



PLANNING

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

Despatched: Tuesday, 28 July 2015

Date: Wednesday, 5 August 2015

Time: 10.00 am

Venue: Committee Room 1 & 2 - Guildhall

Contact: Toni Birkin

Direct Dial: 01223 457013

AGENDA

Member Briefing

Member Briefing before Planning Committee on 5 August 2015 as follows:

Time – 9.10 to 9.55

Committee Room 1

Topic – Permitted development

Officers – Sarah Dyer and Lisa Lamb

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 (*Pages 7 - 24*)

To confirm the minutes of the meeting held on 1st July 2015

Appendix 1 for Full Details of Central Government Planning Guidance

Part 1: Major Planning Applications (10am)

5 15/0398/FUL - 8, 10, 10A CHEDDARS LANE AND 351-355 NEWMARKET ROAD (*Pages 35 - 86*)

6 15/0864/FUL- 20 STATION ROAD (*Pages 87 - 124*)

7 15/0865/FUL - 20 STATION ROAD (*Pages 125 - 162*)

8 15/0120/FUL - 186-188 HISTON ROAD (*Pages 163 - 202*)

Part 2: Minor/Other Planning Applications 12.30pm

- 9 15/1045/FUL - MARQUE HOUSE, 143 HILLS ROAD** *(Pages 203 - 216)*
- 10 15/0842/S73 - 6 HARDWICK STREET** *(Pages 217 - 226)*
- 11 15/0962/FUL - 218A-220 MILL ROAD** *(Pages 227 - 234)*
- 12 15/0602/FUL - 564 NEWMARKET ROAD** *(Pages 235 - 242)*
- 13 15/0603/FUL - 31 GISBORNE ROAD** *(Pages 243 - 252)*
- 14 15/0287/FUL - CANTABRIGIAN RUGBY CLUB, SEDLEY TAYLOR ROAD**
(Pages 253 - 308)
- 15 15/0793/FUL - 2 BULSTRODE GARDENS** *(Pages 309 - 320)*
- 16 ~~15/0787/FUL - ST MARYS SCHOOL, BATEMAN STREET~~** *~~(Pages 321 - 330)~~*
- 17 15/0924/FUL - 3 FENDON CLOSE** *(Pages 331 - 346)*
- 18 15/0629/FUL - 134 COLERIDGE ROAD** *(Pages 347 - 358)*
- 19 15/0818/FUL - LAND R/O 1 FEN ROAD** *(Pages 359 - 376)*
- 20 15/0068/FUL - 10 COLDHAMS LANE** *(Pages 377 - 390)*
- 21 15/0757/FUL - 29 CROMWELL ROAD** *(Pages 391 - 412)*
- 22 15/0999/FUL - 161 GWYDIR STREET** *(Pages 413 - 422)*
- 23 15/0563/FUL - 45 ELIZABETH WAY** *(Pages 423 - 434)*

Part 3: General and Enforcement Items

- 24 EN/337/14 - 213 HUNTINGDON ROAD** *(Pages 435 - 450)*
- 25 OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER**
(TPO) NO. 02/2015 2A CARISBROOKE ROAD *(Pages 451 - 456)*

26 RECORD OF OFFICER URGENCY ACTION

Members are asked to note the decision taken since the last meeting.

- 26a To Withdraw the Enforcement Notice dated 2 October 2014 relating to 136 Perne Road (*Pages 457 - 462*)

Information for the public

Public attendance

You are welcome to attend this meeting as an observer, although it will be necessary to ask you to leave the room during the discussion of matters which are described as confidential.

Public Speaking

You can ask questions on an issue included on either agenda above, or on an issue which is within this committee's powers. Questions can only be asked during the slot on the agenda for this at the beginning of the meeting, not later on when an issue is under discussion by the committee.

If you wish to ask a question related to an agenda item contact the committee officer (listed above under 'contact') **before the meeting starts**. If you wish to ask a question on a matter not included on this agenda, please contact the committee officer by 10.00am the working day before the meeting. Further details concerning the right to speak at committee can be obtained from the committee section.

Filming Protocol

Filming, recording and photography at council meetings is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Requests to film, record or photograph, whether from a media organisation or a member of the public, must be made to the democratic services manager at least three working days before the meeting.

Fire Alarm

In the event of the fire alarm sounding (which is a continuous ringing sound), you should pick up your possessions and leave the building by the route you came in. Once clear of the building, you should assemble on the pavement opposite the main entrance to the Guildhall and await further instructions. If your escape route or the assembly area is unsafe, you will be directed to safe areas by a member of Cambridge City Council staff.

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PLANNING

1 July 2015
10.00 am - 4.40 pm

Present:

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

Officers:

City Development Manager: Sarah Dyer
Principal Planner (City): Tony Collins
Senior Planning Officer: Catherine Linford
Planning Officer: Michael Hammond
Planning Officer: Amit Patel
Planning Officer: Sav Patel
Planning Officer: Elizabeth Thomas
Legal Advisor: Penny Jewkes
Committee Manager: Toni Birkin
Committee Manager: James Goddard
Planning Enforcement Officer: Debs Jeakins

FOR THE INFORMATION OF THE COUNCIL

15/112/planApologies

Apologies were received from Councillor Gawthroe. Councillor Bird was in attendance as the alternate.

15/113/planDeclarations of Interest

No interests were declared.

15/114/planMinutes

The minute of the meeting for the 3rd June 2015 were approved and signed as a correct record.

15/115/planRe-Ordering Agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the agenda.

15/116/plan 14/2051/FUL - 156-160 Chesterton Road

The Committee received an application for full planning permission.

The Committee noted the additional information in the amendment sheet, including the officer delegation regarding the S106 agreement.

The application sought approval for 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.

The Committee:

Resolved (by 7 votes to 0 with 1 abstentions) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/117/plan 15/0363/FUL - Land at 21 - 23 Milton Road

The Committee received an application for full planning permission.

The Committee noted the additional information detailed in the amendment sheet.

The application sought approval for the erections 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.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/118/plan 15/0140/FUL - Former Hilltop Day Centre, Primrose Street

The Committee received an application for full planning permission.

The application sought approval for the erections of student accommodation comprising 30 studios, a common room, laundry room, bin and bicycle store, following the demolition of the existing building.

This application had been deferred from the 3rd June 2015 meeting as the Committee had requested further information. The Planning Officers explained that some information included in the amendment sheet in June had not subsequently incorporated into the later report.

The Committee received a representation in objection to the application from Mr Charles Hewitt.

The representation covered the following issues:

- i. This would be the wrong building and the wrong place.
- ii. Previous history of student housing had demonstrated that agreements regarding student occupation were not adhered to.
- iii. Developers had a habit of reneging on S106 agreements and no action was taken.
- iv. Speculative development should not be allowed.
- v. Height and mass of the building was out of keeping with the neighbourhood.
- vi. Proposed building would be very close to care home and residents would lose their view.
- vii. Building would be within 4 meters vulnerable residents in the area.
- viii. Development was inappropriate for the neighbourhood.

Paul Belton, the applicant's agent, addressed the Committee in support of the application.

The Committee:

Resolved (by 6 votes to 1 with 1 abstentions) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions

recommended by the officers and subject to completion of s106 Agreement and additional condition 18 as below

Condition 18

Prior to the occupation of the building a Management Plan shall be submitted to and approved in writing by the local planning authority. The Management Plan shall then be implemented in accordance with the approved details.

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

15/119/plan15/0225/FUL - 2 Barrow Road

The Committee received an application for full planning permission.

The application sought approval for erection of new dwelling following demolition of existing dwelling on the site.

The Committee received representations in objection to the application from the following:

- Mr Campbell.
- Ms Wright.

The representations covered the following issues:

- i. Barrow Road included properties that were prime examples of arts and craft style buildings in a city setting. The two buildings at the entrance to Barrow Road were deliberately designed to mirror each other as gateway buildings. They have been recognised as heritage assets by Historic England due to their design.
- ii. To demolish Number 2 Barrow Road would be detrimental to the character of the area.
- iii. Referred to 29 representations in objection.
- iv. Took issue with the plans included in the Officer's report and said the building would be bigger in reality.
- v. Expressed specific concerns regarding:
 - The proposal went against Local Plan Policy 3/12.
 - Overbearing and intrusive design. Out of character with the area.
 - Overdevelopment of site (height and mass).

Mr Thompson (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Resolved (by 5 votes to 3) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/120/plan 15/0665/S73 - Cambridge Water Company, Rustat Road

The Committee received a Section 73 application.

The application sought approval to vary condition 13 of Application 07/1223/REM to allow amendments to refuse storage, cycle storage, landscaping and block positions.

The Committee received representations in objection to the application from the following:

- Mr Fordham.
- Dr Meredith.
- Dr Vaughan.

The representations covered the following issues:

- i. Referred to the representation made to Planning Committee in 2002. The points raised remain unchanged:
 - Did not object to developing the site per se.
 - Objected to overshadowing of garden.
- ii. Suggested the 3 storey building be moved so it overshadowed the bike shed instead neighbour's back garden.
- iii. Concern over proposed reduction of the amount of affordable housing on site.
- iv. Queried lawfulness of commencing work on site and if any meaningful work has occurred, as trenches that had been dug had now been filled in and covered over.
- v. Took issue with:
 - Details in the Officer's report that said there would only be 3 windows, 23 were listed in the design.
 - On site sub-station being recommended for approval despite resident's opposition.

Mr Reynolds (Applicant's Agent) addressed the Committee in support of the application.

Cllr Herbert (Coleridge Ward Councillor) addressed the Committee about the application.

The representations covered the following issues:

- i. This site had been on the Planning Committee's radar for over 10 years. It had been derelict since 2005 when the building on it was demolished.
- ii. Expressed concern regarding:
 - Lack of green space in the design.
 - "Rushed" design of replacement buildings, cycle parking and waste arrangements.
 - The enforcement notice issued against Western Homes (Applicants) for undertaking work on site without planning permission (this was against the law). This was reported in the local media. Queried if Western Homes could be trusted to deliver against permitted development conditions.
 - Waste management conditions set out on P195 of the Officer's report were unsafe. Also, locating bin stores away from people's homes could lead to problems in future.
 - Cycle storage racks were unsuitable.
 - Courtyards removed people's green spaces.
 - Took issue with the over ground (as opposed to underground) sub-station design.
- iii. Was awaiting Legal Advisor's comments on Western Homes undertaking work on site without planning permission.

The Principal Planning Officer supplemented his introduction by stating:

- i. Meaningful work had commenced on the Rustat Road site.
- ii. Dr Wittorff's representation had been received after the submission deadline, so was tabled for Councillor's information.
- iii. Dr Meredith's representation had not been published pre-committee as it needed to be redacted pre-publication (this had been delayed as the representation was hand delivered), but was referred to in his report.

Councillor Smart proposed an amendment to the Officer's recommendation that an informative be included to accommodate larger bikes in cycle storage areas.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 6 votes to 2) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers with the following additional informative:

The applicant is advised that information submitted to satisfy Condition 14 should recognize that some residents are likely to use cycles with trailers, 'box-bikes', tricycles and other large cycles, and should make appropriate space available for such machines.

15/121/plan 14/2063/CLUED - 15A Derby Street

The Committee received an application for Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3).

The Committee received a representation in objection to the application from Mr Sakol.

The representation covered the following issues:

- i. The application had been deferred from April 215 to seek evidence of continuous letting for 10 years.
- ii. There was a mismatch in details in the Officers' report between the main body of text and the conclusion.
- iii. Insufficient evidence of continuous letting had been demonstrated.
- iv. Property use was not in line with permission given.

Mr Hirsch (Applicant) addressed the Committee in support of the application.

Councillor Gehring (Newnham Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The application was in a sensitive area of the city.
- ii. The application had been deferred from April 2015 to seek information. Referred to Councillor Cantrill's comments from the earlier committee meeting.
- iii. The Applicant had not evidenced continuous letting, although he could evidence use for over 10 years.
- iv. The application failed the test of lawfulness as the property had not been used in line with granted planning permission.

The Planning Officer responded to representations to say that evidence was based on probability, not “beyond all reasonable doubt”. The application had been deferred to seek evidence of use and clarify what evidence could be considered.

The Committee:

Resolved (by 6 votes to 1 with 1 abstention) to grant the application for a Certificate of Lawfulness in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/122/plan15/0065/FUL - 15B Derby Street

The Committee received an application for retrospective planning permission.

The application sought approval for conversion of the ground floor store to a 1 bedroom studio flat.

The Committee received a representation in objection to the application from Mr Sakol.

The representation covered the following issues:

- i. The reasons for refusing the application in 1998 still applied today and were even more relevant:
 - Lack of amenity space.
 - Lack of parking provision (unsuitable allocation).
 - Referred to paragraphs 6.1 and 8.25 in the Officer’s report setting out existing traffic flow and capacity issues.
- ii. The Applicant had infringed planning permission by letting out the property and was seeking retrospective permission to mitigate this.

Mr Hirsch (Applicant) addressed the Committee in support of the application.

Councillor Gehring (Newnham Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Several residents had contacted him about the application.
- ii. Traffic flow and parking issues had not changed/improved since 1998. The application would exacerbate these. The parking space allocated was unfit for purpose as it was too small.

- iii. Emergency vehicles had difficulties accessing streets in the local area.
- iv. The sub-division of 15 Derby Street will worsen the amenity of occupants.

Councillor Hart proposed an amendment to the Officer's recommendation that a bollard be placed in front of refuse bins.

This amendment was **carried (by 5 votes to 0)**.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers with the following additional condition:

PARKING CONTROL MEASURE CONDITION: "The development hereby permitted shall not be occupied until an approved system of parking control measures (e.g. permanent bollards or low rise walling or such other means of physical barrier) which are positioned alongside the Derby Street pavement edge in front of the area proposed for bin storage and access to both 15a and 15b Derby Street, which forms a physical barrier to prevent any person(s) from parking a vehicle in that space (not including the area shown as 'parking under cover' on plan reference 14643-02 Rev B) has been submitted to and approved in writing by the local planning authority. The parking control measures shall be implemented prior to the occupation of the living space area residential unit 15b Derby Street and shall remain in place in perpetuity.

Reason: In order to prevent parked vehicles overhanging the footpath and causing an obstruction to pedestrians and to ensure adequate space is provided for access to 15a and 15b Derby Street for occupiers of those properties including for storage of bikes and bins. (Cambridge Local Plan 2006, policies 3/7, 3/10, 5/2 and 8/2).

15/123/plan 15/0430/FUL - Garage Block 1, 34 Fulbourn Road

The Committee received an application for full planning permission.

The application sought approval for 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.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/124/plan15/0634/FUL - 6 Hooper Street

The Committee received an application for a minor material amendment to application 13/1465/FUL.

The application sought approval for 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.

The Committee received a representation in objection to the application from Mr Mulvihill.

The representation covered the following specific objections:

- i. Blocking his view.
- ii. Proximity to existing dwellings.
- iii. Loss of amenity.
- iv. Sense of enclosure.
- v. The (new) application would overlook existing properties.

Mr McKeown (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Resolved (by 4 votes to 0 with 4 abstentions) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/125/plan15/0268/FUL - Rear of 175-177 Cherry Hinton Road

The Committee received an application for full planning permission.

The application sought approval for erection of two 3 x bed detached dwellings, along with car parking, cycle parking and associated landscaping.

Mr McKeown (Applicant's Agent) addressed the Committee in support of the application.

Councillor Herbert (Coleridge Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Conditions were required to mitigate the impact of the application on neighbours. The character of Cherry Hinton Road should be considered.
- ii. Asked that condition 4 be amended to have a 2m high fence on the eastern boundary of the development.
- iii. People should be mindful of the tree to the rear of no.175 which overhangs the application.

Councillor Smart proposed an amendment to the Officer's recommendation that condition 4 be amended so that appropriate boundary treatment would be chosen due to the amenity of 175-177 Cherry Hinton Road occupants and neighbours.

This amendment was **carried unanimously**.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the revised conditions recommended by the officers (changing the reason for condition 4 to the following):

Reason: To ensure an appropriate boundary treatment is implemented so as to protect the residential amenity of adjoining residents. (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11 and 3/12).

15/126/plan15/0557/FUL - Langham House, Histon Road

The Committee received an application for full planning permission.

The application sought approval for demolition of 6 garages and erection of 4 apartments with associated parking, bin storage and Landscaping.

Mr Morris (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/127/plan 15/0380/FUL - 2 Tenison Road

The Committee received an application for temporary planning permission.

The application sought approval for 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).

Councillor Smart proposed an amendment to the Officer's recommendation that a travel plan be included in the management plan for 2 Tenison Road.

This amendment was **carried unanimously**.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers with the following additional condition and amendment to condition 3:

"Within three months of this decision, a management, travel and community liaison plan for the use of the application premises shall be submitted to the local planning authority for approval.

Activities within 2 Tenison Road shall take place thereafter only in accordance with the approved plan.

Reason: To ensure that the use hereby permitted does not have an unacceptable impact on the residential amenity of neighbours or on the highway network. (Cambridge Local Plan (2006) policies 3/4 and 8/2)

CONDITION 3 was amended to read:

“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 under condition 4.

Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)”.

15/128/plan 15/0663/FUL - 70 Paradise Street

The Committee received an application for full planning permission.

The application sought approval for erection of a three storey building to accommodate 5 studio flats, together with minor alterations to the rear of existing building.

The Planning Officer referred to the amended recommendation set out on the amendment sheet:

Pre-Committee Amendments to Recommendation: Additional Construction Method Statement to read as:

“Prior to the commencement of development of any reserved matters approval, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The CMS shall demonstrate how the construction of the reserved matters approval accords with the details of construction criteria A-U (except criteria E) of the Construction Environmental Management Plan (CEMP). In addition to criteria A-V, the CMS shall also provide a specific construction programme and a plan identifying: the contractor site storage area/compound; screening and hoarding locations; access arrangements for vehicles, plant and personnel; building material, plant and equipment storage areas; the parking of vehicles of site operatives and visitors; and the location of contractor offices. Thereafter the development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13)."

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the amended officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers (including additional condition set out above).

15/129/plan 15/0687/FUL - 109 Perse Way

The Committee received an application for full planning permission.

The application sought approval for a two storey side extension (following demolition of existing garage/utility) and change of use to a house in multiple occupation.

Mr Stone (Applicant) addressed the Committee in support of the application.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/130/plan 15/0600/FUL - 1 Belvoir Road

The Committee received an application for full planning permission.

The application sought approval for a rear box dormer, including a Juliette balcony.

The Officer referred to the amendment sheet and said the pre-committee recommendation had been revised from "refusal" to "Committee is asked to agree that the application can be determined under delegated powers" as issues had been addressed.

The Committee:

Unanimously resolved to reject the officer recommendation to agree that the application could be determined under delegated powers.

Resolved (by 7 votes to 1) to approve the application contrary to the officer recommendations 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.

15/131/plan15/0299/FUL - 8 College Fields

The Committee received an application for full planning permission.

The application sought approval for 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.

Mr Hare (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/132/planCE/5622 - 27 Babraham Road

The Committee received a report from the Planning Enforcement Officer requesting 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.

The Committee:

Unanimously resolved to instruct officers not to serve the enforcement notice for Breach of condition 2 of C/97/0695 that was authorised in June 2014.

15/133/plan EN/337/14 - 213 Huntingdon Road

The Committee received an application for planning enforcement action to be taken due to a breach of condition relating to separate use of an annex.

Mr Salam (Occupier) made the following points:

- i. The annex had originally been intended for use by his Mother so she could live near the family home.
- ii. Although the annex had been built, it was not used as his Mother passed away. The annex remained empty until circa 2014.
- iii. As the annex was unused living space, it was rented out to a mutual friend.
- iv. The current use does not impact on neighbours' amenity. There are no negative issues eg noise or lack of light. There is no difference in renting out the annex to a family friend compared to it being used by Mr Salam's Mother.
- v. Due to the wording of conditions, it is difficult to comply with them in their current form.

The Committee:

Unanimously resolved to accept the officer recommendation to:

- i. 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. Authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- iii. 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 noncompliance with the enforcement notice.

The meeting ended at 4.40 pm

CHAIR

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

1.0 Central Government Advice

- 1.1 **National Planning Policy Framework (March 2012)** – sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
- 1.2 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 1.3 **Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

2.0 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

3.0 Cambridge Local Plan 2006

3/1 Sustainable development

3/3 Setting of the City

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/9 Watercourses and other bodies of water

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

3/13 Tall buildings and the skyline

3/14 Extending buildings

3/15 Shopfronts and signage

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

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

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

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

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

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

- 10/1 Infrastructure improvements

Planning Obligation Related Policies

- 3/7 Creating successful places
- 3/8 Open space and recreation provision through new development
- 3/12 The Design of New Buildings (*waste and recycling*)
- 4/2 Protection of open space
- 5/13 Community facilities in Areas of Major Change
- 5/14 Provision of community facilities through new development
- 6/2 New leisure facilities
- 8/3 Mitigating measures (*transport*)
- 8/5 Pedestrian and cycle network
- 8/7 Public transport accessibility
- 9/2 Phasing of Areas of Major Change
- 9/3 Development in Urban Extensions
- 9/5 Southern Fringe
- 9/6 Northern Fringe
- 9/8 Land between Huntingdon Road and Histon Road
- 9/9 Station Area
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

4.0 **Supplementary Planning Documents**

- 4.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.
- 4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 4.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 4.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 4.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

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

Eastern Gate Supplementary Planning Document (October 2011)

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

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

5.0 **Material Considerations**

Central Government Guidance

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

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

5.2 **Written Ministerial Statement: Planning for Growth (23 March 2011)**

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

5.3 City Wide Guidance

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

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

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

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

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

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

Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) - a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.

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

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

Cambridge City Council (2011) - Open Space and Recreation

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

The strategy:

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

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

Balanced and Mixed Communities – A Good Practice Guide (2006)

– Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)

- Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change and as a material consideration in the determination of planning applications and appeals.

A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006)

- Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridge Sub-Region Culture and Arts Strategy (2006)

- Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridgeshire Quality Charter for Growth (2008)

– Sets out the core principles of the level of quality to be expected in new developments in the Cambridge Sub-Region

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

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

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

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

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

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

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

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

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

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

5.6 Area Guidelines

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

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

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

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

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

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

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

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

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

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

Historic open space guidance.

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

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

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

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

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

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

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

PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0398/FUL	Agenda Item	
Date Received	27th February 2015	Officer	Mr Tony Collins
Target Date	29th May 2015		
Ward	Abbey		
Site	8, 10 And 10A Cheddars Lane And 351-355 Newmarket Road Cambridge Cambridgeshire CB5 8LD		
Proposal	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.		
Applicant	Wrenbridge (Cheddars) Lane C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The loss of the existing uses on site, including some Class B2 uses, is in accordance with policy 7/3 of the Cambridge Local Plan 2006 and guidance in the Framework.</p> <p>The proposal would not have an unacceptable impact on the residential amenity of neighbouring occupiers.</p> <p>The proposal would create a high-quality living environment for future occupiers.</p> <p>The proposal not to provide car parking space on site is acceptable, and in accordance with policy 8/10 of the Cambridge Local Plan 2006 and</p>
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	government guidance on sustainable transport in the Framework.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site (0.72 ha) is on the north-west side of Newmarket Road, immediately beyond its junction with Cheddars Lane. It is broadly L-shaped, extending approximately 130m north-west from Newmarket Road, and approximately 130 north-east from Cheddars Lane, partly encircling the retail site which accommodates the premises of Wickes and Staples.
- 1.2 The site faces the Tesco car park across Cheddars Lane and is surrounded by mixed uses, with terraced houses to the south-west on the corner of Cheddars Lane and to the north on Stanley Road, the Kingdom Hall to the north-east, and the City Church and small commercial and industrial units to the north-west on Cheddars Lane.
- 1.3 The site lies outside the Riverside section of City of Cambridge Conservation Area No.1 (Central), the nearest point of which is about 90m away to the NW, at the entrance to the Museum of Technology site. The site is not a protected industrial site. It lies outside the Controlled Parking Zone. A small portion of the Newmarket Road frontage of the site, along with the adjoining terraced houses at 1-7 Cheddars Lane, and the whole of the Wickes/Staples site (393-395 Newmarket Road) lie within Character Area 2 of the Newmarket Road Suburbs and Approaches Study 2011. The Wickes/Staples building is considered in the study to be one which detracts from the character of the area. There are no protected trees on or adjacent to the site.

2.0 THE PROPOSAL

- 2.1 The application proposed 321 student rooms, arranged in ten buildings spreading out from an entrance and porters' lodge at the western corner of the site where the two arms of the 'L' meet on the Cheddars Lane frontage.

- 2.2 Block J(two storeys) would occupy the relatively short (24m) frontage on Newmarket Road. This block, and Blocks A(2/3 storeys), H(3/4 storeys) and I(3 storeys) would surround two lawned courtyards in the south-eastern arm of the site. Block A would face on to Cheddars Lane, while Blocks H and I would back on to the Wickes and Staples site. Block A would include the porters' lodge on the ground floor, and Block H would include communal facilities including a laundry and a large common room facing into the 'first', paved, courtyard immediately behind the porters' lodge.
- 2.3 The northern arm of the site would be occupied by a long landscaped space, reaching from the entrance gates to the northern edge of the site. This would be flanked by Blocks B(three storeys), C(four storeys), D(four storeys) and E(three storeys) on the north-west side, and Blocks F(three storeys) and G(four storeys) on the south-east side. Single-storey cycle stores would fill the spaces between most of the blocks.
- 2.4 The student blocks would all be located on, or very close to, the site boundaries. They would face inwards to the courtyards, with the corridor elevations on the outward sides, so the buildings would screen the central spaces from the commercial and industrial uses and car parking which largely surround the site. All of the blocks would have pitched roofs, and the uppermost storey of all the blocks (except Block J) would be within the pitched roof, lighted either by dormer windows or rooflights.
- 2.5 The application is supported by the following documents.
- ☐ Design and Access Statement
 - ☐ Planning Statement
 - ☐ Transport assessment
 - ☐ Site analysis document
 - ☐ Flood risk assessment
 - ☐ Landscape strategy
 - ☐ Tree survey and arboricultural assessment
 - ☐ Sustainability checklist
 - ☐ Sustainability statement
 - ☐ Renewable energy report
 - ☐ Acoustic assessment
 - ☐ Daylight and sunlight assessment

- ☐ Historic environment assessment
- ☐ Public Art strategy
- ☐ Student Management Plan
- ☐ Environmental Phase One Desk Study
- ☐ Ground Investigation report
- ☐ Phase I and II Geo-environmental study
- ☐ Utility Services report
- ☐ Air quality assessment
- ☐ Ventilation and extract strategy
- ☐ Ecological appraisal
- ☐ Archaeology statement
- ☐ Lighting strategy

2.6 In June 2015, the applicants submitted amended drawings together with a revised section of the Design and Access Statement and additional documents. The principal amendment was to reduce the height of the northernmost elements of Blocks E and F. The submission also made amendments to the disabled room layouts, and the disabled car parking provision, and substituted hedge planting for tree planting at the northeast corner of the site. All these amendments were in response to comments made by objectors and consultees. These amendments, which reduce the total number of student rooms proposed from 321 to 318, have been notified to neighbouring residents.

3.0 SITE HISTORY

3.1 Site history since 2000 is shown below. The picture is complicated, because the parcel of land contains a number of curtilages. All of the applications below refer to only a part of the present application site.

