registered separately for council tax purposes also supports the officer view that the accommodation is not in ancillary residential use.

3.5 From September 2014 to March 2015 the owners of the property corresponded with officers regarding the breach and made a number of submissions relating to the links between the annex and the house and queried the level of planning harm caused by the ongoing breach of condition. The owners argue that the use of the annex by the tenants is not substantially any different from if the

annex had been occupied by an elderly relative which was their intention when the annex was constructed.

3.6 On 19 March 2015 officers met with the owners of the property and their planning agent to discuss the ongoing breach. Officers have advised that while planning permission (reference number 10/0691/FUL) granted permission for the annex to be self-contained, the annex must be used solely in conjunction and ancillary to 213 Huntingdon Road.

3.7 Following extended discussions about possible ancillary uses for the annex which would not be in breach of condition 4, officers gave a deadline of 28 days to either apply for planning permission for the change of use or to vary the condition, or provide a date when the current tenancy period would cease and the breach could be remedied. Initially the owners indicated that they would submit an application to vary the planning condition which restricts the separate use of the annex however they later advised that they believe the best course of action for them would be to appeal any enforcement action which is lodged against them. The owners of the property have been notified that this report will be considered by the planning committee and advised of their right to address the committee.

3.8 Officers have clear written and verbal admissions made by the owners of the property that the annex is let out to tenants and this is a breach of condition 4 of 10/0691/FUL.

Planning Harm

Condition 4 to planning permission (reference 10/0691/FUL) was imposed to protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit. The occupation of the annex in conjunction with and ancillary to use of the main house is materially different in planning terms, to the creation of a separate residential unit of accommodation occupied and let independently. Matters such as access, amenity space, cycle parking and bin arrangements require assessment if the annex is to be used for separate residential use. and these issues cannot be assessed or controlled e.g. through the imposition of conditions unless a formal planning application is made Consequently, it is not possible to conclude that the development would accord with Local Plan Policies 3/4, 3/7, 3/10 and 4/13 and the guidance in the NPPF 2012 in the absence of an

application for change of use or to vary the condition relating to the occupancy of the annex.

Officers consider that an assessment of the impacts of the use of the property as a separate, independent unit of accommodation need to be assessed and relevant conditions imposed to protect the amenity of the adjacent properties.

Although the annex has been registered separately for Council tax since 2011 it was not in use until 2014 and therefore if enforcement action is not taken then the separate residential use of the side annex, in breach of planning condition 4 of planning permission (reference number 10/0691/FUL) would become immune from enforcement action in August 2024.

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 Cambridge Local Plan 2006

3/4 Responding to context

3/10 Subdivision of existing plots
4/13 Pollution and Amenity

5 INVOLVEMENT OF OTHER COUNCIL DEPARTMENTS OR OTHER AGENCIES

5.1 There are no issues in respect of this enforcement investigation which have required referral to other agencies or departments.

5.2 Council tax valuation records confirm that the annex has been rated separately for council tax since 9 November 2011.

6 CONSIDERATION OF ENFORCEMENT OPTIONS

6.1 The options available for Enforcement are:

- No further action
- Service of a Breach of Condition Notice
- Service of an Enforcement Notice for Breach of Condition

6.2 No further action
If the planning committee decides not to authorise enforcement action in respect of the breach of condition 4, the breach of planning control will not be remedied and the separate residential use of the side annex would potentially become immune from enforcement action in ten years. Officers do not consider this is an appropriate course of action because if the breach of condition is not addressed then the annex will be able to be used as an entirely separate and independent property in its own right.

6.3 Breach of Condition Notice
Under the Council's Constitution, officers have the delegated authority to serve a Breach of Condition Notice. Failure to comply with a Breach of Condition Notice is an offence under section 187A of the Town and Country Planning Act 1990 (as amended). Unlike an enforcement notice, there is no ability to appeal to the Secretary of State. The validity of a breach of condition notice can be challenged by judicial review or as a defence to a prosecution brought against the owner in the Magistrates' Court.

6.4 Enforcement Notice for Breach of Condition
Officers consider that the service of an Enforcement Notice for Breach of Condition 4 to planning permission reference

10/0691/FUL is the most appropriate course of action. It would require the owners to cease breaching condition 4 and use the annex in conjunction with and ancillary to the main house. The owners would have a right of appeal against the enforcement notice to the Secretary of State before whom they could make submissions on the link between the annex and the main house and the level of planning harm caused.

6.5 The preferred option in this case is the service of an Enforcement Notice for Breach of Condition because it will afford the owners the opportunity to appeal to the Secretary of State. In the event that the notice is not appealed or any appeal is dismissed, the notice will give a reasonable period for compliance which officers suggest is set at 12 months.

7 POLICY CONSIDERATIONS

7.1 Enforcement is a discretionary power and the planning 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.

7.2 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Enforcement Policy and the City Council's Corporate Enforcement Policy.

7.3 Consideration should be given to the Human Rights Act 1998 and to the Equality Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as being relevant considerations. The Council must also have regard to its public sector equality duty (PSED) under S.149 of the Equality Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing, minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the

special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion or belief, sex and sexual orientation.

Officers do not consider that the recommendation in this report would have a disproportionate impact on any protected characteristic.

7.4 Officers consider that the service of an Enforcement Notice would be lawful, fair, proportionate, non-discriminatory, and necessary in the public interest to achieve the objective of upholding national and local planning policies.

8 OTHER MATTERS

8.1 The owners of the property have raised the following personal issues relating to the enforcement investigation:

- Their personal circumstances have changed since the grant of permission for the annex
- They would 'vet' potential occupiers of the annex and would only ever let it to someone they were comfortable with.

Consideration has been given to the points raised however, it is concluded that these would not over-ride the need to remedy the breach of planning control in this instance. In addition to this, whilst the comments relating to the suitability of the tenants are noted, planning permission (or lawful uses) relate to the land and are not personal and so in the future, the property could be owned/occupied by someone who did not share the same concerns about the tenants occupying the annex. Also the current willingness of the current occupiers to act in this way is not binding and cannot be insisted upon or enforced. There are significant concerns therefore, that the use of the site could not in the longer term, be controlled in the absence of planning conditions.

8.2 The owners have also raised the following issue:

- A neighbour dispute arose following the grant of planning permission in 2010.

This is a civil matter that is beyond the scope of the planning remit and consequently cannot be addressed by the Council.

9 RECOMMENDATION

Enforcement Notice for Breach of Condition

9.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of a breach of planning control, namely the breach of condition 4 of planning permission reference number 10/0691/FUL specifying the steps to comply and the period for compliance set out in paragraphs 9.2 and 9.3, for the reasons contained in paragraph 9.4.

(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.

9.2 Steps to Comply

Cease the use of the annex for separate residential use that is not solely in conjunction with and ancillary to 213 Huntingdon Road, Cambridge.

9.3 Period for Compliance:

12 months from the date the notice comes into effect.

9.4 Statement of Reasons:

It appears to the local planning authority that the breach of condition 4 on planning permission reference number 10/0691/FUL has occurred within the last ten years.

Condition 4 to planning permission reference 10/0691/FUL was imposed to protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit. The occupation of the annex in connection with the main house is materially different in planning terms, to the creation of a separate residential unit of accommodation, to be occupied and let independently. Issues such as access, amenity space, cycle parking and bin arrangements need to be assessed and if appropriate controlled if the annex is to be used, occupied or let in a way that is not in conjunction with and ancillary to 213 Huntingdon Road. In the absence of a formal planning application to assess these impacts and if necessary, impose conditions relating to these issues it is considered that harm is likely to result from the breach of condition 4. Consequently, it is not possible to conclude that the development would accord with Local Plan Policies 3/4, 3/7, 3/10 and 4/13 and to guidance provided by the NPPF 2012 in the absence of an application to change the use or to vary condition 4 to 10/0691/FUL.

Mindful of the NPPF, Development Plan policy and other material considerations, the local planning authority considers it expedient to serve an enforcement notice in order to remedy the breach of planning control.

BACKGROUND PAPERS
Planning application 10/0691/FUL and supporting documents

APPENDICES
Appendix A Site plan
Appendix B Floor plans submitted with 10/0691/FUL

The contact officer for queries on the report is Debs Jeakins tel 457163.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\213 Huntingdon Road Enforcement Report.docx

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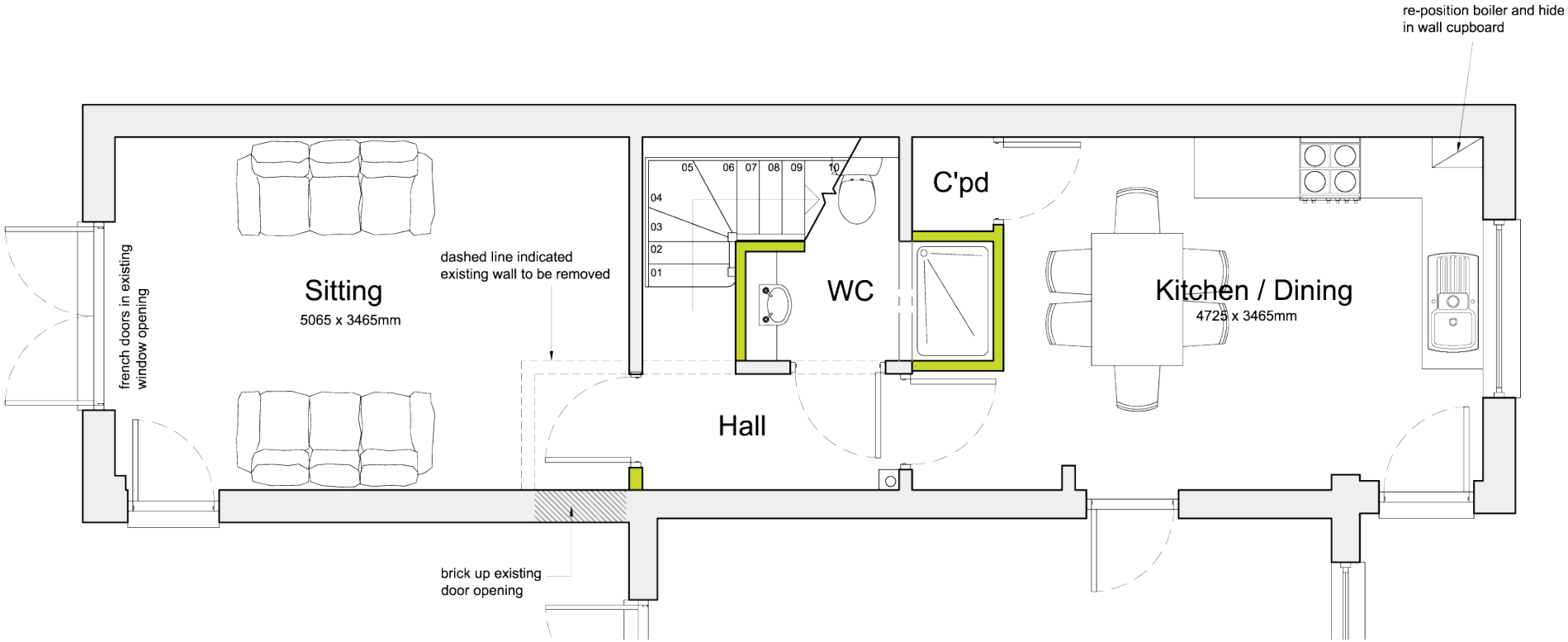
213 Huntingdon Road
Page 449

CAMBRIDGE CITY COUNCIL

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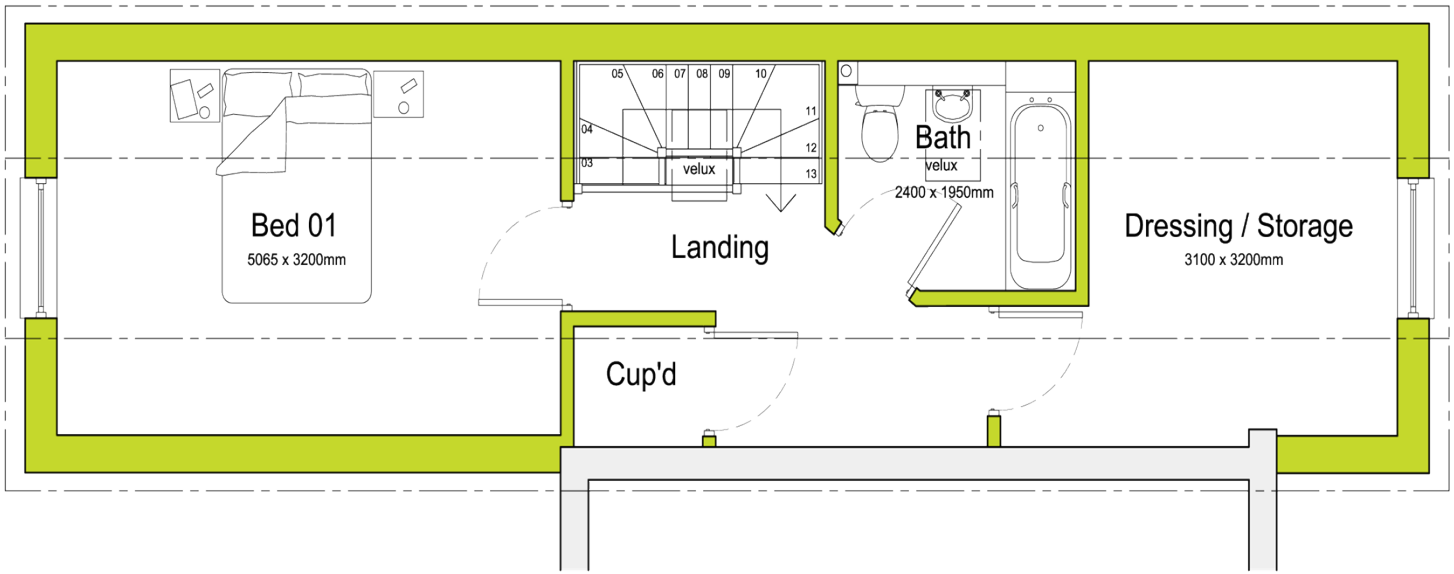
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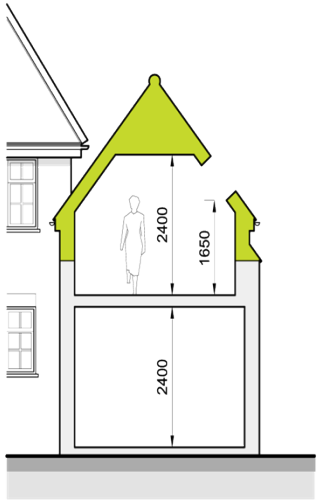
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= NEW TO BE CONSTRUCTED

= EXISTING TO BE RETAINED



Proposed Part First Floor Plan 1:50



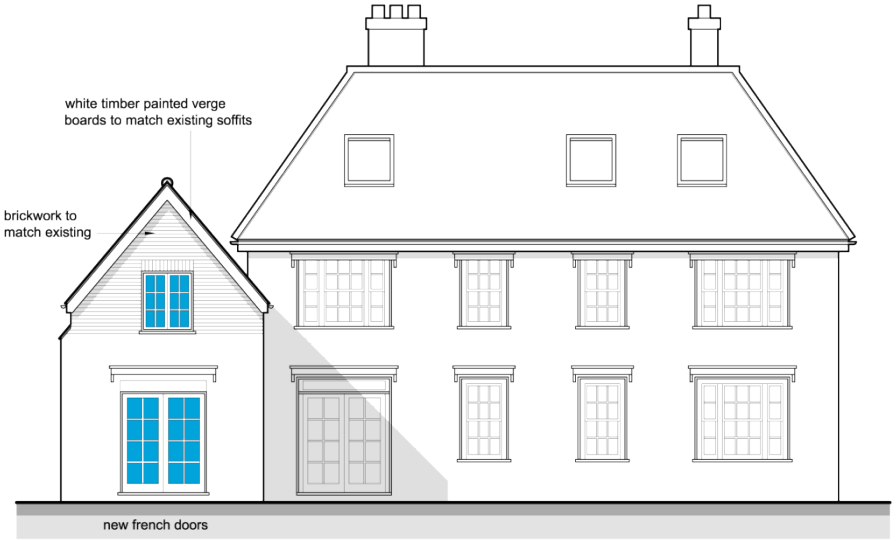
Typical Section 1:100

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Proposed NE Facing Elevation 1:100



Proposed SW Facing Elevation 1:100

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MAJOR APPLICATIONS

156-160 Chesterton Road

14/2051/FUL

Site Location Plan

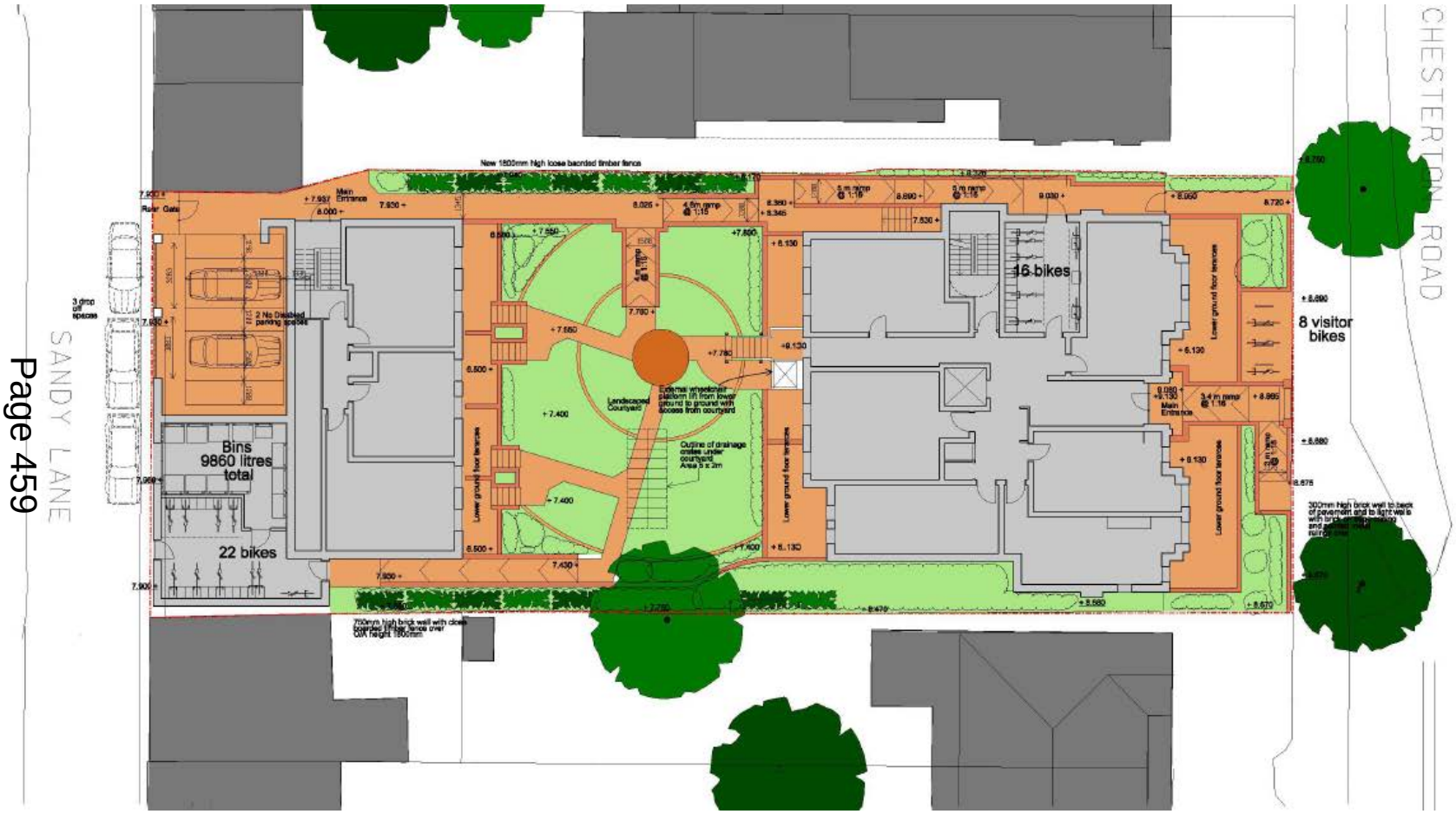


Block Plan in Context



PROPOSED DEVELOPMENT IN FIGURE GROUND CONTEXT

Site Plan


SANDY LANE
CHESTERTON ROAD
Bins
9860 litres
total
22 bikes
16 bikes
8 visitor
bikes
Landscaped
Courtyard
Lower ground floor terraces
Main
Entrance

Street Elevation Chesterton Road



Street Elevation to Sandy Lane



Land at 21 to 23 Milton Road

15/0363/FUL

Site Location Plan



Site Layout


BLOCK PLAN 1:500
Westbrook Drive
Milton Road
PLOT 4
PLOT 3
PLOT 2
PLOT 1
1483 sq ft
FLATS 1-6
F2
F1
BIN STORE
Shed
19 Milton Road

Elevations (CGI)