	Description	Outcome
02/1188/FP	Change of use of 355 Newmarket Road to one 3-bedroomed house, including alterations to existing building	Refused
06/0975/FUL	Demolish existing building (355 Newmarket Road) and erect new 3 storey building with 6 dwellings and one office suite unit	Refused

07/0987/ADV	Illuminated and non-illuminated signage	Approved with conditions
08/1002/FUL	Provision of a new car showroom, internal sales area, car accessories and part sales, workshop, service bays and ancillary offices	Approved with conditions
11/0493/FUL	Change of use (of 351 Newmarket Road) from B1 (Business) to A2 (Financial and Professional Services - Estate Agency) or B1 (Business) in the alternative	Approved with conditions
13/1858/FUL	Existing building (John Banks) to be re-clad to create a new car showroom, with new mezzanine floor. Additional building link also to be constructed	Approved with conditions

4.0 PUBLICITY

- 4.1 Advertisement: Yes
 Adjoining Owners: Yes
 Site Notice Displayed: Yes
 Development Control Forum (Meeting of 8th July 2015). The minutes of the Forum are not yet published, but will be attached to the amendment sheet for Committee.

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
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Cambridge Plan 2006	Local	3/1 3/4 3/7 3/8 3/11 3/12 3/14 4/4 7/3 7/10 8/2 8/3 8/5 8/6 8/9 8/10 10/1
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water</p>

	Management Plan (2011) Cambridge City Council (2011) - Open Space and Recreation Strategy Cambridgeshire Design Guide For Streets and Public Realm (2007) Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Cambridge City Council (2002)–Eastern Corridor Area Transport Plan: Newmarket Road Suburbs and Approaches Study (October 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, the following policies in the emerging Local Plan are of relevance:

Policy 32 Flood risk

Policy 41 Protection of business space

Policy 46 Development of student housing

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

First advice (18th March 2015)

- 6.1 Conditions required relating to: traffic management plan for construction; improvement of junction where cycle/pedestrian route to east of Tesco meets Riverside; provision of signage to direct cyclists away from Newmarket Road; management plan for student arrival and departure

Second advice (9th April 2015)

- 6.2 Objection: insufficient information regarding:

- ☐ Suitability of pedestrian and cycle links
- ☐ Student Management Plan
- ☐ Disabled car parking spaces
- ☐ Cycle parking
- ☐ Travel Plan
- ☐ Potential for 'existing use' trip generation

Third advice (16th June 2015)

- 6.3 Continued objection: deficiencies remain in the information submitted with respect to: bus stops, time to travel to rail station, accident data, Brunswick House traffic survey, Student Management plan, trip generation of existing uses, potential trip generation of proposal, and Travel Plan.

Fourth advice (13th July 2015)

- 6.4 Additional advice is acceptable. Application supported subject to legal agreement to secure contributions to Midsummer Common cycle improvements, Riverside/Tesco path improvement and bus stop on Newmarket Road, and conditions to require updated Travel and Student Management plans.

Head of Refuse and Environment

- 6.5 No objection subject to conditions to control: assessment and mitigation of contaminated land, construction hours, construction deliveries and collections, construction noise and vibration, dust, ventilation and plant noise. Informatives are also sought.

Urban Design and Conservation Team

- 6.6 Support the proposed arrangement of buildings which fronts on to and defines the routes and open spaces and backs onto and secures the hostile boundaries of the adjacent industrial and retail developments. The arrangement and hierarchy of routes, buildings and open spaces is supported and responds to the north-south and east-west axis of the site.

Scale and massing

- 6.7 Scheme proposes buildings up to 3.5 storeys in height (12.8m to the ridgeline) and is below the 13m trigger for the skyline guidance. Nonetheless the submitted D&A Statement (section 6.5 Massing and Form) includes 7 3D strategic viewpoints showing the proposed scheme in the wider context from the Elizabeth Way Bridge, Rowlinson Way, the Retail Park, the Newmarket Road Railway Bridge, Riverside and Stourbridge Common. Views of the proposed scheme from Elizabeth Way Bridge, Rowlinson Way and the Newmarket Road Railway Bridge are limited and only the very tops of the ridgeline and chimneys are visible. As a result the buildings appear to form part of the existing urban skyline and fit comfortably in their surroundings.
- 6.8 Proposed scale and massing of buildings is acceptable in design terms and relates well to the domestic scale of the neighbouring terraced houses on Cheddars Lane and Newmarket Road and the large warehouse and retail sheds to the north of the site.
- 6.9 ADF [Average Daylight Factor] and APSH [Average Probable Sunlight Hours] assessments indicate that BRE recommendations for daylight and sunlight are met. All of the rooms assessed meet the BRE recommended levels of internal daylight. The level of daylight to rooms is therefore acceptable. For the purposes of the assessment the amenity spaces have been divided up into 3 areas. The results of the APSH test show that all 3 areas meet the

BRE recommendations for sunlight. The level of sunlight to these spaces is therefore acceptable.

Elevations and materials

6.10 Elements supported

- ☐ Contemporary approach to materials and elevations.
- ☐ Proportions of buildings, pitched roofs and chimneys – they replicate to some extent the proportions of existing neighbouring terrace houses.
- ☐ Projecting bay windows on Newmarket Road – they help to articulate and add interest to this elevation.
- ☐ Stepped roof form, stepped building line, and slate-clad recess of Building A - they help break up the length of the block into three distant elements.
- ☐ Proposed palette of materials, which is of a high quality.
- ☐ Treatment of visible gable ends with active windows, ‘blind’ windows and recessed and projecting chimneys forming vertical breaks.
- ☐ Zinc-clad chimneys incorporating flue/extracts from kitchens and bathrooms and forming part of the heating strategy. These emulate the forms of nearby terrace houses and help articulate the roofline.
- ☐ Articulation to rear of Buildings C, E, F, G, H with large recessed brick panels
- ☐ Fritted glazing and high-level rooflights in Block I to reduce overlooking towards 1-7 Cheddars Lane.

6.11 Concerns

- ☐ Fritted glazing – full details not shown. Condition required.
- ☐ Steel ventilation panels alongside windows could cause staining – large scale details to show how rainwater is shed should be required by condition. Possibly bronze or copper would be preferable.

Amenity space, landscape and thresholds

6.12 Approach with large open green spaces extending along the north-south and east-west axis of the site is supported; buildings are arranged to enclose and front onto the open spaces providing opportunities for activity and surveillance. Planted thresholds in

front of all of the ground floor student rooms are particularly supported and improve the privacy of occupants from passers-by.

Boundary treatments

6.13

1.1m steel railings along Newmarket Road and Cheddars Lane frontages	Acceptable
Close boarded fences to the rear of Buildings D and E	Acceptable
Close boarded fencing to rear of No. 1-7 Cheddars Lane	Not sufficiently robust – brick wall should be secured by condition
Existing steel palisade fencing retained to rear of Buildings B and C	Not required – buildings should form boundary. Condition should require removal of this fence.
vehicular access gates	More detail needed

6.14 Cycle stores acceptable in location and arrangement. Plan showing capacity and allocation required.

Conclusion

6.15 Supported, subject to conditions on materials, fritted glazing, boundary treatments, entrance gates, and cycle parking

Senior Sustainability Officer (Design and Construction)

Sustainable design and construction

6.16 Application proposes the following. All are supported.

- ☐ Targeting a BREEAM score of ‘very good’;
- ☐ Hierarchical approach to reducing energy use and associated carbon emissions;
- ☐ Consideration given to the adaptability of buildings for future residential uses, although it is noted that consideration to other issues such as parking would need to be given should any future changes be anticipated;
- ☐ Use of permeable paving and geocellular storage to reduce surface water run-off rates, although it is noted that the Council’s sustainable drainage engineer has raised the issue of

consideration needing to be given to the long-term maintenance of pumps;

- Targeting of water consumption levels of 105 litres/person/day, which will be achieved through the use of low flow fittings and water efficient appliances.

6.17 Rainwater collection for irrigation of landscaping should be encouraged.

Renewable Energy Provision

6.18 Two technologies are proposed, namely gas fired Combined Heat and Power (CHP) and 290m² of photovoltaic panels. This is policy compliant. Renewable Energy Report shows that the use of these two technologies reduces carbon emissions at a level in excess of the minimum requirements set out in Policy 8/16.

6.19 No specification for the CHP engines given. Condition required to secure details including maintenance.

Conclusion

6.20 Approach being taken to sustainable design and renewable and low carbon energy is supported.

Access Officer

First advice (8th April 2015)

6.21 Concerns about lack of clarity on level changes in the landscape scheme, absence of outdoor seating for disabled occupiers, poor design and location of accessible rooms, number of accessible rooms and associated car parking spaces

Second advice (9th July 2015 – following amendments)

6.22 Support the application. Access to, and parking on the site is as requested. Access and provision to the communal areas is good. Now the accessible room toilets have been moved, these rooms could be good if proper shelving and wardrobes are fitted.

Head of Streets and Open Spaces (Landscape Team)

- 6.23 Landscape proposals generally acceptable, but a number of suggestions for changes to detail of planting. Conditions required to control landscape details, landscape management and boundary treatment.

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

- 6.24 Further details of cycle parking required. Sheffield stands for visitors required where double-decker cycle parking is used. Improvements to cycle path/Riverside junction should be secured by condition.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.25 Offers a substantial reduction in flows compared to present situation. Surface and foul drainage proposals are both dependent on pumping, so it is essential pumps are maintained.

Environment Agency

- 6.26 Acceptable subject to conditions to control assessment and remediation of ground contamination and a scheme for surface water drainage.

Anglian Water

- 6.27 Surface water strategy and flood risk assessment are unacceptable. Reliance on pumps to handle surface water drainage not considered appropriate. Condition required to ensure appropriate surface water drainage solution.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.28 Suggestions made about remote monitoring of CCTV, and protocol for admitting visitors during unstaffed hours. Concerns expressed about implications of any future change to ungated residential accommodation.

Cambridgeshire County Council (Archaeology)

- 6.29 To NE of mediaeval monastic precinct of Barnwell Priory. Evidence of Iron Age, Roman and Saxon occupation in the vicinity. Archaeological investigation required.

Streets and Open Spaces (Trees)

- 6.30 No concerns about tree losses, but concerns about crown reductions to trees T2, T3 and T6. Continued crown reduction into the future to retain acceptable clearance is not normally appropriate. Notwithstanding this the loss to T2 and T3 will be mitigated by the line of trees continuing westerly. Relationship between development and T6 is more problematic. Tree can tolerate the building footprint, but even revised proposal allows insufficient space for crown development. Further reduction in upper storey of Block F is required.

Design and Conservation Panel (Meeting of 14th January 2015)

- 6.31 The full minute of the Panel meeting is as follows:

Establishing a new urban pattern.

- 6.32 This is a challenging site set within a complex hinterland currently dominated by low-grade industrial uses. Within this context, the provision of new green spaces and the re-ordering of the built environment is broadly welcomed. Nevertheless, it is the Panel's view that this scheme has to be designed to establish a pattern of development that will help to shape a coherent new neighbourhood in the future.
- 6.33 Although policy may suggest that the surrounding uses may remain for some time, future-proofing this development for example in terms of the quality of its construction, potential overlooking and the provision of linkages is important, as this area will, at some point, be radically improved beyond its present run down state. This site straddles the block and will play an important role in setting the pattern for future development and the permeability of the neighbouring street network.

Permeability.

- 6.34 The Panel notes that the scheme is currently a single access site, largely for security reasons. Any future requirement for housing provision in this area however would result in this site becoming part of a closer urban network of streets, which it would need to link into. The design team is asked to include this among current considerations and retain the provision to ensure that openings for access points from adjacent streets are available.

Landscaping

- 6.35 Scale of internal spaces. The Panel were comfortable with the distribution of volumes and the heights of buildings across the site. However, the sections appeared to suggest that the central space will seem more like a broad street frontages of the scale, say, of Bateman Street. In this context, the Panel questioned the informal treatment of the landscaping in what would be likely to feel a quite urban setting. A greater degree of formality is encouraged therefore (including street furniture). The Panel would recommend further exploration into using tree species of greater scale that would work well within the urban fabric -such as at St Matthew's Gardens.
- 6.36 Outdoor recreation areas. The Panel felt there was currently insufficient provision across the site for outdoor gathering and recreation. The pattern of diagonal paths seems to follow desire lines to entrances, rather than creating coherent routes or spaces. The Panel felt that the landscaping design should be further developed to both define the street routes and the character of the various spaces.
- 6.37 Tree planting along Newmarket Road and Cheddar's Lane. The long-term management and the size of trees at maturity need to be considered. As the landscaping needs to have a presence from the start, the Panel would welcome a greater idea of what the trees will look like, particularly on the southern edge where the proposed tree planting is quite dense.
- 6.38 Edge treatments to site. This would benefit from further work as, at present, the boundary edge treatment consists predominantly of trees intended to obscure views of the industrial sheds. The efficacy of this proposal needs to be reviewed.

6.39 Elevational treatments.

Attention needs to be paid to the rear of the blocks where single aspect blank facades form the boundaries of the site. In future, these elevations may well be exposed and need to relate to adjacent schemes, so should be designed with care from the start. The Panel would recommend that some of the more pleasing features such as the dormer windows and careful attention to brick detailing are used within the internal site elevations and not reserved exclusively for the Newmarket Road frontage.

6.40 Internal communal spaces.

The Panel felt these spaces were small and might fail to meet the needs of the students. The Panel expressed some concern as to the quality of the north-facing living spaces as these would be permanently in shade.

6.41 Land contamination.

The Panel would like to see the degree of contamination verified in depth on this site which has a long history of industrial uses.

6.42 Future adaptability of student housing.

The Panel pointed out that the market for this type of student studio housing might change and the development would then need to be converted into a different type of housing. The potential for future adaptation of the student accommodation into apartment units should be considered at the outset, particularly in terms of their construction. Structural cross wall construction or CLT timber framing may well inhibit the future opening up of the narrow frontage spaces to form larger rooms.

6.43 Environmental credentials/use of renewables.

The Panel were less than impressed by the tick-box approach to the scheme's environmental credentials. The Panel would like to stress that there is an argument for looking at passive solutions first and an understood logic for heating control in this type of student rooms, before the installation of PV is considered. The Panel note that all rooms with the exception of those facing

Newmarket Road will be naturally ventilated but this and other features need to be presented with greater conviction as to how it is achieved.

6.44 Conclusion.

Should Cheddar's Lane one day have a life beyond the quasi-industrial, the establishing of future linkages to and from this long, sprawling site would make a significant difference to the quality of the wider area. As Cambridge has witnessed a phenomenal rise in the provision of student accommodation over a relatively short time period, it would not be unreasonable to question whether such a phenomenon could be sustained. This development could potentially establish a pattern of adaptability, both in terms of providing an urban landscape to set the agenda for the future of the area, through to creating a form of student housing that can ensure a robust future both in terms of the sustainability of its form and construction.

6.45 In broad terms, this is a commendable scheme, which will benefit from further work to develop the landscaping and the details. The basic layout does not present the Panel with any fundamental concerns.

6.46 **VERDICT – GREEN (unanimous)** subject to the key issues highlighted being taken forward for further development.

Disability Consultative Panel (Meeting of 31st March 2015)

6.47 The full minute of the Panel meeting is as follows.

6.48 Accessible unit. The bedroom and bathroom should be located next to each other 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.

- 6.49 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.
- 6.50 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 Representations have been received from the owners/occupiers of the following addresses:

4 Cheddars Lane
26 Cheddars Lane
38 Cheddars Lane
20 Earl Street
2 Grebe Road
45 Mill Road
477 Newmarket Road
35 Oyster Row
37 Oyster Row
82 Riverside
Riverside House, Riverside
5 Stanley Road
11 Stanley Road
50 Stanley Road*
61 Stanley Road
63 Stanley Road*
65A Stanley Road
69 Stanley Road
80 Stanley Road
85 Stanley Road*
106 Stanley Road
147 Stanley Road
152 Stanley Road
158 Stanley Road
8 St Bartholomew's Court
48 St Bartholomew's Court
12 Water View*
30 School Lane, Fulbourn

7.2 and also from

CHS Group (owners and managers of 25-31 Stanley Road)*
Cambridge Cycling Campaign
Riverside Area Residents Association*

Those marked with an asterisk above have also commented on the revised proposal.

7.3 The representations can be summarised as follows:

Principle

- ☐ Site could be used for affordable housing
- ☐ Contrary to 2006 and 2014 local plan policies regarding preservation of business uses
- ☐ Designated as light industrial
- ☐ Current mix of uses valuable to the local community
- ☐ Loss of jobs
- ☐ ARU does not support it – possible reversion to residential would be too intensive
- ☐ Precedent
- ☐ Site not unsightly at present
- ☐ No benefits to public

Design and context

- ☐ Scale and massing too great
- ☐ Impinges on the skyline
- ☐ Permission previously refused for two-storey building at Kingdom Hall

Neighbour amenity

- ☐ Noise
- ☐ Lack of on-site professional support
- ☐ Buildings D, E and F – overbearing
- ☐ Change in ground level will increase overbearing impact
- ☐ Overshadowing
- ☐ CCTV intrusive in neighbouring gardens
- ☐ Site lighting may impact on neighbour amenity at north end of site
- ☐ Impact of trees

Traffic and parking

- ☐ Would intensify high existing demand for on-street car parking space
- ☐ Impossible to police student use of cars
- ☐ Allowing occupiers two car ownership transgressions before sanction is too lenient
- ☐ Should be between 32 and 64 car parking spaces on site.
- ☐ Should fund residents' parking
- ☐ Insufficient car parking for disabled students
- ☐ Loss of residents' car parking spaces outside the present garage
- ☐ Impact elsewhere of vehicles waiting for drop-off slots at term ends
- ☐ Parking by construction workers

- ☐ Entrance via Kingdom Hall site unacceptable
- ☐ Increased traffic on Newmarket Road and Riverside
- ☐ Transport assessment underestimates impact of additional traffic through using potential rather than actual totals for the existing uses, and assuming future occupiers will generate only 4 movements per day rather than the ECATP figure of 8.5 movements.
- ☐ Risk to students from car-dominated nature of routes to places of study

- ☐ Double-stacker cycle parking not appropriate

Other issues

- ☐ Conflict of interest because of Council's ownership of the land

7.4 Riverside Area Residents Association submitted a further detailed objection to the application on 15th July 2015. In addition to providing images to support RARA's concerns about the amended plans, a review of the applicants' photomontages and detailed comments explaining RARA concerns about them, and an additional visual appraisal of the proposal, the representation lists the following key objections to the proposal (the RARA letter lists these under nine headings, but I have separated some of them out for clarity)

1. Principle of development is unsound because no independent evidence is provided of sufficient Class B2 land elsewhere
 2. No affordable housing is provided
 3. Buildings D, E and F cause unacceptable sense of visual domination for neighbours
 4. Harm to nearby screening trees
 5. Impact of noise from student social areas on neighbours
 6. Impact of noise from adjacent industrial uses on future occupiers of the development
 7. Blocking of key emergency access route
 8. Inadequate car parking
 9. Site not sustainable because of dangers on cycling and walking routes
 10. Traffic impact
 11. Demolition of existing buildings on Newmarket Road unacceptable
- 7.5 Representations have also been received from Anglia Ruskin University. The representations can be summarised as follows.
- 7.6 Anglia Ruskin is currently unable to offer first year students sufficient cluster accommodation in a hall-type setting. The main demand is for cluster accommodation, and it is the most appropriate type of accommodation to foster the development of community and successful independent living.
- 7.7 Anglia Ruskin is mentioned as a beneficiary of this scheme. The location is appropriate, the cluster accommodation is welcome and some of our students will find the scheme attractive. If the developers wish to provide accommodation for continuing students, a mix of cluster, shared houses and studios on the site would be much more beneficial and would cater for a wider range of students. The large number of studios proposed here is not supported. There is an increasing proportion of studios coming forward and the proportion of studio to cluster availability in Cambridge will be approaching 45% if this scheme proceeds as planned.
- 7.8 This scheme should be regarded as a speculative student housing scheme rather than for the specific benefit of Anglia Ruskin.

- 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
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. Trees
11. Third party representations
12. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 7/10 of the Cambridge Local Plan 2006 permits the development of speculative student accommodation only if its occupation is limited to full-time students of the city's two universities, if it is appropriately sited for those two institutions, and if it makes appropriate provision to accommodate disabled students and to prevent the occupiers keeping cars in the city. I will deal with the issues of disabled occupiers and car parking under the relevant headings below. In my view, although not immediately adjacent to the main faculty buildings of either university, the site is located close enough to both to make cycle travel convenient, and is well sited for the main ARU campus. Subject to a legal agreement restricting occupancy, it is my view that the application satisfies the first two criteria of Policy 7/10.
- 8.3 Representations question whether the accommodation is required, and point to the comments from Anglia Ruskin University which suggest that the accommodation mix in the proposed development is not ideal and contains more studio-

type accommodation than the university would prefer. In response, the applicants have submitted an assessment carried out by Bidwells, which suggests that the proposal would satisfy only about 3% of the current 10,000-bed shortfall in purpose-built student accommodation in the city, and would be likely to be fully let immediately, as have recent student accommodation developments at the Brunswick and Rail Yard. In my view, this assessment needs to be treated with caution, although it may give some guidance to the current situation with respect to student accommodation. In any event, Policy 7/3 does not include any requirements for a particular mix of accommodation types, and in my view, the Council would have no basis to refuse the application on this basis.

- 8.4 Policy 7/3 of the Cambridge Local Plan 2006 seeks to protect existing industrial and storage space. The application site is not within a protected industrial site, but policy 7/3 places restrictions on the redevelopment of industrial sites wherever they lie in the city. Two parts of the application site are currently in Class B2 industrial use: the vehicle repair workshops at 8 and 10A Cheddars Lane. In my view the applicants are correct in their submission that the majority of the site is currently in sui generis car sales use. To satisfy local plan policy 7/3 on the protection of industrial and storage space, an application which involves the loss of the current Class B2 use on the site has to meet two tests. It must accord with subsection (a) of that policy, which requires a demonstration that either there is a sufficient supply of such floorspace in the city, or that vacancy rates are high. It must also meet one of the other four criteria in the policy, which are as follows:

b) the proposed development will generate the same number or more unskilled or semiskilled jobs than could be expected from the existing use; or

c) the continuation of industrial or storage uses will be harmful to the environment or amenity of the area; or

d) the loss of a small proportion of industrial or storage floorspace would facilitate the redevelopment and continuation of industrial or storage use on a greater part of the site; or

e) redevelopment for mixed use or residential development would be more appropriate

- 8.5 The applicants have submitted information about the availability of similar Class B2 accommodation elsewhere. I have submitted this information to the Planning Policy Manager, who has confirmed that she considers this information demonstrates that there is a sufficient supply of such accommodation and that the proposal therefore meets the test of part (a) of Policy 7/3. I concur with this view.
- 8.6 The applicants have suggested that the proposed development will create an equal number of semi-skilled or unskilled jobs as the present Class B2 uses on the site. They do not provide any information about current employment in these B2 uses, but suggest that the development would create employment for a site manager, an assistant site manager, a maintenance operative, community ambassadors, and contract cleaners. I do not consider that the site manager or assistant site manager posts can be considered as semi- or un-skilled. I do not consider that the community ambassadors, who will be students living on site, can be considered as employees, and I am aware that the contract cleaning work is likely to provide only part-time posts. Since I do not have any information on how many contract cleaners would be employed, or how many semi- or unskilled jobs exist in the B2 uses presently on site it is difficult to assess this issue. It may be that the maintenance and cleaning posts generated are approximately equal to the vehicle repair jobs currently existing, but I do not have conclusive evidence.
- 8.7 The applicants have also argued that the continuation of industrial use, in close proximity to the residential curtilages which face Cheddars Lane to the south-west of the site would be harmful to the amenity of those occupiers. I agree that industrial activity in close proximity to these dwellings may not be ideal, although I am not aware that the existing uses have a significant harmful impact.
- 8.8 The applicants further argue that the harmful neighbour impact of the continuation of industrial use, coupled with the benefits of providing additional student accommodation mean that the application meets test (e) of policy 7/3 because it would, for these reasons, be more appropriate than the present use.

8.9 In addition, the applicants have submitted additional information about the poor standard of the existing Class B2 accommodation on the site, citing its low ceiling height, subsidence problems, poor insulation and absence of an Energy Performance Certificate. The applicants suggest that these defects will shortly render the present buildings unlettable, and that upgrading them would not be viable.

8.10 In summary, I am of the view that the application clearly meets the test in subsection (a) of policy 7/3; there is sufficient supply of this type of floorspace in the city. I do not consider that the applicants have conclusively demonstrated that the application meets test (b) (by providing equivalent employment opportunities), test (c) (by eliminating industrial uses harmful to residential amenity, or test (d) (by ensuring a more appropriate overall use of the site). However, I am also of the view that it is difficult to demonstrate conclusively that the proposal does not meet these tests. In these circumstances, it is important to have regard to the National Planning Policy Framework. Paragraph 22 of the Framework states:

Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. ... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

8.11 Given the low likelihood of the B2 premises on this site providing acceptable industrial or storage floorspace into even the medium term, the clear availability of such floorspace elsewhere in the city, the absence of a clear case that the application fails to satisfy any of tests (b), (c) or (e) of policy 7/3, and the clear advice above in the Framework, it is my view that the application must be regarded as being in accordance with policy 7/3 of the Cambridge Local Plan 2006 and with national planning guidance in the Framework.

8.12 Representations received argue strongly that the application should be refused, both because of the loss of the existing

industrial uses, and because it would act as a precedent for the loss of other industrial uses nearby. I have indicated above that I do not consider the loss of the existing B2 use to conflict with policy 7/3. I do not consider that approval of this application would create a precedent for further loss of B2 floorspace. Each application must be considered on its own merits, and in my view, nearby industrial units are not directly comparable to the two units considered here, either in their location or the nature of the premises.

- 8.13 Representations further argue that the existing John Banks part of the site should be regarded as being in use for vehicle repair within Class B2, and consequently that the overall loss of B2 floorspace is much greater than the application suggests. I do not accept this view; in my opinion the John Banks site is part of a car sales use which is sui generis, and any vehicle maintenance or repair which is taking place on that site is ancillary to the sui generis car sales use.
- 8.14 Representations have also strongly argued that the application site should be developed for housing. The site is not allocated for housing either in the 2006 local plan or in the 2014 Proposed Submission. Housing might be a very appropriate use for this site, but this application must be considered as it is, on its own merits. The desirability of the development of this site for housing could not be cited as a reason for refusal of the present application.

Context of site, design and external spaces

Scale and massing

- 8.15 The proposal uses blocks of different sizes, from two to four storeys, with the uppermost floor of the majority of the blocks contained within pitched roofs. I concur with the view of the conservation and urban design team that this scale, and its distribution across the site are appropriate. Representations argue that the prevailing character of the area is of two-storey house, and that the four-storey scale of much of the scheme is therefore inappropriate. I do not accept this view. The proposed development is in close proximity to two-storey houses in only two locations, to the rear of 1-7 Cheddar's Lane, and to the SW of Nos. 23-31 and 61-67 Stanley Road. In both these locations, the scale of the proposed buildings has been limited in a

manner which respects the context. The area around the site contains a mixture of buildings and spaces of different scales, and I do not consider that the scale of the proposed blocks would conflict with this heterogeneous character, stand out in an anomalous or jarring manner, or detract from the townscape.

- 8.16 One of the inconsistencies alleged in drawings by third parties would suggest that the height of Block D is greater than 13m, which would trigger a requirement for the submission of information in accordance with the Council's Tall Buildings and Skyline SPD. However, notwithstanding officers' view that the proposal did not trigger this requirement, the applicants have submitted relevant information to show the proposed buildings in context, and their likely impact on the skyline. The advice of the urban design team is that the proposal would not have a detrimental impact on the skyline, and I concur with this view.

Materials

- 8.17 In my view the palette of materials and the elevational details are appropriate. The broad approach, in which pitched roofs and chimneys are used to allude to the character of surrounding areas, the fenestration emphasises the vertical dimension of the accommodation blocks, giving them a 'terraced' quality, and a range of features are used to articulate and enliven the elevations, is a very positive one in my view, and all these features would contribute to the creation of an attractive living environment.

Amenity space and landscape

- 8.18 The landscape team are broadly satisfied with the proposal, but have a number of specific recommendations about planting. I concur with this view; in general I consider that the arrangement and extent of outdoor space on the site would create an attractive and convenient environment. The detail of planting and boundaries could be controlled by conditions.
- 8.19 In my opinion the proposal is compliant in design terms with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Public Art

- 8.20 The applicants have submitted a Public Art Delivery Plan. Its aspiration is the delivery of an appropriate public art contribution on site at the threshold on Cheddars Lane. Artist's brief and proposals for engagement with local stakeholders are included. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010. Acceptable implementation of public art can be secured by condition.

Renewable energy and sustainability

- 8.21 The sustainable development officer is satisfied with the approach proposed to both sustainable development and renewable energy. The development will comfortably exceed the minimum level of carbon saving required by the Council's policy. In my opinion, subject to the condition recommended to secure details of the energy technology and its maintenance, 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

- 8.22 The initial proposal demonstrated some serious shortcomings in the design of supposedly accessible rooms, which were highlighted by the comments of the Access Officer and Disability Access Panel. The applicant has subsequently discussed this issue in detail with the Access Officer and made significant amendments to the design of accessible rooms. The Access Officer is now completely satisfied that the concerns originally raised have been satisfactorily resolved, and in my opinion the proposal is compliant, in respect of inclusive access, with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.23 The site is largely bounded by industrial and commercial properties. I do not consider that the scheme raises any issues for the amenity of those working on or visiting these premises.

8.24 There are three locations where the site is in proximity to residential properties. Two are in the north-east corner, where the curtilages of the terrace of houses at 23-31 Stanley Road, and 61-67 Stanley Road, although they do not directly abut the site, are in close proximity to it. The closest point of Block E to No. 61 Stanley Road is at 35m. The closest point of Block F to No. 31 Stanley Road is at 15m. The third location is at the opposite end of the site, where blocks I and J lie behind Nos. 1-7 Cheddars Lane. Block J is 7m from No.1 Cheddars Lane. Block I is 19m from No.7 Cheddars Lane.

8.25 Blocks E and F are oriented at right angles to the potential lines of sight towards houses in Stanley Road. I do not consider that there are any issues of overlooking in this direction. Representations submitted have argued very strongly that the overshadowing and visual domination created for the occupiers of houses at 61-67 and 23-31 Stanley Road by the height and mass of Blocks E and F, even in the revised form now submitted, would be unacceptable, and that the applicants have overestimated the significance of the tree planting to the south-west of No.61 Stanley Road in screening views, and underestimated the effect of the fall in ground level immediately to the north-east of the application site boundary. The third parties concerned have submitted a visual assessment of the outlook from 63 Stanley Road, a review of the applicants' verified views and supporting documents, and also verified views of their own. I have considered this issue carefully. I have reviewed: the verified images submitted by the applicants; the review of these images submitted by objectors; the verified images submitted by the objectors themselves; and the daylight and sunlight assessment relative to BRE criteria submitted at my request by the applicants. I have also reconsulted the urban design and conservation team, following the most recent amendments to the scheme submitted by the applicants.

8.26 My conclusion, which is supported by that of the urban design team, is that Blocks E and F would not cause significant harm to the occupiers of houses in Stanley Road, either through overshadowing or through visual domination. As far as overshadowing is concerned, Nos. 61-67 are too far from the application buildings (35m or more) for this to be an issue. Information submitted by the applicants shows that daylight and sunlight levels at No.31 with the development in place would be

comfortably within BRE guidelines. Nos.23-29 are further from Block F and would therefore be affected less.

8.27 As far as visual domination and sense of enclosure are concerned, Buildings E and F would be clearly visible from neighbouring properties, with Building E particularly prominent from 61 and 63 Stanley Road, and Building F from 29 and 31 Stanley Road. Trees would provide a degree of screening, but I accept objector's assertions that these trees are not within the curtilage of the residential properties concerned, and therefore could subsequently be removed. I also acknowledge that in winter months, the tree belt would have little impact on the visibility of the proposed buildings from 61-67 Stanley Road. However, the full extent of Block E, including its whole north elevation (which would rapidly diminish in prominence as it runs west) would only occupy 20° of the 180° panorama from the rear of No.61 and only 23° from No. 63. The issue here is not whether the new building would be prominent within the outlook from No's 61-67, or whether it would alter the view significantly; I acknowledge that it would do both. The issue is whether it would result in an unacceptable degree of visual domination, or create an unreasonable sense of enclosure for these neighbouring occupiers.

8.28 The proposed buildings would be at least 35m distant from N^{os}. 61-67. They would not be wholly domestic in scale, but having four storeys, one of which is set within a pitched roof, they would in my view be only 'one-step-above' domestic. They would also occupy only a limited sector of the visual arc to the rear of these houses. In these circumstances, I do not consider that they would lead to unacceptable visual domination or an unreasonable sense of enclosure.

8.29 For occupiers of N^{os}. 23-31, the proposed Building F would be closer, but it would still occupy a limited sector of the outlook, and in this case the building would be at a more oblique angle, further towards the edge of the field of view, and not in the centre of the outlook from front windows at these houses. As with N^{os}. 61-67, I acknowledge that these buildings will change the view, but I do not consider that they will lead to significant visual domination or an unreasonable sense of enclosure.

8.30 I note that the objectors consultants have identified inconsistencies in drawings. These inconsistencies may

diminish the accuracy of the applicants' photomontages. At my request the applicants have checked the drawings, and they believe them, with one exception, to be correct. It is their view that the inconsistencies arise from the method the objectors' consultants have used to scale the drawings. The one error which the applicants acknowledge is that on drawing P107 the front elevation of the building is shown incorrectly at 0.45m higher than it is on drawings P108 and P109 (ie. the true situation is that the building is of a lesser scale than this drawing would suggest). I have not subjected the drawings to further checking. However, in my view, the inconsistencies are relatively small; the most serious alleged appears to be a 0.95m disparity in the ridge height of Block D between drawing PO31 and other drawings. Even if all the dimensions involved are taken as the maximum value, I do not consider that this would alter my assessment of the visual impact of the proposal.

8.31 Representations have asserted that the positioning of communal social areas (kitchen/living rooms) for students at the northern end of Block F, adjacent to No. 31 Stanley Road, would create unacceptable levels of noise for nearby occupiers. I do not consider that there is a significant risk of unacceptable noise levels at this point. The rooms concerned face into the site courtyard, away from the houses at 23-31 Stanley Road, and there are no windows on the northern or eastern elevations. The environmental health team have not raised concerns about this issue, and I do not consider that the risk of noise for neighbours creates any need to ensure on-site supervision of the occupiers at a higher level than is proposed.

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

8.33 I have indicated above that I consider the layout of the scheme to be well-considered, with windows oriented to allow occupiers an appropriate outlook, adequate space between buildings, clear routes, and appropriate threshold treatments to protect the privacy of ground floor occupiers.

- 8.34 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

- 8.35 The Head of Refuse and Environment has confirmed that the provision for storage and collection of waste and recycling is satisfactory. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.36 The highway authority has confirmed that because of the increase in cycle traffic which the development is expected to generate, it is essential that the applicant contributes to the improvement of the pedestrian and cycle route from Cheddars Lane to Riverside. This can be secured through a Section 106 agreement. The highway authority has raised no other concerns regarding highway safety
- 8.37 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.38 The cycling officer is broadly satisfied with the cycle parking strategy, but required further details. These can be secured by condition.
- 8.39 Following amendments, the access officer is satisfied with the provision of disabled car parking spaces.
- 8.40 The scheme makes no provision for on-site car parking for students. The proposed operator of the student accommodation scheme intends to prohibit future occupiers from keeping a car. This would be enforced via the contractual agreement between the operator and individual student occupiers. This arrangement can be secured through a condition requiring a Student Management Plan. It would be reinforced by measures to encourage the use of non-car transport in the Travel Plan. In my view, this is acceptable.

- 8.41 Representations submitted repeatedly express the view that this is not a satisfactory arrangement, that the proposal would lead to an unacceptable increase in pressure on on-street car parking spaces, to the detriment of residents, and that it should therefore be refused. I do not agree with this view. I acknowledge that any scheme to prohibit car keeping by students is unlikely to be 100% successful, but in my view, the combination of the sanctions proposed by the applicants, the proximity of the site to Anglia Ruskin University, the convenience of cycle travel from this location, and the difficulty of parking a car at the other end of any journey within the city, is likely to result in very low levels of car use by student occupiers. The belief that student occupiers routinely flout regulations prohibiting the keeping of cars does not seem to be supported by any concrete evidence.
- 8.42 Furthermore, the unregulated on-street car parking spaces in Stanley Road and other nearby streets can only be protected from use by people not resident locally, be they commuters, tourists or students, through a residents-only parking scheme. While the streets remain outside the controlled parking zone, the pressure on on-street car parking space will continue to increase, whether this proposal is permitted or not.
- 8.43 Paragraph 30 of the Framework states that encouragement should be given to solutions which support greenhouse gas emissions and reduce congestion, and Paragraph 29 states that the transport system needs to be balanced in favour of sustainable transport modes. By making it impossible for occupiers to park a car on site, and by reinforcing this approach with appropriate sanctions, a Travel Plan which fosters non-car travel, and contributions to cycle and bus infrastructure on Riverside, Newmarket Road, and Midsummer Common, I consider that this proposal accords fully with the guidance in these two paragraphs. In my view the absence of on-site car parking for future occupiers is in accordance with the City Council's Car Parking Standards, and with government guidance in the Framework.
- 8.44 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Trees

- 8.45 The tree officer has indicated concerns about the impact of Block F on the London plane T6, which she regards as of significant amenity value. The applicants have indicated that they will amend the proposed design to allow more space for the crown development of this tree. Details of this amendment and the tree officer's advice on it will be reported on the amendment sheet for Committee. Subject to this amendment, I am of the view that the impact on trees will be acceptable and in accordance with policy 4/4 of the Cambridge Local Plan 2006.

Third Party Representations

- 8.46 I have addressed the issues raised in representations listed below in the paragraphs indicated.

Site could be used for affordable housing	8.14
Contrary to 2006 and 2014 local plan policies regarding preservation of business uses	8.4-8.11
Designated as light industrial	8.4-8.11
Current mix of uses valuable to the local community	8.4-8.11
Loss of jobs	8.6 and 8.9/8.10
ARU does not support it – possible reversion to residential would be too intensive	8.3
Precedent	8.11
Site not unsightly at present	See below
No benefits to public	8.2-8.3
Scale and massing too great	8.15 and 8.16
Impinges on the skyline	8.16
Permission previously refused for two-storey building at Kingdom Hall	See below
Noise	8.31
Lack of on-site professional support	8.31
Buildings D, E and F – overbearing	8.27-8.29
Change in ground level will increase overbearing impact	8.27-8.30
Overshadowing	8.26
CCTV intrusive in neighbouring gardens	Addressed by condition
Site lighting may impact on neighbour	Addressed by

amenity at north end of site	condition
Impact of trees	8.27, 8.45
Would intensify high existing demand for on-street car parking space	8.40-8.44
Impossible to police student use of cars	8.41
Allowing occupiers two car ownership transgressions before sanction is too lenient	8.41
Should be between 32 and 64 car parking spaces on site.	8.40-8.44
Should fund residents' parking	8.40-8.44
Insufficient car parking for disabled students	6.22
Loss of residents' car parking spaces outside the present garage	8.40-8.44
Impact elsewhere of vehicles waiting for drop-off slots at term ends	Addressed by condition
Parking by construction workers	Addressed by condition
Entrance via Kingdom Hall site unacceptable	This is not suggested, and would require a fresh planning application if it were in the future
Increased traffic on Newmarket Road and Riverside	6.1-6.4
Transport assessment underestimates impact of additional traffic through using potential rather than actual totals for the existing uses, and assuming future occupiers will generate only 4 movements per day rather than the ECATP figure of 8.5 movements.	6.4
Risk to students from car-dominated nature of routes to places of study	6.4 and S106 agreement
Double-stacker cycle parking not appropriate	Addressed by condition
Conflict of interest because of Council's ownership of the land	See below

8.47 I have addressed the key issues raised in the final RARA submission in the paragraphs indicated.

Principle of development is unsound because no independent evidence is provided of sufficient Class B2 land elsewhere	8.4-8.11
No affordable housing is provided	8.14
Buildings D, E and F cause unacceptable sense of visual domination for neighbours	8.27-8.29
Harm to nearby screening trees	8.45
Impact of noise from student social areas on neighbours	8.31
Impact of noise from adjacent industrial uses on future occupiers of the development	Addressed by condition
Blocking of key emergency access route	See below
Inadequate car parking	8.40-8.44
Site not sustainable because of dangers on cycling and walking routes	6.4 and S106 agreement
Traffic impact	6.1-6.4
Demolition of existing buildings on Newmarket Road unacceptable	See below

8.48 The remaining issues raised in representations are addressed below.

8.49 I accept that the site is not especially unsightly at present, but an unsightly site is not necessary to justify development.

8.50 A previous planning decision on the Kingdom Hall site may not be of direct relevance to this application. The two sites are not comparable, and each application must be considered on its own merits.

8.51 Land ownership, whether it be by the Council or not, is not a planning issue. Planning Committee must determine planning applications on the basis of local and national planning policy. My recommendation is made on this basis, and is not subject to any view which the Council's Property Department may have about the site.

8.52 In my view, there is no requirement for an emergency access to the site across the site of the proposed Block D. Fire access and fire safety are matters for Building Control, and if the present scheme were to raise issues at that stage, a further

planning application would be required to amend the layout accordingly.

- 8.53 The existing buildings on Newmarket Road are not listed, and are not in a conservation area. Their demolition consequently has general permission. The Council cannot prevent such demolition, and can only control the details of the method of demolition.

Planning Obligation Strategy

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

Open Space

- 8.55 The Planning Obligation Strategy requires that all new residential developments, including student accommodation, contribute to the provision or improvement of public open space, either through provision on site as part of the development or through the creation or improvement of relevant facilities likely to be used by the future occupiers. The proposed

development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, and informal open space.

Informal Open Space

8.56 The Streets and Open Spaces team have indicated that improvements will be required to one or more of the following areas of informal space in order to cope with the increased pressure on open space use generated by the development:

- ☐ St Matthew's Piece
- ☐ Coldham's Common
- ☐ Stourbridge Common
- ☐ Pye Pitch, Chesterton
- ☐ Chesterton Rec
- ☐ Riverside

8.57 The Council estimates the cost of new or improved open space to be J238 per person, and therefore, I expect the improvements required for 318 additional residents to cost approximately J76,956. If the Streets and Open Spaces Asset Manager is able to provide precise details of the works required at this stage, I will report them on the amendment sheet, or at Committee.

Sports Facilities

8.58 The future occupiers will also create an additional demand for indoor and outdoor sports facilities. Since the students are most likely to attend Anglia Ruskin University, where the existing provision of sports facilities is very limited, I expect the cost of the additional provision required to be approximately J75,684 for outdoor provision (J238 per occupier), and J85,542 for indoor provision (J269 per occupier). If the Sport and Recreation Manager is able to give precise details of the works required at this stage, I will report them on the amendment sheet or at Committee.

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

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

Transport

- 8.60 As indicated above, the Highway Authority has made an assessment of the proposal, and it requires contributions to be made to Midsummer Common cycle improvements, the Riverside/Tesco path and cycleway improvement and the bus stop on Newmarket Road. Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

9.0 CONCLUSION

- 9.1 I acknowledge that there are very strongly-held objections to this proposal. However, in my view, it is well-designed, and would provide a genuinely high-quality living environment for future student occupiers. Neighbours have submitted very detailed concerns about the impact on neighbour amenity in Stanley Road. I have considered these thoroughly in conjunction with colleagues in the urban design team, and I do not consider that the impacts would be unacceptable.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 30th September 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. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

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

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

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

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

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

4. 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)

5. 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 demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

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

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

6. No development, including demolition, shall take place until a traffic management plan for the demolition and construction phase has been submitted to, and approved in writing by, the local planning authority. The plan shall include the arrangements for parking associated with the construction process. Development shall proceed only in accordance with the agreed arrangements.

Reason: To ensure effective operation of the highway network and to protect highway safety. (Cambridge Local Plan 2006 policy 8/2)

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 nearby properties Cambridge Local Plan 2006 policy 4/13

8. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. 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)

10. 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)

11. 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)

12. Prior to the commencement of development/construction, details of the ventilation scheme for the residential units on the western façades of Blocks A and B, the southern façade of Block F and the façade of Block J, fronting Newmarket Road, shall be submitted to and approved in writing by the local planning authority. The scheme shall be installed before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To ensure proper protection for future occupiers from vehicle noise on Newmarket Road and Cheddars Lane and in the Wickes car park. (Cambridge Local Plan 2006 policies 3/4 and 4/13).

13. No development shall take place until a scheme for surface water drainage which includes a maintenance plan for any pumps included therein, has been submitted to and approved in writing by the local planning authority.

Reason: To avoid the risk of flooding (Cambridge Local Plan policy 4/16)

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. 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)

16. No windows or frames shall be installed until full details of fritted glazing for all blocks in which such glazing is to be used have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure satisfactory privacy for future occupiers and neighbours. (Cambridge Local Plan 2006 policy 3/4)

17. Installation of windows, frames and surrounds shall not commence until details of these elements at a scale of 1:20, showing in particular how water is to drain from them, have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the external appearance of the building is maintained. (Cambridge Local Plan 2006 policies 3/4 and 3/12).

18. 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)

19. 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)

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

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

21. The erection of buildings hereby proposed shall not commence until there has been submitted to and approved in writing by the local planning authority a scheme of boundary treatments, which shall include the removal of the existing steel palisade fence alongside the City Church site, alternative treatment of this boundary, and full details of the entrance gates at both points on Cheddars Lane. The boundary treatments approved 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.

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

22. No permanent external lighting shall be installed on the site until details of that lighting have been submitted to, and approved in writing by, the local planning authority.

Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policy 3/4.)

23. 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)

24. CCTV shall not be operated on the site until details of the CCTV strategy, showing the reach of cameras to be used, has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the privacy of neighbouring occupiers. (Cambridge Local Plan 2006 policy 3/4)

25. The buildings hereby approved shall not be occupied until the equipment for the generation of renewable energy specified in the application documents has been installed and is fully operational, and a scheme for the maintenance of the equipment has been submitted to, and approved in writing by, the local planning authority. The approved maintenance scheme shall be adhered to thereafter.

Reason: To ensure acceptable levels of carbon reduction. (Cambridge Local Plan 2006 policy 8/16)

26. The development hereby approved shall not be occupied until appropriate signage has been installed directing cycle users towards routes other than Newmarket Road:

Reason: To Facilitate safe and convenient cycle travel, and in the interests of highway safety. (Cambridge Local Plan 2006 policies 8/2 and 8/4.

27. No development shall take place until a scheme of public art on site has been agreed in writing by the local planning authority. The scheme as agreed shall be fully implemented within three months of first occupation of the site.

Reason: To ensure appropriate public art on site. ((Cambridge Local Plan policy 3/7)

28. The development hereby approved shall not be occupied until an operational management plan for the site, which provides details of site management, security, delivery handling, waste collection management, litter control, student management, control of student car use, and term end pick-up and drop-off arrangements has been submitted to and approved in writing by, the local planning authority. Occupation of the site shall take place only in accordance with the approved management plan.

Reason: To protect the amenity of neighbouring occupiers and highway users, and to ensure efficient operation of the highway network and protect highway safety. (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12 and 8/2)

29. The applicant is advised that to satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 2014 Methods for rating and assessing industrial and commercial sound or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises.

It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into a noise assessment as described within this informative. Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power

levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

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

INFORMATIVE: The applicant is advised that to satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

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

Guidance on the assessment of dust from demolition and construction http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

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

The applicant is advised that notification to the Environmental Growth and Quality team will be required under the Environmental Permitting Regulations if an on site concrete crusher will be used during the demolition stage.

The applicant is advised that 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 Health and Safety Executive (HSE). Additionally, Guidance from the HSE on the identification and management of asbestos in buildings can be found by following the link below:

<http://www.hse.gov.uk/pubns/indg223.pdf>

It is advised that an asbestos survey is carried out by a licensed and qualified asbestos surveyor prior to any demolition works being carried out.

The applicant is reminded that it is a requirement of the Clean Air Act 1993 that no furnace shall be installed in a building or in any fixed boiler or industrial plant unless notice of the proposal to install it has been given to the local authority. Details of any plant to be installed should be provided using the Chimney Height Calculation form (available here: <https://www.cambridge.gov.uk/chimney-height-approval>). Reason: to protect human health in line with policy 4/14 of the Local Plan

INFORMATIVE: The applicant is advised that the Housing Act 2004 introduces the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

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).

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 30th September 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):

The proposed development does not make appropriate provision for public open space, transport mitigation measures, or public art, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 8/3 and 10/1, the Public Art Supplementary Planning Document 2010, or the Open Space Standards Guidance for Interpretation and Implementation 2010.

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

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PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0864/FUL	Agenda Item	
Date Received	1st May 2015	Officer	Miss Catherine Linford
Target Date	31st July 2015		
Ward	Trumpington		
Site	Leda House 20 Station Road Cambridge Cambridgeshire CB1 2JD		
Proposal	Demolition of Leda House and construction of a new 6 storey office building comprising 7421sq.m (GEA) of office floorspace (Class B1); 254 cycle parking spaces; associated plant; hard and soft landscaping; a basement with 40 car parking spaces and 5 motorcycle bays; infrastructure works including basement car park ramp (Scheme B)		
Applicant	Brookgate CB1 Ltd Station Road Cambridge CB1 2JH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed building is of a scale, mass and design which is appropriate to its setting within an Area of Major Change and of a significantly high quality which justifies the removal of an existing building in the Conservation Area <input type="checkbox"/> Subject to conditions, the impact on neighbouring properties would be minimal
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site forms part of a larger area, which is the subject of the CB1 Station Area Redevelopment proposals for

which outline planning permission was granted in April 2010. The site lies on the south side of Station Road, 80m west of its junction with Warren Close. It is currently occupied by a five storey office building with a plant room at the sixth floor, known as Leda House. The site also includes space between Leda House and an identical office building, Jupiter House, which accommodates car parking. There are trees and landscaping on the site frontage to Station Road and to the east and west boundaries.

- 1.2 The northern boundary of the site is the pavement on the south side of Station Road. To the west is Jupiter House and to the east is the site of the former Demeter House, which has recently been redeveloped. This site is now known as 22 Station Road. Leda House, Jupiter House and Demeter House were identical office buildings known as the Three Deities. To the south is the Warren Close development, which accommodates residential flats. To the rear of the site they take the form of four/five storey blocks with a projecting stairwell.
- 1.3 The site is within the Station Area Redevelopment Framework boundary and within the Central Conservation Area. The trees on the site are protected by virtue of their location in the Conservation Area. The site falls within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 There are two applications on the agenda for this site (15/0864/FUL and 15/0865/FUL). The difference between the two applications relates to how the basement of the building is accessed by vehicles.
 - 15/0864/FUL (Scheme B) proposes the inclusion of a single ramp to 20 Station Road, creating a two way ramp with 22 Station Road.
 - 15/0865/FUL (Scheme A) proposes that no ramp is built as part of the development of 20 Station Road and that vehicles would enter the basement via the ramp to 22 Station Road and leave the basement via the ramp to 10 Station Road (the redevelopment of 10 Station Road has not been approved yet).

- 2.2 Full planning permission is sought for the construction of a 6 storey office building with a floorspace of 7421 sqm following the demolition of Leda House. The proposed building would be identical to the recently completed building at 22 Station Road (Demeter House) to the east of the site, and would form a matched pair. A single level basement is proposed to accommodate 40 car parking spaces and 5 motorcycle bays. 254 cycle parking spaces are proposed at ground floor level. The basement would be accessed via a ramp, which would serve this building only.
- 2.3 The proposed building differs from the parameter plans in the following ways:
- The building extends 4.4m further to the north, 1m further to the east, 2.8m further to the south (with the main elevation projecting 1.4m further) and 1.2m further to the west.
 - The building has increased in height by one storey.

3.0 SITE HISTORY

Reference	Description	Outcome
08/0266/OUT	The comprehensive redevelopment of the Station Road area, comprising up to 331 residential units (inclusive of 40% affordable homes), 1,250 student units; 53,294 sq m of Class B1a (Office) floorspace; 5,255 sq m of Classes A1 /A3/A4 and/or A5 (retail) floorspace; a 7,645 sq.m polyclinic; 86 sq.m of D1 (art workshop) floorspace; 46 sq m D1 (community room); 1,753 sq m of D1 and/or D2 (gym, nursery, student/community facilities) floorspace; use of block G2 (854 sq.m) as either residential student or doctors surgery, and a 6,479 sq.m hotel; along with a new transport interchange and station square, including 28 taxi bays and 9 bus stops (2 of which are	Approved

double stops providing 11 bays in total), a new multi storey cycle and car park including accommodation for c. 2,812 cycle spaces, 52 motorcycle spaces and 632 car parking spaces; highway works including improvements to the existing Hills Road / Brooklands Avenue junction and the Hills Road / Station Road junction and other highway improvements, along with an improved pedestrian / cyclist connection with the Carter Bridge; and works to create new and improved private and public spaces.

12/1236/NMA	Non material amendment to 08/0266/OUT for an alteration to parameter plans 3 and 9 of the CB1 outline application, the change being in respect of the width and length of block J2 and an alteration to parameter plan 6, the change being in respect of the proposed 'green public realm' associated with Block J2. (22 Station Road)	Approved
12/1237/REM	Approval of reserved matters (appearance, layout, scale and landscape) for Block J2 of the CB1 Masterplan (ref 08/0266/OUT), comprising 7453 sq.m pf office floorspace (class B1a), a basement with 40 car parking spaces, 5 of which are disabled spaces, 3 motorcycle bays, 1 mobility scooter charging point, ground floor with 248 cycle parking spaces of which 56 are for visitors, along with associated plant, an access ramp/road; 26 external cycle parking spaces, a sub-station and hard and soft	Approved

	landscaping following demolition of Demeter House (22 Station Road)	
15/0865/FUL	Demolition of Leda House and construction of a new 6 storey office building comprising 7421sq.m (GEA) of office floorspace (Class B1); 254 cycle spaces; associated plant; hard and soft landscaping; a basement with 40 car parking spaces and 3 motorcycle bays; infrastructure works (Scheme A)	Pending decision

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes
	Public Meeting/Exhibition:	No
	DC Forum	No

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/13
		4/4 4/7 4/11 4/12 4/13 4/14 4/15
		7/2
		8/2 8/4 8/6 8/9 8/10 8/16 8/18
		9/1 9/9
		10/1

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridgeshire Quality Charter for Growth (2008)</p>

	<p>Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2002)–Southern Corridor Area Transport Plan:</p> <p>Station Area Development Framework (2004) includes the Station Area Conservation Appraisal.</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, no policies are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The Option B ramp arrangement is acceptable to the Highway Authority. The car park layout shows doors opening outwards into the path of vehicles. This is inadvisable. Some car parking spaces conflict with others, however, this is a private, managed car park and so this issue should be resolved within the building management.
- 6.2 Update – A revised basement plan has been submitted which shows the doors opening inwards. This has satisfied the Highways Engineer.

Cambridgeshire County Council (Growth and Economy)

- 6.3 Holding objection as further information is required regarding the transport implications and possible mitigation measures.
- 6.4 Update – Further information has been submitted to Cambridgeshire County Council by the applicants and comments are awaited.

Cambridgeshire County Council (Flood and Water Management)

- 6.5 The submitted Flood Risk Assessment dated 7th May 2015 demonstrates that an acceptable surface water drainage scheme can be provided on site using a variety of SuDS features to attenuate runoff. The proposed development, however, will only be acceptable if a condition is imposed requiring the development to be implemented in accordance with the submitted drainage strategy.

Head of Refuse and Environment

- 6.6 No objection, subject to conditions relating to construction hours, construction deliveries, construction/demolition noise,

vibration and piling, dust, plant noise insulation, noise insulation scheme, emergency generator, and contaminated land.