Former Hilltop Day Centre, Primrose Street

15/0140/FUL

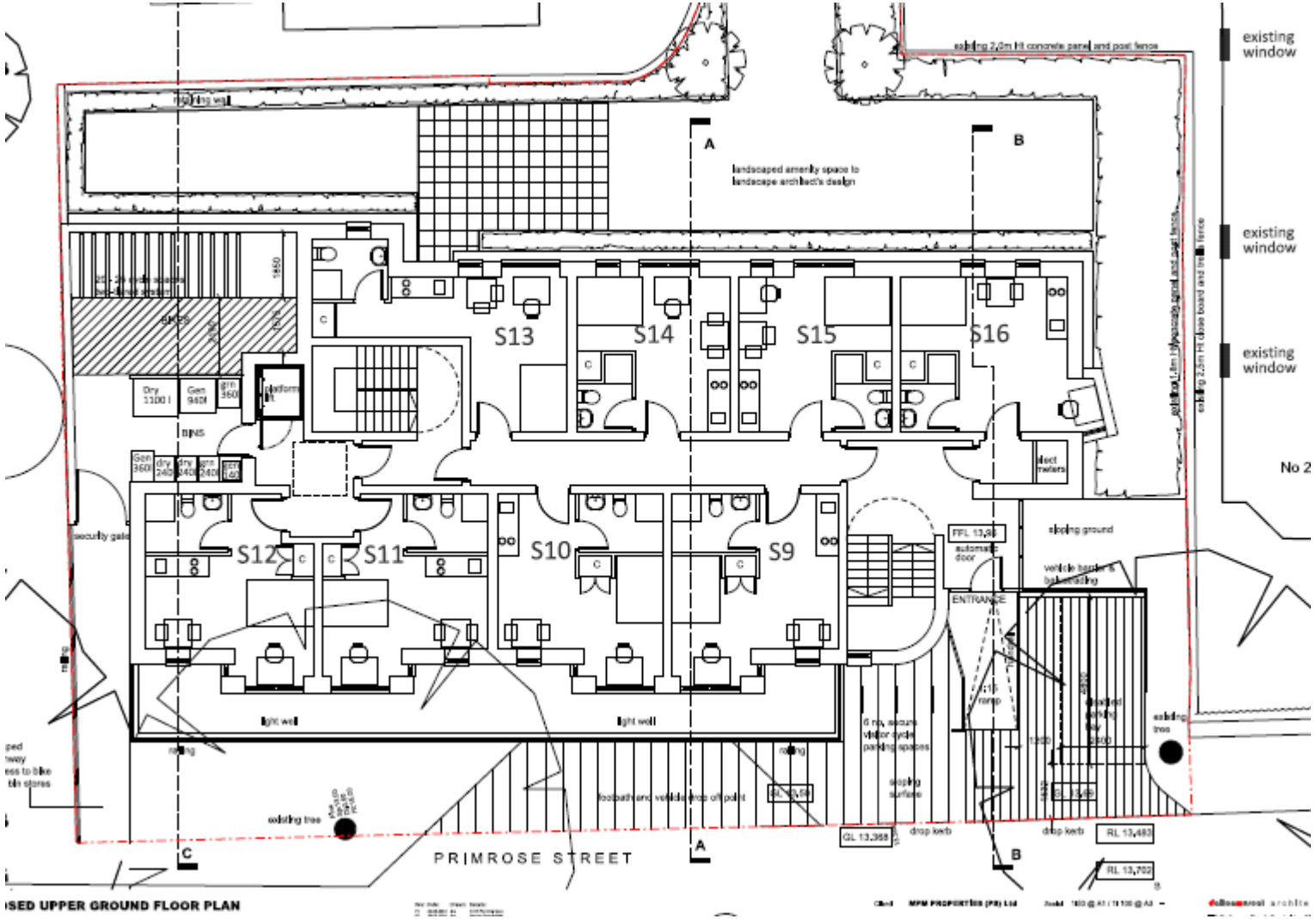
Location Plan



Site Layout


Mixed evergreen hedge with post and wire fence is proposed to provide a degree of enclosure and privacy to the amenity space. The hedge will provide all year round interest with flower and berry and provide a pleasant boundary.
Groundcover planting, with taller specimens. Planting to be selected to encourage a range of wildlife.
No 22
Green's Road
No 41
Existing Road
Picnic bench for six people. Table 1.77m x 0.75m
No 47
Princess Street
Benches placed for the individual or groups
KEY
Existing Trees
Proposed Trees
Mixed planting
Hedges
Lawns
Planting on this boundary will be a mix of groundcovers and self-clinging climbers. The planting will soften the existing retaining wall and provide interest thoughout the year.
Mixed ornamental planting is proposed to contribute to the streetscene, provide a degree of enclosure and to add to the diversity of the development. The plants will be selected for colour, flower and nectar to encourage a range of wildlife.
GREENS ROAD

Upper Ground Floor Plan



East and West Elevations



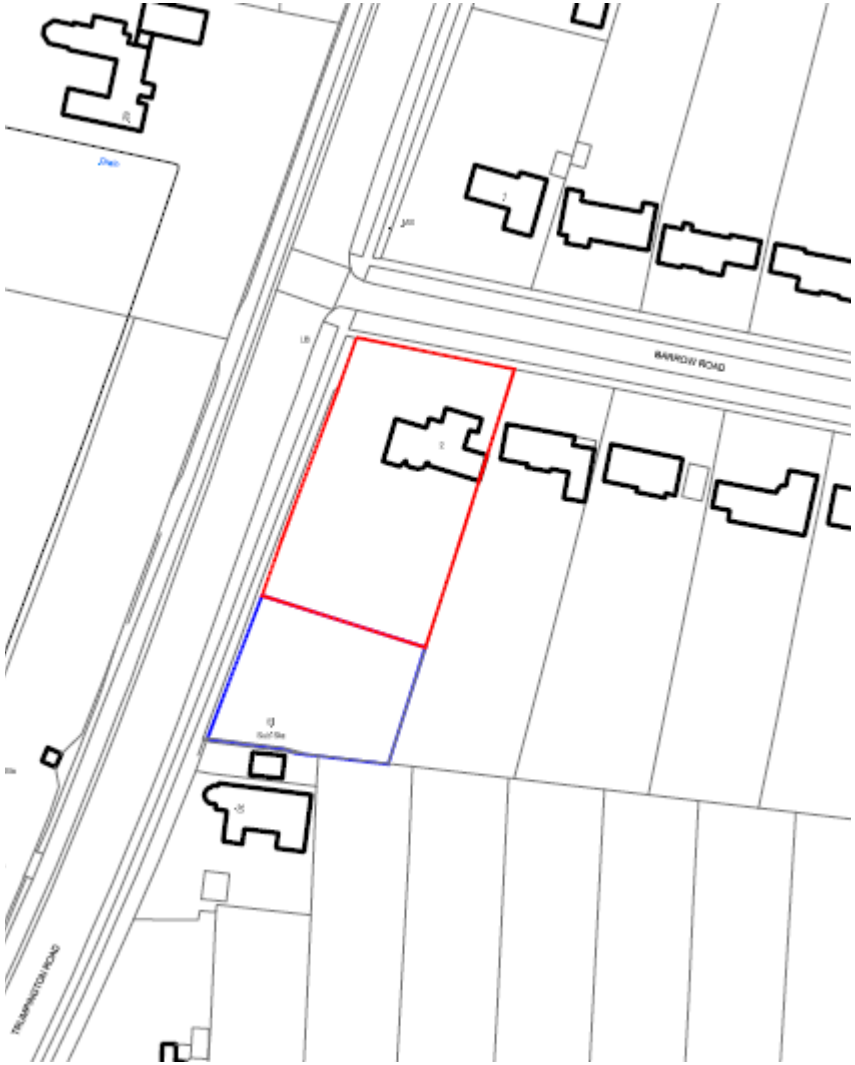


MINOR/OTHER APPLICATIONS

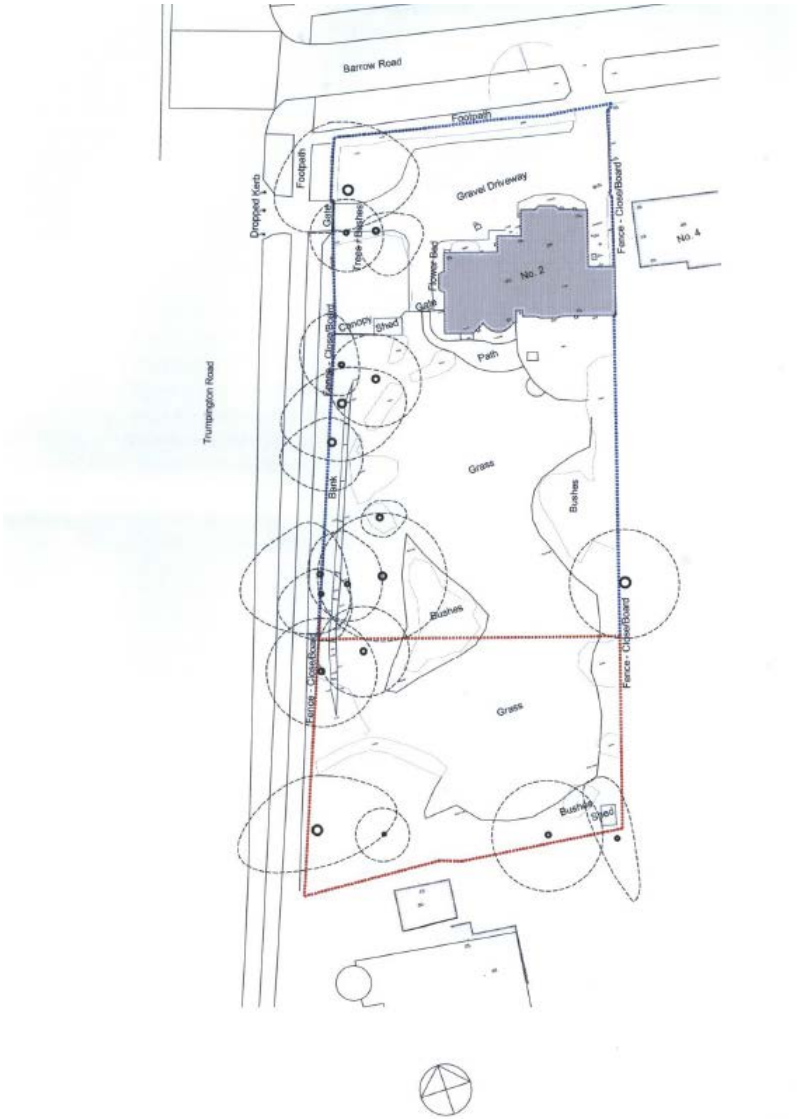
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15/0225/FUL