Urban Design and Conservation Team

- 6.7 Overall the proposal to create a 'matched pair' with 22 Station Road is supported in design terms. The increase in height, over that envisaged through the Outline Masterplan, is acceptable and does not negatively impact on views into the site from the Conservation Area. Conditions are recommended relating to materials, external treatment of the cycle stores, details of the solar panels, security arrangements for the car park, lighting, plant and the ramp retaining walls.

Senior Sustainability Officer (Design and Construction)

- 6.8 The approach being taken to sustainable design and construction and renewable energy and carbon reduction is supported.

Head of Streets and Open Spaces (Landscape Team)

- 6.9 The drainage engineers have designed an underground water storage system that does not leave enough room for tree pits. No information has been provided on the quality of the existing or imported soil. The proposals are supported in general, but planting conditions are crucial to the success of this scheme. Conditions are recommending requiring further details of the hard and soft landscaping scheme and implementation.

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

- 6.10 No comments received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.11 The proposals are to limit the total discharge from the site to 5l/s for all events up to a 1 in 100 year event plus climate change. This will be by using underground geocellular crates. The application does also include some elements of source control such as permeable surfacing and a biodiverse green and brown roof. These elements are welcomed and supported. The only

real area of concern is the space provided for tree pits, which appears to be limited and could potentially be detrimental to both trees and the long term structural stability of the geocellular crates.

Head of Streets and Open Spaces (Nature Conservation Officer)

- 6.12 I appreciate survey submissions were made in respect of the outline plan that has been approved. However, given that this is a full application and a number of years have elapsed since the approval I feel the types and nature of survey, plus the findings need to be included within the submitted documents. If no additional surveys have been undertaken since 2008 then the reasons for this need to be clearly stated within the report.
- 6.13 Notwithstanding the need for clarification on the surveys undertaken. I do support the proposed target species for enhancement measures proposed within the application. Namely Swift, Kestrel, Black Redstart, Bats, Mosses and the types of provision i.e Brown Roof, Bat tubes, nest boxes. The exact specification, number and locations of these features will need to be provided, either prior to determination or as a condition. For the Brown roof this should include the substrate type/s and species composition of the proposed wildflower mix.
- 6.14 Update: It has been confirmed that the baseline conditions have not changed since the original surveys. The Ecology Report (June 2015) has been updated to confirm this and a Phase 1 Habitat Map is also now included. The Nature Conservation Officer is satisfied with the revised submission. A condition is recommended requiring further details of the enhancement measures.

Ministry of Defence (MOD Safeguarding – Cambridge Airport)

- 6.15 The MOD has no safeguarding objections to a 6 storey building being built at this location. However, the MOD recognises that during the construction of relatively tall buildings cranes may be erected. Cranes in the vicinity of aerodromes are of concern to the MOD. Therefore, if cranes are to be used during the construction phase it will be necessary for the developer to liaise with the MOD prior to the erection of any cranes or

temporary tall structures. A condition is recommended requiring a Construction Management Strategy which includes details of cranes and any other tall construction equipment.

- 6.16 Update – After discussing this with the MOD it has been agreed that the requirement to discuss the use of cranes can be passed onto the applicant via an informative. Requiring further details via a condition is not considered to be reasonable as a crane could be brought onto the site without the need for planning permission.

Natural England

- 6.17 No comments received.

Environment Agency

- 6.18 No comments received.

Anglian Water

- 6.19 No comments received.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.20 In terms of crime risk by far the most problematic issue in the Station Road area concerns the theft of pedal cycles with dozens stolen in the area each year. Both proposals offer secured cycle parking to the sides and rear of the proposed building. I would recommend that access to this area is by either fob or card swipe and not key pad as there are quite often issues with codes being shared. The ramp to the car park is accessed off Station Road which is secured by gate which is fine. I have no issues with what is proposed and have no preference between Options A or B and have no specific comments to make.

Network Rail

- 6.21 No objection.

Access Officer

- 6.22 They need 5% parking marked as Blue Badge spaces and these spaces to be adjacent to lift shafts.

Design is so open plan it is hard to comment on.

Alternate door to revolving door needs to be clearly found and open at all times the revolving one is and preferably powered opening.

Reception needs dropped height counter, hearing loop and seating of mixed height and arm provision.

Good colour contrast and signage.

Thought about emergency procedure for disabled people's egress.

Design and Conservation Panel (Meeting of 10th June 2015)

- 6.23 The conclusions of the Panel meeting(s) were as follows:

Formerly Leda House (or J3) this block is the subject of a current application (15/0865/FUL and 15/0864/FUL). Previously, (August 2014) the Panel had commented that the proposed architectural treatment of a matched pair of buildings may result in J2 (22 Station Road -now nearing completion) and J3 appearing as a single block of significant bulk. Consequently, the Panel had advised that through careful detailing and not merely nuancing, the risk of a perceived single mass could be resolved with subtle differences in the palette, so that the 'matched pair' relationship with 22 Station Road is maintained.

Palette use

The Panel noted that the current proposal provided for a subtle variation between 20 and 22 in the application of window frames form and colour, as well as through a change in material tone to stone plinth and brick facade. The Panel were supportive but would advise caution in the choice of tonal changes to the materials palette, as extremes in either direction would have a detrimental effect.

Landscaping.

The Panel appreciated the opportunity to consider the linear park and how its treatment is to be extended along all four blocks with a common language of planting etc. With this common language however, it was felt that greater clarity was needed regarding the quality of the private areas between the J blocks. The Panel re-iterated earlier concerns regarding the quality of the spaces between the blocks and the potential for adverse wind tunnel/micro-climatic effects. It was felt these spaces should be made to work harder, particularly given the large numbers of employees that could potentially benefit from these spaces. With so much overshadowing for example, the Panel would strongly encourage any areas of sun exposure to be maximised. This would include the upper terraces where the top floors are set back.

Vehicular access.

The Panel were presented with two access options – two single basement ramps (one between 20 and 22 and the other between 10 and 20) with planting on the remaining inter-block sections (Option A); or a double ramp between 20 and 22 Station Road resulting in less opportunity for planting in this area (Option B). The Panel expressed a strong preference for Option B as it would allow for more usable and coherent space between 10 and 20. The Panel suggested that more striking structures could enhance the pergola over the ramp to the basement car park.

Should it prove not to be practical to implement Option B owing to the timing of development then, with some reluctance, it was agreed that Option A could be accepted.

Disability Consultative Panel (Meeting of 26th May 2015)

- 6.24 A high quality scheme from an access perspective, although the Panel would recommend the inclusion of fire evacuation lifts to eliminate the need for refuge points.
- 6.25 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following address have made a representation:

- ☐ 43 Warren Close

7.2 The representations can be summarised as follows:

- ☐ Loss of privacy

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 The principle of development has been established by the Outline Planning consent and associated parameter plans. Full planning permission is sought as the building does not comply with the parameter plans as it has been increased in height by one storey and the size of the footprint has been increased in order to form a matching pair with 22 Station Road. I will deal with the detailed design and the increase in height and footprint in the following section on context of the site, design and external spaces.

With regard to use, the parameter plans allow for Block J3 to be used for office use only. The proposals for the use of Block J3 are entirely consistent with the approved parameter plan.

- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policies 3/1 and 9/9 of the Cambridge Local Plan 2006.

Context of site, design and external spaces

Impact on the Conservation Area and the Listed railway station

- 8.4 The visual impact of the whole scheme on the character of the Conservation Area has been addressed in the Outline permission in broad terms and the various amendments to this permission as individual building designs have come forward. The buildings proposed (and partially built) along the Southern side of Station Road affect the approach to the Listed railway station, the terraced houses along the Eastern side of Hills Road and the 19th century villas on the Northern side of Station Road as well as more distant views from various vantage points of the Conservation Area. This proposal will have an impact but this impact will largely be as expected by the 'masterplan', outline permission and the subsequent amendments, which have been considered to be acceptable in the past. The building design, materials of construction and setting will be part of the coherent grouping of new buildings planned along Station Road and it is my view and that of the Conservation Officer that the building would not have a detrimental impact on the Conservation Area.

Scale and massing

- 8.5 As with 22 Station Road, there are a number of adjustments to the footprint of 20 Station Road and a more significant increase in the overall height of the building through the addition of a floor. The changes to footprint of the building are similar to those approved through the submitted and approved Non Material Amendment to the Outline for 22 Station Road (12/1236/NMA).
- 8.6 The overall form and appearance of the proposed building is identical to the building now nearing completion at 22 Station Road, other than the detail of the glazing and other minor

details. 20 and 22 Station Road will form a matching pair and it is my view that the scale and massing of the proposed building is appropriate and acceptable.

Increased height

- 8.7 The increase in the overall height of the building by a storey formed the basis of significant discussion at the pre-application stage. Whilst the application is submitted as a 'full', it has used the master planning principles and parameters established through the Outline to inform the proposals. A key departure from the parameters is the overall height of the scheme. These proposals increase the overall height of the building by 1 storey to form a 'matched pair' with 22 Station Road.
- 8.8 The applicant has been asked to demonstrate whether the increase in height would negatively impact on the views towards the site (looking north) along Hills Road. In these discussions, it was important that the increase in height did not result in the loss of articulation of the roofscape of the existing terraces 'College Terrace and Eastbourne Terrace' whose rhythm of chimneys are a key part of the character of this section of Hills Road in townscape terms.
- 8.9 The D&A Statement 'Appendix' contains a series of Sketch-Up views of the proposals to demonstrate how the increased height would be visible from Hills Road which was considered to be the most sensitive of views in terms of potential impact. These views are not verified nor are the specifications of the views (focal length/eye height) given. However they appear to be taken at eye height which is appropriate.
- 8.10 Based on this assumption, these views reveal that the overall impact of the additional storey from Hills Road is minor with it being most apparent through the gap between the two terraces. This view will be filtered by existing vegetation and does not disrupt the articulated roofscape of the terraces. Overall the impact is considered to be minor and the increase in overall height, beyond that established in the Outline Parameter Plans, is acceptable.

Access ramp

- 8.11 Scheme B proposes to introduce a second vehicle access ramp to the basement car park further west along Station Road. A single lane as already delivered through the 22 Station Road scheme would be retained outside the site boundary and to the east of 20 Station Road. The additional ramp is proposed to be a single lane and is located to the west of 20 Station Road and immediately to the east of 10 Station Road which is currently in pre-application discussions. It is unclear how the 'temporary' concrete face of the constructed ramp serving 22 Station Road will be finished as part of this revised approach.
- 8.12 The proposals allow for the introduction of additional trees between 20 and 22 Station Road as well as delivering the trees envisaged through the CB1 Landscape and Public Realm Strategy between 10 and 20 Station Road. The proposals reduce the amount of usable private amenity space between the buildings, as envisaged through the Outline, however a decked area above the ramp provides some of this space back. Overall the proposals in Scheme B maintain and increase the planting between buildings and have the potential to enhance the visual amenity of the spaces between the buildings as a backdrop to the linear park.

Design & Conservation CB1 sub-panel comments

- 8.13 The proposals have been to the Design & Conservation CB1 sub-panel on three occasions.
- 8.14 At the reviews on the 11th December 2013 Panel remained to be convinced that an additional storey was needed. They chose not to award a 'traffic light' colour at this review but emphasised the need to provide views of the scheme to demonstrate the potential impact of the increased height.
- 8.15 At the review on the 13th August 2014, the Panel concluded that they were reassured that the level of impact of an additional storey to block J3 on key views could be acceptable and voted 'Amber' on the scheme.
- 8.16 Most recently, on the 10th June 2015, the Panel reviewed the scheme along with emerging proposals for 10 and 30 Station Road. 20 Station Road was given a unanimous 'Green'.

8.17 Overall it is my view that the proposal to create a 'matched pair' with 22 Station Road is acceptable. The increase in height, over that envisaged through the Outline Masterplan, is acceptable and does not negatively impact on views into the site from the Conservation Area in my opinion.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/10, 4/11 and 4/12.

Public Art

8.19 The site falls within the Red Phase of the CB1 development and is covered by the CB1 Public Art Strategy. The S106 agreement for the Outline application requires that the detailed delivery of public art is agreed via Public Art Delivery Plans. The application is supported by the CB1 Red Phase Public Art Delivery Plan (PADP).

8.20 The PADP proposes the following:

- ☐ The Linear Park commission involving collaboration between the landscape architects, project architects and an artist to deliver a series of works within the landscape.
- ☐ The Station Gateway commission which will be a sculptural commission focused on the point where the Station Road approach narrows and the linear park comes to an end.
- ☐ The Lighting commission which aims to provide an interactive approach to lighting Station Road.

8.21 The Public Art Officer is satisfied with the PADP subject to additional information being submitted for approval. This can be secured and agreed under officer delegated powers through the S106 agreement.

8.22 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

- 8.23 Policy 8/16 (Renewable Energy in Major New Developments) requires all development over a threshold of 1,000 square metres to provide at least 10% of the developments predicted energy requirements on-site from renewable sources. The Sustainable Design and Construction SPD confirms that passive solar design can count towards this renewable energy requirement.
- 8.24 As this application seeks full planning permission, the development would not be bound by the conditions attached to the outline. It should, however, be noted that the masterplan for the site contains the ambition for all development to exceed Part L of the Building Regulations by 10%, and for office developments to utilise PV and Ground Source Heat Pumps to achieve a 15% abatement of carbon emissions from renewable energy systems. It is noted that since the outline permission was granted, changes to Part L of Building Regulations have included more stringent carbon reduction targets for non-residential development, with a focus on encouraging a hierarchical approach to the reduction of carbon emissions.
- 8.25 The submitted Energy Strategy, prepared by Hilson Moran, sets out that by taking a hierarchical approach (fabric improvements, energy efficiency and then the use of renewable energy), a carbon reduction of 25.2% compared to a Part L 2013 compliant baseline for regulated emissions is predicted to be achieved. This approach is fully supported. In terms of renewable energy, the approach being taken utilises both passive solar design and a 37 m² photovoltaic array. Together these are predicted to result in a 31.9 tonne reduction in CO₂ emissions per annum (30 tonnes from the passive solar design and 1.9 tonnes from the photovoltaic panels), which equates to an 18.9% reduction in regulated emissions, which exceeds the requirements of both Policy 8/16 and the condition attached to the outline permission for the CB1 development. This approach is fully supported.
- 8.26 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

- 8.27 The scheme has been considered by the Disability Consultative Panel and the Access Office. The Design and Access Statement emphasises that the entrance to the building would have a level threshold, access to the basement parking area would be automated, lifts would be DDA compliant and the reception area would include a dual height desk and hearing loop. The Disability Panel and the Access Officer have recommended internal changes and I have included these in my recommendation as informatives.
- 8.28 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

- 8.29 There are no residential properties to the north, east and west and therefore the only residents who will be affected by the development are to the south in the Warren Close development. The residents of these flats could be affected by the development in a number of ways which I consider below. It should be noted, however, that although this application is for full planning permission, the impact of a block of this size and massing was assessed as part of the approval of Outline planning permission.

Overshadowing and loss of daylight

- 8.30 Warren Close is to the south of the application site. Between the site boundary and the flat blocks which form a continuous building is a car parking/servicing area. The flat blocks themselves already overshadow this space and the orientation of existing and proposed buildings means that there will be no additional overshadowing or significant loss of daylight.

Visual Dominance and Enclosure

- 8.31 There is a separation distance of 20 metres between the main rear elevation of the new offices and the main part of the flat blocks. The space between the buildings is not amenity space

and in my view visual dominance and enclosure will not have a significant impact on residential amenity.

Overlooking

- 8.32 There are windows in the flats and in the offices which will face each other and facilitate overlooking and interlooking. However the separation distance described above and the size of the windows in the flats mitigate against any potential impact in my view.

Noise and disturbance and other impacts on residential amenity

- 8.33 I have recommended conditions restricting demolition and construction hours (9) and deliveries (10). There is potential for noise from plant, the sub-station and emergency generators as identified by the Environmental Health Officer. Again these impacts can be controlled by conditions (12-16)
- 8.34 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan 2006 policies 3/4 and 3/7.

Refuse Arrangements

- 8.35 An area for compaction of paper and storage of refuse bins is located within the basement. A refuse hoist will be used to move the bins to street level. This is identical to the approach used for 22 Station Road. Refuse and Environment officers have confirmed that the refuse arrangements are appropriate and acceptable.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.37 The Highways Engineer has not raised any significant concerns in respect of highway safety. They raised concern that the doors from the stair core opened out to into the car park. This has been amended.

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

Car and Cycle Parking

Car Parking

- 8.39 Conditions 26 and 27 of the outline planning permission are of relevance to the consideration of car parking. They read as follows:

‘26 5% of short-term car parking spaces and 5% of long-term car parking spaces within the multi storey car park and 5% of all other parking spaces within the rest of the development shall be suitable for, and reserved for, people with disabilities.

Reason: To ensure an appropriate level of car parking provision for people with disabilities (Cambridge Local Plan policy 8/10 and appendix C).

27 Car parking provision shall not exceed a maximum of 425 car parking spaces to serve the office accommodation (B1a use class) and 232 car parking spaces to serve the residential accommodation (C3 use class).

Reason: To ensure an appropriate level of car parking provision in the interests of sustainable development and impact on air quality. (Cambridge Local Plan policies 4/14 and 8/10 and appendix C).’

- 8.40 The plans show that two of the car parking spaces proposed are designed for use by disabled people; this represents 5% of the total number of spaces (40 spaces) and accords with condition 26 of the outline consent and adopted Car Parking Standards.
- 8.41 The adopted Car Parking Standards allow a maximum of one car parking space for each 100 sqm of office floorspace in the controlled parking zone. For a building of the site proposed this equates to a maximum of 75 spaces. 40 car parking spaces are proposed. For an office building of the size proposed (7453 sqm) this equates to 1 space for every 186 sqm, which is well within the maximum standard.

8.42 The following table sets out the comparative numbers and ratio of car parking in the CB1 development to date.

SITE ADDRESS	NUMBER OF SPACES	CAR PARKING RATIO
50/60 Station Road (first scheme)	60	1 space per 274 sqm
50/60 Station Road (second scheme)	76	1 space per 209 sqm
50/60 Station Road (third scheme)	83	1 space per 198 sq m
50/60 Station Road PROPOSED	124	1 space per 137 sq m
Microsoft (excluding temporary car park)	35	1 space per 280 sqm
Block J2	40	1 space per 186 sqm

8.43 Concerns were previously raised about the potential for overspill car parking to have an adverse impact on residential amenity in those areas where there are no controls on street. This concern has in part been addressed through an increase in provision of car parking to serve the development as described above. Also the applicants have offered up a pre- and post-development parking survey and funding for a Residents Parking Scheme if necessary serves to mitigate such potential adverse impact. This was secured in relation to the approved schemes and is recommended.

Cycle Parking

8.44 All cycle parking accessible at ground level and 254 spaces are provided. The location and design of cycle parking spaces is as follows:

12 Sheffield stands on the Station Road frontage for use by visitors

15 Sheffield stands to the west of the building which are within the secured area

35 Sheffield stands to the southern boundary

3 Sheffield stands adjacent to the rear elevation

124 spaces within double stackers adjacent to the rear elevation

8.45 The Parking Standards require a minimum of one cycle space per 30m² floorspace. This equates to 248 cycle spaces. The total number of cycle spaces provided is 254 which exceeds this requirement. 62 spaces (approximately 25%) require use of the upper level of the stacker spaces. In my opinion this ratio is appropriate to address the range of ages and abilities of office staff and visitors and will provide convenient, usable cycle storage. It is also the same as the ratio provided for the Microsoft office.

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

Third Party Representations

Loss of privacy to 43 Warren Close

8.47 Addressed in paragraph 8.33.

Planning Obligation Strategy

Planning Obligations

8.48 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:

Public Art

- 8.49 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.20 to 8.23 above that in this case provision for public art should be made on site in line with the CB1 Public Art Strategy. This needs to be secured by the S106 planning obligation.

Transport

- 8.50 In response to the comments received from the County Council, the applicant has provided further information regarding the transport implications of the development and potential mitigation measures. This work is currently being assessed by the County Council and comments are awaited. An update will be provided on the Amendment Sheet.

9.0 CONCLUSION

- 9.1 In my view, the proposed development accords with development plan policies and government guidance. The

proposed building is of a scale, mass and design which is appropriate to its setting within an Area of Major Change and of a significantly high quality which justifies the removal of an existing building in the Conservation Area. Subject to conditions, the impact on neighbouring properties would be minimal. I recommend that the application is approved, subject to conditions and the completion of a S106 agreement.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 31st October 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. 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 construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. The development shall be implemented in accordance with the submitted Drainage Strategy, prepared by Mott MacDonald, dated April 2015.

Reason: To prevent the increased risk of flooding. (Cambridge Local Plan 2006, policy 4/16)

12. 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 demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

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

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

13. 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

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

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

15. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope (having regard to the building fabric, glazing and ventilation) 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 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice".

The approved scheme shall be fully implemented and a completion report submitted prior to the occupation of the noise sensitive development 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)

16. Before the development/use hereby permitted is occupied, a scheme for the insulation of the emergency generator in order to minimise the level of noise emanating from the said generator 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 shall thereafter be retained as such. The scheme shall include the following:

(i) Generator - Use

The generator shall only be used in the event of mains power failure or in accordance with (ii) below. It shall not be used as an alternative supply in the event of disconnection from the mains supply following for example non-payment.

(ii) Generator - Hours of Running for Maintenance

Running of the generator as part of routine maintenance and repair shall only take place for the length of time specified by the manufacturer between the hours of 8am - 6pm Monday to Friday, 9am - 1pm Saturday and no time Sunday or Public Holidays.

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

17. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details including samples of the materials to be used in the construction of the external surfaces shall be 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 4/11)

18. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details of glass type(s) to be used in curtain walling/windows/doors or other glazed features shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

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

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

20. Notwithstanding the details shown on the approved plans, full details of the external treatment of the cycle stores, including roofs or canopies to all

external storage areas, green/brown roofs etc. shall be submitted to and approved in writing by the local planning authority prior to commencement of works to provide the cycle stores. The development shall be implemented and maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the streetscene. (Cambridge Local Plan policies 3/4, 3/7 and 3/12).

21. Prior to the commencement of installation of any roof mounted equipment, full details of all solar panels [water pre-heat, etc.] and/or photovoltaic cells, including type, dimensions, materials, location, fixing, etc. shall be submitted to and approved in writing by the local planning authority. In bringing forward such details the applicant is reminded of the restrictions imposed on the height of buildings under the outline planning approval and encouraged to site such features so as not to be visible from ground level. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the streetscene. (Cambridge Local Plan policies 3/4, 3/7 and 3/12).

22. Prior to the commencement of occupation full details of the security arrangements to provide for safe use of the basement car parking areas, shall be submitted to and approved by the local planning authority in writing. The approved provisions for safe use of car parking facilities shall be provided prior to the first occupation and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To provide convenient and safe access to cycle storage areas. (Cambridge Local Plan policy 8/6)

23. Prior to the commencement of occupation, a lighting plan including details of the height, type, position and angle of any external lighting shall be submitted

to and approved in writing by the local planning authority. The development shall be implemented and maintained in accordance with the approved plan.

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

24. No rooftop plant shall be constructed on the building hereby approved until such time as full details, to a large scale, of any rooftop plant screening systems to be installed, where relevant, have been submitted to and approved in writing by the local planning authority. This may include the submission of samples of mesh/louvre types and the colour(s) of the components. Colour samples should be identified by the RAL or BS systems. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of development are acceptable. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

25. Full details of surface treatments, cladding or other means of finishing the visible face(s) of all retaining walls to ramps providing access to the basement(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all ramps shall be finished in accordance with the approved details.

Reason: In the interests of the visual amenity of the streetscene. (Cambridge Local Plan policies 3/4, 3/7 and 3/12).

26. Prior to commencement of development full details of the specification, location and number of nest boxes for Swifts, Kestrels, and Black Redstarts, and nests and tubes for Bats shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide adequate alternative habitats to sustain protected species (Cambridge Local Plan 2006, policy 4/7)

27. 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, 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; an implementation programme; and tree pit and planter details (including any root volume systems, drainage and irrigation details). This will also include information about soils; preparation and cultivation.

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)

28. 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. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

29. Prior to the commencement of development full details of the location and specification of the geocellular crates shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is sufficient space for tree planting. (Cambridge Local Plan 2006, policy 4/4)

INFORMATIVE: Condition 29 - It is not acceptable for the geocellular crates to be located beneath the planters for the Lime trees

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: Electricity substations are known to emit electromagnetic fields. The Radiation Protection Agency has set standards for the release of such fields in relation to the nearest premises. The applicant should contact The National Grid EMF unit on 0845 702 3270 for advice regarding the electric/magnetic fields that are associated with electric substations.

INFORMATIVE: The applicant is advised that work should be carried out in accordance with BS 7121: code of practice for the safe use of cranes.

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 31st October 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):

The proposed development does not make appropriate provision for transport mitigation measures, public art, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010, the Southern Corridor Area Transport Plan 2002.

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

PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0865/FUL	Agenda Item	
Date Received	1st May 2015	Officer	Miss Catherine Linford
Target Date	31st July 2015		
Ward	Trumpington		
Site	Leda House 20 Station Road Cambridge Cambridgeshire CB1 2JD		
Proposal	Demolition of Leda House and construction of a new 6 storey office building comprising 7421sq.m (GEA) of office floorspace (Class B1); 254 cycle spaces; associated plant; hard and soft landscaping; a basement with 40 car parking spaces and 3 motorcycle bays; infrastructure works (Scheme A)		
Applicant	Brookgates CB1 LTD Station Road Cambridge CB1 2JH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed building is of a scale, mass and design which is appropriate to its setting within an Area of Major Change and of a significantly high quality which justifies the removal of an existing building in the Conservation Area <input type="checkbox"/> Subject to conditions, the impact on neighbouring properties would be minimal
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site forms part of a larger area, which is the subject of the CB1 Station Area Redevelopment proposals for

which outline planning permission was granted in April 2010. The site lies on the south side of Station Road, 80m west of its junction with Warren Close. It is currently occupied by a five storey office building with a plant room at the sixth floor, known as Leda House. The site also includes space between Leda House and an identical office building, Jupiter House, which accommodates car parking. There are trees and landscaping on the site frontage to Station Road and to the east and west boundaries.

- 1.2 The northern boundary of the site is the pavement on the south side of Station Road. To the west is Jupiter House and to the east is the site of the former Demeter House, which has recently been redeveloped. This site is now known as 22 Station Road. Leda House, Jupiter House and Demeter House were identical office buildings known as the Three Deities. To the south is the Warren Close development, which accommodates residential flats. To the rear of the site they take the form of four/five storey blocks with a projecting stairwell.
- 1.3 The site is within the Station Area Redevelopment Framework boundary and within the Central Conservation Area. The trees on the site are protected by virtue of their location in the Conservation Area. The site falls within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 There are two applications on the agenda for this site (15/0864/FUL and 15/0865/FUL). The difference between the two applications relates to how the basement of the building is accessed by vehicles.
 - 15/0864/FUL (Scheme B) proposes the inclusion of a single ramp to 20 Station Road, creating a two way ramp with 22 Station Road.
 - 15/0865/FUL (Scheme A) proposes that no ramp is built as part of the development of 20 Station Road and that vehicles would enter the basement via the ramp to 20 Station Road and leave the basement via the ramp to 10 Station Road (the redevelopment of 10 Station Road has not been approved yet).

- 2.2 Full planning permission is sought for the construction of a 6 storey office building with a floorspace of 7421 sqm following the demolition of Leda House. The proposed building would be identical to the recently completed building at 22 Station Road (Demeter House) to the east of the site, and would form a matched pair. A single level basement is proposed to accommodate 40 car parking spaces and 5 motorcycle bays. 254 cycle parking spaces are proposed at ground floor level. Vehicles would enter the basement via the ramp to 20 Station Road and leave the basement via the ramp to 10 Station Road (the redevelopment of 10 Station Road has not been approved yet).
- 2.3 The proposed building differs from the parameter plans in the following ways:
- The building extends 4.4m further to the north, 1m further to the east, 2.8m further to the south (with the main elevation projecting 1.4m further) and 1.2m further to the west.
 - The building has increased in height by one storey.