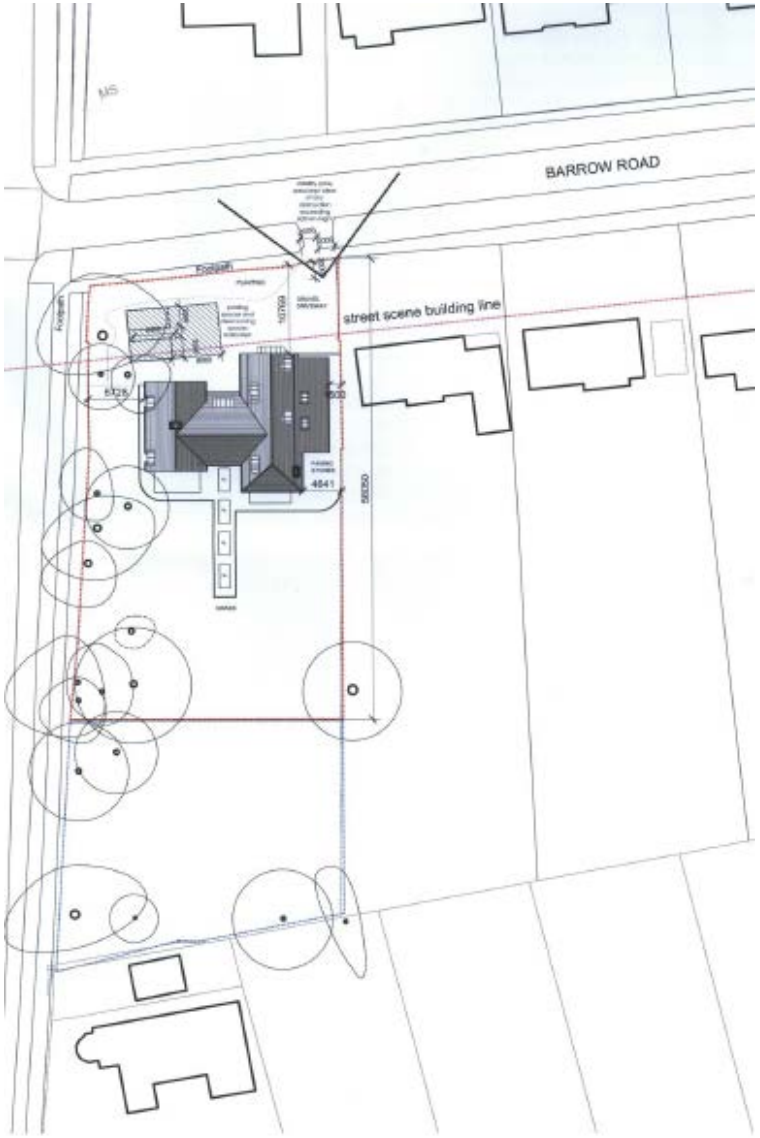
Site Location Plan



Existing Site Plan



Proposed Site Plan



Front Elevation



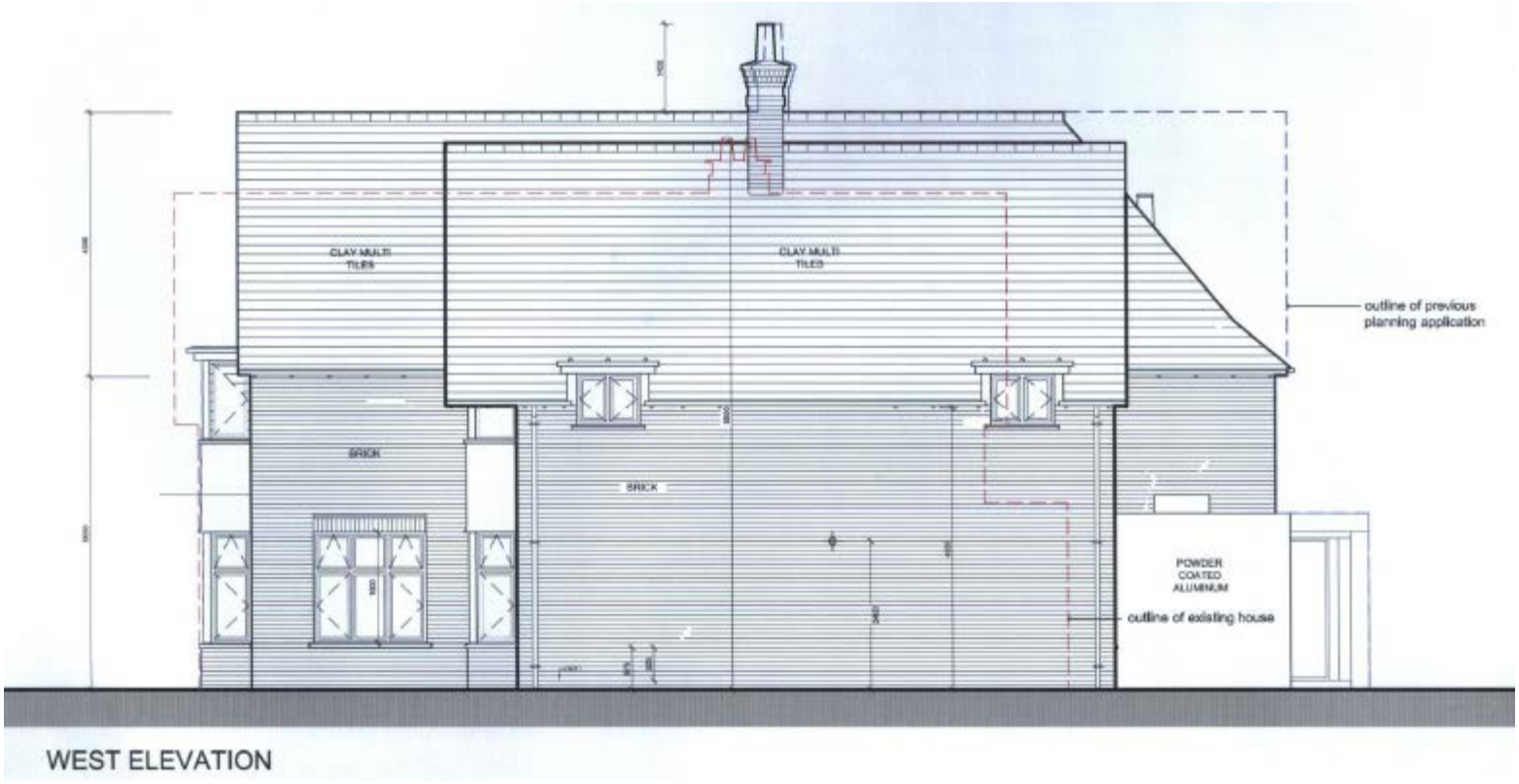
FRONT ELEVATION

Rear Elevation

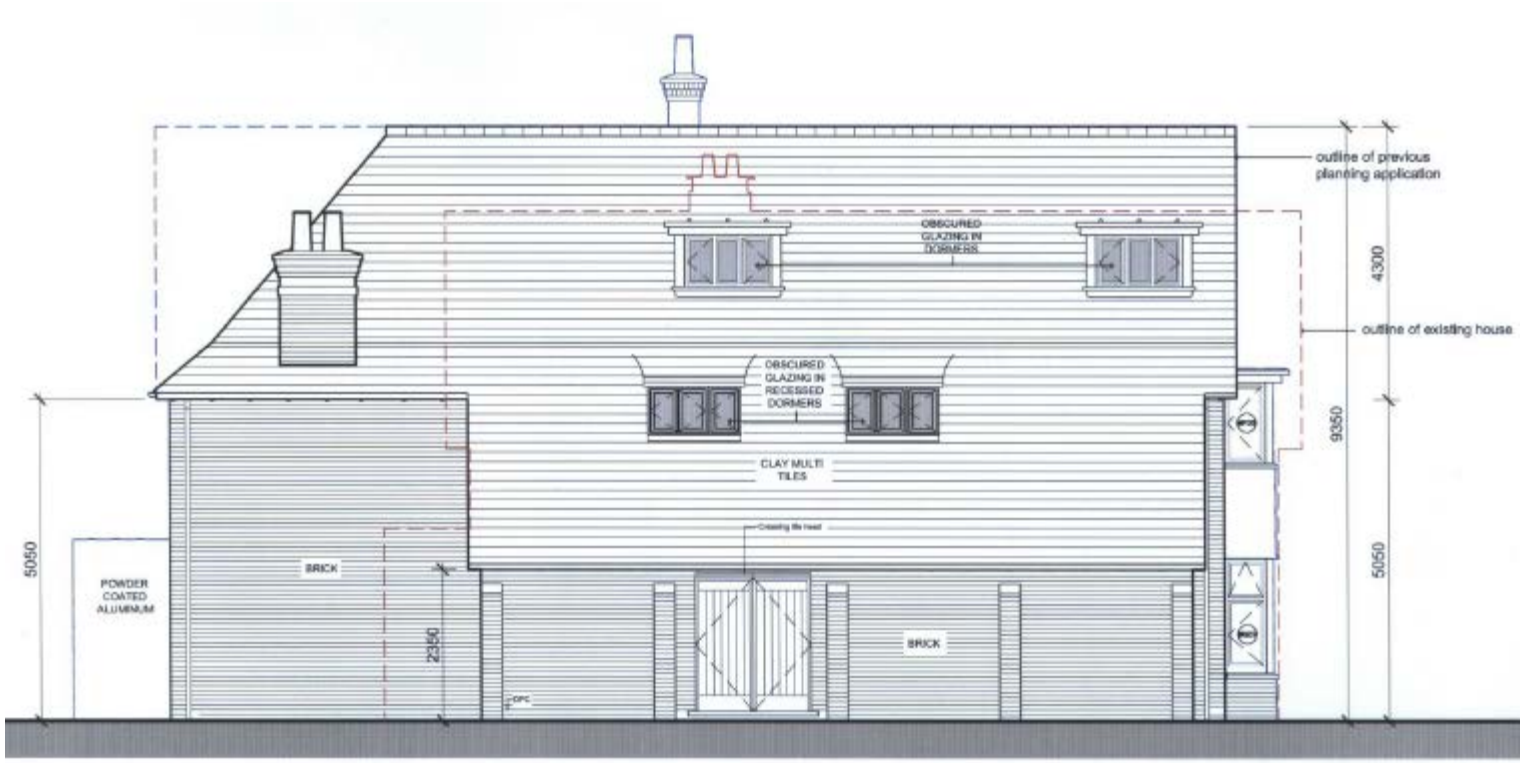


REAR ELEVATION

West Elevation

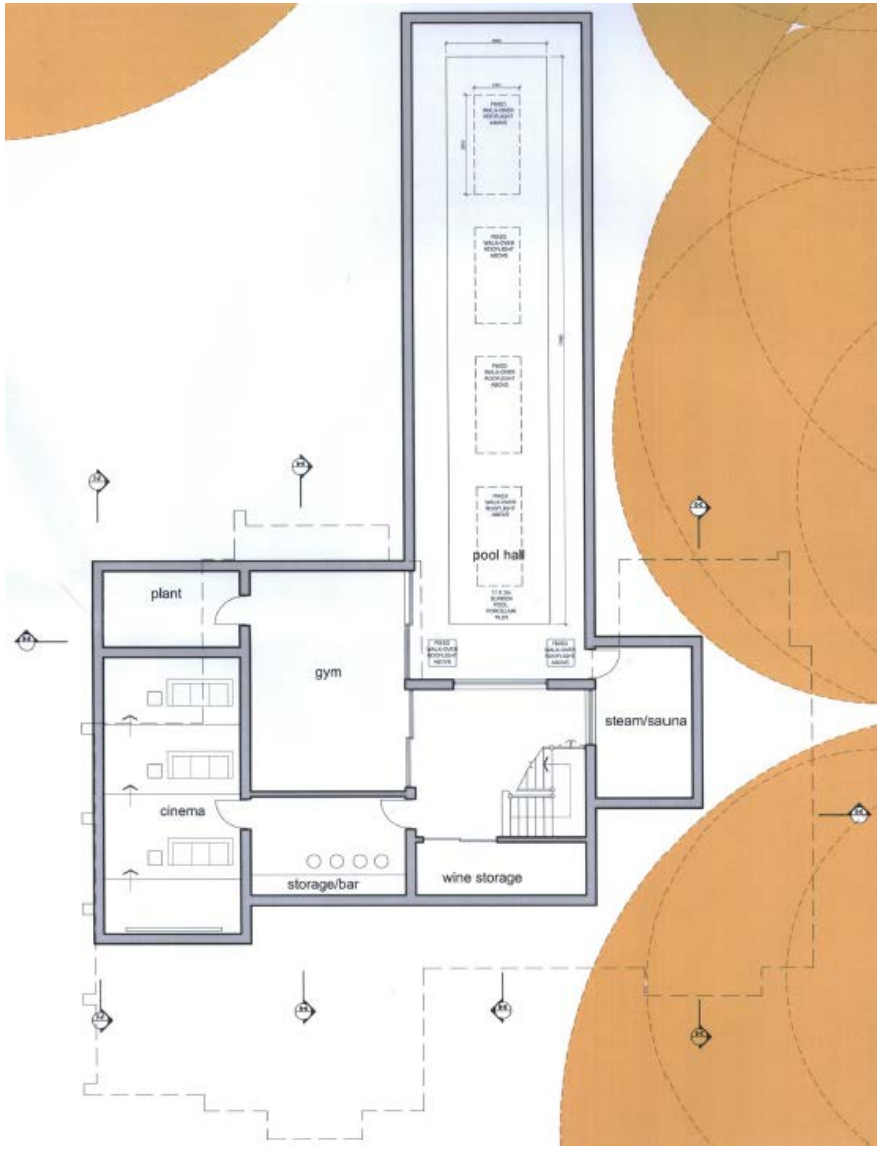


East Elevation

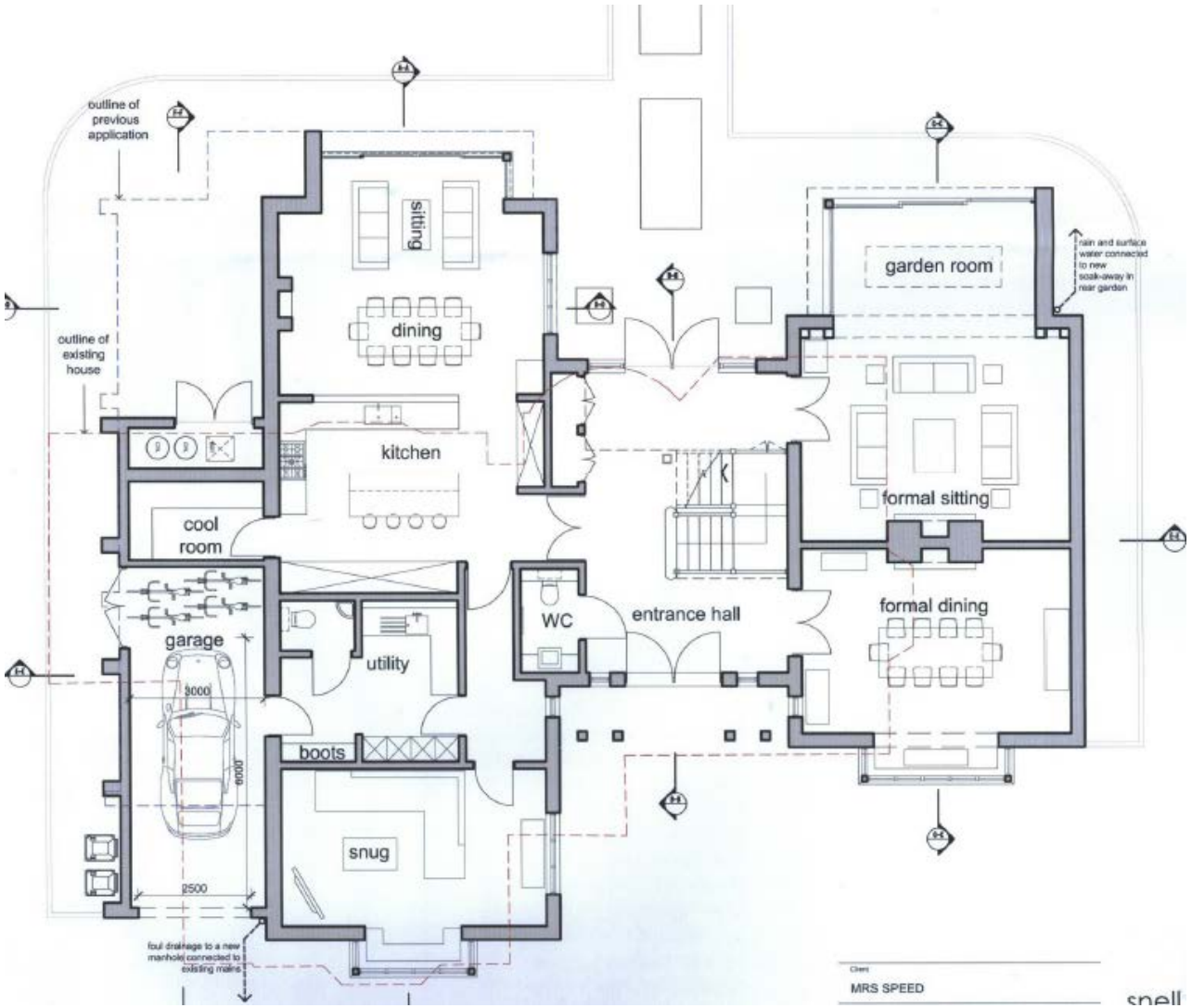


EAST ELEVATION

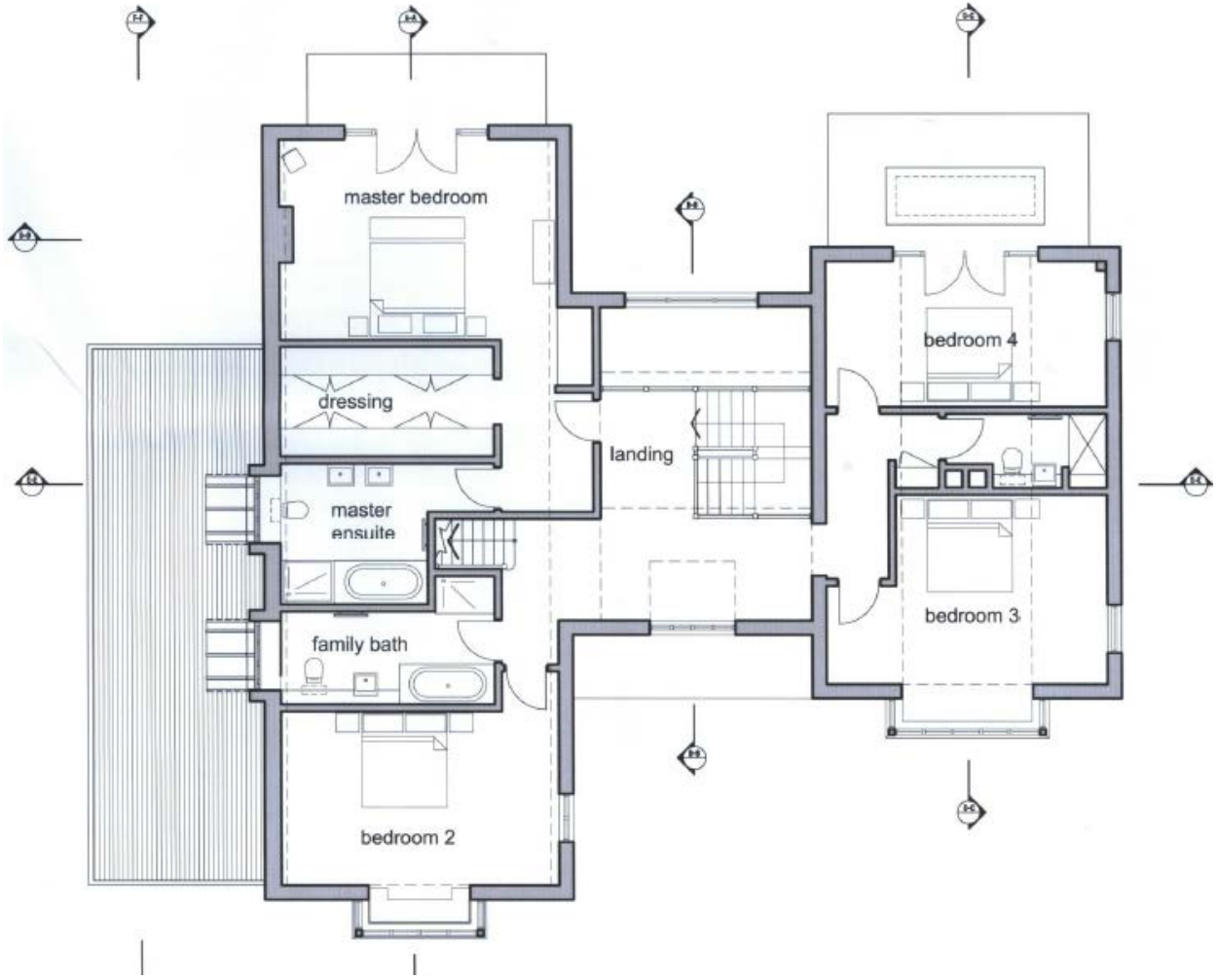
Basement Plan



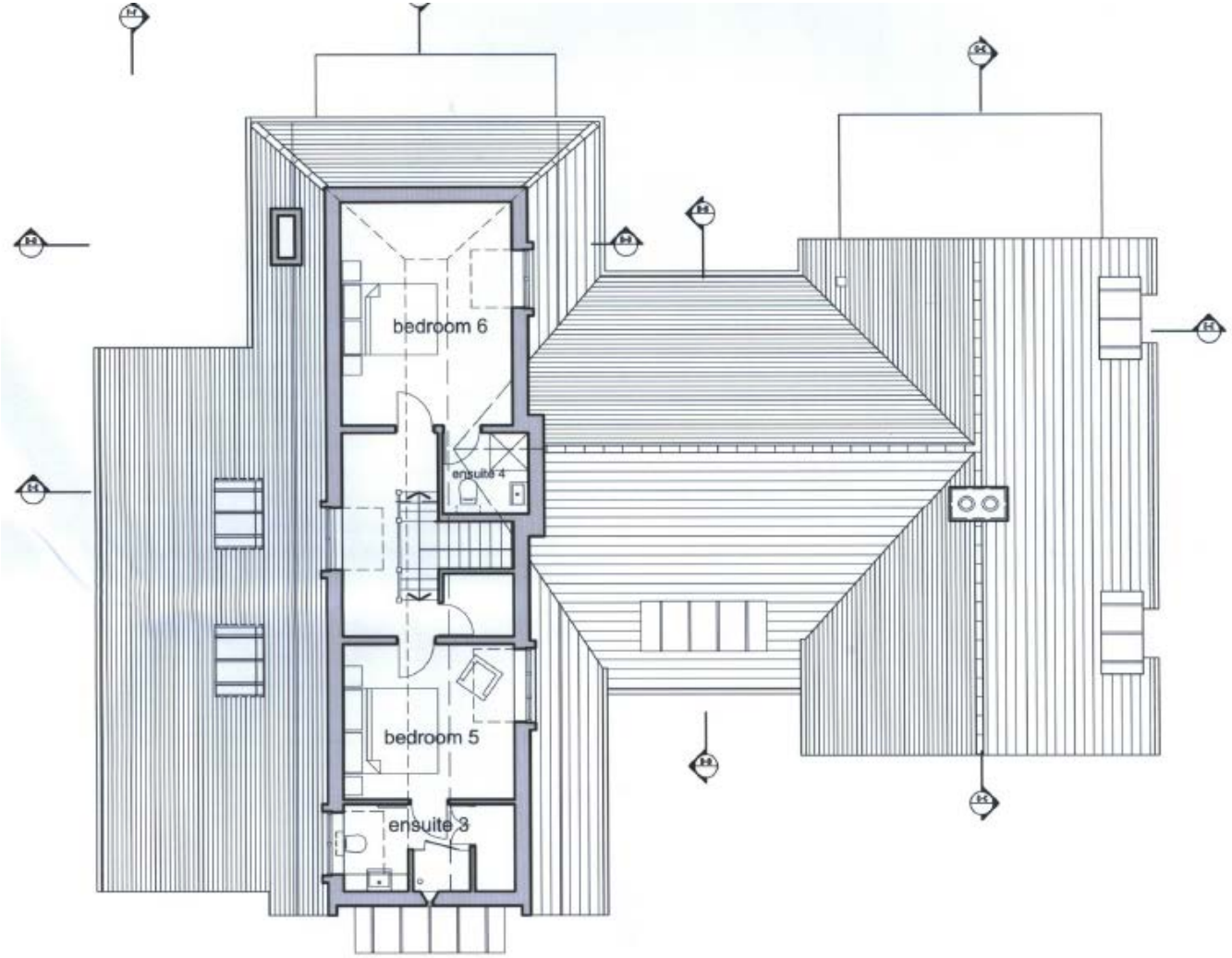
Proposed Ground Floor Plan



Proposed First Floor



Second Floor



Cambridge Water Company, Rustat Road

15/0665/S73



location plan



approved scheme



proposed scheme



basement plan

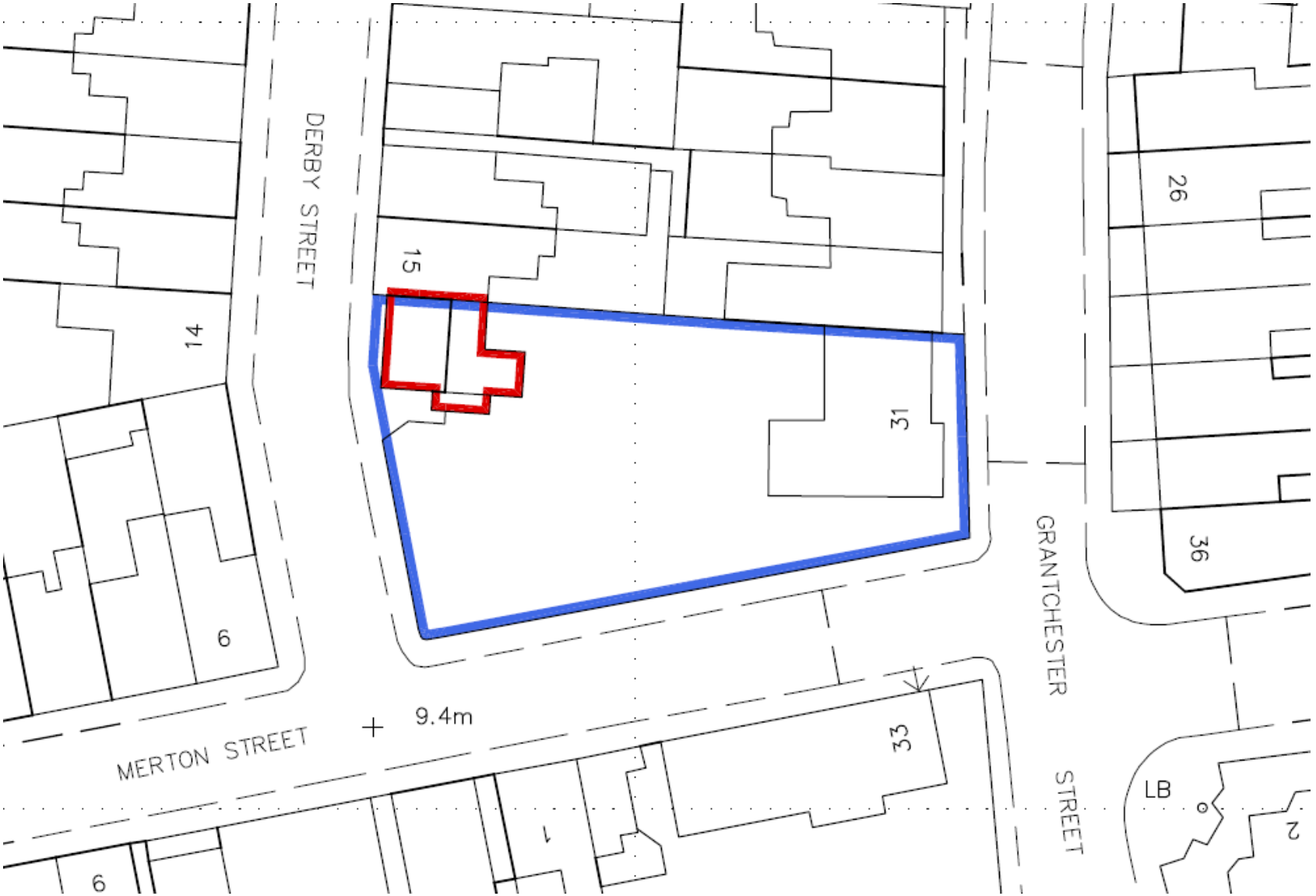
15A Derby Street

14/2063/CLUED

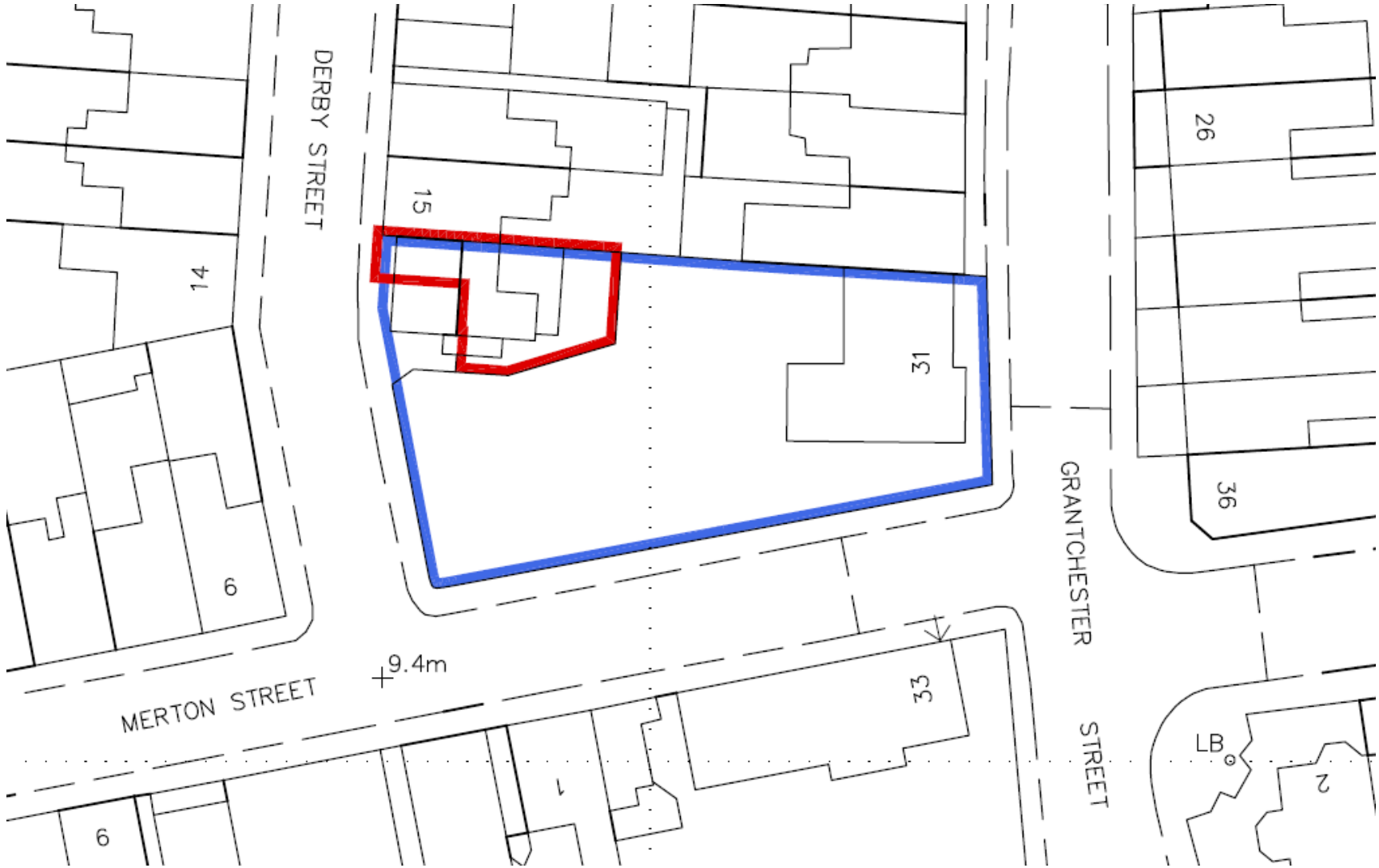
and

15/0065/FUL

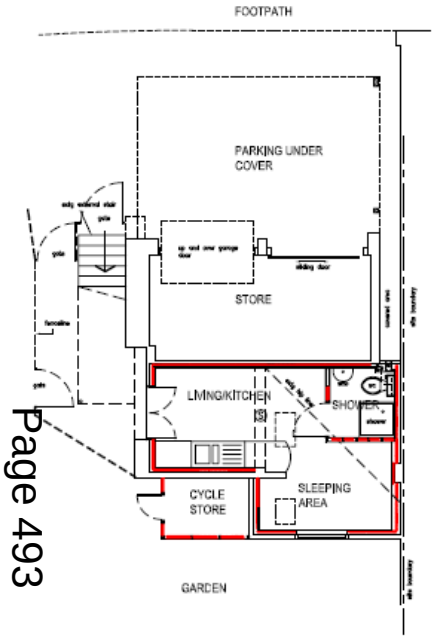
Site Location Plan (CLUED)



Site Location Plan (Planning Application)