3.0 SITE HISTORY

Reference	Description	Outcome
08/0266/OUT	The comprehensive redevelopment of the Station Road area, comprising up to 331 residential units (inclusive of 40% affordable homes), 1,250 student units; 53,294 sq m of Class B1a (Office) floorspace; 5,255 sq m of Classes A1 /A3/A4 and/or A5 (retail) floorspace; a 7,645 sq.m polyclinic; 86 sq.m of D1 (art workshop) floorspace; 46 sq m D1 (community room); 1,753 sq m of D1 and/or D2 (gym, nursery, student/community facilities) floorspace; use of block G2 (854 sq.m) as either residential student or doctors surgery, and a 6,479 sq.m hotel; along with a new transport interchange and station	Approved

square, including 28 taxi bays and 9 bus stops (2 of which are double stops providing 11 bays in total), a new multi storey cycle and car park including accommodation for c. 2,812 cycle spaces, 52 motorcycle spaces and 632 car parking spaces; highway works including improvements to the existing Hills Road / Brooklands Avenue junction and the Hills Road / Station Road junction and other highway improvements, along with an improved pedestrian / cyclist connection with the Carter Bridge; and works to create new and improved private and public spaces.

12/1236/NMA	Non material amendment to 08/0266/OUT for an alteration to parameter plans 3 and 9 of the CB1 outline application, the change being in respect of the width and length of block J2 and an alteration to parameter plan 6, the change being in respect of the proposed 'green public realm' associated with Block J2. (22 Station Road)	Approved
12/1237/REM	Approval of reserved matters (appearance, layout, scale and landscape) for Block J2 of the CB1 Masterplan (ref 08/0266/OUT), comprising 7453 sq.m pf office floorspace (class B1a), a basement with 40 car parking spaces, 5 of which are disabled spaces, 3 motorcycle bays, 1 mobility scooter charging point, ground floor with 248 cycle parking spaces of which 56 are for visitors, along with associated plant, an access ramp/road; 26	Approved

	external cycle parking spaces, a sub-station and hard and soft landscaping following demolition of Demeter House (22 Station Road)	
15/0865/FUL	Demolition of Leda House and construction of a new 6 storey office building comprising 7421sq.m (GEA) of office floorspace (Class B1); 254 cycle spaces; associated plant; hard and soft landscaping; a basement with 40 car parking spaces and 3 motorcycle bays; infrastructure works (Scheme A)	Pending decision

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes
	Public Meeting/Exhibition:	No
	DC Forum	No

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/13
		4/4 4/7 4/11 4/12 4/13 4/14 4/15 4/16
		7/2
		8/2 8/4 8/6 8/9 8/10 8/16 8/18
		9/1 9/9

	10/1
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p>

	<p>Cambridgeshire Quality Charter for Growth (2008)</p> <p>Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2002)–Southern Corridor Area Transport Plan:</p> <p>Station Area Development Framework (2004) includes the Station Area Conservation Appraisal.</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

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

have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, no policies are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The Option A ramp arrangement is acceptable to the Highway Authority. The car park layout shows doors opening outwards into the path of vehicles. This is inadvisable. Some car parking spaces conflict with others, however, this is a private, managed car park and so this issue should be resolved within the building management.
- 6.2 Update – A revised basement plan has been submitted which shows the doors opening inwards. This has satisfied the Highways Engineer.

Cambridgeshire County Council (Growth and Economy)

- 6.3 Holding objection as further information is required regarding the transport implications and possible mitigation measures.
- 6.4 Update – Further information has been submitted to Cambridgeshire County Council by the applicants and comments are awaited.

Cambridgeshire County Council (Flood and Water Management)

- 6.5 The submitted Flood Risk Assessment dated 7th May 2015 demonstrates that an acceptable surface water drainage scheme can be provided on site using a variety of SuDS features to attenuate runoff. The proposed development, however, will only be acceptable if a condition is imposed requiring the development to be implemented in accordance with the submitted drainage strategy.

Head of Refuse and Environment

- 6.6 No objection, subject to conditions relating to construction hours, construction deliveries, construction/demolition noise, vibration and piling, dust, plant noise insulation, noise insulation scheme, emergency generator, and contaminated land.

Urban Design and Conservation Team

- 6.7 Overall the proposal to create a 'matched pair' with 22 Station Road is supported in design terms. The increase in height, over that envisaged through the Outline Masterplan, is acceptable and does not negatively impact on views into the site from the Conservation Area. Conditions are recommended relating to materials, external treatment of the cycle stores, details of the solar panels, security arrangements for the car park, lighting, plant and the ramp retaining walls.

Senior Sustainability Officer (Design and Construction)

- 6.8 The approach being taken to sustainable design and construction and renewable energy and carbon reduction is supported.

Head of Streets and Open Spaces (Landscape Team)

- 6.9 The drainage engineers have designed an underground water storage system that does not leave enough room for tree pits. No information has been provided on the quality of the existing or imported soil. The proposals are supported in general, but planting conditions are crucial to the success of this scheme. Conditions are recommending requiring further details of the hard and soft landscaping scheme and implementation.

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

- 6.10 No comments received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.11 The proposals are to limit the total discharge from the site to 5l/s for all events up to a 1 in 100 year event plus climate change.

This will be by using underground geocellular crates. The application does also include some elements of source control such as permeable surfacing and a biodiverse green and brown roof. These elements are welcomed and supported. The only real area of concern is the space provided for tree pits, which appears to be limited and could potentially be detrimental to both trees and the long term structural stability of the geocellular crates.

Head of Streets and Open Spaces (Nature Conservation Officer)

- 6.12 I appreciate survey submissions were made in respect of the outline plan that has been approved. However, given that this is a full application and a number of years have elapsed since the approval I feel the types and nature of survey, plus the findings need to be included within the submitted documents. If no additional surveys have been undertaken since 2008 then the reasons for this need to be clearly stated within the report.
- 6.13 Notwithstanding the need for clarification on the surveys undertaken. I do support the proposed target species for enhancement measures proposed within the application. Namely Swift, Kestrel, Black Redstart, Bats, Mosses and the types of provision i.e Brown Roof, Bat tubes, nest boxes. The exact specification, number and locations of these features will need to be provided, either prior to determination or as a condition. For the Brown roof this should include the substrate type/s and species composition of the proposed wildflower mix.
- 6.14 Update: It has been confirmed that the baseline conditions have not changed since the original surveys. The Ecology Report (June 2015) has been updated to confirm this and a Phase 1 Habitat Map is also now included. The Nature Conservation Officer is satisfied with the revised submission. A condition is recommended requiring further details of the enhancement measures.

Ministry of Defence (MOD Safeguarding – Cambridge Airport)

- 6.15 The MOD has no safeguarding objections to a 6 storey building being built at this location. However, the MOD recognises that that during the construction of relatively tall buildings cranes

may be erected. Cranes in the vicinity of aerodromes are of concern to the MOD. Therefore, if cranes are to be used during the construction phase it will be necessary for the developer to liaise with the MOD prior to the erection of any cranes or temporary tall structures. A condition is recommended requiring a Construction Management Strategy which includes details of cranes and any other tall construction equipment.

- 6.16 Update – After discussing this with the MOD it has been agreed that the requirement to discuss the use of cranes can be passed onto the applicant via an informative. Requiring further details via a condition is not considered to be reasonable as a crane could be brought onto the site without the need for planning permission.

Natural England

- 6.17 No comments received.

Environment Agency

- 6.18 No comments received.

Anglian Water

- 6.19 No comments received.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.20 In terms of crime risk by far the most problematic issue in the Station Road area concerns the theft of pedal cycles with dozens stolen in the area each year. Both proposals offer secured cycle parking to the sides and rear of the proposed building. I would recommend that access to this area is by either fob or card swipe and not key pad as there are quite often issues with codes being shared. The ramp to the car park is accessed off Station Road which is secured by gate which is fine. I have no issues with what is proposed and have no preference between Options A or B and have no specific comments to make.

Network Rail

6.21 No objection.

Access Officer

6.22 They need 5% parking marked as Blue Badge spaces and these spaces to be adjacent to lift shafts.

Design is so open plan it is hard to comment on.

Alternate door to revolving door needs to be clearly found and open at all times the revolving one is and preferably powered opening.

Reception needs dropped height counter, hearing loop and seating of mixed height and arm provision.

Good colour contrast and signage.

Thought about emergency procedure for disabled people's egress.

Design and Conservation Panel (Meeting of 10th June 2015)

6.23 The conclusions of the Panel meeting(s) were as follows:

Formerly Leda House (or J3) this block is the subject of a current application (15/0865/FUL and 15/0864/FUL). Previously, (August 2014) the Panel had commented that the proposed architectural treatment of a matched pair of buildings may result in J2 (22 Station Road -now nearing completion) and J3 appearing as a single block of significant bulk. Consequently, the Panel had advised that through careful detailing and not merely nuancing, the risk of a perceived single mass could be resolved with subtle differences in the palette, so that the 'matched pair' relationship with 22 Station Road is maintained.

Palette use

The Panel noted that the current proposal provided for a subtle variation between 20 and 22 in the application of window frames form and colour, as well as through a change in material tone to stone plinth and brick facade. The Panel were supportive but would advise caution in the choice of tonal changes to the

materials palette, as extremes in either direction would have a detrimental effect.

Landscaping.

The Panel appreciated the opportunity to consider the linear park and how its treatment is to be extended along all four blocks with a common language of planting etc. With this common language however, it was felt that greater clarity was needed regarding the quality of the private areas between the J blocks. The Panel re-iterated earlier concerns regarding the quality of the spaces between the blocks and the potential for adverse wind tunnel/micro-climatic effects. It was felt these spaces should be made to work harder, particularly given the large numbers of employees that could potentially benefit from these spaces. With so much overshadowing for example, the Panel would strongly encourage any areas of sun exposure to be maximised. This would include the upper terraces where the top floors are set back.

Vehicular access.

The Panel were presented with two access options – two single basement ramps (one between 20 and 22 and the other between 10 and 20) with planting on the remaining inter-block sections (Option A); or a double ramp between 20 and 22 Station Road resulting in less opportunity for planting in this area (Option B). The Panel expressed a strong preference for Option B as it would allow for more usable and coherent space between 10 and 20. The Panel suggested that more striking structures could enhance the pergola over the ramp to the basement car park.

Should it prove not to be practical to implement Option B owing to the timing of development then, with some reluctance, it was agreed that Option A could be accepted.

Disability Consultative Panel (Meeting of 26th May 2015)

- 6.24 A high quality scheme from an access perspective, although the Panel would recommend the inclusion of fire evacuation lifts to eliminate the need for refuge points.
- 6.25 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following address have made a representation:

- ☐ 43 Warren Close

7.2 The representations can be summarised as follows:

- ☐ Loss of privacy

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 The principle of development has been established by the Outline Planning consent and associated parameter plans. Full planning permission is sought as the building does not comply with the parameter plans as it has been increased in height by one storey and the size of the footprint has been increased in order to form a matching pair with 22 Station Road. I will deal with the detailed design and the increase in height and footprint in the following section on context of the site, design and external spaces.

- 8.3 With regard to use, the parameter plans allow for Block J3 to be used for office use only. The proposals for the use of Block J3 are entirely consistent with the approved parameter plan.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/1 and 9/9 of the Cambridge Local Plan 2006.

Context of site, design and external spaces

Impact on the Conservation Area and the Listed railway station

- 8.5 The visual impact of the whole scheme on the character of the Conservation Area has been addressed in the Outline permission in broad terms and the various amendments to this permission as individual building designs have come forward. The buildings proposed (and partially built) along the Southern side of Station Road affect the approach to the Listed railway station, the terraced houses along the Eastern side of Hills Road and the 19th century villas on the Northern side of Station Road as well as more distant views from various vantage points of the Conservation Area. This proposal will have an impact but this impact will largely be as expected by the 'masterplan', outline permission and the subsequent amendments, which have been considered to be acceptable in the past. The building design, materials of construction and setting will be part of the coherent grouping of new buildings planned along Station Road and it is my view and that of the Conservation Officer that the building would not have a detrimental impact on the Conservation Area.

Scale and massing

- 8.6 As with 22 Station Road, there are a number of adjustments to the footprint of 20 Station Road and a more significant increase in the overall height of the building through the addition of a floor. The changes to footprint of the building are similar to those approved through the submitted and approved Non Material Amendment to the Outline for 22 Station Road (12/1236/NMA).
- 8.7 The overall form and appearance of the proposed building is identical to the building now nearing completion at 22 Station Road, other than the detail of the glazing and other minor

details. 20 and 22 Station Road will form a matching pair and it is my view that the scale and massing of the proposed building is appropriate and acceptable.

Increased height

- 8.8 The increase in the overall height of the building by a storey formed the basis of significant discussion at the pre-application stage. Whilst the application is submitted as a 'full', it has used the masterplanning principles and parameters established through the Outline to inform the proposals. A key departure from the parameters is the overall height of the scheme. These proposals increase the overall height of the building by 1 storey to form a 'matched pair' with 22 Station Road.
- 8.9 The applicant has been asked to demonstrate whether the increase in height would negatively impact on the views towards the site (looking north) along Hills Road. In these discussions, it was important that the increase in height did not result in the loss of articulation of the roofscape of the existing terraces 'College Terrace and Eastbourne Terrace' whose rhythm of chimneys are a key part of the character of this section of Hills Road in townscape terms.
- 8.10 The D&A Statement 'Appendix' contains a series of Sketch-Up views of the proposals to demonstrate how the increased height would be visible from Hills Road which was considered to be the most sensitive of views in terms of potential impact. These views are not verified nor are the specifications of the views (focal length/eye height) given. However they appear to be taken at eye height which is appropriate.
- 8.11 Based on this assumption, these views reveal that the overall impact of the additional storey from Hills Road is minor with it being most apparent through the gap between the two terraces. This view will be filtered by existing vegetation and does not disrupt the articulated roofscape of the terraces. Overall the impact is considered to be minor and the increase in overall height, beyond that established in the Outline Parameter Plans, is acceptable.

Access ramp

- 8.12 Scheme A proposes to deliver the access to the basement as envisaged through the consented 22 Station Road and Outline masterplan schemes and CB1 Landscape and Public Realm Strategy. Accordingly it is supported in design terms.

Design & Conservation CB1 sub-panel comments

- 8.13 The proposals have been to the Design & Conservation CB1 sub-panel on three occasions.
- 8.14 At the reviews on the 11th December 2013 Panel remained to be convinced that an additional storey was needed. They chose not to award a 'traffic light' colour at this review but emphasised the need to provide views of the scheme to demonstrate the potential impact of the increased height.
- 8.15 At the review on the 13th August 2014, the Panel concluded that they were reassured that the level of impact of an additional storey to block J3 on key views could be acceptable and voted 'Amber' on the scheme.
- 8.16 Most recently, on the 10th June 2015, the Panel reviewed the scheme along with emerging proposals for 10 and 30 Station Road. 20 Station Road was given a unanimous 'Green'.
- 8.17 Overall it is my view that the proposal to create a 'matched pair' with 22 Station Road is acceptable. The increase in height, over that envisaged through the Outline Masterplan, is acceptable and does not negatively impact on views into the site from the Conservation Area in my opinion.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/10, 4/11 and 4/12.

Public Art

- 8.19 The site falls within the Red Phase of the CB1 development and is covered by the CB1 Public Art Strategy. The S106 agreement for the Outline application requires that the detailed delivery of public art is agreed via Public Art Delivery Plans. The application is supported by the CB1 Red Phase Public Art Delivery Plan (PADP).

8.20 The PADP proposes the following:

- The Linear Park commission involving collaboration between the landscape architects, project architects and an artist to deliver a series of works within the landscape.
- The Station Gateway commission which will be a sculptural commission focused on the point where the Station Road approach narrows and the linear park comes to an end.
- The Lighting commission which aims to provide an interactive approach to lighting Station Road.

8.21 The Public Art Officer is satisfied with the PADP subject to additional information being submitted for approval. This can be secured and agreed under officer delegated powers through the S106 agreement.

8.22 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

8.23 Policy 8/16 (Renewable Energy in Major New Developments) requires all development over a threshold of 1,000 square metres to provide at least 10% of the developments predicted energy requirements on-site from renewable sources. The Sustainable Design and Construction SPD confirms that passive solar design can count towards this renewable energy requirement.

8.24 As this application seeks full planning permission, the development would not be bound by the conditions attached to the outline. It should, however, be noted that the masterplan for the site contains the ambition for all development to exceed Part L of the Building Regulations by 10%, and for office developments to utilise PV and Ground Source Heat Pumps to achieve a 15% abatement of carbon emissions from renewable energy systems. It is noted that since the outline permission was granted, changes to Part L of Building Regulations have included more stringent carbon reduction targets for non-

residential development, with a focus on encouraging a hierarchical approach to the reduction of carbon emissions.

- 8.25 The submitted Energy Strategy, prepared by Hilson Moran, sets out that by taking a hierarchical approach (fabric improvements, energy efficiency and then the use of renewable energy), a carbon reduction of 25.2% compared to a Part L 2013 compliant baseline for regulated emissions is predicted to be achieved. This approach is fully supported. In terms of renewable energy, the approach being taken utilises both passive solar design and a 37 m² photovoltaic array. Together these are predicted to result in a 31.9 tonne reduction in CO₂ emissions per annum (30 tonnes from the passive solar design and 1.9 tonnes from the photovoltaic panels), which equates to an 18.9% reduction in regulated emissions, which exceeds the requirements of both Policy 8/16 and the condition attached to the outline permission for the CB1 development. This approach is fully supported.
- 8.26 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

- 8.27 The scheme has been considered by the Disability Consultative Panel and the Access Office. The Design and Access Statement emphasises that the entrance to the building would have a level threshold, access to the basement parking area would be automated, lifts would be DDA compliant and the reception area would include a dual height desk and hearing loop. The Disability Panel and the Access Officer have recommended internal changes and I have included these in my recommendation as informatives.
- 8.28 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

- 8.29 There are no residential properties to the north, east and west and therefore the only residents who will be affected by the

development are to the south in the Warren Close development. The residents of these flats could be affected by the development in a number of ways which I consider below. It should be noted, however, that although this application is for full planning permission, the impact of a block of this size and massing was assessed as part of the approval of outline planning permission.

Overshadowing and loss of daylight

- 8.30 Warren Close is to the south of the application site. Between the site boundary and the flat blocks which form a continuous building is a car parking/servicing area. The flat blocks themselves already overshadow this space and the orientation of existing and proposed buildings means that there will be no additional overshadowing or significant loss of daylight.

Visual Dominance and Enclosure

- 8.31 There is a separation distance of 20 metres between the main rear elevation of the new offices and the main part of the flat blocks. The space between the buildings is not amenity space and in my view visual dominance and enclosure will not have a significant impact on residential amenity.

Overlooking

- 8.32 There are windows in the flats and in the offices which will face each other and facilitate overlooking and interlooking. However the separation distance described above and the size of the windows in the flats mitigate against any potential impact in my view.

Noise and disturbance and other impacts on residential amenity

- 8.33 I have recommended conditions restricting demolition and construction hours (9) and deliveries (10). There is potential for noise from plant, the sub-station and emergency generators as identified by the Environmental Health Officer. Again these impacts can be controlled by conditions (12-16)
- 8.34 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I

consider that it is compliant with Cambridge Local Plan 2006 policies 3/4 and 3/7.

Refuse Arrangements

- 8.35 An area for compaction of paper and storage of refuse bins is located within the basement. A refuse hoist will be used to move the bins to street level. This is identical to the approach used for 22 Station Road. Refuse and Environment officers have confirmed that the refuse arrangements are appropriate and acceptable.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.37 The Highways Engineer has not raised any significant concerns in respect of highway safety. They raised concern that the doors from the stair core opened out to into the car park. This has been amended.
- 8.38 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car Parking

- 8.39 Conditions 26 and 27 of the outline planning permission are of relevance to the consideration of car parking. They read as follows:

‘26 5% of short-term car parking spaces and 5% of long-term car parking spaces within the multi storey car park and 5% of all other parking spaces within the rest of the development shall be suitable for, and reserved for, people with disabilities.

Reason: To ensure an appropriate level of car parking provision for people with disabilities (Cambridge Local Plan policy 8/10 and appendix C).

27 Car parking provision shall not exceed a maximum of 425 car parking spaces to serve the office accommodation (B1a use

class) and 232 car parking spaces to serve the residential accommodation (C3 use class).

Reason: To ensure an appropriate level of car parking provision in the interests of sustainable development and impact on air quality. (Cambridge Local Plan policies 4/14 and 8/10 and appendix C).'

8.40 The plans show that two of the car parking spaces proposed are designed for use by disabled people; this represents 5% of the total number of spaces (40 spaces) and accords with condition 26 of the outline consent and adopted Car Parking Standards.

8.41 The adopted Car Parking Standards allow a maximum of one car parking space for each 100 sqm of office floorspace in the controlled parking zone. For a building of the site proposed this equates to a maximum of 75 spaces. 40 car parking spaces are proposed. For an office building of the size proposed (7453 sqm) this equates to 1 space for every 186 sqm, which is well within the maximum standard.

8.42 The following table sets out the comparative numbers and ratio of car parking in the CB1 development to date.

SITE ADDRESS	NUMBER OF SPACES	CAR PARKING RATIO
50/60 Station Road (first scheme)	60	1 space per 274 sqm
50/60 Station Road (second scheme)	76	1 space per 209 sqm
50/60 Station Road (third scheme)	83	1 space per 198 sqm
50/60 Station Road PROPOSED	124	1 space per 137 sqm
Microsoft (excluding	35	1 space per 280 sqm

temporary car park)		
Block J2	40	1 space per 186 sqm

8.43 Concerns were previously raised about the potential for overspill car parking to have an adverse impact on residential amenity in those areas where there are no controls on street. This concern has in part been addressed through an increase in provision of car parking to serve the development as described above. Also the applicants have offered up a pre- and post-development parking survey and funding for a Residents Parking Scheme if necessary serves to mitigate such potential adverse impact. This was secured in relation to the approved schemes and is recommended.

Cycle Parking

8.44 All cycle parking accessible at ground level and 254 spaces are provided. The location and design of cycle parking spaces is as follows:

12 Sheffield stands on the Station Road frontage for use by visitors

15 Sheffield stands to the west of the building which are within the secured area

35 Sheffield stands to the southern boundary

3 Sheffield stands adjacent to the rear elevation

124 spaces within double stackers adjacent to the rear elevation

8.45 The Parking Standards require a minimum of one cycle space per 30m² floorspace. This equates to 248 cycle spaces. The total number of cycle spaces provided is 254 which exceeds this requirement. 62 spaces (approximately 25%) require use of the upper level of the stacker spaces. In my opinion this ratio is appropriate to address the range of ages and abilities of office staff and visitors and will provide convenient, usable cycle

storage. It is also the same as the ratio provided for the Microsoft office.

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

Third Party Representations

Loss of privacy to 43 Warren Close

- 8.47 Addressed in paragraph 8.33.

Planning Obligation Strategy

Planning Obligations

- 8.48 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:

Public Art

- 8.49 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.20 to 8.23 above that in this case provision for public art should be made on site in line with the CB1 Public Art Strategy. This needs to be secured by the S106 planning obligation.

Transport

- 8.50 In response to the comments received from the County Council, the applicant has provided further information regarding the transport implications of the development and potential mitigation measures. This work is currently being assessed by the County Council and comments are awaited. An update will be provided on the Amendment Sheet.

9.0 CONCLUSION

- 9.1 In my view, the proposed development accords with development plan policies and government guidance. The proposed building is of a scale, mass and design which is appropriate to its setting within an Area of Major Change and of a significantly high quality which justifies the removal of an existing building in the Conservation Area. Subject to conditions, the impact on neighbouring properties would be minimal. I recommend that the application is approved, subject to conditions and the completion of a S106 agreement.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 31st October 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. 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 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 construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. The development shall be implemented in accordance with the submitted Drainage Strategy, prepared by Mott MacDonald, dated April 2015.

Reason: To prevent the increased risk of flooding. (Cambridge Local Plan 2006, policy 4/16)

12. 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 demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

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

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

13. 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

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

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

15. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope (having regard to the building fabric, glazing and ventilation) 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 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice".

The approved scheme shall be fully implemented and a completion report submitted prior to the occupation of the noise sensitive development 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)

16. Before the development/use hereby permitted is occupied, a scheme for the insulation of the emergency generator in order to minimise the level of noise emanating from the said generator 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 shall thereafter be retained as such. The scheme shall include the following:

(i) Generator - Use

The generator shall only be used in the event of mains power failure or in accordance with (ii) below. It shall not be used as an alternative supply in the event of disconnection from the mains supply following for example non-payment.

(ii) Generator - Hours of Running for Maintenance

Running of the generator as part of routine maintenance and repair shall only take place for the length of time specified by the manufacturer between the hours of 8am - 6pm Monday to Friday, 9am - 1pm Saturday and no time Sunday or Public Holidays.

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

17. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details including samples of the materials to be used in the construction of the external surfaces shall be 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 4/11)

18. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details of glass type(s) to be used in curtain walling/windows/doors or other glazed features shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

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

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

20. Notwithstanding the details shown on the approved plans, full details of the external treatment of the cycle stores, including roofs or canopies to all external storage areas, green/brown roofs etc. shall be submitted to and approved in writing by the local planning authority prior to commencement of works to provide the cycle stores. The development shall be implemented and maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the streetscene. (Cambridge Local Plan policies 3/4, 3/7 and 3/12).

21. Prior to the commencement of installation of any roof mounted equipment, full details of all solar panels [water pre-heat, etc.] and/or photovoltaic cells, including type, dimensions, materials, location, fixing, etc. shall be submitted to and approved in writing by the local planning authority. In bringing forward such details the applicant is reminded of the restrictions imposed on the height of buildings under the outline planning approval and encouraged to site

such features so as not to be visible from ground level. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the streetscene. (Cambridge Local Plan policies 3/4, 3/7 and 3/12).

22. Prior to the commencement of occupation full details of the security arrangements to provide for safe use of the basement car parking areas, shall be submitted to and approved by the local planning authority in writing. The approved provisions for safe use of car parking facilities shall be provided prior to the first occupation and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To provide convenient and safe access to cycle storage areas. (Cambridge Local Plan policy 8/6)

23. Prior to the commencement of occupation, a lighting plan including details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and maintained in accordance with the approved plan.

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

24. No rooftop plant shall be constructed on the building hereby approved until such time as full details, to a large scale, of any rooftop plant screening systems to be installed, where relevant, have been submitted to and approved in writing by the local planning authority. This may include the submission of samples of mesh/louvre types and the colour(s) of the components. Colour samples should be identified by the RAL or BS systems. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of development are acceptable. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

25. Full details of surface treatments, cladding or other means of finishing the visible face(s) of all retaining walls to ramps providing access to the basement(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all ramps shall be finished in accordance with the approved details.

Reason: In the interests of the visual amenity of the streetscene. (Cambridge Local Plan policies 3/4, 3/7 and 3/12).

26. Prior to commencement of development full details of the specification, location and number of nest boxes for Swifts, Kestrels, and Black Redstarts, and nests and tubes for Bats shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide adequate alternative habitats to sustain protected species (Cambridge Local Plan 2006, policy 4/7)

27. 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, 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; an implementation programme; and tree pit and planter details (including any root volume systems, drainage and irrigation details). This will also include information about soils; preparation and cultivation.

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)

28. 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. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

29. Prior to the commencement of development full details of the location and specification of the geocellular crates shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is sufficient space for tree planting. (Cambridge Local Plan 2006, policy 4/4)

INFORMATIVE: Condition 29 - It is not acceptable for the geocellular crates to be located beneath the planters for the Lime trees

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: Electricity substations are known to emit electromagnetic fields. The Radiation Protection Agency has set standards for the release of such fields in relation to the nearest premises. The applicant should contact The National Grid EMF unit on 0845 702 3270 for advice regarding the electric/magnetic fields that are associated with electric substations.

INFORMATIVE: The applicant is advised that works should be carried out in accordance with BS 7121: code of practice for the safe use of cranes.

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 31st October 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):

The proposed development does not make appropriate provision for transport mitigation measures, public art, and

monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010, the Southern Corridor Area Transport Plan 2002.

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

PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0120/FUL	Agenda Item	
Date Received	26th January 2015	Officer	Mr Sav Patel
Target Date	27th April 2015		
Ward	Arbury		
Site	186-188 Histon Road Cambridge Cambridgeshire CB4 3JP		
Proposal	Proposed demolition of two existing dwelling houses and construction of 13 residential units (comprising 8x 1 bed flats and 5x 2 bed flats), including land for the storage of vehicles associated with the adjacent commercial units at 184 Histon Road, along with 2x car parking spaces, cycle parking and hard and soft landscaping.		
Applicant	C/O Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The principle of re-development of the site is acceptable; <input type="checkbox"/> The proposed building is of high quality design and of a scale that is keeping with the character of the area; <input type="checkbox"/> The proposed building does not have a detrimental impact on the residential amenities of adjacent neighbours.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.186-188 Histon Road are two storey, semi-detached houses, which are set back from the adjoining highway with car parking in front.

- 1.2 The properties are set behind a combination of a one metre high wooden fence in front of a two metre high hedge. The properties are located on the east side of Histon Road.
- 1.3 No.188 has a rectangular rear garden extends approximately 17 metres to the side boundary of no.2 Akeman Street. No.186 has a much smaller garden, which extends approximately 6 metres. A wooden fence defines the rear boundaries of both sites.
- 1.4 The site area extends 539 square metres (0.05 hectares).
- 1.5 The northern boundary the site abuts a site, consisting of a three storey building containing 14 flats. Planning permission was granted for this development (12/321/FUL) on 27 June 2012 subject to conditions and S106 agreement. I understand the building, known as Akeman House, has been completed and is currently occupied.
- 1.6 To the east of the site (rear) is an area that is used for car parking which separates the site from the rear garden side boundary of no.4 Akeman Street and adjacent plots.
- 1.7 The north-eastern corner of the site adjoins the south-western corner of the rear garden of no.2 Akeman Street.
- 1.8 To the south of the site is defined by a 2 metre high fence adjacent to a long narrow access, which leads to commercial units in Chesterton Mill. On the opposite side of this access, is a three storey building (164-184 Histon Road) with a mansard-style roof which accommodates an interior design use and coffee shop on the ground floor facing Histon Road and motorcycle repair unit behind fronting French's Mill.
- 1.9 To the south east is an area of Protected Open Space, which forms part of St Luke's Primary School.
- 1.10 To the west of the site, directly opposite, is a designated 'Local/District Centre' comprising a petrol station, Aldi, Iceland and a parade of shops and services. There is also a bus shelter/stop a few metres from the site.
- 1.11 The built form of the area is generally characterised by two storey semi-detached and terrace residential properties, particularly to the north. However, the character of the built form

changes south of Akeman Street is varied with to the general character. Simons House is a recently constructed three storey block of flats located south of the application site. Opposite Simons House is an area allocated for commercial use comprising an motor repair centre and a separate car dealership. In addition, the Ranch public-house site has been development into 67 bed four storey student accommodation building.

- 1.12 The site is not located within a Conservation Area and there are no listed buildings or buildings of Local Interest within close proximity to the site. The site also falls outside a Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 As amended, the proposal consists of the demolition of the existing dwellings (no.186-188 Histon Road) and construction of a three storey block of flats to accommodate of 13 flats (8 x 1bed and 5 x 2bed) including communal amenity space and cycle (22 spaces including 2 for visitors) and refuse storage provision.
- 2.2 Planning permission (13/0231/FUL) for a similar scheme on the site for 12 flats was approved by Committee in August 2013. The key difference is a complete redesign of the building to include one additional use. The footprint of the proposed building has been increased to project slightly further to the east but would not project past the wing of Akeman House.
- 2.3 It is proposed to retain the car parking (3 spaces) for the adjacent commercial unit in an undercroft off French's Mill as per the approved scheme. Two parking spaces are proposed at the front of the site; a space either side of a hard courtyard area leading to the main entrance to serve the flats. The parking spaces would be screened by boundary planting.
- 2.1 The front boundary of the site is proposed to be defined by a combination of hard and soft landscaping. The side boundary (south) is proposed to provide access for refuse collection and returning of the bins to the bin storage room.

- 2.2 The proposed building would be located on the northern boundary of the site and set one metre away from the adjacent block of flats known as Akeman House.
- 2.3 The proposed building would be approx. 17.6 metres wide, between 12.2 and 28.3 metres in depth and 11.6 metres in height (highest point).
- 2.4 The proposal includes a communal amenity area to the rear which is appropriately 16.5 metres in depth and between 7.1 and 9 metres wide.
- 2.5 Most of the accommodation is at first floor and above, which leaves an undercroft space above the south and east side, which contributes to the external space.
- 2.6 The proposed building would be located slightly behind the building line of the existing properties and set well back from the existing three storey building to the south.
- 2.7 The application is accompanied by the following supporting information:
1. Supporting Planning Statement;
 2. Design and Access Statement;
 3. Transport Statement;
 4. Acoustic Design Assessment
 5. Sustainability Proposal
- 2.8 Following consideration of the submitted proposal, the applicant has revised the scheme by making some alterations to address officers concerns. I set out below the main alterations:
- ☐ A separate townhouse on the eastern end of the site has been removed from the proposals and this means that four car parking spaces are now provided within the undercroft area;
 - ☐ The rear amenity space has been increased in size and the loss of the townhouse means that adequate levels of daylight and sunlight can now penetrate into this space.
 - ☐ The loss of the townhouse means that the access to the car park at the rear is as existing.

- Unit 6 at first floor and Unit 10 at second floor have been slightly increased in size to make them 2xbed units. They have each been provided with private usable terrace areas. A terrace has also been introduced to Unit 13 on the upper floor.

2.9 Revised plans were submitted including updated visual images and a Sunlight and Shadow Analysis for formal consideration. The Transport Statement also includes the parking survey that was carried out for the previously approved scheme. All neighbours and consultees were reconsulted on the revised plans.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0321/FUL	Proposed erection of 14 apartments (following the demolition of existing buildings) comprising 2 studio apartments, 11 x 1 bed flats and 1 x 2 bed flats along with cycle parking and hard and soft landscaping.	Approved 08.10.2012
12/1274/FUL	Proposed demolition of existing dwelling houses and construction of 12No Flats.	Withdrawn
13/0231/FUL	Proposed demolition of two existing dwelling houses and construction of 12no. flats including land for storage of motorcycles in association with the adjoining motorcycle repair use at 184 Histon Road.	Approved 30.08.13

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
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/2 3/4 3/7 3/11 3/12 5/1 8/2 8/4 8/5 8/6 8/10 8/16 8/17

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy Public Art
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27

	May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments Air Quality in Cambridge – Developers Guide

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)

First comments:

- 6.1 Clarification is required as the proposal includes car parking but the accompanying Transport Assessment refers to the development as being 'car-free'. The proposal would be referred to a very low parking provision development rather than car free.

- 6.2 A statement should be provided to identify the total worst case additional parking demands in the area for the planning authority to assess whether the available on street parking can satisfy this incremental demand and the likely impact upon residential amenity.
- 6.3 The requirement of payments in accordance with the NCATP is triggered and the number of trips and payments referred to in the Transport Statement is agreed (NCATP £22,942.5).
- 6.4 If following the clarification on the above the proposal is considered acceptable, conditions and informatives regarding no unbounded materials; no gates; access to be laid and constructed; drainage measures; visibility splays; free from obstruction; traffic management plan; and no work to highway without approval, advising that it is an offence to carry out work to public highway, and to contact public utility if the proposal affects this, should be applied.

Second comments:

- 6.5 No additional comments to make on the additional material provided.

Head of Refuse and Environment

First comments:

- 6.5 No objections to the application in principle subject to conditions and informatives relating to construction hours; collection/delivery hours during construction; construction/demolition noise, vibration and piling details; dust; acoustic design; waste and recycling; waste vehicle circulation; and informatives on dust, contaminated land and housing.

Second comments:

- 6.6 The applicant has contacted the waste officer directly to discuss the waste proposals. The Officer advised that the waste details were acceptable. However no formal confirmation of this has been received from the waste officer. I shall therefore chase the officer for their comments and either add their comments to the amendment sheet or verbally report this at committee. and

confirm the proposals to be acceptable. All other conditions recommended previously are relevant.

Urban Design and Conservation Team (UDCT)

First comments:

- 6.7 The proposed scale and massing of the previously consented scheme was felt to be acceptable in design terms and created a scale transition between the lower 2.5 storey Akeman House scheme to the north and the taller No.184 commercial premises to the south. The third floor roof level had less of an impact due to its setback arrangement. UDCT are concerned that the proposed third floor (southern element) on the submitted scheme will appear dominant and bulky from views looking south along Histon Road. The third floor level should be setback in line with the northern element.
- 6.8 The proposed length and four storey height of the eastern 'wing' has resulted in overshadowing impacts to the rear communal amenity space. The length of the building should be reduced and a setback provided at third floor level.
- 6.9 In addition to concerns about scale and massing the following needs further clarification:
- ☐ Provide details (materials and design) of the sliding doors/screens proposed for the cycle and refuse storage;
 - ☐ Introduce screens on the balcony of Unit 11 to prevent overlooking to the adjacent balcony in Akeman House;
 - ☐ Clarify the users of the car park at the rear of the site (within the blue line boundary) and undercroft, and;
 - ☐ Relocate the access to the rear car park further east along French's lane.

Second comments:

- 6.10 The submitted second set of amendments have addressed the UDCT previous concerns and has greatly improved the quality of accommodation proposed. The application, as amended, is now acceptable in design terms.

Senior Sustainability Officer (Design and Construction)

First comments:

Sustainable Design and Construction

6.11 A variety of measures have been integrated into the design of the proposal including: The role of glazed facades orientated to the east, west and south in maximising the benefits of solar gain in the winter. Also a number of measures to minimise excessive solar gain in summer time have been suggested such as:

- ☐ solar control glazing is to be specified on the south, west and east elevations;
- ☐ The fabric first approach to the design proposals to minimise energy use and associated carbon emissions;
- ☐ The use of natural and A rated materials, with reference to the Green Guide to specification;
- ☐ Targeting of the energy requirements Level 4 of the Code for Sustainable Homes;
- ☐ Specification of materials with low toxicity and non toxic paints and internal finishes;
- ☐ The use of water conservation measures including low flow sanitary ware and water efficient appliances.
- ☐

All of these measures are supported.

Renewable Energy provision

6.12 A number of renewable technologies are being considered in order to meet the requirements of Policy 8/16, notably photovoltaic panels, ground source heat pump and/or a thermal bore. Any of these technologies would be supported for this scheme. If photovoltaic panels are to be utilised, it would be helpful if these could be included on the roof plan, so that the Council can be satisfied that they have been located at the optimum orientation. This could be by way of the Councils standard renewable energy condition if it were not possible to submit this prior to determination.

Second comments:

6.13 No additional comments made.

Access Officer

First comments:

- 6.14 One parking space should be made Blue Badge parking, one ground floor flat should be designed to wheelchair standards, and lift serving all flats above ground floor.

Second comments:

- 6.15 No additional comments made.

Head of Streets and Open Spaces (Landscape Team)

First Comments:

- 6.16 The officer has the following concerns with the proposed scheme:

- ☐ The relationship between the open/car parking area to the east and proposal area;
- ☐ Concerned by the potential quality of the amenity space and any proposed soft landscaping as the shadow study shows a great deal of it would be in shade.
- ☐ The previous scheme had a better relationship with Histon Road frontage, as it allowed for a better quality of public realm with soft landscaping

Second comments

- 6.17 The proposed revisions are acceptable and landscape can now support the proposed scheme. Satisfied with the access concerns to the existing car parking to the rear and satisfied by the levels of light into the communal space which are resulted from the revised design of the proposal. The proposal is supported subject to conditions on hard and soft landscaping, landscaping implementation and boundary treatment.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

First comments

- 6.18 The proposals will result in an increase in impermeable area and therefore without adequate surface water drainage strategy, could lead to an increase of localised surface water flooding. However, there is scope within the proposals to mitigate this risk. The officer has therefore recommended a surface water drainage condition.

Second comments:

- 6.19 No additional comments to make.

Head of Streets and Open Spaces (Trees)

- 6.20 There are no arboricultural objections to this application subject to the conditions relating to tree protection measure provided in an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), and implementation of the AMS and TPP.

Cambridgeshire County Council (Archaeology)

- 6.21 Records indicate that the site lies in an area of high archaeological potential. The site is located to the north west of the Roman town at Cambridge, close to the line of the road connecting the Roman towns at Cambridge and Godmanchester. To the north west of the application area is a known Late Iron Age to Roman settlement (Historic Environment Record reference MCB17974). Also in the vicinity is evidence of Prehistoric, Roman, Medieval and Post-Medieval occupation.
- 6.22 No objection to the proposal subject to an archaeology condition.

Design and Conservation Panel (Meeting of 6 May 2015)

The minutes of the Panel meeting(s) were as follows:

(The comments relate to the original submitted scheme before it was amended to that which is currently being considered).

Histon Road elevation – scale, massing and treatment.

- 6.23 Some concern was expressed regarding the massing, particularly in terms of its relationship to the top of the brick parapet on Akeman House. The Panel however also considered the width of Histon Road, and concluded that a larger building could in general terms be accommodated in this location. The decision to split the elevation into two distinct elements was also broadly welcomed. There was some concern that the palette of materials would result in an over-busy appearance, and a simplified treatment might give a calmer overall appearance. This might also include introducing a flat roof in place of the current shallow pitch that would also provide greater consistency with its neighbours.

The return down French's Mill Lane.

- 6.24 The Panel were concerned that the increased height of the return wing on French's Mill Lane could appear overpowering, in particular when viewed by ground floor residents in Akeman House. The additional floor would also increase the overshadowing of the shared garden area. Panel noted that this wing had been reduced in width, but the lack of daylight studies made it difficult to properly assess the impact of the additional floor. Panel also felt that the garden area might be enhanced if it were formed as a single shared garden along with that serving Akeman House, thereby omitting the fence along the boundary.

Townhouse.

- 6.25 The Panel were informed that the addition of the townhouse was to provide a 'sense of place' in a predominantly commercial context. The absence of a mews-like quality to French's Mill Lane and the rather ambiguous relationship with the 3 parking spaces for the commercial premises to the south were regarded as disappointing. The Panel were also concerned by the very limited amount of private amenity space for this house and the lack of privacy to the rear ground floor windows. Consideration should be given to providing private amenity space for the townhouse to the rear of the ground floor living space. The Panel noted that the existing commercial building immediately to the south is in the same ownership as this site. This

commercial building is of poor architectural quality and its redevelopment for residential use would provide the opportunity for a more holistic proposal, with a more satisfactory resolution of the parking and access arrangements. Whilst that may not be part of the current proposals, an awareness of the implications for the future redevelopment of the block to the south on the current proposal would be helpful.

Green roofs.

- 6.26 The exploration into the use of green roofs combined with PV is encouraged for greater sustainability.

Conclusion.

- 6.27 This scheme would benefit from significant further work. The Panel accepts that a number of design parameters have been established through the previously approved scheme, including parking and access arrangements. However, the justification for the increase in units from 12 to 14 is questioned, especially given the impact of the extra floor on the return wing along French's Mill Lane. The scale of this east wing of the development appears tall and oppressive, while removal of the top floor and the number of units would significantly improve the quality of the communal garden space. A re-visiting of the Histon Road frontage with a simpler palette of materials is also encouraged.

VERDICT – AMBER (unanimous)

7.0 REPRESENTATIONS

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

- 11 Windsor Road
- 84 Windsor Road
- 103 Windsor Road
- Windsor Road Residential Association (WIRE)
- 38 Oxford Road
- 140 Histon Road (Support)

- 7.2 The representations can be summarised as follows:

Objections:

Design, scale and layout:

- The scheme would dwarf the adjoining buildings;
- The building is out of keeping with other buildings in the area;
- Too many units are proposed;

Residential amenity

- The residential amenity of future residents is likely to be affected by the area identified for storage of vehicles for the adjacent commercial unit;

Car, cycle parking and travel distances

- Insufficient and inadequate car parking that will result in overspill into surrounding streets;
- Existing streets are under pressure from commuter and overnight parking;
- Parking survey in Transport Statement does not take account of the 14 flats at 190-192 Histon Road;
- Parking survey is misleading for assuming that free parking lies within 225 metres distance. Unreasonable to expect residents to travel this distance.
- There are no surveys during the daytime on weekends;
- Shortage of on street parking for existing residents on Histon Road and nearby streets. ;
- Unrealistic to suppose all residents will have necessary fitness to cycle – railway station is much longer than 12 minutes away;
- 20 cycle parking spaces is not enough for the number of residents ranging between 25-30;
- Confusion over the number of car parking spaces; townhouse
- Public transport links are not as frequent as the transport statement suggests.

Support:

- The design fits in with neighbouring properties and is pleasing in external appearance;

- The design and context of the scheme is an improvement on the previous consented scheme;
- The revised scheme responds better to the adjacent scheme on the corner of Akeman Street;
- Type of accommodation proposed is ideal for this location and much needed within the site;
- Important and positive contribution to much needed housing stock in Cambridge in a suitably sustainable location;
- Scheme represents a step forward in the regeneration of this area

7.3 No representations were received to the proposed amendments.

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. 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 Planning permission has been granted on this site for a block of 12 flats. Therefore the principle of residential development in the proposed form has already been established. Applications for housing are supported by the Local Plan Policy 5/1. The application to provide 13 units would contribute towards the City's market housing stock and would therefore comply with

aims and objectives of this policy. The site is also considered to be a brown field site, which has been previously developed.

- 8.3 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

- 8.4 The site is currently occupied by a pair of 1930s two storey semi-detached houses that have separate access and are set back from Histon Road. To the south of the site is a large three storey commercial building. The land to the north of the site is occupied by a recently completed block of flats which turns the corner from Histon Road into Akeman Street.
- 8.5 It is also important to note that planning permission was granted for a four storey block of 12 flats on this application site. According to the applicant, the reason this permission was not implemented was because the scheme was not considered commercially viable. The applicant therefore reappraised the site with a new architect and submitted the proposed scheme for 14 flats, which has since been revised to a 13 flat scheme.
- 8.6 The context of this part of Histon Road from south of the junction of Akeman Street and to the west, is characteristic by large blocks of flats and commercial uses. To the north of the site the character changes from this into two storey domestic housing. Therefore, the proposed development, in light of the scale and design of the previous consented scheme, responds to the context of this area. The proposed scheme would sit taller within the street compared to the buildings either side, however, in my view, this adds variation in height. The proposed scheme has been designed to carefully relate to Akeman House by carrying through the parapet line into a section of the proposed scheme before announcing itself with the bold angled roof form. I believe this transition has been successfully designed. The D&C Panel also broadly welcomed the two distinctive elements approach. The commercial building to the south is not visually appealing and I do not consider there are any aspects of the building that the proposed scheme could have responded successfully to. I consider the scale of the proposed scheme, from Histon Road, would not appear adversely out of keeping or intrusive within the street scene. I also believe the proposed

contemporary design would make a strong and positive contribution to the street scene.

- 8.7 The side elevation which extends along French's Mill Lane carries on the articulation of the front elevation but is more conservative in terms of its form and arrangement. The first floor would be cantilevered so as to provide a useable space around the building for access to the bin and cycle store. This feature would also reduce the overall mass of the building, particularly from ground level. The revised scheme has further reduced the mass and width of this elevation by the removal of the townhouse element on the eastern end of the building.
- 8.8 In terms of the elevations, carefully consideration was needed to the external treatment of each elevation. The applicant has proposed an array of materials with the emphasis on a low carbon approach. The materials include timber cladding, metal standing seam roofs, aluminium framed composite windows and doors and clear and opaque cantilevered glass balustrades. The Panel raised some concerns with the palette of materials. The Panel suggested it would result in an "over-busy appearance" and a simplified treatment should be considered. However, the UDCT considers the proposed palette of materials could be acceptable in design terms subject to further information and samples. I agree with this approach as there is a varied palette of materials in the area. I have therefore recommended a materials condition (3).
- 8.9 The Panel were concerned that the height of the side wing could appear overpowering on the ground floor residents in Akeman House and would also increase overshadowing over the garden space. This was a concern that I also raised with the applicant. Following revisions to the side wing elevation (removal of the townhouse), a revised sunlight and shadow study was carried out. It demonstrated that 82.3% of the rear amenity space would now receive a minimum of 2 hours sunlight on the 21st March and is well in excess of the 50% recommended by BRE guidance figure. This is supported by the UDCT. The side wing would project no further than the side wing of Akeman House which projects along Akeman Street, albeit the proposed scheme would be taller. The proposed side wing would be located 11 metres off the boundary and a further 7.5 metres from the nearest part of the adjacent existing side

wing. I am therefore satisfied that the proposed wing would not appear significantly overpowering.

8.10 In terms of external space, the proposal includes a private communal garden to the rear. This area would be similar of the communal space provided at Akeman House. The communal area would provide approximately 179 sqm of outdoor space. This area would serve as a main outdoor amenity space for future occupiers. On the basis the proposed flats would contain 18 residents (8x1bed = 8 and 5x2bed = 10), which equates to a ratio of approximately 10 sqm per resident. This is comparable, and in some case more than, other similar residential housing schemes that have recently been approved. The frontage of the site (facing Histon Road) would accommodate two car parking spaces either side of the main access route to the front entrance. The car parking spaces would be screened by a combination of hard and soft boundary treatment to soften the appearance of the building and visual appearance of parked cars. The external space would help to assimilate the proposed building into the site and provide future residents with a high quality living environment.

8.11 In my opinion, the proposed development is of a scale that would not appear alien or intrusive in this context. The proposal is also considered to be of high quality design such that it would make a positive contribution to the visual appearance and character of this part of Histon Road.

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

Public Art

8.13 As the site would be highly visible from the public realm, I have recommended a public art condition so that public art provision can be made on site.

8.14 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

- 8.15 The applicant has identified a range renewable energy technologies in order to provide 10% of the energy from renewables in order to comply with policy 8/16. The Sustainability Officer supports the proposed approaches. Therefore, as no specific strategy has been proposed in order to comply with the requirement of policy 8/16, I have recommended a renewable energy condition to ensure this the relevant information is submitted, agreement and implemented.

Sustainability

- 8.16 There is a bus stop directly in front of the site which provides services into the City Centre. The site is also approximately 7 minute cycle ride and 25 minute walk into the City Centre.
- 8.17 The site is located adjacent within walking distance of Histon Road Local Centre.
- 8.18 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

- 8.19 The applicant has not confirmed if either of the ground floor flats would be laid out to wheelchair standards. I have asked the applicant to clarify if one of the flats is proposed to be wheelchair standard as the flat nearest the front elevation appears bigger.
- 8.20 The proposed car parking spaces at the front of the site are wide enough to accommodate disabled parking. Therefore, I do not consider it necessary to restrict one of the spaces as Blue Badge as there is no guarantee that a wheelchair user would need such as space or reside at the site.
- 8.21 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

- 8.22 The proposed development would mostly affect the residents in Akeman House as they would be closest. The dwellings to the east in Akeman Street, are of sufficient distance from the site not to be adversely affected by the proposed development in terms of overlooking. The site orientation and separate distances from Akeman House and the dwellings in Akeman Street, the proposed development would also not cause significant levels of overshadowing or appear overbearing. In my view, it is accepted that there is already a degree of overlooking between properties, particularly along Akeman Street where the character is more residential, from the existing properties. The rear half of the rear garden of no.2 is in the applicant's ownership and is currently used as a car parking area for the commercial unit to the south. Therefore, there would be no direct overlooking of the rear garden from the proposed development over and above the approved scheme (13/0231/FUL).
- 8.23 The side wing of the proposed development would be set 11 metres off the northern boundary and a further 10 metres from the side wing of Akeman House. The 20 metres of separation from the elevations that face each other is considered to an acceptable distance to not cause adverse levels of overlooking or appearance significantly overbearing.
- 8.24 Concerns have been raised regarding the lack of on-site car parking and how this will impact on neighbouring streets that already experience high levels of car parking, or competition for parking. Residents are worried that the occupiers of the proposed flats will park their cars on adjacent streets or in other inconvenient places that could compromise highway safety and that the proposed development will put additional pressure on the existing car parking problems in and around the surrounding streets. The Highways Authority has advised that the proposal has the potential to impact on the amenity of existing residential units.
- 8.25 I consider the assessment used in the transport assessment to be acceptable in demonstrating that there is sufficient capacity within the surrounding streets to accommodate additional car parking demand from the proposed development. The same assessment was used to consider the approved scheme. There has been no material change since the survey was carried out

to require an updated assessment to be carried out. I nevertheless, consider the site to be located within a highly sustainable location in terms of proximity to the local centre, bus stops, the city centre and cycle routes. The Local Plan encourages low levels of private car parking in order to encourage a modal shift, particularly where good public transport accessibility exists.

- 8.26 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

- 8.27 The original proposed scheme was revised following concerns with the level of overshadowing that would occur over the communal space. Following the removal of the town house and revised east elevation the revised sunlight and shadow study shows that 82.3% of the rear amenity space will now receive a minimum of 2 hours sunlight on the 21st March and is well in excess of the 50% BRE guidance figure. This has been assessed by the UDCT and has addressed their concerns in this regard.
- 8.28 The revisions to the side wing have resulted in changes to unit 6 (first floor) and unit 10 (second floor) and unit 13 (third floor). Unit 6 and 10 have been increased in size (from approximately 53sq.m to 71sq.m) and now form 2 bedroom units. Small private terraces have been added to the southeast corner of the units and measure 2m deep x 2.2m wide and form usable amenity spaces. A 2.2m deep x 3.6m wide roof terrace has been added to Unit 13 and forms a usable amenity space for the occupants.
- 8.29 The proposed alterations to the layout and size of units 6, 10 and 13 which are contained within the side wing would improve the quality of the accommodation.
- 8.30 I am therefore satisfied that the proposed development would provide high quality living accommodation and high quality living environment for future residents.

- 8.31 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

- 8.32 The proposal includes an enclosed refuse storage facility located on the south side of the ground floor with separate access for wheeling the bins to the collection point at the front of the site. The Waste Officer supports the size and amount of refuse proposed but has concerns regarding the responsibility of putting out and bringing in the bins. On this basis, the Officer has requested a waste condition relating to the management of the bins be attached to any permission.
- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.34 The proposal would also not create any conflict with pedestrians crossing the access, as the spaces are set back from the road and there is sufficient visibility either side of the access to assess movement along the pavement before leaving the site to enter the highway.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.36 The site is situated outside the Controlled Parking Zone (CPZ). The Local Plan car parking standards for areas outside of the CPZ recommend that for a single and two bedroom units, one space per unit should be provided, which would equate to 13 spaces (+ 1 visitor/disabled space) in total for the proposed development. The Council's car parking standards are defined as the maximum levels and can be reduced on a case by case basis where appropriate.