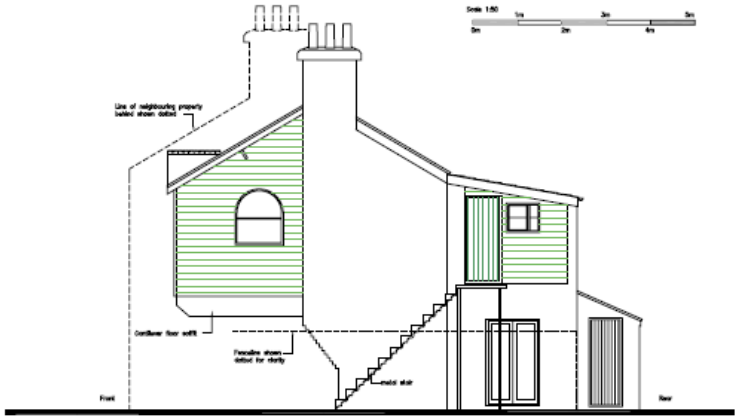
Existing Plans



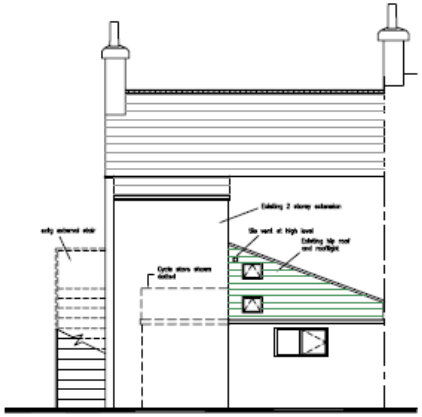
EXISTING GROUND FLOOR PLAN 1:50



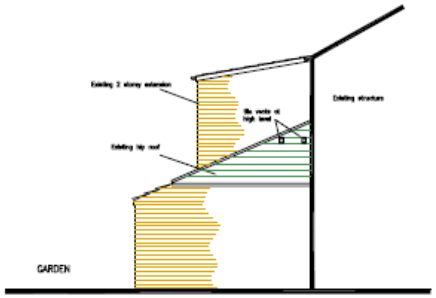
EXISTING FRONT ELEVATION 1:50



EXISTING SIDE ELEVATION 1:50

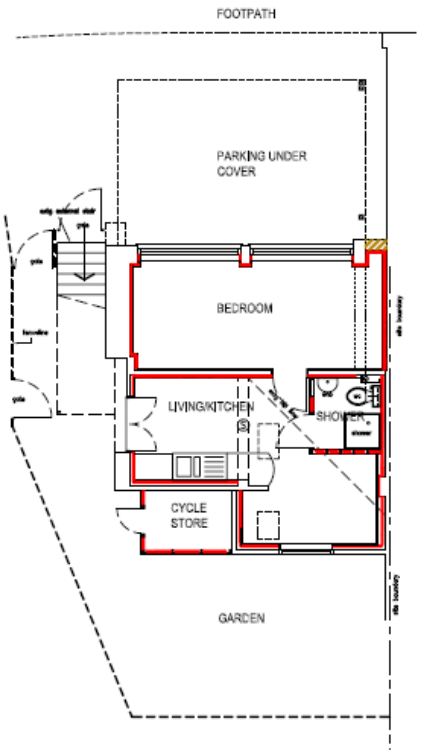


EXISTING REAR ELEVATION 1:50



EXISTING SIDE ELEVATION 1:50

Proposed Plans

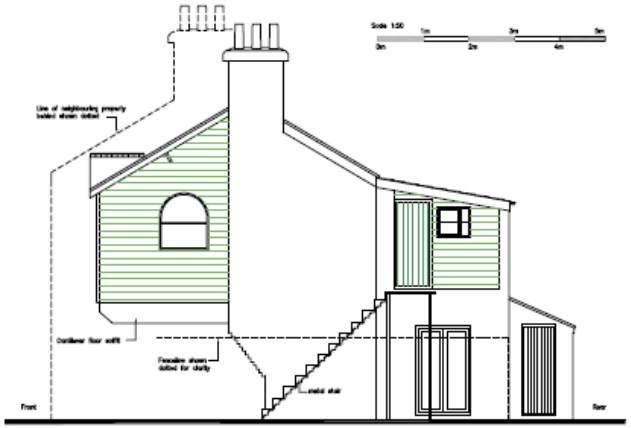


PROPOSED GROUND FLOOR PLAN 1:50

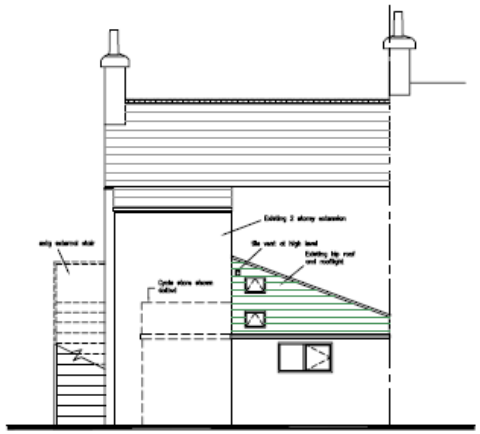




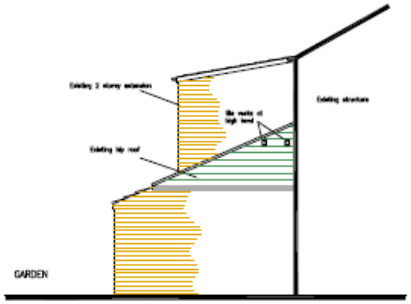
PROPOSED FRONT ELEVATION 1:50



PROPOSED SIDE ELEVATION 1:50



PROPOSED REAR ELEVATION 1:50



PROPOSED SIDE ELEVATION 1:50

Garage Block 1 - 34 Fulbourn Road

15/0430/FUL

Location Plan



Site Plan


Plot 1
3B5P
Plot 2
3B5P
Plot 3
2B4P
Plot 4
2B4P
CLOSE
Footpath
Cycle track
G11
Plots 5,6,
7 & 8
1B2P Flats
T4
T3
T2
T1
Gas
Governor
79
FULBOURN ROAD

Plots 1-4 Elevations

Plots 1-4 South Elevation



Plots 1-4 West Elevation



Plots 1-4 North Elevation



Plots 1-4 East Elevation



Plots 5-8 Elevations

Plots 5-8 South East Elevation



Plots 5-8 South West Elevation



Plots 5-8 North West Elevation



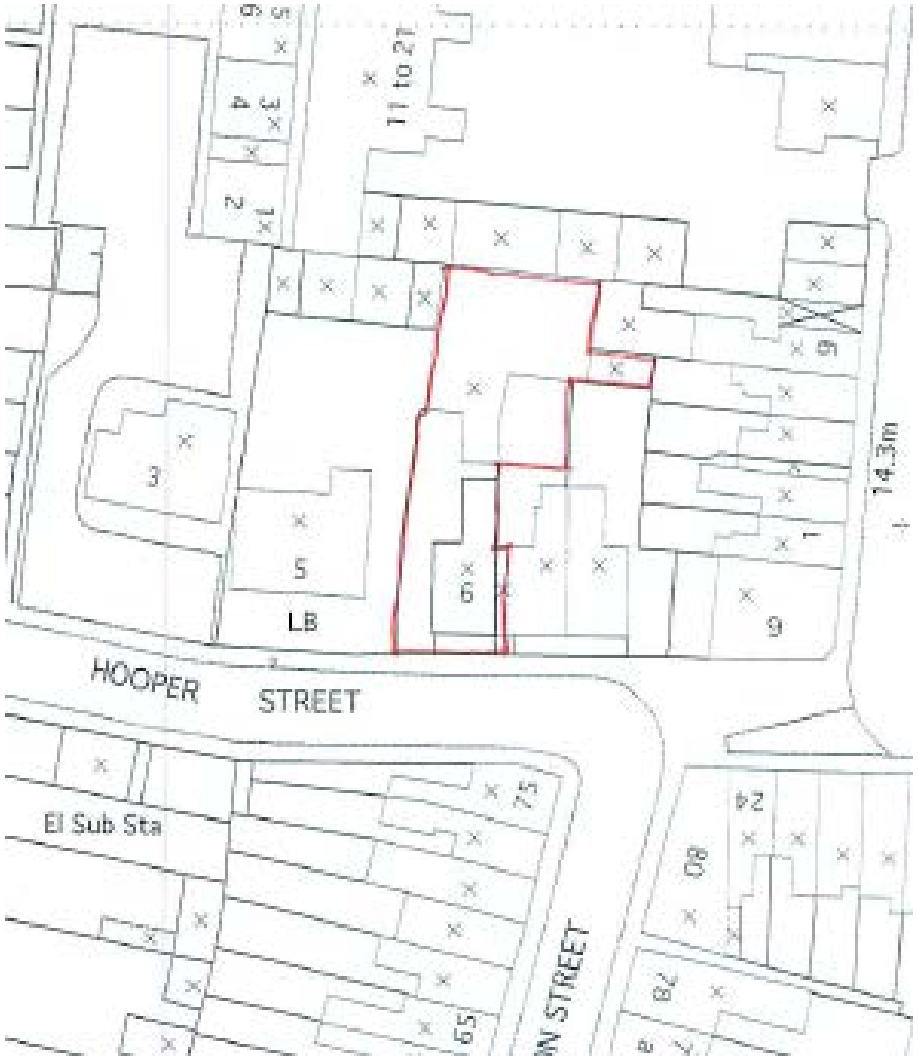
Plots 5-8 North East Elevation



6 Hooper Street

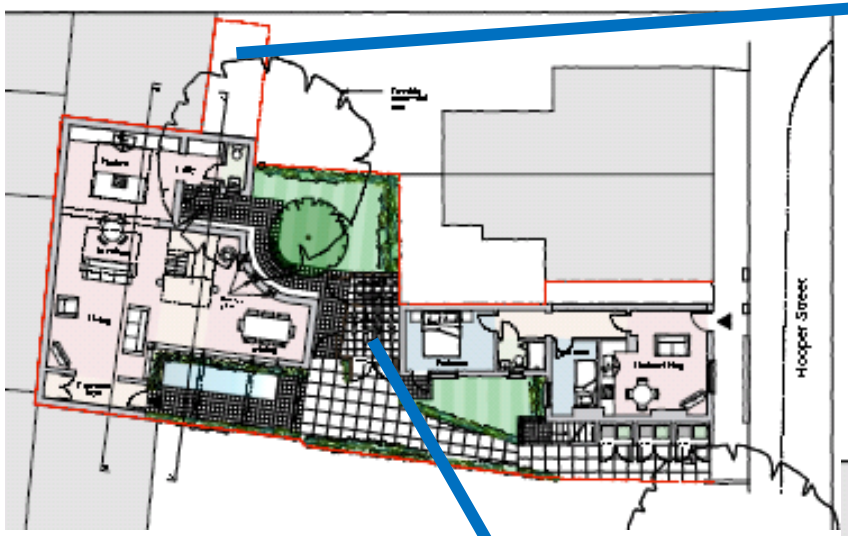
15/0634/FUL

Location Plan



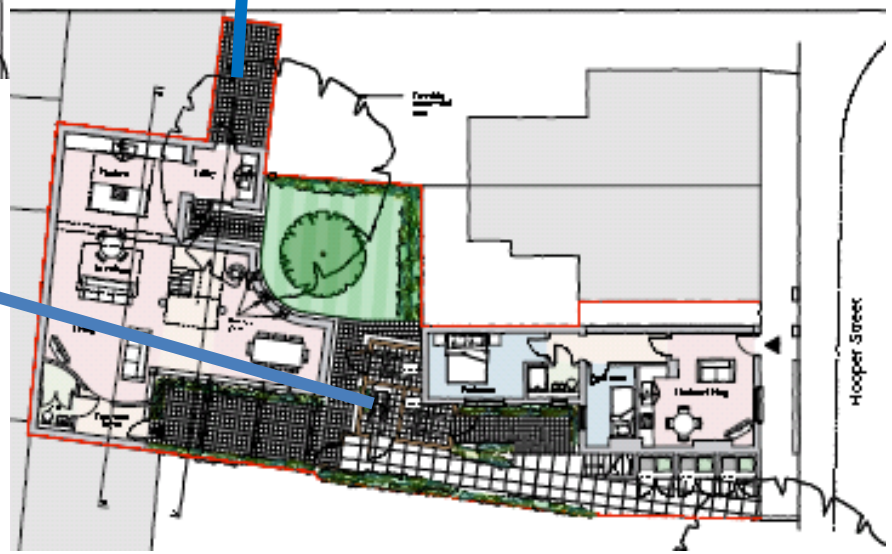
Site Plan

Use of the strip of land for new dwelling



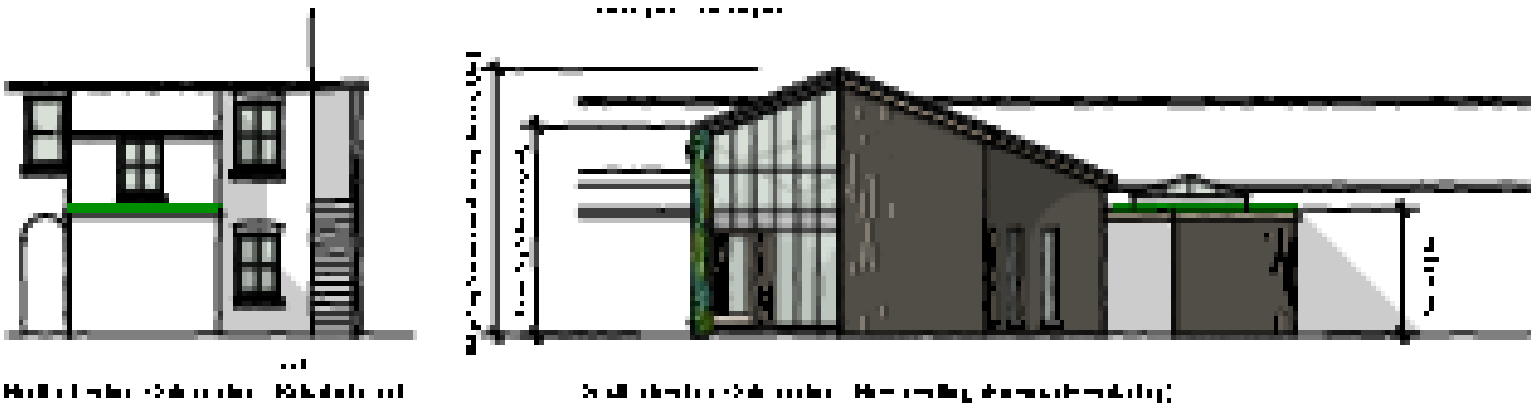
Approved Scheme planning reference 13/1465/FUL