- 8.37 It is important to note that the car parking provision to serve the proposed development is the same as that for the approved scheme; two spaces at the front. The proposed scheme also consists of only one additional unit.
- 8.38 The proposal would only provide two parking spaces located on the frontage of the site. The spaces have been designed to comply with the standard Highway specification for parking and manoeuvring into and out of in forward gear. The Highway Authority has not raised any concerns with the layout and dimensions of the proposed car park spaces.
- 8.39 In view of the information provided in the transport statement; car parking survey, the absence of on-site car parking on the proposed site would not have a significantly adverse impact on the existing car parking capacity on the surrounding streets. I therefore consider that the proposed development is acceptable from a car parking point of view and it would be unreasonable to refuse the application based on car parking alone. This is because I consider that the site is in a sustainable location, within reasonable walking and cycling distance of the City Centre, it is on a bus route and it is close to local shops and amenities.
- 8.40 I have nevertheless, recommended a condition to ensure future residents are aware of their nearest club-car location (condition X).

Cycling Parking

- 8.41 In terms of cycle parking, 20 spaces (excluding the two visitor spaces) are proposed to serve the future residents. The cycle parking provision complies with the cycle parking standards in the Cycle Parking Guide for New Residential Developments (2010). The guide requires 1 space per bedroom up to 3bed dwellings (18 beds = 18 cycle spaces). The cycle space would be located within a self-contained, secure storage room within the ground floor of building and close to the main entrance. In addition two visitor spaces are proposed adjacent to the car parking space on the southern side.
- 8.42 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.43 I have addressed some of the issues raised by third party representation in the above section. However, for those that I have addressed I set out below my response to:

Representation	Response
The scheme would dwarf the adjoining building	The proposed building would be taller than the adjoining buildings but I do not consider this to be a negative element. The height of the proposed building would add variation in the roofline along Histon Road which is mixed. The height is not significantly taller such that it would appear adversely dominant.
Out of keeping	The design of the proposed building is modern and contrasts well with the adjoining buildings. The proposed building would appear as a bold statement which in my view would improve the street scene along Histon Road.
Too many units	The proposal consists of one additional unit compared with the approved scheme. This is not considered to be significant increase such that it would have an adverse impact on the area.
Impact of storage vehicles on residential amenity of adjoining neighbour.	The car parking spaces within the undercroft are the same as the proposed scheme. The spaces are only likely to be used by the commercial unit when the commercial unit is in operation. Outside these hours the spaces are likely to be vacant. I do not consider their use would have any adverse

	impact on the residential amenity of future residents.
Insufficient and inadequate car parking	See para 8.37 to 8.40
20 cycling parking spaces is not enough	Para 8.42
Confusion over the parking for the townhouse	The townhouse has been removed from the scheme.
Bus services not as frequent as suggested in the transport statement	There are bus services directly outside the site. Whilst they may not be as frequent as suggested in the transport statement, the site is located in a high sustainable location in terms of proximity to shops, services and within reasonably walking and cycling distance of the city centre.

Planning Obligation Strategy

Planning Obligations

8.44 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.

8.45 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy

and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Informal Open space

- 8.46 I have consulted with the service manager to identify a project in this area that contributions could be linked to. The Council estimates the cost of new or improved open space to be £242 per person, and therefore, I expect the improvements required for 22 additional residents to cost approximately £5,324. If the Streets and Open Spaces Asset Manager is able to provide precise details of the works required at this stage, I will report them on the amendment sheet, or at Committee.

Sports (outdoor and indoor)

- 8.47 The future occupiers will also create an additional demand for indoor and outdoor sports facilities. I expect the cost of the additional provision required to be approximately £5,236 for outdoor provision (£238 per person and £238 per person), and £5,918 for indoor provision (£269 per person). If the Sport and Recreation Manager is able to give precise details of the works required at this stage, I will report them on the amendment sheet or at Committee.

Community development

- 8.48 I have consulted with the service manager to identify a project in this area that contributions could be linked to. The Council estimates the cost of new or improved community facilities to be £1256 per person, and therefore, I expect the any such improvements required for 22 additional residents to cost approximately £16,328. If the Streets and Open Spaces Asset Manager is able to provide precise details of the works required at this stage, I will report them on the amendment sheet, or at Committee.
- 8.49 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation

Transport

- 8.50 I have consulted with County Highways to identify a transport project in this area that contributions could be linked to. I shall report their response on the amendment sheet or verbally at committee. Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

Planning Obligations Conclusion

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

9.0 CONCLUSION

- 9.1 The proposed development of a four storey building consisting of 13 residential flat with internalised cycle and bin storage provision including communal space, is considered to be of high quality design and would not have a significant adverse impact on the residential amenity of the surrounding occupiers.
- 9.2 The proposed development would make a positive contribution to the street scene due to its contemporary design and bold styling. The design has been carefully arranged to ensure it respects the development either side without appearing intrusive or dominant.
- 9.3 The proposed development would not have a significant adverse impact on the residential amenity of the surrounding neighbours over and above the scheme that was approved for 12 units.
- 9.4 The site is located within a sustainable location in terms of its proximity to local shops and services, and is accessible to bus

stops which is located a few metres from the site. In this context, I consider the low car parking provision for the scheme acceptable and would not adverse impact the existing on street car parking situation.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement by 5 November 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. 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 details of the roof access and roof maintenance plan have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure

5. Prior to the commencement of development, with the exception of the demolition of the existing buildings on the site, details of the proposed renewable energy technology 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 details shall include 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 Sustainable Construction And Design Supplementary Planning Document to be submitted in writing and agreed with the Local Planning Authority 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, unless otherwise agreed in writing by the local planning authority.

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).

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

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

7. 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)

8. 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)

9. 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)

10. 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).

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)

11. 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)

12. 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 who will be responsible for the putting out and returning of the bins to and from the refuse storage area, 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 amenities of nearby residents/occupiers and in the interests of visual amenity (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

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

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

14. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

15. 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)

16. 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 demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

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

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

17. 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

18. The noise insulation scheme and ventilation requirements as stated within the Cass Allen acoustic design assessment dated 05 January 2015 (ref: RP02-12505) shall be fully implemented, maintained and not altered unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of future residents Cambridge Local Plan 2006 policy4/13

19. 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)

20. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

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

Reason: In the interests of highway safety.

22. 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.

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

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

- i) contractors access arrangements for vehicles, plant and personnel,
- ii) contractors site storage area/compound,
- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

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

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

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

28. 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 to a achieve a 20% reduction in the previous development peak flows 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: 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).

29. The undercroft shown on the approved plans shall be used only for the parking of no more than 3 cars and/or 18 motorcycles associated with the commercial use at 184 Histon Road. At no time shall the area be used for the commercial repair of vehicles.

Reason: To protect the amenity of future residents and nearby properties (Cambridge Local Plan 2006 policies 3/7 and 4/13)

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

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

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

Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf
Control of dust and emissions during construction and demolition supplementary planning guidance

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

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.

INFORMATIVE: The Housing Act 2004 introduces the HHSRS as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors. Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

The applicant/agent is advised to contact the Residential Team at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS

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

5th AUGUST 2015

Application Number	15/1045/FUL	Agenda Item	
Date Received	4th June 2015	Officer	Michael Hammond
Target Date	30th July 2015		
Ward	Coleridge		
Site	Marque House 143 Hills Road Cambridge Cambridgeshire		
Proposal	Retrospective installation of 1no. condenser unit over car park entrance, on the side of the parapet wall within the area leading down to the basement parking.		
Applicant	Mr P.O Box 53 New Century House Manchester M60 4ES United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The condenser unit does not detract from the character of the area. - The condenser unit does not visually harm the amenity of any neighbouring properties. - The condenser unit would not result in unacceptable levels of noise and so the amenity of neighbouring properties will not be harmed.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, Marque House, is a large multi-storey building occupied by residential properties and retail uses on the ground floor levels.

- 1.2 The proposal site relates specifically to the internal basement car park ramp which is accessed via Hills Road. The ramp is used by occupiers of the residential properties within Marque House for car parking. On the ground floor level there is a large internal courtyard area and a footpath runs through the site from Cherry Hinton Road to Hills Road which runs alongside the basement car park ramp.
- 1.3 There are no site constraints.

2.0 THE PROPOSAL

- 2.1 The application seeks retrospective planning permission for the installation of 1 condenser unit over the basement car park entrance, situated on the side of the parapet wall within the area leading down to the basement parking. The condenser has been erected in place but is not operational at present.
- 2.2 The condenser unit is 2.3m in height and 4m in width and is situated 3.1m from the ground level of the basement car park entrance. The condenser is designed within an enclosure with timber cladding externally.
- 2.3 An acoustic noise report was produced on 3rd June 2015 to demonstrate the levels of noise that the condenser would produce. However, following discussions with the Environmental Health Team, it was concluded that the distances the applicants measured in the report did not take account of the nearest window which is situated 7.5m away from the condenser unit and serves a living room. As a result, further noise assessments were conducted on site on 25th June 2015 and the results of this have been published in the letter dated 2nd July 2015 from Acoustic Control Consultants Limited.
- 2.4 The application has been called in for determination at planning committee by Councillor Herbert due to the inadequacy of detail on the noise impact of the condensers particularly at night, the absence of any assessment of the best location, and the presence of errors in the application such as distances from the condenser to the nearest windows.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1113/ADV	Illuminated fascia box sign along with an illuminated projecting sign.	Pending Consideration.
15/1112/FUL	Installation of a shopfront.	Pending Consideration.
15/0749/ADV	Sign 1) Aluminium fascia with acrylic The Co-operative food text with vinyl face. Internally illuminated. Sign 2) No.2 Aluminium blank fascia. Sign 3) Aluminium fascia with backed up acrylic Opening Hours text with vinyl face. Internally illuminated. Sign 4) Aluminium projection sign with acrylic The Co-operative food text with vinyl face. Internally illuminated. Sign 5) Wall mounted Remember your bags sign. Aluminium panel with applied vinyl text and image.	Permitted.
15/0490/FUL	Installation of extract grill above shop front for ventilation purposes	Permitted.
15/0046/ADV	1x Fascia sign, 1x projecting sign (both internally illuminated) and canvas awning.	Withdrawn
14/1943/FUL	Change of use of part of vacant Class A1 unit to a Costa Coffee shop (mixed Class A1/A3) and new shopfront	Permitted.

14/1846/FUL	Installation of plant pack with cage, and 1no. condenser over car park entrance, all within basement.	Application Returned
14/1481/FUL	Installation of plant pack with cage, 2no. AC condensers in cycle store, and 1no. condenser over car park entrance, all within basement.	Application Returned
14/1445/NMA	Non material amendment on applications 06/0007/OUT & 08/0505/REM for the relocation of the cycle parking present along the Hills Road frontage	Withdrawn.
14/0595/ADV	External hanging sign (non-illuminated).	Permitted.
13/0233/FUL	Proposed Change of Use of the ground floor retail units from a retail use (A1) to A1 shops, A2 (financial and professional services), and/or a sui generis Car Showroom (in the alternative)	Withdrawn.
06/0007/OUT	Residential development, ground floor retail (Class A1) uses, and related ancillary elements including car parking, cycle parking, new means of access and landscaping (Outline Application).	Permitted.

4.0 **PUBLICITY**

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 4/13

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

will have considerably more weight than emerging policies in the revised Local Plan.

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Head of Refuse and Environment

6.2 The application is supported, subject to condition.

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 Marque House	9 Marque House
11 Marque House	15 Marque House
17 Marque House	18 Marque House
22 Marque House	23 Marque House
25 Marque House	26 Marque House
30 Marque House	32 Marque House
33 Marque House	36 Marque House
40 Marque House	42 Marque House
43 Marque House	48 Marque House
51 Marque House	56 Marque House
62 Marque House	63 Marque House
64 Marque House	78 Marque House
82 Marque House	85 Marque House
86 Marque House	87 Marque House
89 Marque House	Vitry, 14 Gazeley Road
149 Glenalmond Avenue	2 Elan House, 20 Cherry

	Hinton Road
8 Coppice Avenue, Great Shelford	

7.2 The representations can be summarised as follows:

- Noise disturbance on neighbouring properties.
- Noise disturbance on neighbouring courtyard/ garden.
- The proposal is contrary to policy 4/2 (Open Space) of the Local Plan
- The proposal is not in keeping with the character of the area.
- Visual intrusion.
- The proposal is contrary to policies 6, 35, 55, 56, 57 and 58 of the Cambridge Local Plan 2014.
- There is no need/ demand for a supermarket in this location.
- Increased traffic and disturbance from deliveries for supermarket.
- Increased car parking due to supermarket.
- Increase in anti-social behaviour due to sale of alcohol from supermarket.
- The proposal is unlawful and planning permission should have been sought prior to implementation.
- Safety of condenser unit in this position.
- Maintenance of condenser unit could block residents from entering/ leaving car park.
- The location of the condenser unit is poor and an alternative location should be sought.
- Air pollution disturbance from fumes.
- The noise assessment report is inaccurate.
- The plant equipment, even with planning conditions, is unlikely to meet the required noise guidelines.
- The proposal is contrary to NPPF paragraph 123.
- The proposal is contrary to the test of Statutory Nuisance set out in nuisance law.
- The proposal is contrary to the IOR/BRA 'Guide to Good Commercial Refrigeration Practice Part 2' and 'REALZero guide 'Designing out Leaks: Design Standards and Practices'.
- The proposal is contrary to objectives 1,2,3 and 13 of the Cambridge Local Plan 2014.
- The applicant was advised not to erect the condenser by the Local Planning Authority but ignored this.
- No consultation with local residents took place prior to the erection of this condenser.

- Heat generated from condenser could harm amenity of neighbouring properties.
- The increased noise disturbance would have a negative impact on the health of residents.
- The proposal is contrary to guidelines from the WHO, NHS, European Union and Case Law.

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. Third party representations

Principle of Development

8.2 It is noted that several objections have been raised in relation to the siting of the ground floor supermarket in this location. However, the use of this ground floor area for the purposes of a supermarket (A1) was determined under the original planning permission for this site (06/0007/OUT). This application solely refers to the retrospective installation of the condenser unit and the use of the ground floor area for the purposes of a supermarket (A1) is not a consideration in the determination of this application.

Context of site, design and external spaces

8.3 The condenser unit is not visible from the street scene of Hills Road or Cherry Hinton Road, but would be visible from the public footpath that runs through the site between these two roads. It is positioned on the parapet wall that forms the back wall of the basement car park entrance ramp. Timber cladding is proposed on the side of the unit facing the car park entrance.

- 8.4 It is identified that representations have been made regarding the visual intrusion of the condenser unit on the internal garden courtyard area and how it appears out of character with the area.
- 8.5 The existing parapet wall and basement car park entrance does not have any architectural merit or contribute positively to forming the character of the area. The condenser unit would only marginally protrude beyond the glazed screening that runs along the entrance to the car park adjacent to the footpath. While I note that there are no other condenser units visible within this garden area, I do not consider that the condenser unit in this position appears so out of context that it visually harms the character of the area. The condenser unit is partially recessed below ground floor level and is positioned within an area of the site that is subject to frequent traffic and is not highly visible from views into and out of the garden area, and so I am of the opinion that the proposal does not harm the character of the area.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The position and size of the condenser unit means that there is no harm to the amenity of neighbouring properties in terms of visual enclosure, overshadowing or loss of light.
- 8.8 The main consideration is the impact of the condenser unit on nearby residential properties in terms of noise disturbance.
- 8.9 Concerns have been raised by residents regarding the inaccuracy of the original noise report dated 3rd June 2015 prepared by Belair Research Ltd (ref B3269/CB3174). The inaccuracy refers to the distance that the noise levels were taken from the condenser, specifically the lack of reference to the nearest neighbouring window serving a residential unit which is 7.5m away from the condenser, as well as the location of the original noise survey (approximately 40m from the location of the closest receptors. The Environmental Health

officer also identified these inaccuracies and requested additional noise readings and clarification on this.

8.10 In response, as explained in paragraph 2.3, the applicant has provided an amendment to the original report in the form of a letter dated 2nd July 2015 prepared by Acoustic Control Consultants Ltd. This new letter includes calculations from the nearest noise sensitive living room window (7.5m from condenser), the nearest bedroom window (10m from condenser) and the nearest external amenity space (3m from condenser).

8.11 The Environmental Health officer has assessed these noise calculations and considers that based on the results of this noise report, the noise levels are acceptable and would not significantly harm the amenity of residential properties or users of the adjacent garden/ courtyard area. A condition has been recommended to ensure that the noise levels of the condenser unit do not exceed those stated in the report (45db in the day time and 35db in the night time). I agree with this advice and have attached the condition accordingly.

8.12 In my opinion, subject to condition, 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.

Third Party Representations

8.13 The third party representations have been addressed in the table below:

<u>Representation</u>	<u>Response</u>
Noise disturbance on neighbouring properties.	See paragraphs 8.9 - 8.11
Noise disturbance on courtyard/ garden.	See paragraphs 8.9 - 8.11
The proposal is contrary to policy 4/2 of the Local Plan.	The application site is not designated as a protected open space. In any case, I do not consider that the condenser would be harmful to or lead to the loss of this space due to its limited visibility and siting of the

	condenser, as well as the acceptable levels of noise to be emitted.
The proposal is contrary to policies 6, 35, 55, 56, 57 and 58 of the Cambridge Local Plan 2014 or objectives 1,2,3 and 13.	The Cambridge Local Plan 2014 is not formally adopted yet and the application is assessed under the policies in the 2006 Local Plan. The application has been assessed against these 2006 policies and is deemed to be acceptable.
There is no need/ demand for a supermarket in this location.	See paragraph 8.2
Increased traffic and disturbance from deliveries for supermarket.	See paragraph 8.2
Increased car parking due to supermarket.	See paragraph 8.2
Increase in anti-social behaviour due to sale of alcohol from supermarket.	See paragraph 8.2
The proposal is unlawful and planning permission should have been sought prior to implementation.	The condenser unit at present is technically a breach of planning control. The purpose of this retrospective application is to regularise the proposal and for the local planning authority to determine whether the proposal is in accordance with local plan policies. The application has been assessed in the same manner as any other planning application and the retrospective nature does not alter the way that the application is determined.
Structural safety of condenser unit in this position.	The safety of the condenser from a structural perspective is not a planning consideration and is a building regulation matter.
Maintenance of condenser unit could block residents from entering/ leaving car park.	This is a civil matter between users of the car park and the applicant.
The location of the condenser unit is poor and an alternative location	The applicant has requested for the condenser unit to be

should be sought.	assessed in its present format and so an assessment has been made. I do not consider the current location to cause any harm to the character of the area or neighbouring properties.
Air pollution disturbance from fumes	The condenser unit would only emit air and no fumes are involved in this process. The Environmental Health officer has not raised any objections regarding fumes.
The noise assessment report is inaccurate.	See paragraphs 8.9 – 8.11
The plant equipment, even with planning conditions, is unlikely to meet the required noise guidelines.	If noise levels exceed those stated within the acoustic assessment and the accompanying letter then the applicant is liable to planning enforcement action for a breach of condition.
The proposal is contrary to NPPF paragraph 123	I consider the proposal to be in accordance with NPPF paragraph 123 for the reasons set out in the main body of this report.
The proposal is contrary to the test of Statutory Nuisance set out in nuisance law.	Statutory Nuisance law is not used in the determination of planning applications and so is not a planning consideration.
The proposal is contrary to the IOR/BRA 'Guide to Good Commercial Refrigeration Practice Part 2' and 'REALZero guide 'Designing out Leaks: Design Standards and Practices'.	These guidelines are not used in the determination of planning applications and so is not a planning consideration.
The applicant was advised not to erect the condenser by the Local Planning Authority but ignored this.	The fact that the condenser unit has been erected without the benefit of planning permission does not have any bearing on the assessment and determination of this application.
No consultation with local residents took place prior to the	This is a civil matter between the applicant and residents.

erection of this condenser.	
Heat generated from condenser could harm amenity of neighbouring properties.	The level of heat/ fire safety of a development is not a planning consideration.
The increased noise disturbance would have a negative impact on the health of residents.	The level of noise is deemed to be acceptable by the Environmental Health Team and I am minded to agree with their assessment in terms of noise disturbance.
The proposal is contrary to guidelines from the WHO, NHS, European Union and Case Law.	These guidelines are not used in the determination of planning applications. The Environmental Health officer is satisfied that the proposal would not harm the amenity of nearby residents.

9.0 CONCLUSION

- 9.1 The condenser unit does not detrimentally impact the character of the area and would not harm the amenity of residential properties and is therefore acceptable.

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. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. The noise rating levels from the plant shall not exceed those stated within the Acoustic Assessment prepared by Belair Research Ltd dated 3/6/2015 (ref B3269/CB3174), as amended by the letter prepared by Acoustical Control Consultants Ltd dated 2/7/2015 (ref13879/RAC/hr). The mitigation measures stated within the report shall be fully implemented, maintained and retained as such hereafter.

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

PLANNING COMMITTEE

DATE: 5TH AUGUST 2015

Application Number	15/0842/S73	Agenda Item	
Date Received	5th May 2015	Officer	Miss Alison Twyford
Target Date	30th June 2015		
Ward	Newnham		
Site	6 Hardwick Street Cambridge Cambridgeshire CB3 9JA		
Proposal	Section 73 application to vary condition 2 of application (Approved Drawings) 14/0946/FUL to allow amendments to be made to the design of the extension and ground levels (retrospective)		
Applicant	Dr G Apic 6 Hardwick Street Cambridge Cambridgeshire CB3 9JA		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The proposed changes to the previously approved scheme are acceptable and do not have a significant impact on neighbouring amenity. -The proposed changes are visually acceptable
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.6 Hardwick Street, is a two storey brick built terraced property situated on the west side of Hardwick Street. To the south and east there are similar sized terraced properties, to the west there are larger detached properties with spacious gardens and large trees. St Marks Church is to the north-west and there is also a public house to the north. The area is predominantly residential in character.

1.2 The site falls within the Newnham Croft Conservation Area.

2.0 THE PROPOSAL

2.1 The proposal seeks retrospective planning permission to reflect changes to previously approved plans granted under planning reference 14/0946/FUL

2.2 The changes to the approved drawings of planning application 14/0946/FUL that this application seeks to regularise are:

- Brick arches constructed over the existing windows in lieu of blown pre-stressed concrete lintels to the kitchen

- changes to the ground levels at 6 Hardwick Street which show a 230mm drop down from the original rear door adjacent to No.8, and 230mm step up near the new side elevation door and a further 50mm step up 2.9m from the rear most part of the extension.

- change to the point at which the mono-pitch roof meets the flat roof

- an increase in width of the brick pier between the door to the kitchen extension and new glazed doors which has resulted in a 30cm increase to the depth of the ground floor extension.

- increase in height of the parapet adjacent to No.4 of 15mm

- reduction of the height of the extension roof by 30mm

2.3 The application is accompanied by the following supporting information:

1. Drawings

2.4 An amended plan was requested to replace the drawing marked L(PL)HS.04 B to correctly show the ground level on the Side (facing No4) elevation. The revised drawing has been labelled L(PL)HS.04 C.

3.0 SITE HISTORY

Reference	Description	Outcome
14/0946/FUL	Rear Ground floor kitchen extension.	Permitted.
14/1945/FUL	Roof conversion, with rear dormer (cladding facade raising above	Permitted

main ridge height)

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 Plan 2006	Local	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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u> 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 (Engineering)

- 6.1 No implications that will affect the highway network.

Conservation team

- 6.2 No material conservation issues.

7.0 REPRESENTATIONS

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

2 Hardwick Street
4 Hardwick Street
12 Hardwick Street
And the Newnham Croft Conservation Group.

- 7.2 The representations can be summarised as follows:

- changes not considered to be minor and will have significant effect on the amenity of neighbouring homes.
- to allow a breach of what was previously approved could set a precedent that would be detrimental to the Conservation Area

- concern that ground level has been stepped up by 300mm
- extension is too high (referenced as 3m)
- a coping stone will make works higher than they are already
- reference to a development in Owlstone Road that was reduced following concerns raised.
- Not considered appropriate for the conservation area
- not in line with policies
- the proposal is not considered to enhance or preserve the character of the area
- highly visible from the Church Hall entrance
- considered it should comply with the previously approved 2.7m height
- the retention as built could set a precedent within the row.
- the extension unreasonably over shadows the rear house and kitchen of No. 4 and has an adverse effect on the amenity of the occupiers
- extension is highly dominant and causes overlooking to the garden of No.4
- the extension is visually unattractive and out of keeping
- contrary to policies 3/4, 3/14 and 4/11
- a new application is considered more appropriate to cover all of the issues in “breach”
- further issues have been raised with the Council regarding this site and the possible breaches of planning control

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

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

8.2 Part of the application seeks to address a change in the ground level at the rear of the site which shows the built form and

finished ground levels on site, as opposed to a flat level shown on the previously approved plans.

- 8.3 It is noted in the third party comments that the application does not address all of the reported issues on the site that relate to a possible larger increase to the ground level. The application reflects the built form and its impact has been assessed to consider the full built form.
- 8.4 Third party representations have also been made about the impact of the extension as a whole. I have noted these comments, however I am only able to assess the additional impact caused by the changes detailed in the application. The impact of the extension as approved would have been considered as part of the previous planning application. This application seeks to regularise the changes between the approved scheme and that constructed and does not seek to establish the acceptability of the extension per-se.
- 8.5 Consultee comments from the Council's Conservation Officer have not raised any material conservation issues. I note that third parties do not consider the extension to be in keeping or appropriate to the Conservation Area but I do not consider that the changes concerned are inappropriate or alter the scheme to the extent where it would harm the character of the building or Conservation Area.
- 8.6 The height of the extension on the plans compared with that previously approved is 15mm higher on the parapet. Third party comments state that the ground level has been raised by an additional 30cm. This difference was noted as visible from the neighbouring property at No.4 and the height of the extension therefore appears higher from the garden of No.4. It is unclear when the change in ground levels may have occurred. Having viewed the extension from the application site and the neighbouring property I am satisfied that the level of overlooking and the impact of the size of the extension experienced by the adjacent property is not of a level that would warrant refusal of the application.
- 8.7 The roof of the rear extension when measured on the application site was confirmed as 2570mm in height during my site visit which is actually lower than the 2.6m height previously approved.

- 8.8 I do not consider that the changes of the concrete lintels to brick arches , the enlargement of the brick pier to the extension or the change to the position of where the mono pitch roof meet the flat roof have a significant impact on the previously approved design
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The changes to the approved scheme most directly affect the adjacent neighbours at numbers 4 and 8. The works are also visible from the rear of the site from a church, (as noted in the third party comments) to a lesser extent. As part of my assessment I visited the application site and the neighbouring property at No.4.
- 8.11 The changes comprise:
- ☐ an additional 15mm to the height of the parapet adjacent to No.4,
 - ☐ replacement of the concrete lintels above the windows facing No.8 with brick arches,
 - ☐ changes to the ground levels adjacent to No.8 and to the rear of the entire site,
 - ☐ a change to the point where the mono-pitch roof meets the flat roof
 - ☐ and an increase in the size of the brick pier of 30cm between the door to the kitchen extension and the new glazed doors.
- 8.12 The change to ground levels adjacent to No.8 result in a step down on the site. This will therefore not increase any impact of loss of light or privacy.
- 8.13 The changes to the design of the building that include brick arches in place of lintels, the change to the meeting point of the roofs will not alter the angle or height of the roof and therefore will not have any increased impact to any loss of light, privacy or sense of overbearing.

- 8.14 The increase to the height of the parapet adjacent to No.4 of 15mm is not significantly different from that originally approved. As such I do not consider that it will have any further adverse harm to the amenity of the neighbouring property.
- 8.15 The increase in the brick pier does result in the extension increasing in depth by 30cm. I have assessed this additional impact and I do not consider that this additional depth will cause the previously approved extension to be overbearing on the neighbouring properties to a significant level. I also do not consider that it causes any additional issues of enclosure or loss of light.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

Third Party Representations

- 8.17 In addition to the issues that I have addressed above third party comments also raise issues relating to:
- an increase to the ground level of 300mm,
 - a coping stone that may increase the height of the extension further,
 - a similar development on Owlstone Road,
 - the setting of a precedent within the row
- 8.18 I have confirmed with the agent that the works on site which were inspected during my site visit were the final works intended. No coping stone is intended to be added to the extension as built and this is not shown on the submitted plans. I am therefore satisfied that the height has been correctly assessed.
- 8.19 The comments made in relation a development on Owlstone Road would not be something that I can give great weight to as each application should be considered on its own planning merits and cannot necessarily be compared to another site.
- 8.20 In relation to the setting of a precedent, each application would have to be considered on its own merits. The previous planning application that approved the extension under reference 14/0946/FUL will have considered what would be acceptable in

the area, and the changes proposed to this scheme which are the subject of this application are not considered to alter the scheme so significantly that it would be unacceptable. I do not consider that the changes applied for will set an unacceptable precedent for the area. In addition, that fact that the application is retrospective would not be a material consideration that would affect the consideration of the application.