Re-configure the cycle store

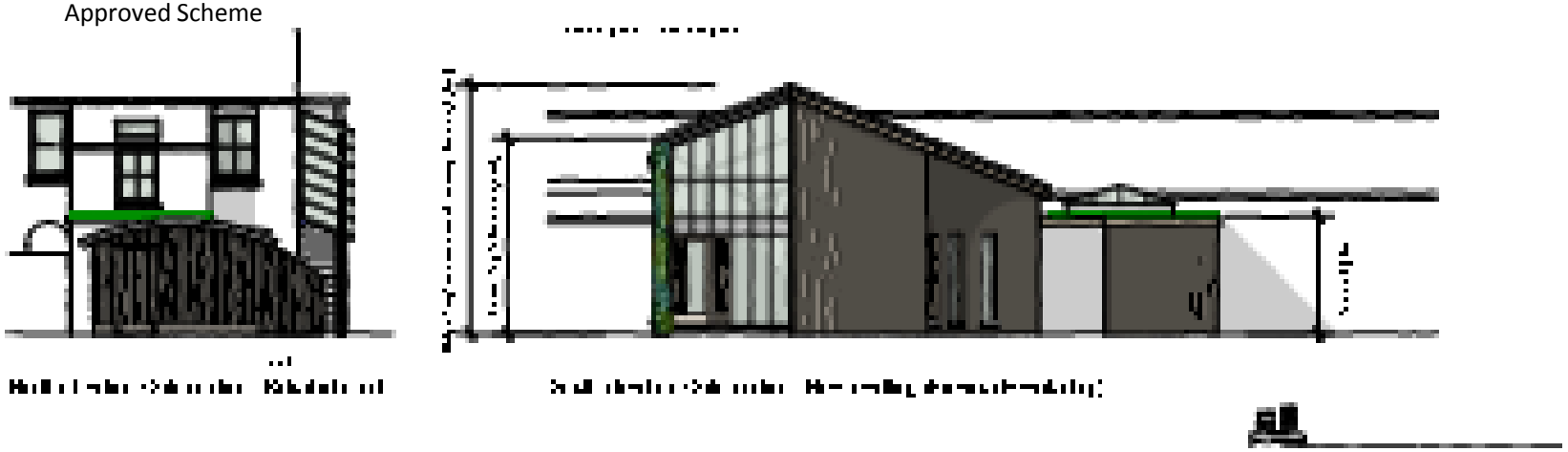


Amendment to the approved scheme

North and South Elevations



Approved Scheme



Amended Scheme

West Elevations

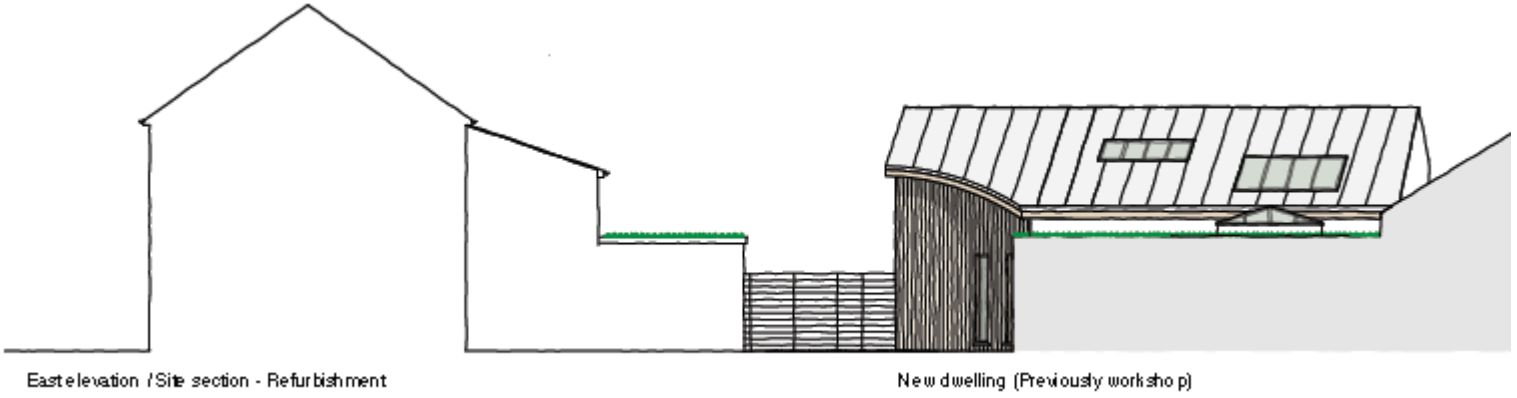


Approved Scheme

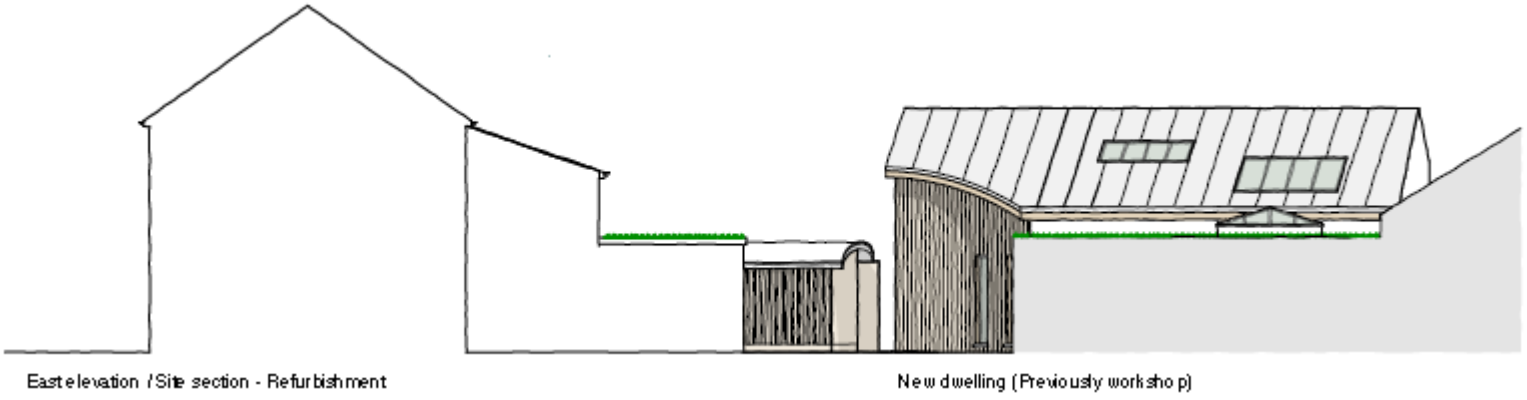


Amended Scheme

East Elevation



Approved Scheme



Amended Scheme

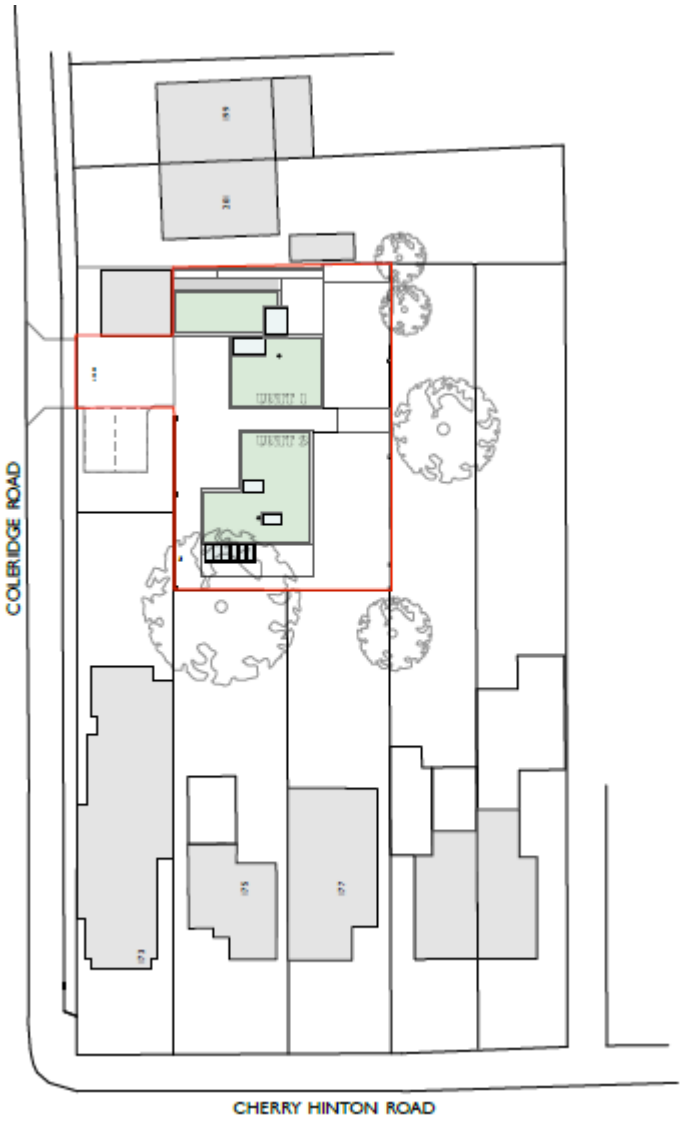
Rear of 175/177 Cherry Hinton Road

15/0268/FUL

Location Plan



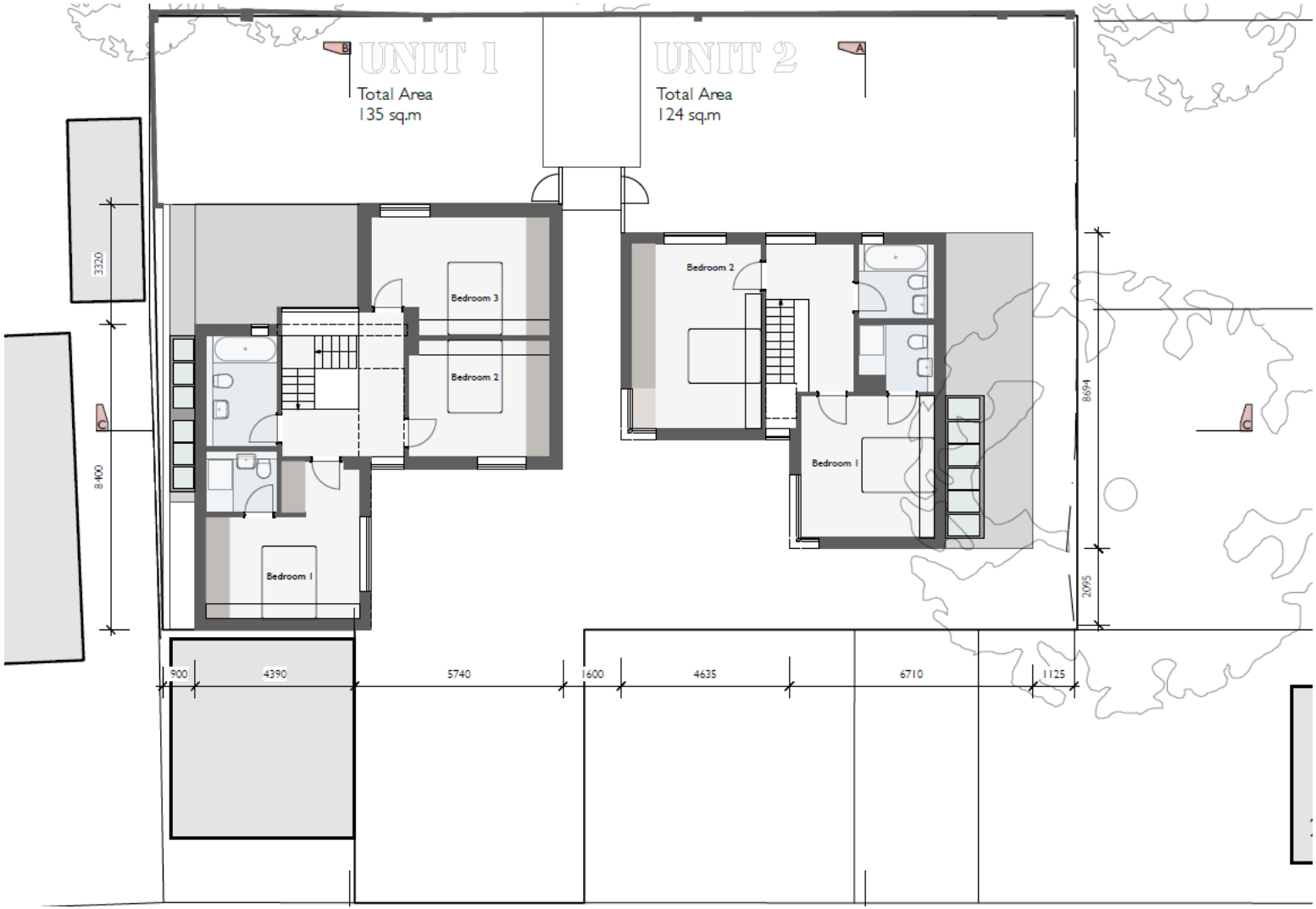
Site Plan



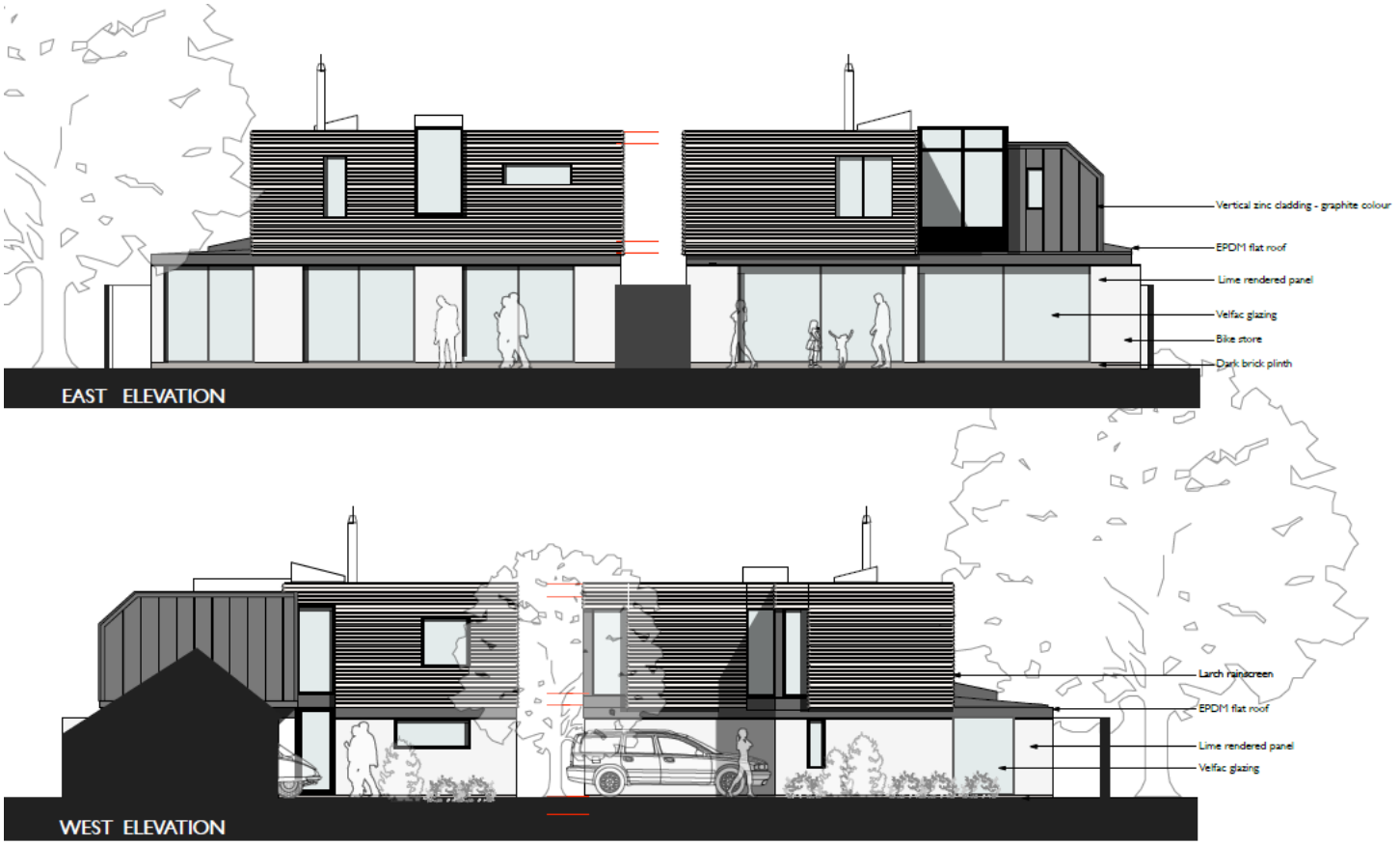
Ground Floor Plan



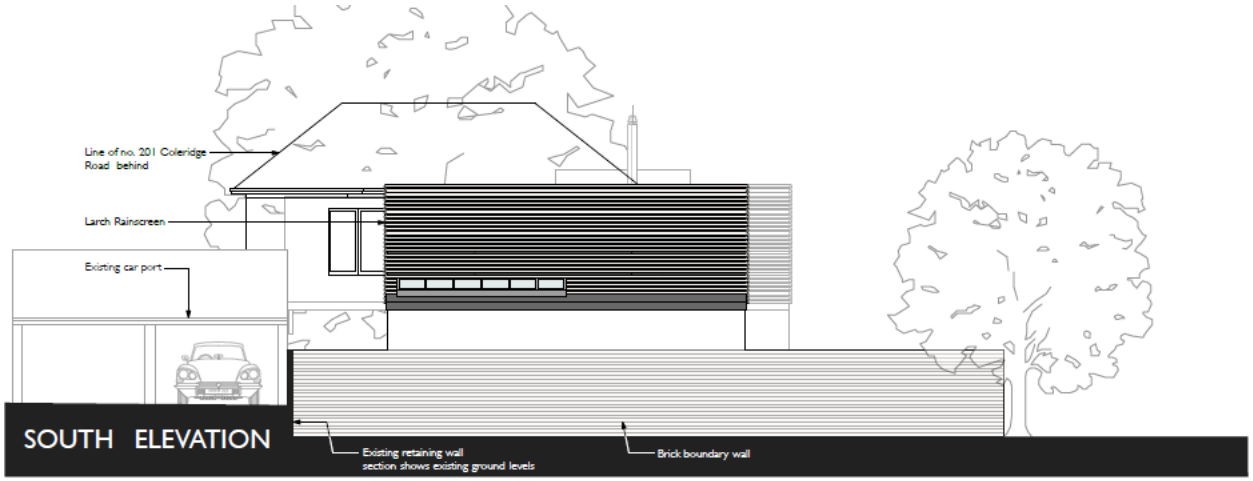
First Floor Plan

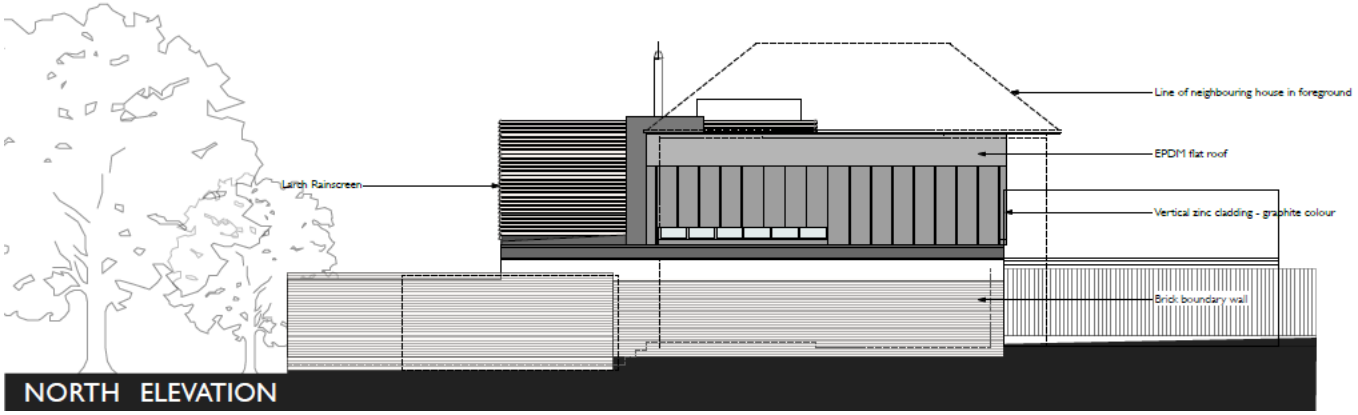


Elevations


Vertical zinc cladding - graphite colour
EPDM flat roof
Lime rendered panel
Velfac glazing
Bike store
Dark brick plinth
EAST ELEVATION
Larch rainscreen
EPDM flat roof
Lime rendered panel
Velfac glazing
WEST ELEVATION

Elevations

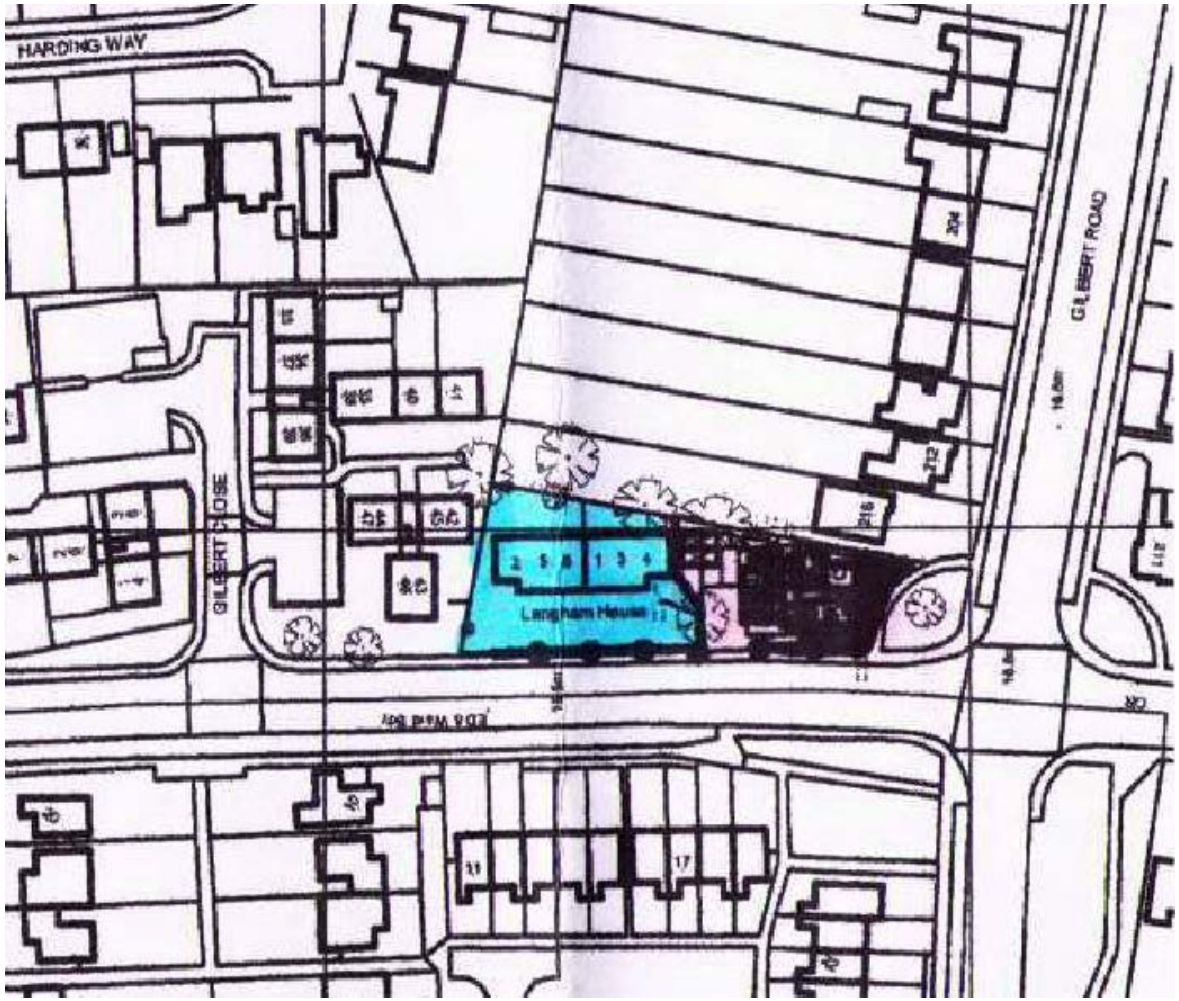

Line of no. 201 Coleridge Road behind
Larch Rainscreen
Existing car port
SOUTH ELEVATION
Existing retaining wall
section shows existing ground levels
Brick boundary wall


Line of neighbouring house in foreground
EPDM flat roof
Larch Rainscreen
Vertical zinc cladding - graphite colour
Brick boundary wall
NORTH ELEVATION

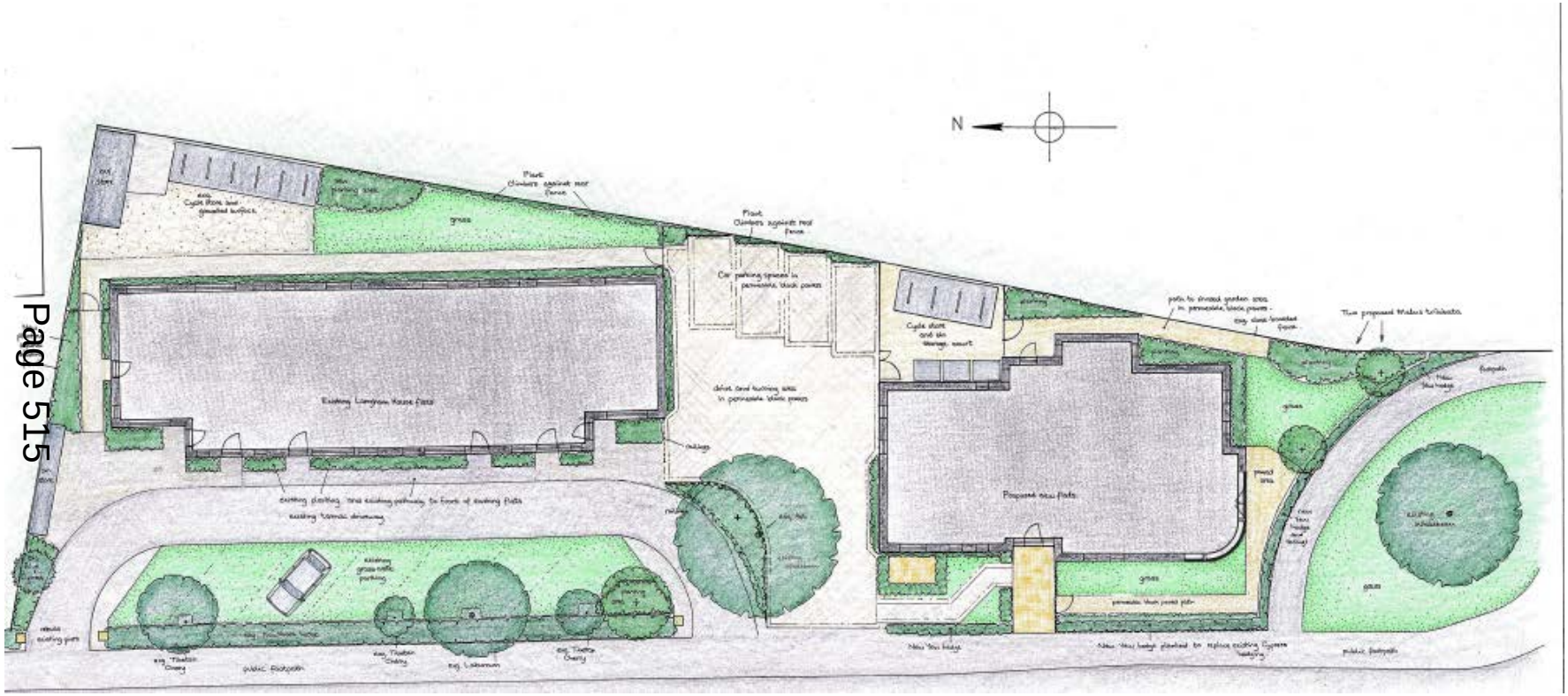
Langham House, Histon Road

15/0557/FUL

Site Location Plan



Site Layout/Landscaping



Elevation to Histon Road



Front Elevation To Histon Road

Elevation to Gilbert Road



Side Elevation To Gilbert Road

Histon Road StreetsceneElevation

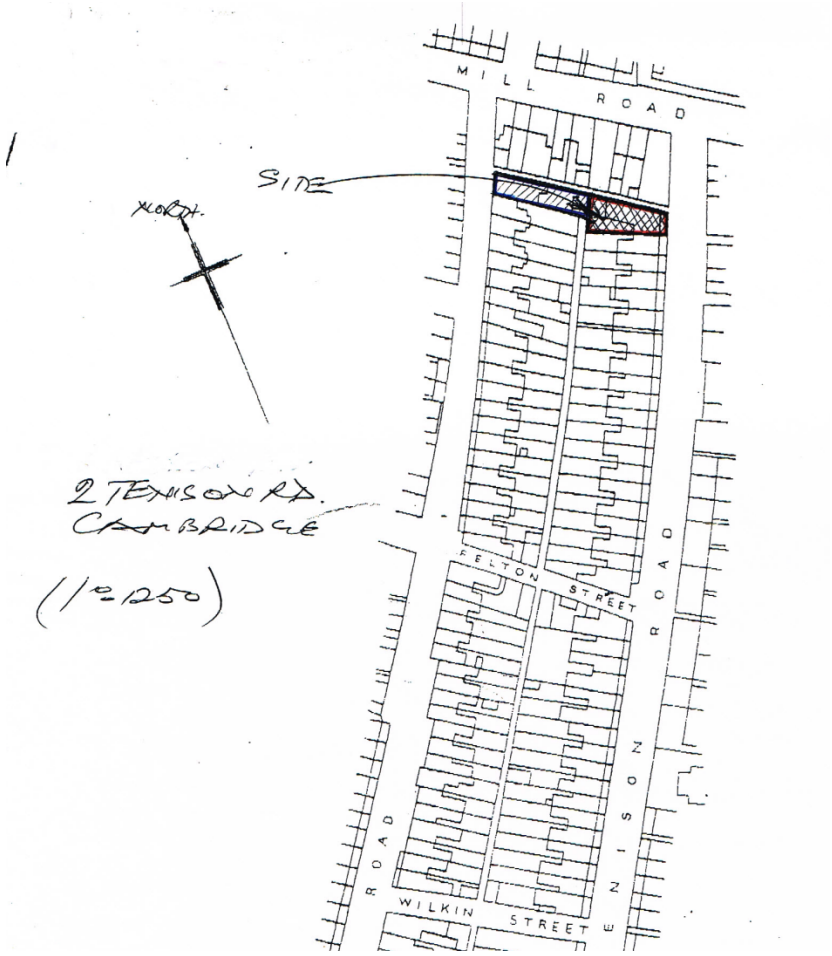


Street Scene Elevation as Proposed

2 Tenison Road

15/0380/FUL

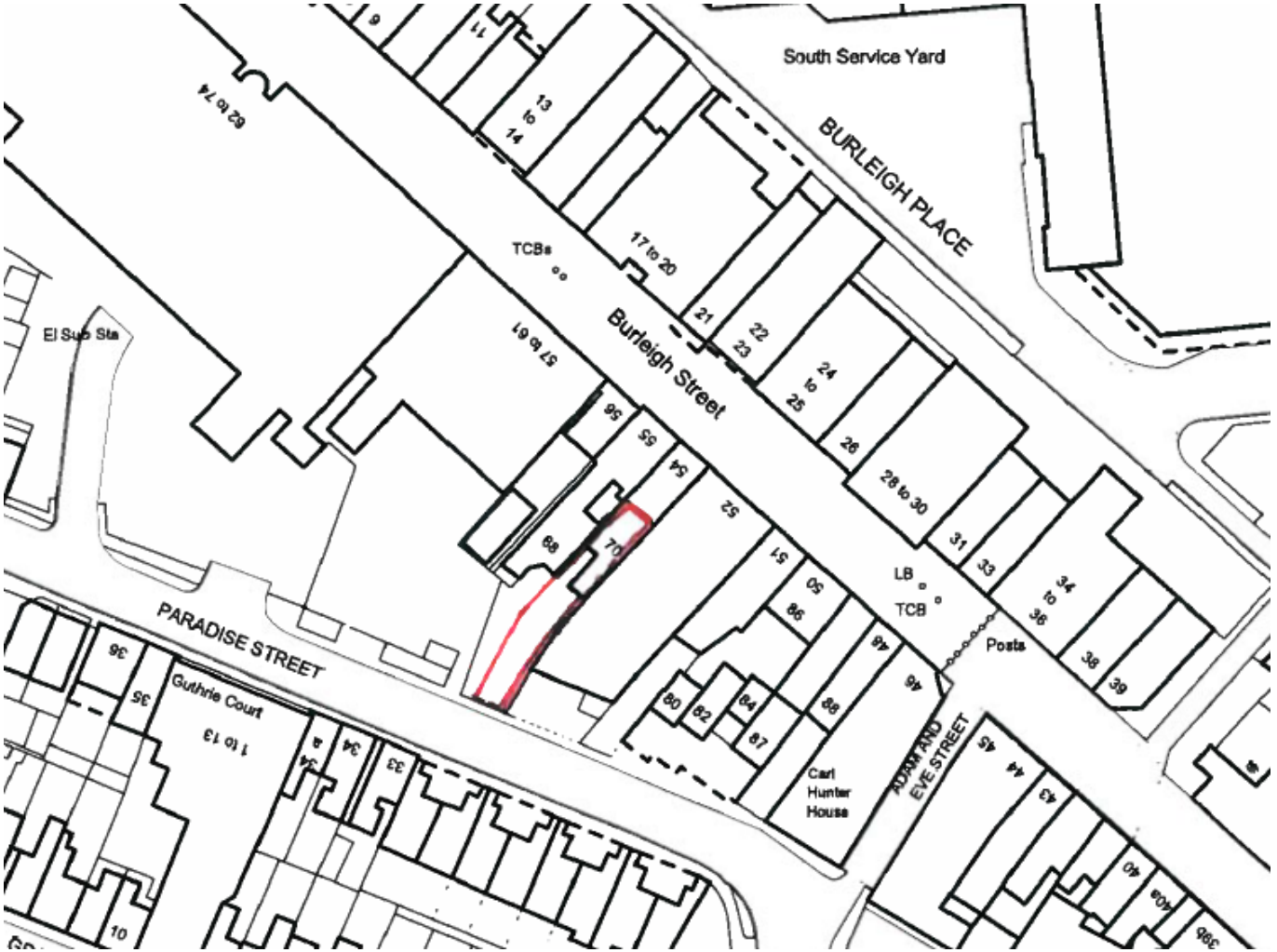
Location Plan



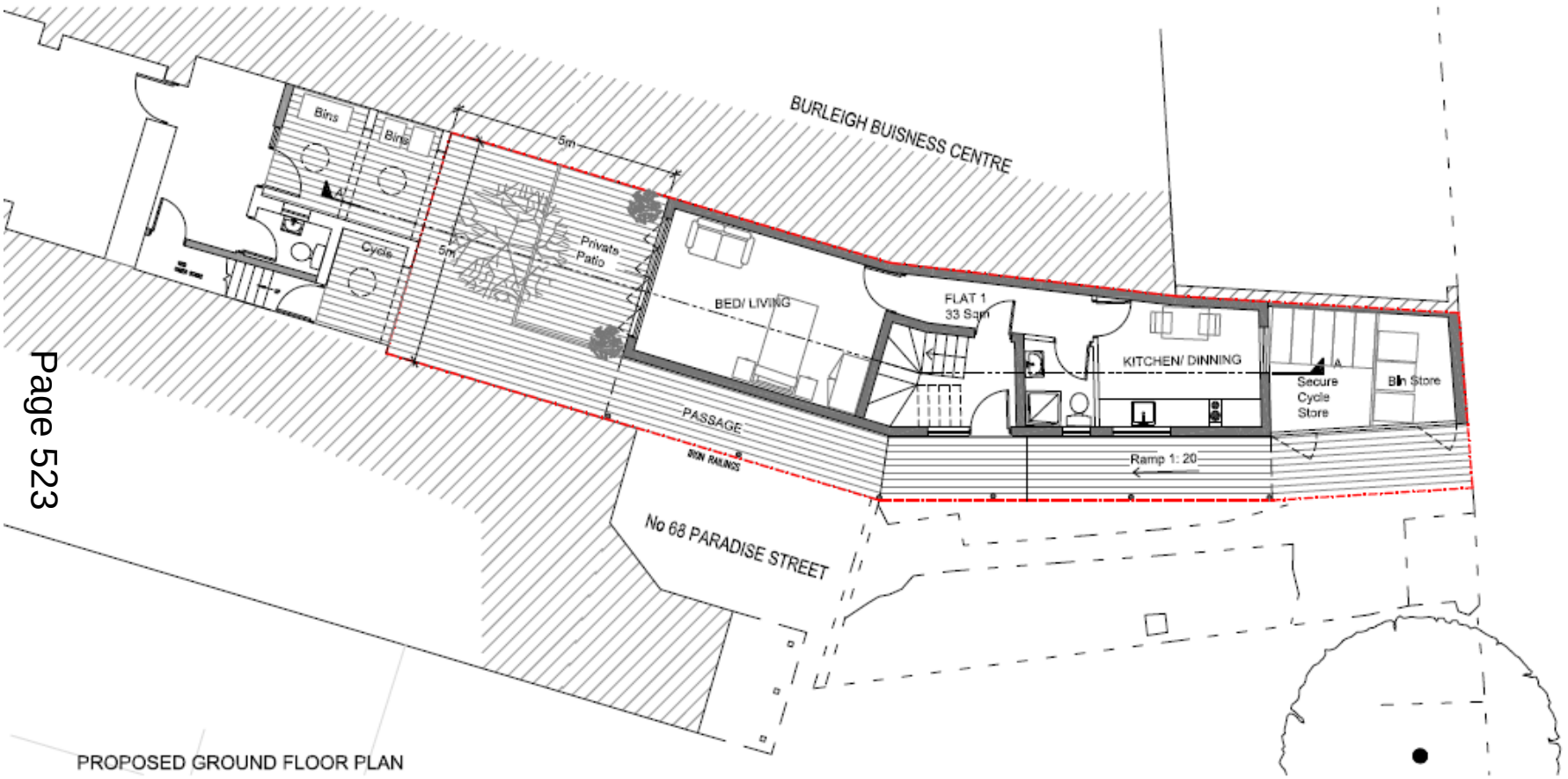
70 Paradise Street

15/0663/FUL

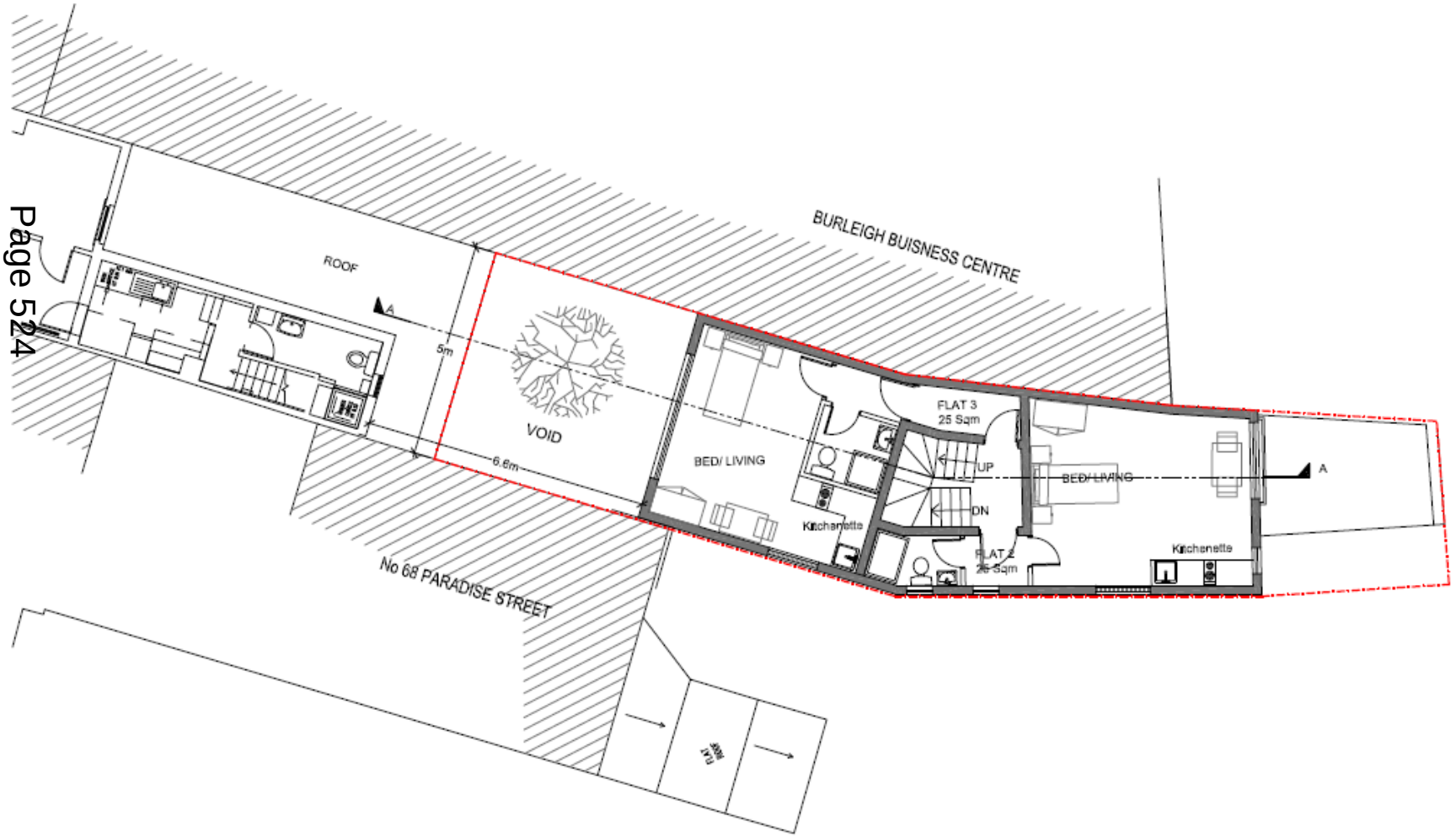
Site Location Plan



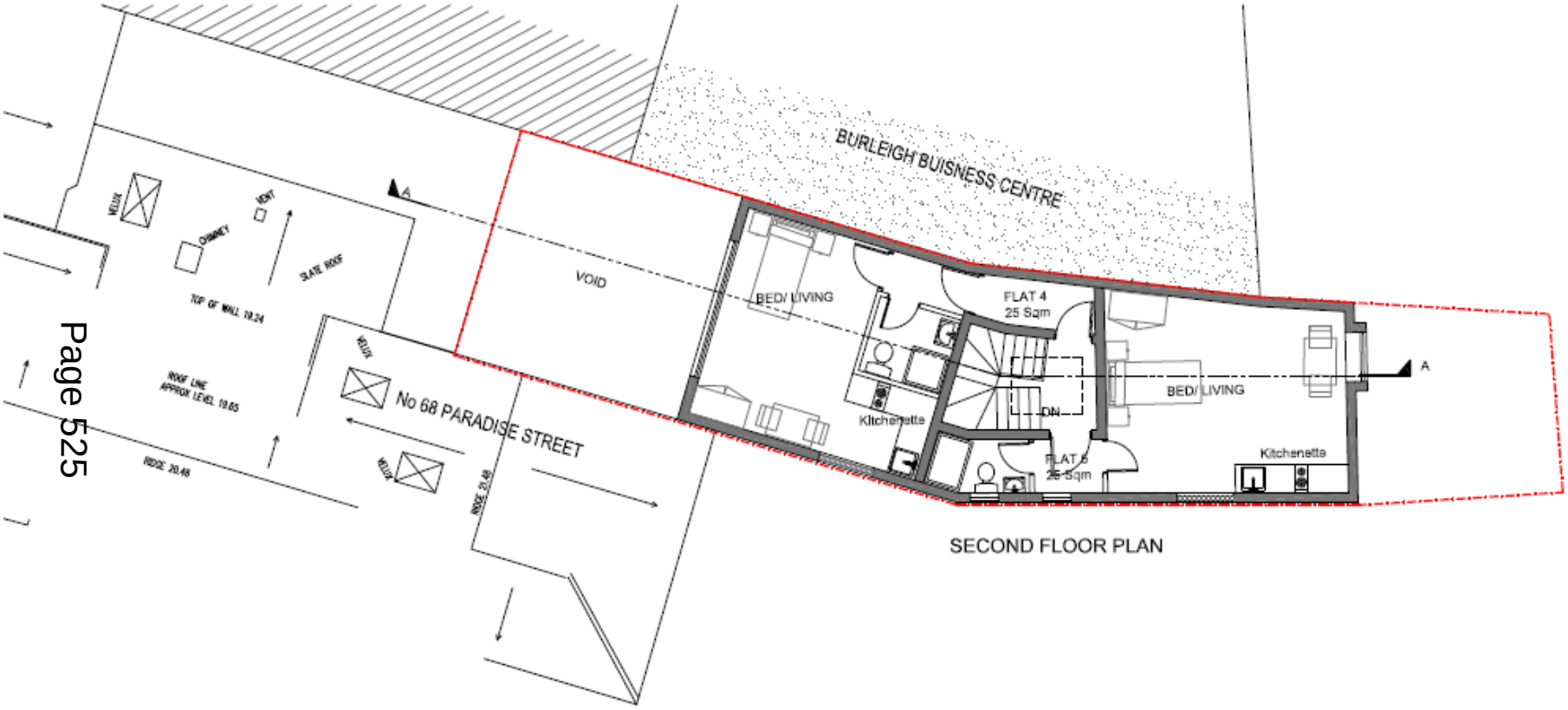
Ground Floor Plan



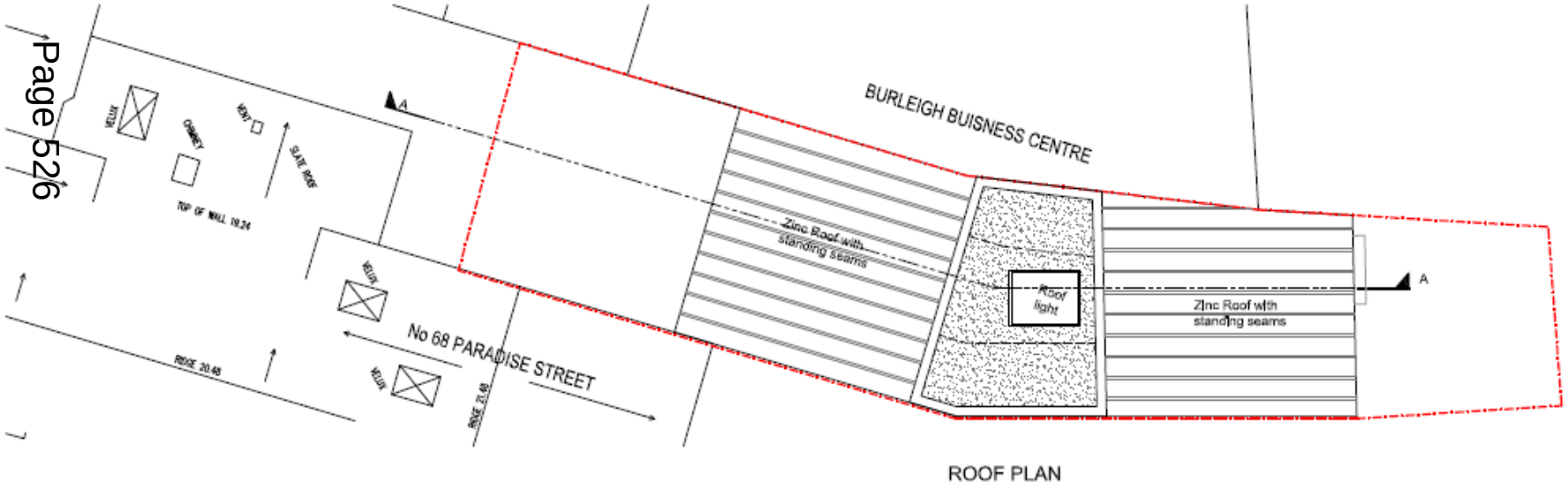
First Floor Plan



Second Floor Plan

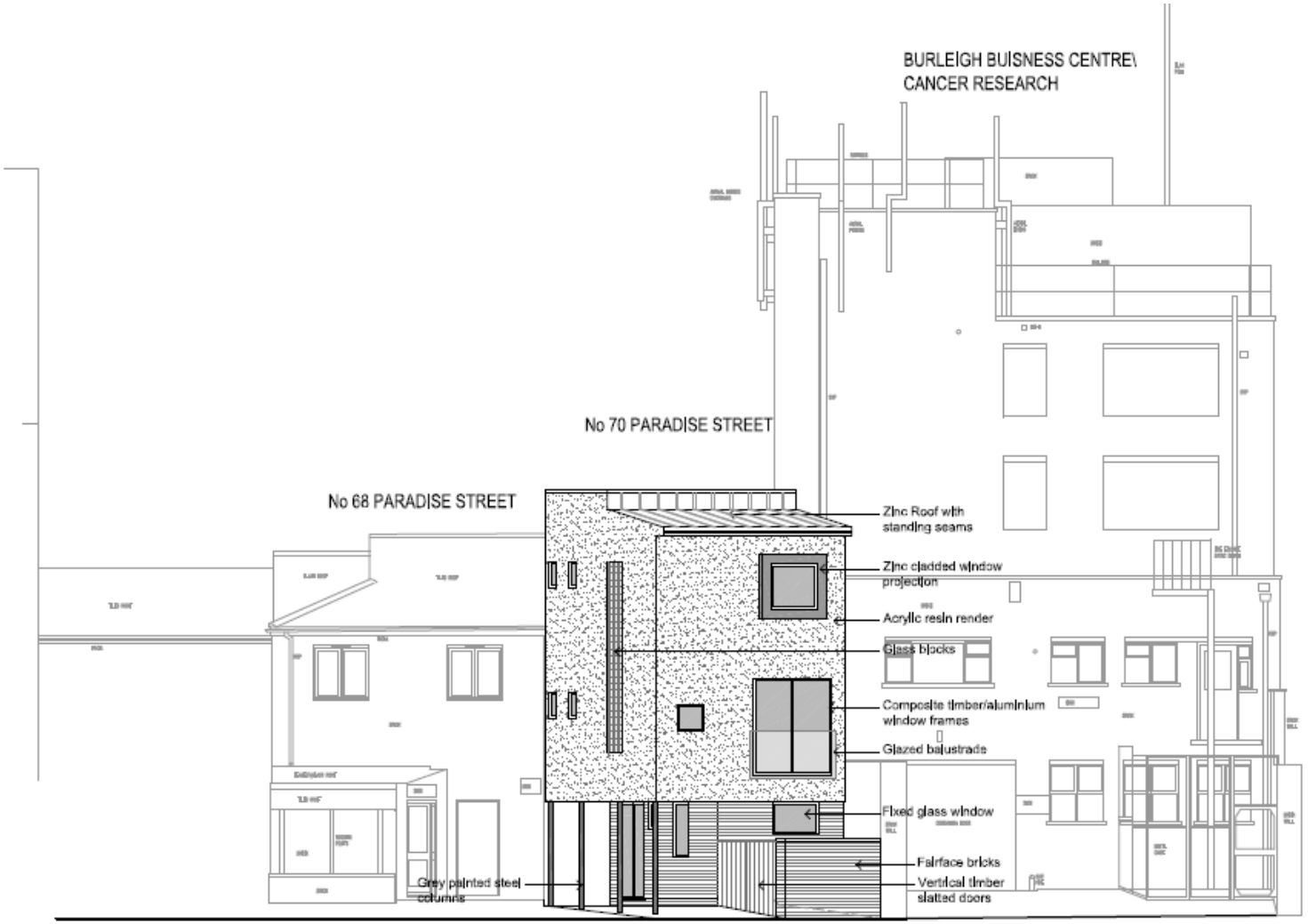


Roof Plan

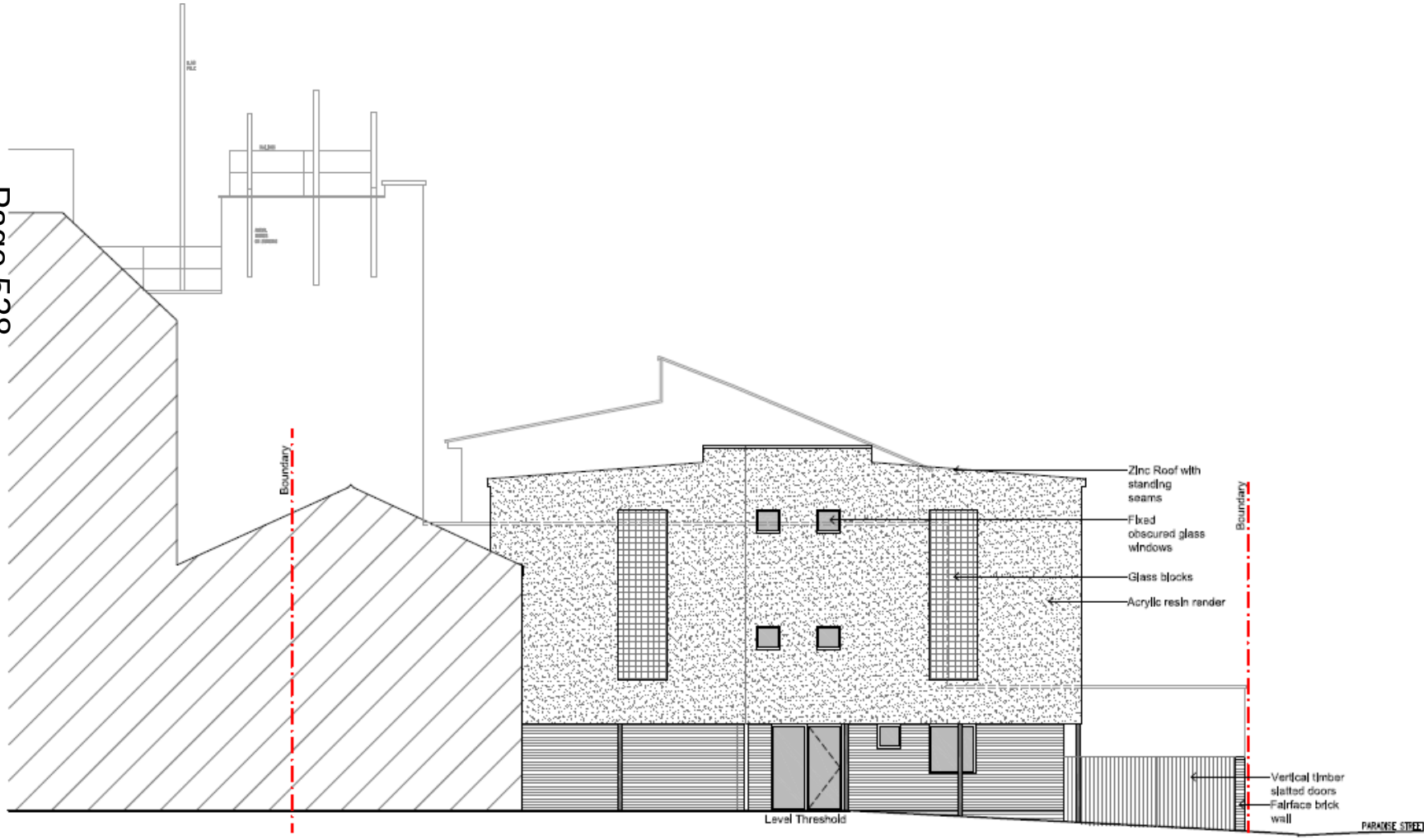


ROOF PLAN

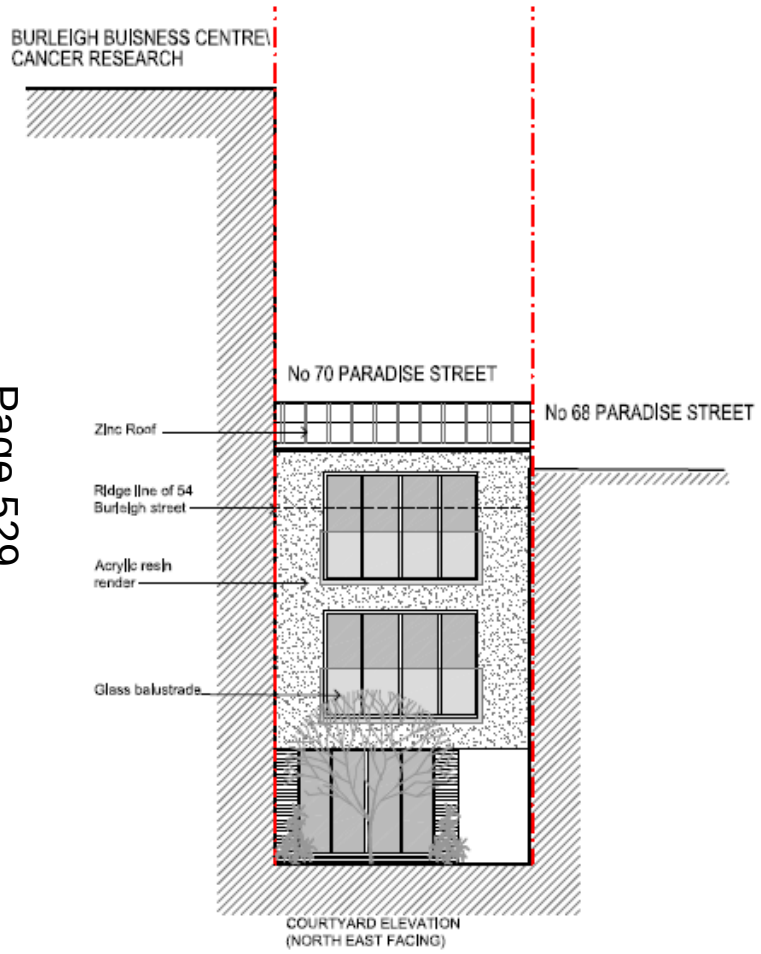
South West Elevation



North West Elevation

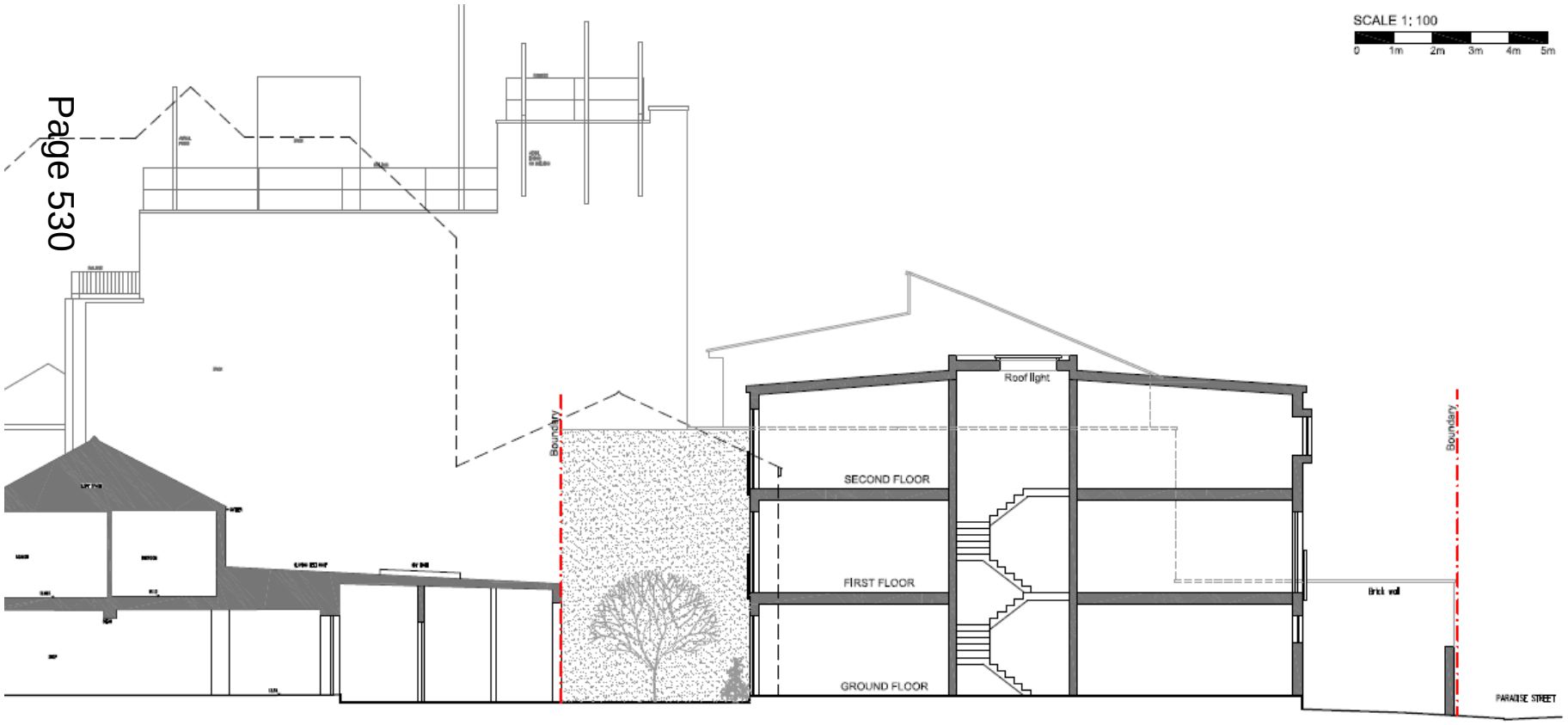


North East Elevation





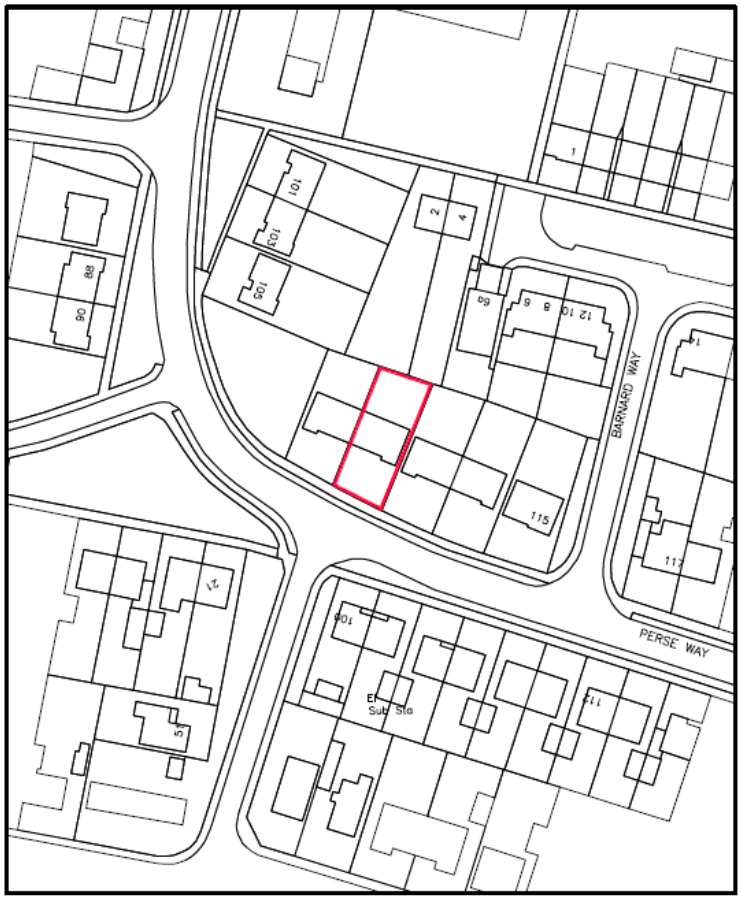
Section


SCALE 1: 100
0 1m 2m 3m 4m 5m
Roof light
Boundary
SECOND FLOOR
FIRST FLOOR
GROUND FLOOR
brick wall
Boundary
PARADISE STREET

109 Perse Way

15/0687/FUL

Location plan



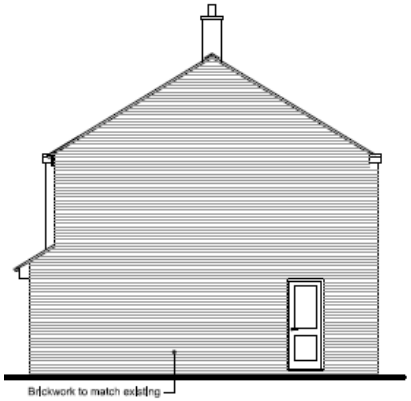
Ordnance Survey (c) Crown Copyright 2015. All rights reserved. Licence number 0100031673

Application site

0 50m

N

Proposed elevations



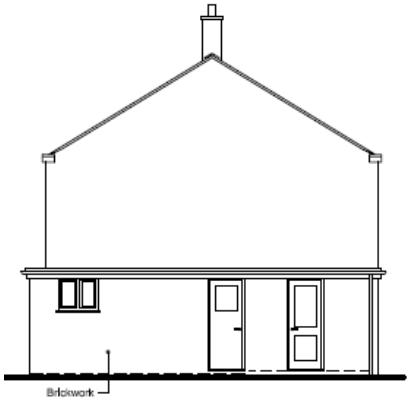
SIDE ELEVATION
PROPOSED



REAR ELEVATION
PROPOSED



FRONT ELEVATION
PROPOSED



SIDE ELEVATION
EXISTING



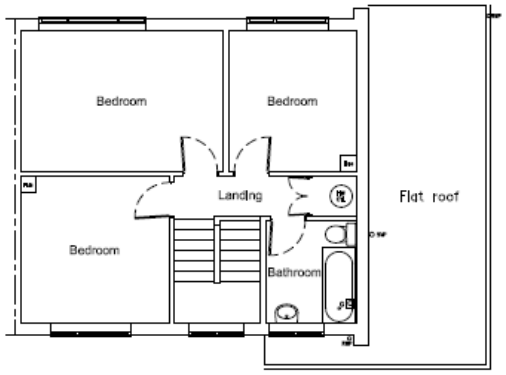
REAR ELEVATION
EXISTING



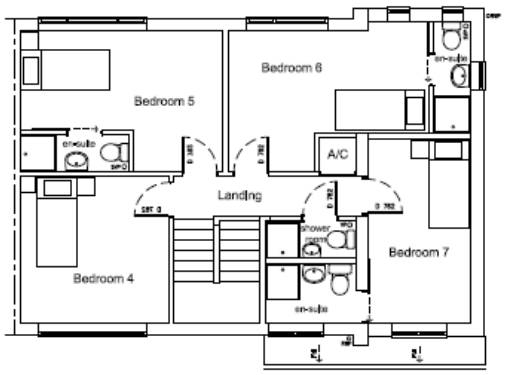
FRONT ELEVATION
EXISTING



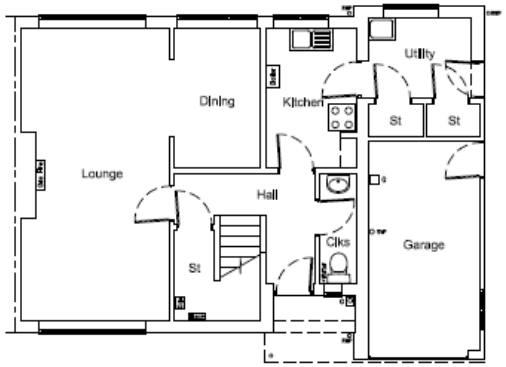
Proposed floorplans



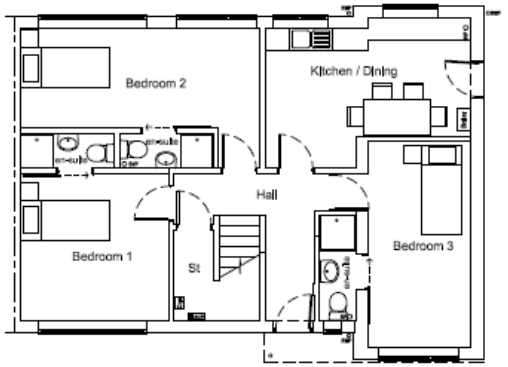
FIRST FLOOR
EXISTING



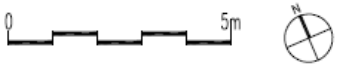
FIRST FLOOR
PROPOSED



GROUND FLOOR
EXISTING



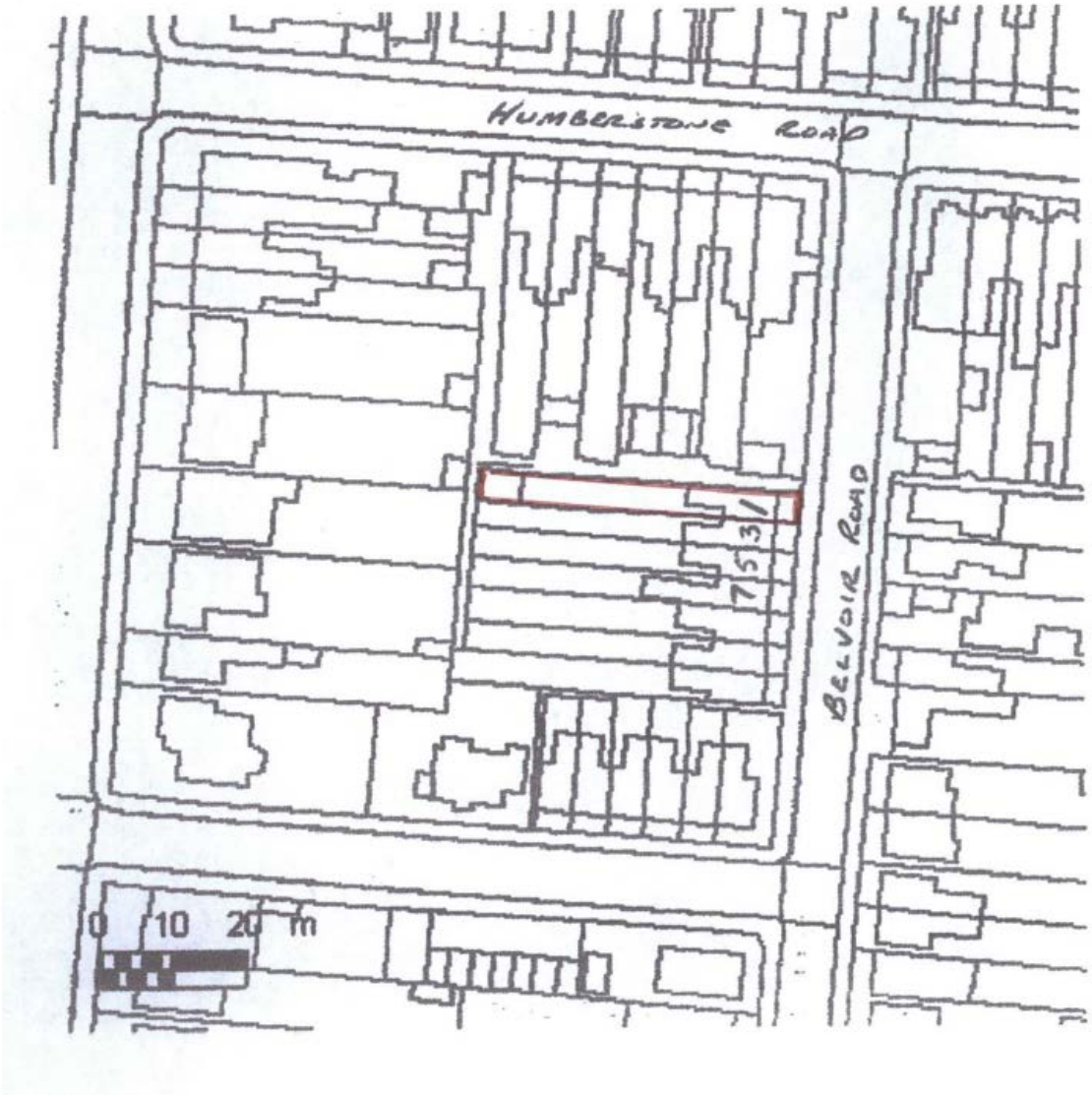
GROUND FLOOR
PROPOSED



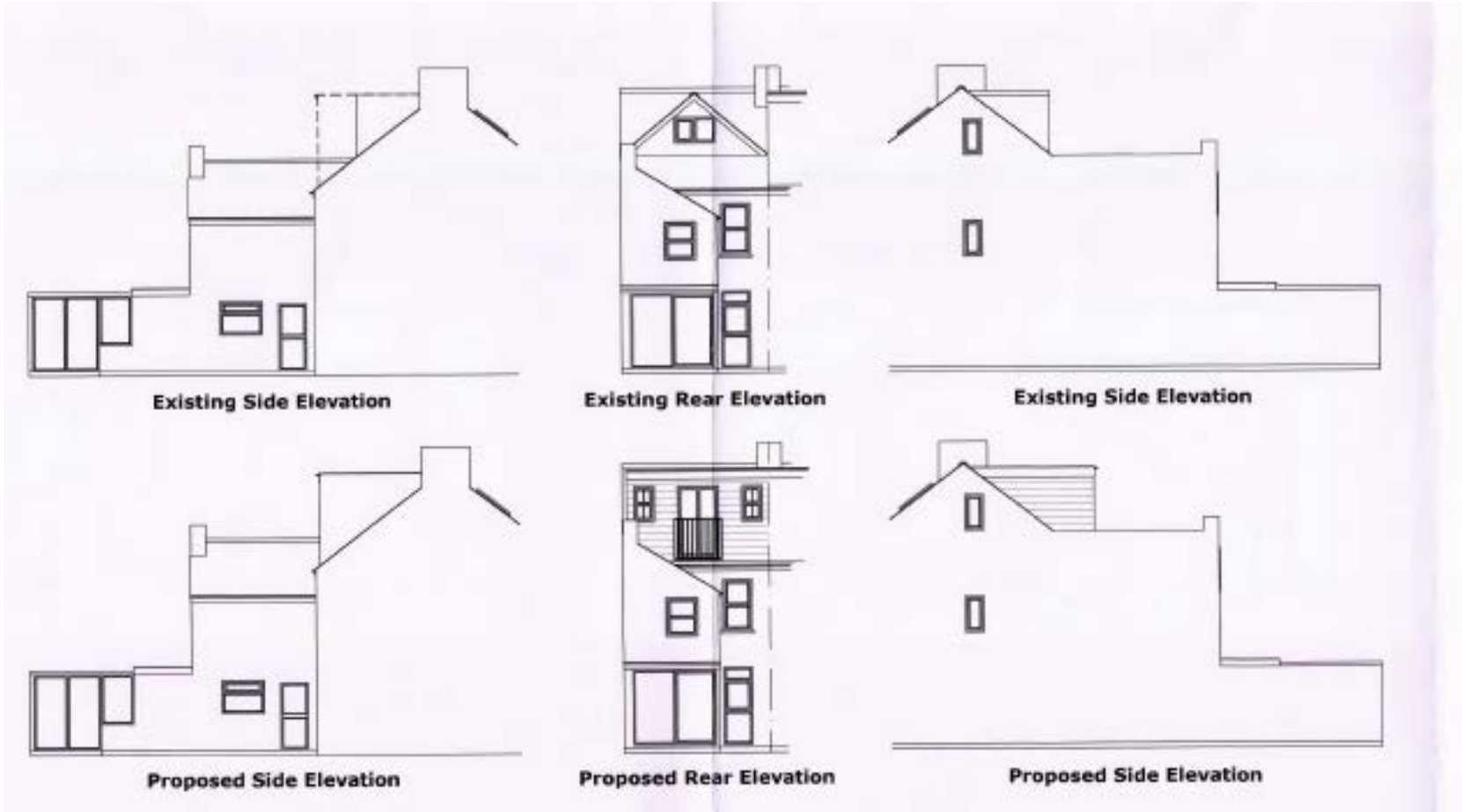
1 Belvoir Road

15/0600/FUL

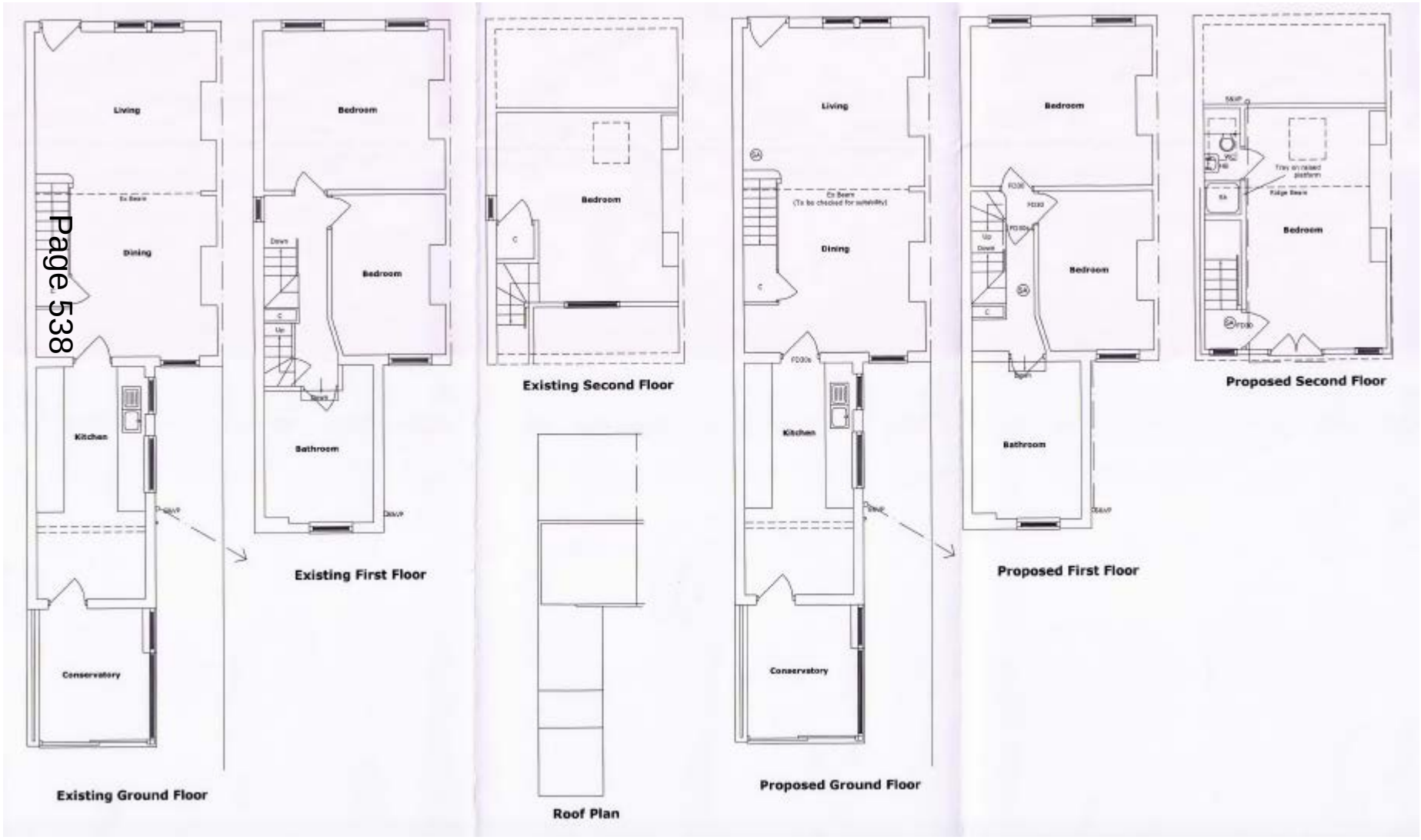
Location plan



Proposed elevations



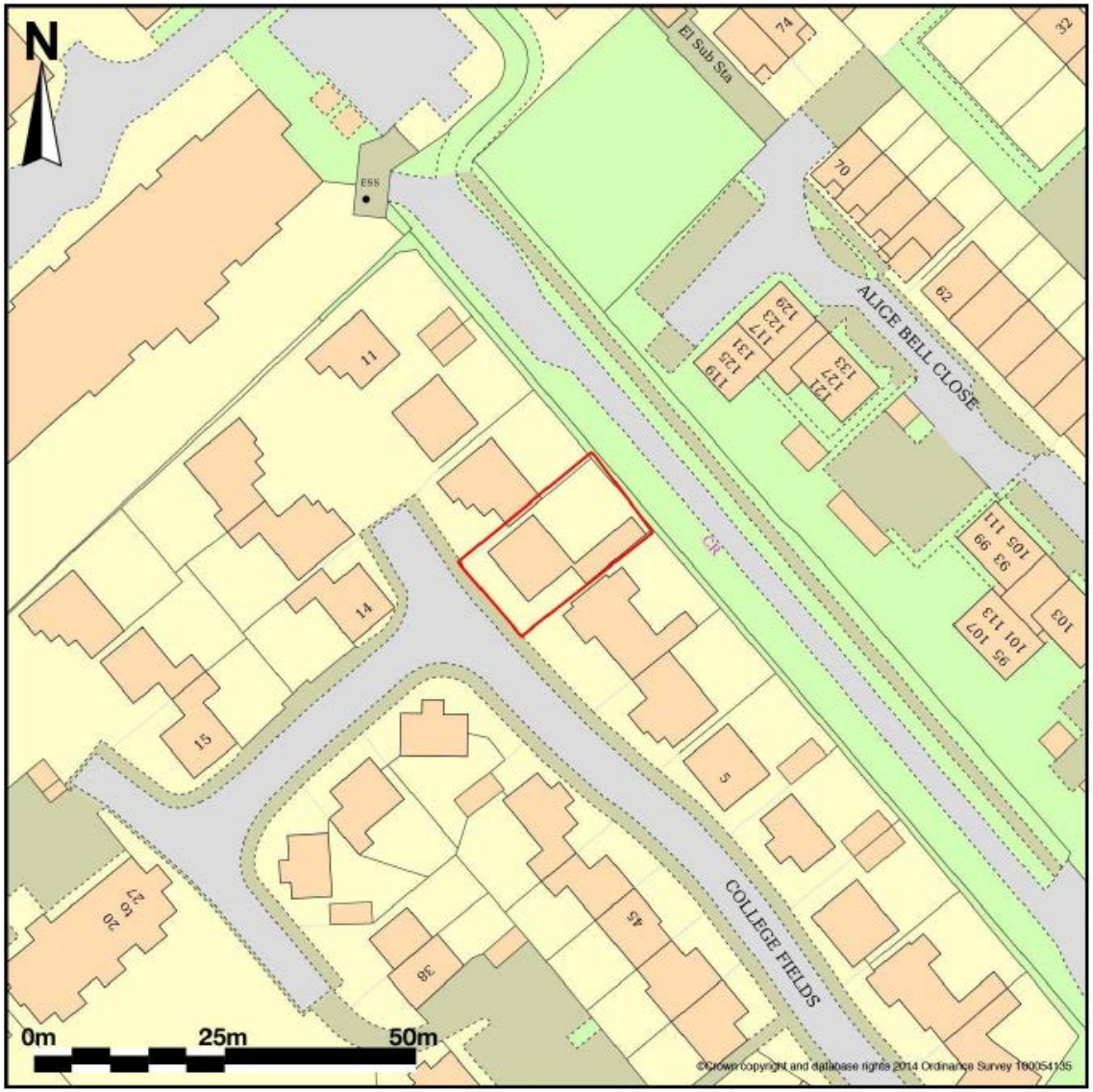
Proposed floorplans



8 College Fields

15/0299/FUL

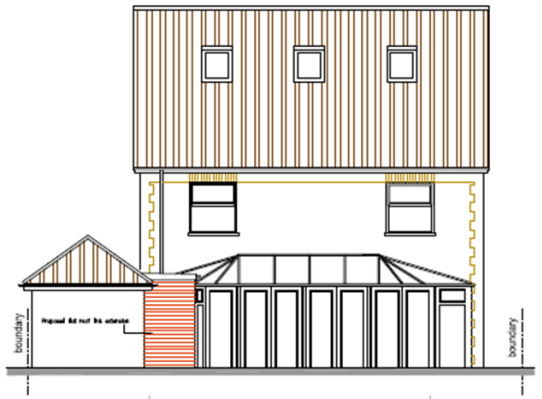
Location plan



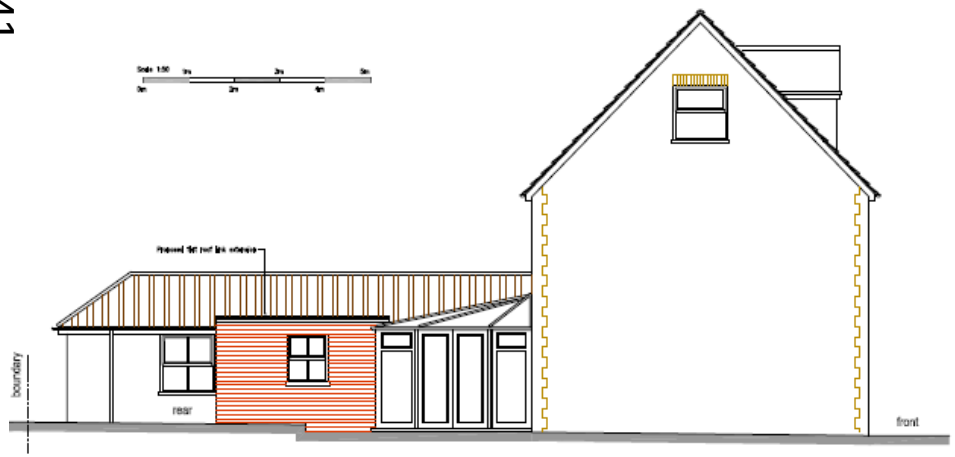
Proposed elevations



PROPOSED FRONT ELEVATION 1:50

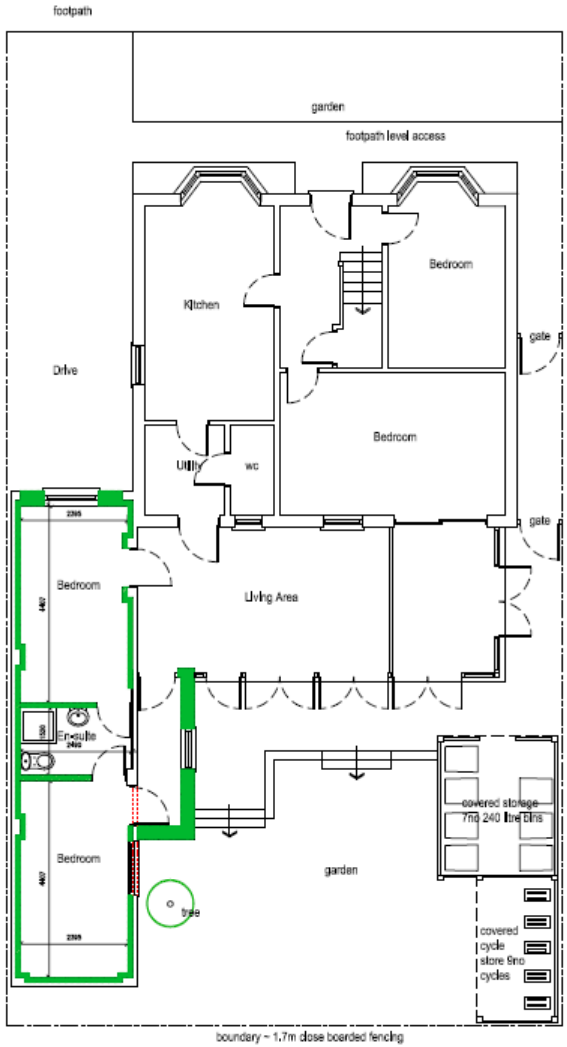


PROPOSED REAR ELEVATION 1:50

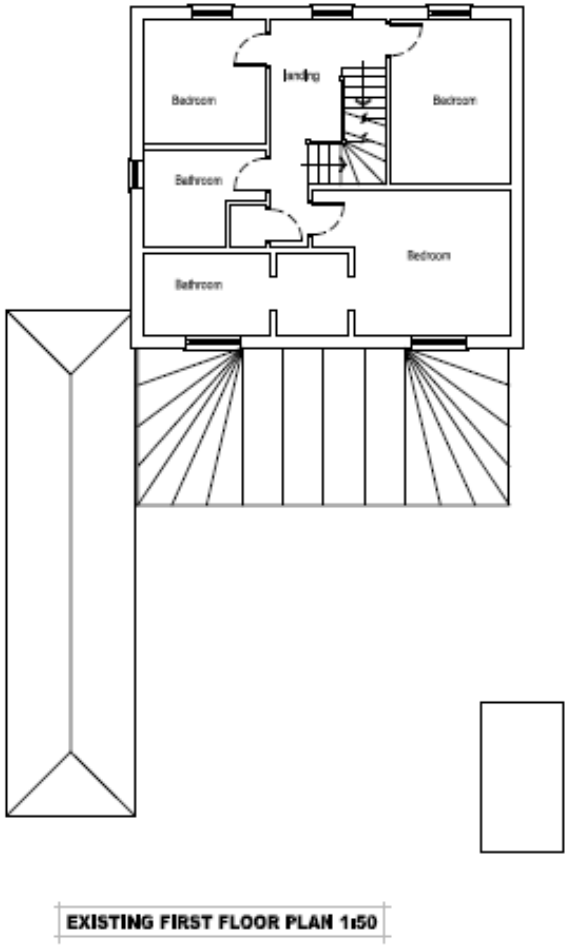


PROPOSED SIDE ELEVATION 1:50

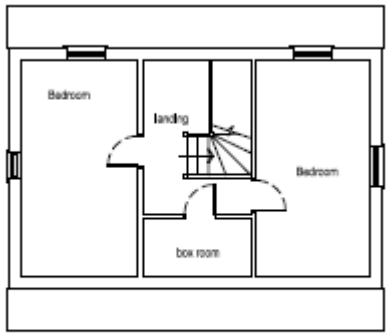
Proposed floorplans



PROPOSED GROUND FLOOR PLAN 1:50



EXISTING FIRST FLOOR PLAN 1:50



EXISTING SECOND FLOOR PLAN 1:50

ENFORCEMENT ITEMS

27 Babraham Road

CE/5622

Site plan 27 Babraham Road



27 Babraham Road



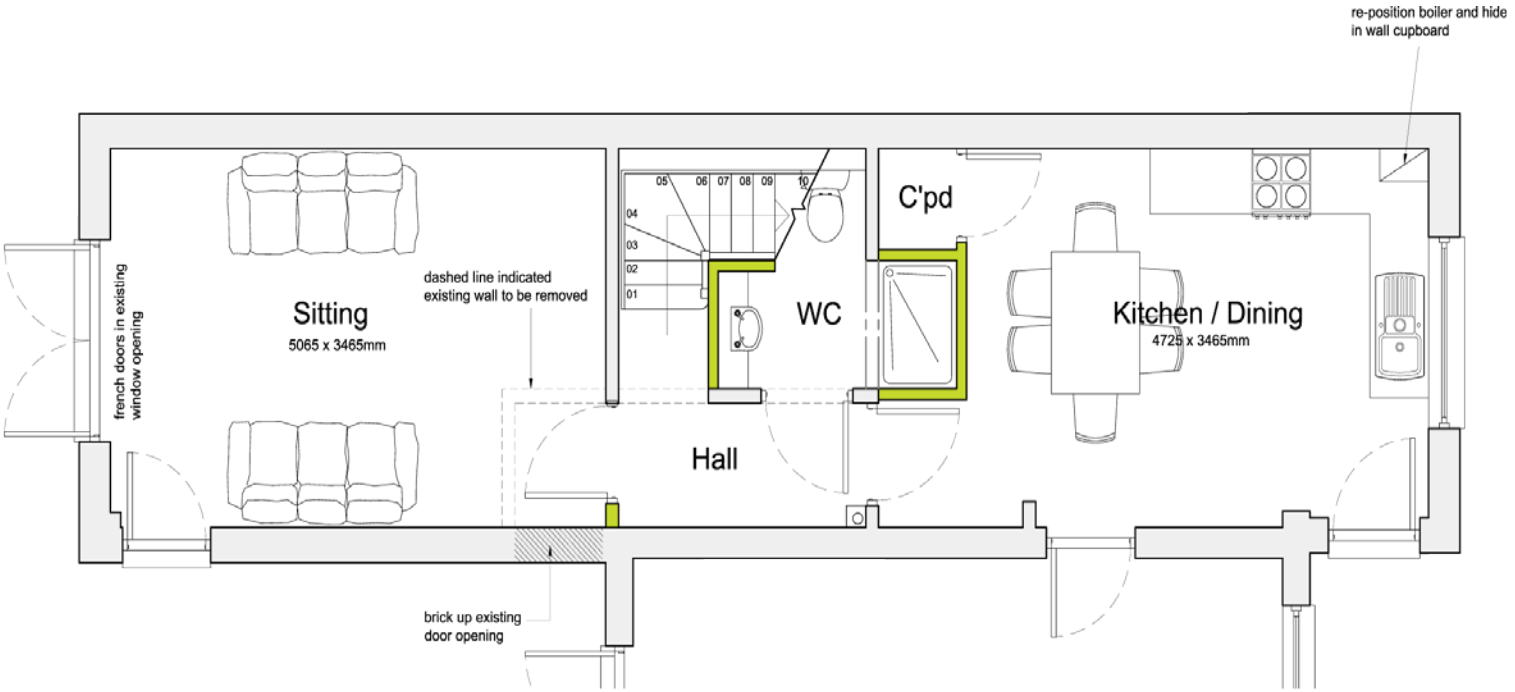
213 Huntingdon Road

EN/337/14

213 Huntingdon Road – site plan



213 Huntingdon Road plans

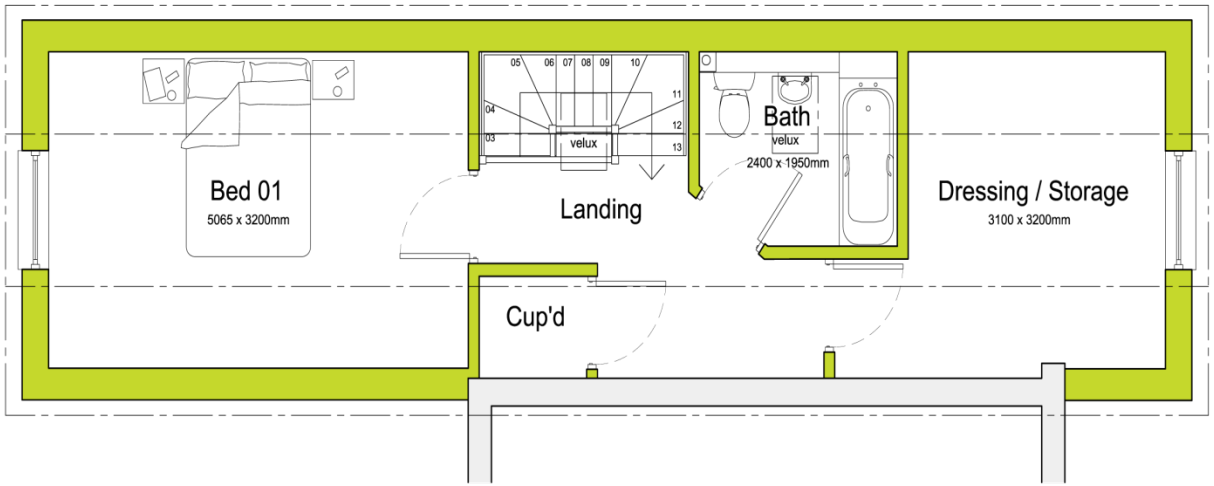


Proposed Part Ground Floor Plan 1:50

= NEW TO BE CONSTRUCTED

= EXISTING TO BE RETAINED

213 Huntingdon Road plans



Proposed Part First Floor Plan 1:50



Typical Section 1:100

= NEW TO BE CONSTRUCTED

= EXISTING TO BE RETAINED