- 8.21 In relation the alleged change of ground level this has been considered as part of this application although it may not be clearly detailed on the plans submitted with this application. During my site visit to No.6 I did not see any evidence that would show that a change in the magnitude of the level suggested (30cm) had been recently carried out. When I visited the adjacent neighbouring property at No.4 I noted that the ground level was lower than the adjacent property. I have considered the impact of this on the neighbours and concur with the previous planning officer that the impact of the extension would not be harmful to the residential amenity of the occupiers of No.4.

9.0 CONCLUSION

- 9.1 I consider that the changes proposed to the original scheme are acceptable and do not alter the scheme to a position that would require any additional 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. The materials approved under planning application reference 14/0946/FUL condition 3 shall be used for any additional development hereby approved.

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

PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0962/FUL	Agenda Item	
Date Received	19th May 2015	Officer	Miss Alison Twyford
Target Date	14th July 2015		
Ward	Romsey		
Site	218A - 220 Mill Road Cambridge Cambridgeshire CB1 3NF		
Proposal	Rendering external wall and painting in soft stone colour (retrospective)		
Applicant	Mr Pabla 218A - 220 Mill Road Cambridge Cambridgeshire CB1 3NF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal will not adversely affect residential amenity.</p> <p>The proposal is similar to other properties in the immediate area and is therefore considered to preserve the character of the conservation area.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

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

- 1.2 The site lies within the Central Conservation Area.
- 1.3 The properties in the area are a mixture of brick and render, most of which are painted white or cream in colour.

2.0 THE PROPOSAL

- 2.1 The proposal seeks retrospective planning permission for the rendering of the front elevation and part of the side elevation wall of the property. The render is 12mm thick.
- 2.2 An application for the works was previously made under planning reference 14/1077/FUL. Officers recommended approval of the scheme but the recommendation was overturned at the East Area Committee on 11 September 2014. The decision was dismissed at appeal on the basis that the Inspector did not consider that application of the render to the scale it had been applied, enhanced or preserved the character of the conservation area, which he noted was traditional exposed brickwork.
- 2.3 The applicant has tried to address the previous applications concerns by removing a 9m wide section of the render from the side elevation which faces onto Hope Street. The rest of the render has been retained and forms this application.
- 2.4 The application has been called in Committee by Councillor Baigent.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1077/FUL	Rendering external wall and painting in soft stone colour (retrospective)	REFUSED
08/0178/FUL	Extension to first floor flat.	PERMITTED
07/0996/FUL	Erection of a first floor extension and pitched roof to replace existing flat roof to rear.	REFUSED

06/0692/FUL Erection of rear extension to first floor flat. REFUSED

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2006		3/4 3/7 3/14 3/15 4/11

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Material Considerations	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

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

6.0 CONSULTATIONS

6.1 Cambridgeshire County Council (Highways)

No comment on behalf of the Highway Authority

6.2 Conservation Team

The works are not detrimental to the character or appearance of the conservation area. Therefore this application is supported as it complies with 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:

- 96 Cavendish Road
- 17 Romsey Road
- 23 Hope Street
- 29 Tenison Road

- 7.2 The representations can be summarised as follows:

- This rendering was the subject of an appeal and the inspector turned down the appeal. Nothing has changed and this should not be allowed for all the reasons stated last time.
- The render has already been refused planning permission and the Inspectors decision should be applied.
- the information on the application doesn't make clear what is proposed.
- a second application should not have been made and the previous decision should have been final.
- the works are a "visual mess" and an "eyesore" which damage the whole concept of the Conservation Area.
- Nothing has changed since the Inspector reached this view: the applicant wants to keep the same ugly render with the same negative impact on the appearance of a building that visually dominates part of the Mill Road conservation area.
- The works could set a precedent in the 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. Context of site, design and external spaces
2. Residential amenity
3. Third Party representations

Context of site, design and external spaces

- 8.2 The proposal seeks to retain render that has been applied to the front elevation of the property which faces Mill Road and part of the side elevation which faces Hope Street. A 9m two storey stretch of render has been removed from the side elevation of Hope Street which has revealed the exposed brick behind.
- 8.3 The site is situated within a Conservation Area and both the Inspectors appeal decision on the previous application and third party comments have drawn attention to the importance of this.

- 8.4 The Conservation Officers comments state that the use of render within the Conservation Area is not completely out of character with the section of Mill Road and consider that the works are not detrimental to the character or appearance of the conservation area and comply with policy 4/11 of the Cambridge Local Plan 2006.
- 8.5 The area has a mixture of traditional brick, painted and rendered buildings in close proximity to the application site.
- 8.6 I consider that the removal of a large section of render on the Hope Street elevation has improved the previously refused scheme and in particular addresses paragraph 6 of the Inspectors decision. The inspector noted in this paragraph of the appeal decision that the rendering applied to the front elevation does not cause significant harm, and the reason for dismissal of the appeal related to the impact of the Hope Street elevation
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

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

Third Party Representations

- 8.10 A number of representations commented that they did not consider a further application should be considered. The planning process however allows applications to be made at any time and the Council has a duty to consider them unless they are the subject of an existing enforcement notice.

8.11 Some comments have stated that nothing has changed since the previous application, or that the plans are not clear. I consider however that the plans differ from the previous application significantly due to the removal of the render from the side (Hope Street) elevation.

8.12 Concern has also been raised that the approval of this application could result in the setting of a precedent in the street. All applications are considered on their own merits and in accordance with national and local plan policies.

10.0 RECOMMENDATION

APPROVE subject to the following condition:

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.

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PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0602/FUL	Agenda Item	
Date Received	24th April 2015	Officer	Miss Alison Twyford
Target Date	19th June 2015		
Ward	Abbey		
Site	564 Newmarket Road Cambridge Cambridgeshire CB5 8LL		
Proposal	Change of use from family home to an HMO (House in Multiple Occupation) (Sui Generis). Retrospective application.		
Applicant	Mr Rob Mortimer 564 Newmarket Road Cambridge Cambridgeshire CB5 8LL		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The proposal will not have a significant impact on neighbouring amenity. -The proposal has sufficient provision for parking and waste.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The property is a two-storey rendered, end of terraced property located on the north side of Newmarket Road. Newmarket Road is an urban primary road, the principal axis into and out of the City from the east. The immediate area is residential in character.
- 1.2 The property is not in a conservation area.

2.0 THE PROPOSAL

2.1 The proposal is retrospective and involves the change of use from a dwelling house (c3) to a 7 person HMO (sui generis). Two bedrooms, a kitchen, dining area and bathroom are located on the ground floor, with five bedrooms on the first floor.

2.2 The application is accompanied by the following supporting information:

1. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
06/1401/FUL	Installation of new dropped kerb to existing highway.	PERM
06/1185/FUL	Erection of part single part two storey rear extension.	PERM

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, policies 48, 55, and 56 in the emerging Local Plan are of relevance. The current

status of the emerging plan does not allow me to attach significant weight to these policies in my considerations but I note that they are very similar to the current local plan policies that I will be taking into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 Car parking provision is made at a level of less than one space per dwelling sub-unit. Concern additional parking demands may impact on residential amenity.

Head of Refuse and Environment (Environmental Health)

- 6.2 No adverse comments made regarding this application.
- 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.

7.1 REPRESENTATIONS

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

-562 Newmarket Road

- 7.3 The representations can be summarised as follows:
- Gardens in poor condition.
 - Poor condition of property.
 - issues with holly tree in garden
 - concern of management of property
 - issue over previously approved extension not being “finished”
 - loss of family home
- 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 Policy 5/7 states that HMOs will be permitted subject to the following criteria:

1. Impact on the residential amenity of the local area;
2. The suitability of the building or site; and
3. Proximity of bus stops and pedestrian and cycle routes, shops and other local services.

I have looked at each of the criteria of this policy to assess if the application is acceptable.

Impact on residential amenity of local area:

- 8.2 The property is not, in my view, used any differently to a large dwellinghouse. I do not consider the comings and goings of the additional residents, or potential additional noise, compared to the previous use (c3) would have a significantly detrimental impact on the residential amenity of the adjoining neighbours.
- 8.3 In terms of overlooking, no additional windows are proposed that would otherwise increase the level of overlooking of the adjoining sites.
- 8.4 As there are no proposed extensions or external works the amenity of neighbouring properties will not be exacerbated by the proposed change of use.
- 8.5 The proposal therefore complies with the provisions of policy 5/7 in this regard.

The suitability of the building or site;

- 8.6 In terms of outdoor space, there is sufficient amenity space to the rear to provide a private communal area. The rear garden is roughly 28m in depth by 8m in width and can be accessed through the house or via a rear gate.
- 8.7 The site is located within close proximity to public transport links and is within walking distance of local shops/services and the city centre. Due to the proximity of the site to local amenities, city centre and bus stops, I do not consider car parking would need to be provided for the proposed use.
- 8.8 In these terms, therefore, I am satisfied that the building is sufficient to accommodate the proposed change of use to an HMO.

The proximity of bus stops and pedestrian and cycle routes, shops

- 8.9 The property is located within close proximity to the nearest bus stops on Newmarket Road and within reasonable cycling distance of local shops and the city centre.
- 8.10 There is a District Centre on Bramwell Road, which is within short walking distance of the site and there are also shops along Newmarket Road itself including a supermarket within relatively close distance.
- 8.11 The proposal includes a bin store area to the front of the property and cycle parking at the rear of the building through a side gate into the large back garden.
- 8.12 In my opinion, the development is acceptable and in accordance with policy 5/7 of the Cambridge Local Plan (2006).

Local and future amenity.

- 8.13 In my view, I consider that a Sui Generis HMO on this site would not detract from the character of the area and would provide a good quality living environment for occupiers. There is ample amenity space to the front and rear.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 3/11.

Refuse Arrangements

- 8.15 Refuse arrangements have been provided at the front of the site, along the side garden wall. The environmental health team have raised no objection to the proposed refuse arrangements and so it is considered that these arrangements are acceptable.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.17 No car parking is proposed. As the site is a sustainable one I do not consider the lack of car parking warrants refusal. The Highway Authority have also not raised any concerns.
- 8.18 The applicant has designated an area to the rear of the site for cycle parking. I consider that the size of the garden areas gives ample room for parking of cycles and I have considered if a condition would be suitable to specify a number of spaces. I am satisfied however that a condition would not be required in this case.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.20 Concerns over the condition of the garden and inside of the property were looked at during my site visit. The property was not considered to be of a condition that would warrant formal action through the planning system and I have therefore not been able to attach significant weight to these comments.
- 8.21 The finish of a previous extension and the problems experienced with a holly tree within the garden were also considered but I was not able to attach significant weight to these issues in relation to the assessment of this particular application. I am unable to consider a tree that is no longer present within the site or an adjacent one and no further extension works are proposed as part of this application.
- 8.22 I note concerns regarding the management of the property and considered this during my site inspection. I did not note any particular issues that I considered could be controlled through a planning condition and I am satisfied that other legislation under Housing Standards is available to tackle any issues that may arise. In order to ensure that issues are not exacerbated by further occupation and impact however I consider the attachment of a condition limiting the occupation is suitable.
- 8.23 The loss of a family home has been raised in the third party representations. Policy 5/4 restricts the loss of housing, and the Provisions of this Policy have been considered. In this case the

property will remain in residential occupation and will not be lost to a different non-residential use. The proposals therefore, comply with criteria of the policy 5/4.

9.0 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 House in Multiple Occupation hereby approved shall not be let out to more than 7 tenants at any one time.

Reason: To restrict the intensity of the use in the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 5/7.

PLANNING COMMITTEE

DATE: 5th AUGUST 2015

Application Number	15/0603/FUL	Agenda Item	
Date Received	22nd April 2015	Officer	Miss Alison Twyford
Target Date	17th June 2015		
Ward	Coleridge		
Site	31 Gisborne Road Cambridge Cambridgeshire CB1 3RZ		
Proposal	Change of use to HMO (retrospective)		
Applicant	Mr R Mortimer 31 Gisborne Road Cambridge Cambridgeshire CB1 3RZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The proposal will not have a significant impact on neighbouring amenity. -The proposal has sufficient provision for parking and waste.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 31 Gisborne Road comprises a two-storey semi-detached dwelling and its gardens. The property is situated on the south eastern side of the road just north of the junction with Langham Road. The area is residential in character containing a mixture of detached and mainly semi-detached dwellings. The subject dwelling has an existing rear conservatory of circa 3m depth and is finished in Cambridge stock brickwork, render and tiles.
- 1.2 The site is not within a conservation area or the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal seeks retrospective planning permission for the change of use of the property from C3 domestic dwellinghouse, which can be occupied by up to 6 people, to a HMO (sui generis) use, for occupation by 9 people.
- 2.2 There is one bedroom on the ground floor, along with a kitchen, living room and two study areas. There are 6 bedrooms on the first floor, two with an en-suite and also a shared bathroom, and one further bedroom located within the roof space.
- 2.3 The application is accompanied by the following supporting information:
1. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
12/0153/FUL	Two storey extension to rear and side and loft conversion of existing semi-detached dwelling including internal alterations, landscaping and associated works.	PERM
11/0135/FUL	Two storey extension to rear and side of existing semi-detached dwelling.	PERM
08/1198/FUL	Part single part two storey side and rear extension.	PERM

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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) Eastern Gate Supplementary Planning Document (October 2011)
Material Considerations	<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, policies 48, 55, and 56 in the emerging Local Plan are of relevance. The current status of the emerging plan does not allow me to attach significant weight to these policies in my considerations but I note that they are very similar to the current local plan policies that I will be taking into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 Concern additional parking demands may impact on residential amenity.

Head of Refuse and Environment (Environmental Health)

- 6.2 No adverse comments made regarding this application.
- 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.

7.1 REPRESENTATIONS

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

50 Langham Road

- 7.3 The representations can be summarised as follows:
- concerns previous extensions were made to change the use as proposed
 - possible parking problems/provision on parking to accommodate use
 - concern over accommodation of refuse
 - concern of use of the annex in connection with HMO use
 - increase in noise and disturbance
 - concern over increase the densely populated area
- 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 Policy 5/7 states that HMOs will be permitted subject to the following criteria:

- 1-Impact on the residential amenity of the local area;
- 2-The suitability of the building or site; and
- 3-Proximity of bus stops and pedestrian and cycle routes, shops and other local services.

Impact on residential amenity of local area

- 8.2 The property is not, in my view, used significantly differently to a large dwellinghouse. I do not consider the comings and goings of the additional residents compared to the previous use (c3) would have a significantly detrimental impact on the residential amenity of the adjoining neighbours.
- 8.3 I note in third party representations that there is concern regarding the increased occupation of the property and I therefore have attached a condition which will limit the numbers to no more than 9 persons at any one time to allow any additional impact to be properly considered through a separate application if required.

- 8.4 Third party representations also point out that the area is densely populated and draw concerns over further numbers being added. There are also concerns raised regarding an external annexe which could be used to accommodate further sleeping accommodation. The outbuilding at the property is not included in the plans but I agree that the use of this building in connection to the HMO as sleeping accommodation could exacerbate the noise and disturbance to neighbours. I therefore consider a condition which prohibits the use of the outbuilding for sleeping accommodation is reasonable.
- 8.5 In terms of overlooking, no additional windows are proposed that would otherwise increase the level of overlooking of the adjoining sites.
- 8.6 In terms of noise disturbance, whilst I accept that there is likely to be some level of increased noise as a result of increased activity, I am of the view that the proposal would not raise noise levels significantly enough to warrant the application to be refused.
- 8.7 There are no proposed extensions or external works. The outbuildings at the property have been previously considered.
- 8.8 The proposal therefore complies with the provisions of policy 5/7 in this regard.
- 8.9 I have considered these issues and reached the conclusion that the proposed change of use is acceptable.

The suitability of the building or site

- 8.10 In terms of outdoor space, there is sufficient amenity space to the rear to provide a private communal area. The rear garden is 23 metres long by 6m wide with some outbuildings to the rear of the site.
- 8.11 The site is located within close proximity to public transport links and is within walking distance of local shops/services. Due to the proximity of the site to local amenities, city centre and bus stops, I do not consider car parking would need to be provided for the proposed use.

- 8.12 In these terms, therefore, I am satisfied that the building is sufficient to accommodate the proposed change of use to an HMO and complies with the provisions of policy 5/7 in this regard.

The proximity of bus stops and pedestrian and cycle routes, shops

- 8.13 The property is located within close proximity to the nearest bus stops on Perne Road and within reasonable cycling distance of local shops and the city centre.
- 8.14 In my opinion, the principle of the development is acceptable and in accordance with policy 5/7 of the Cambridge Local Plan (2006).

Local and future amenity

- 8.15 In my view, I consider that a Sui Generis HMO on this site would not detract from the character of the area and would provide a good quality living environment for occupiers. There is ample amenity space to the front and rear.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 3/11.

Refuse Arrangements

- 8.17 Refuse arrangements have been provided at the front of the site, along the side garden wall. The environmental health team have raised no objection to the proposed refuse arrangements and so it is considered that these arrangements are acceptable.
- 8.18 I have considered if a condition is appropriate to ensure adequate provision is retained on the site in light of the third party representations raised with the application, but I do not consider that this is suitable.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.20 The proposal includes cycle parking at the rear of the building via a side passage into the back garden, and has ample room to the front for the parking of 3 vehicles. There is also a garage that could be used for additional parking or storage of bikes. The car parking standards would look for 2 parking spaces to be provided.
- 8.21 I note that parking has been raised in the third party representations and I have considered if a condition would be suitable to address these concerns. As the property is able to provide accommodation for more than two parking spaces, and sufficient bike storage I am not of the view that a condition is required.
- 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 The intentions of the owners when undertaking previous extensions are not something that I can attach great weight to in my considerations. I have however noted this point in the assessment.

9.0 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 House of Multiple Occupation hereby approved shall not be let out to more than 9 tenants at any one time.

Reason: To restrict the intensity of the use in the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 5/7.

3. The outbuildings within the garden of the property shall not be used for sleeping accommodation at any time and must remain ancillary and incidental to the house in multiple occupation hereby approved.

Reason: To restrict the intensity of the use in the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 5/7.

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PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0287/FUL	Agenda Item	
Date Received	19th February 2015	Officer	Michael Hammond
Target Date	16th April 2015		
Ward	Queen Ediths		
Site	Cantabrigian Rugby Club Sedley Taylor Road Cambridge Cambridgeshire CB2 8PR		
Proposal	Erection of 1No. Dwelling, Formation of a New Access on to Long Road and Associated Operational Development.		
Applicant	C/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> • The principle of residential development on the site is acceptable; • The proposed development does not harm the heritage asset of the nearby listed building. • The proposed development would not have a significant impact on neighbour amenity; • The Highway Authority is satisfied that the proposal does not pose a threat to highway safety
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located to the west of Sedley Taylor Road and to the north of Long Road, and is comprised of the access to the car

park used in association users of the playing fields including the Hills Road Sixth Form College (HRSFC), Cantabrigian Rugby Club and the former rear garden of no.23 Sedley Taylor Road. The existing access to the area from the east is between nos.23 and 23a Sedley Taylor Road. Directly to the south of the site is the club house associated with the rugby club, and to the west are sports pitches upon which stands the new pavilion for HRSFC. The site of the proposed dwelling lies to the north of the car park and to the west of no.23 Sedley Taylor Road.

- 1.2 The surrounding area is predominantly residential in character and is formed of large detached residential properties with car parking at the front and large rear gardens.
- 1.3 In terms of site constraints, no.23 Sedley Taylor road to the east is a Grade II listed building. The rugby club house and car park are designated as a Protected Open Space under the 2009 Proposals Map. There are two protected trees on the site of the proposed dwelling. There is a TPO area on the south side of the site along Long Road. The site is not situated within a controlled parking zone or conservation area.

2.0 THE PROPOSAL

- 2.1 The proposal has been the subject of pre-application advice and seeks permission for the erection of a four-bedroom one and a half-storey detached dwelling and for the creation of a 5.5m wide vehicular access and 1.8m wide pedestrian access from Long Road to service the existing parking area.
- 2.2 The proposed dwelling has been designed with an eaves height of approximately 2.8m and overall ridge height of approximately 6.9m with an attached garage to provide one car parking space internally, as well as an external space along the east elevation of the dwelling. The dwelling has been designed to be lower closer to the east and north boundaries of residential properties with an extensive proportion of the proposed dwelling being 5.8-6.2m above ground level. A patio and landscaped garden area is provided to the west of the proposed dwelling and is shielded by extensive planting and trees from the pitches to the west.
- 2.3 Following consultation with the Local Planning Authority, the proposal has been amended to reflect the following changes to the original proposal:

- Omission of the extension to the car park.
- Addition of proposed landscaping treatment adjacent to Long Road
- Additional tree planting and landscaping around site of proposed dwelling.
- Addition of inward opening gate on access track off Sedley Taylor Road.
- Change of roof form adjacent to no.22 Sedley Taylor Road from pitched roof to hipped roof

2.4 Outline planning permission for the erection of a dwellinghouse on this site was previously refused (c/99/0562) due to the widening of the Sedley Taylor Road access and the safety of this access, the access would have a detrimental impact upon no.23 and 23a Sedley Taylor Road, the development would be out of character with the existing pattern of development and the loss of woodland would harm the character of the area. This application was then allowed at appeal.

2.5 An application (05/0028/S73) was later submitted to vary condition no.3 of planning permission (c/99/0562) to allow a further five years for development to commence. This was refused on the grounds of constituting an inappropriate form of backland development and for not making appropriate provision for public open space or community development facilities. This application was then dismissed at appeal on the grounds of the proposal not making adequate provision for access by vehicles and pedestrians, conflicting with policy 3/10 of the Local Plan (2006).

2.6 I include both of these appeal decisions within appendices 1 and 2 of this report.

2.7 The intention of this application is to realise the potential for a new dwelling on the site whilst also overcoming previous highway issues by providing a new access to the playing fields and closing of the existing access from Sedley Taylor Road to be only used for people using the new property.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0956/CLUED	Application for a certificate of	Certificate

	lawfulness under Section 191 for use of land (excluding the footprint of the Cantabrigian's clubhouse) ancillary to the playing fields as a car park	Granted
12/0585/CLUED	Application for a certificate of lawfulness under Section 191 for use of land as a car park (land to the west of 51 Long Road).	Withdrawn
11/0900/FUL	Demolition of existing Sports Pavillion and replacement and relocation of new replacement Sports Pavillion, with associated secure open air store.	Permitted.
05/0028/S73	Variation of Condition 3 of planning permission C/99/0562/OP (allowed on appeal) to allow a further five years for development to commence.	Refused – appeal dismissed
C/99/0562	Erection of single dwellinghouse and improvement to existing access road (Class C3) (outline planning).	Refused – appeal allowed
C/85/0854	OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED BUNGALOW (AMENDED BY LETTER DATED 1/11/85 AND ACCOMPANYING DRAWING)	Refused

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

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

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

	<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 of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 Following extensive pre-application discussions with the applicant the application as presented is acceptable to the Highway Authority.

Whereas the access to the proposed property is below the width that the Highway Authority would normally seek to serve such a development, the significant reduction in motor vehicle movements that will be a consequence of the proposal is welcomed. The following conditions are recommended:

Traffic management plan, bound material, turning area.

Head of Refuse and Environment

- 6.2 No objection subject to comments, and the following conditions:

Construction hours, waste and recycling, piling.

Urban Design and Conservation Team

- 6.3 The significance of the listed building as “a remarkably unaltered house of the period” would not be harmed. The proposal is consistent with Policy 4/10 of the 2006 Local Plan.
- 6.4 The “one and a half storey” form of the proposed dwelling means its eaves heights are lower than those of a two storey house. The bulk of the one and a half storey form is thus less than that of a two storey house of the same ridge height. The overall floorspace comparison between the two buildings would be difficult to perceive “on the ground”.

Landscape Team

- 6.5 No objection, subject to the following conditions:

Hard and soft landscaping, hard and soft landscaping implementation

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

7.0 REPRESENTATIONS

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

- 23 Sedley Taylor Road (on behalf of Luard Road and Sedley Taylor Road residents group)

- 7.2 The representation can be summarised as follows:

- The proposed dwelling would be harmful to the special nature of the listed house (no.23 Sedley Taylor Road).

- The sub-divided plot forms part of the listed setting and curtilage of the listed house.
- The former woodland was a visual amenity and enhanced the setting of the listed house.
- With reference to the first appeal decision (c/99/0562), the inspector had expressed the need to retain the visual amenity of onlookers by retention of the extensive woodland setting existing on the plot which was reiterated in the second planning appeal (05/0028/S73). What happened to this wooded display and when did its loss take place?
- The reference in the design statement to the site as a 'rough wasteland' is misleading and conceals the fact that all the trees have been cut against the advice that they should be retained in future applications as most clearly stated by two appeal inspectors.
- The felling of the trees is contrary to paragraphs 126, 128, 130 and 132 of the NPPF.
- The ridge height of 6.9m near existing boundaries is intrusive and will affect neighbouring amenity.
- Overshadowing
- Noise and disturbance from users of vehicular turning point and car park.
- Overlooking.
- A Grampian condition should be imposed and agreed for use of the access, to protect neighbourhood amenity, privacy and safety.
- Residents require further clarification over the land ownership of the site as two names appear on the land registry and it is understood that Trinity College still own part of the land.
- Residents require further clarification regarding the location of the builder's compound and the route of construction vehicles.
- There should not be any work or deliveries on weekends to avoid harm to amenity and to prevent any highway safety issues between users of the adjacent sport facilities and the construction of the dwelling.
- A two-way mirror should be installed at the entrance of the Sedley Taylor Road access.
- The inclusion of the gate could encourage illegal parking.
- The access from Sedley Taylor Road is unsuitable for emergency or large vehicles.

7.3 The owners/occupiers of the following addresses have made representations in support of the application:

- 23A Sedley Taylor Road
- 24A Sedley Taylor Road

7.4 The representations can be summarised as follows:

- The reduction in traffic between 23 and 23A Sedley Taylor Road will improve quality of life.
- Request that a condition for a gate between 23 and 23A Sedley Taylor Road be applied.
- A stipulation made that the hedge forming the boundary between 23A Sedley Taylor Road and the access must in no way be reduced in width to ensure privacy.

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. Principle of development
2. Context of site, design and external spaces
3. Impact on Listed Building
4. Trees
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) supports the provision of extra housing within the City and states that windfalls are an essential component of future housing provision in the City.

8.3 Furthermore, any proposal to sub-divide an existing plot needs to comply with policy 3/10 of the Cambridge Local Plan (2006), which sets out criteria a) to f).

8.4 The inspector in the appeal for the previously refused application (05/0028/S73) for this site stated that:

“However, the dwelling would be single storey and its prominence could be further reduced by a careful approach to design and siting and by landscaping, including retention of some of the existing trees and vegetation on the site.

Having regard to the above, I conclude that, while the dwelling would not be consistent with the predominant local character, it would not cause unacceptable harm to the character and appearance of the surrounding area. I consider that the proposal would not fully meet the aspiration of LP policy 3/4 but would not conflict with policy 3/10 in this respect.”

8.5 I consider that the proposed dwelling, in conjunction with the associated landscaping, to be in accordance with the aforementioned planning inspector’s previous assessment of the principle of development. The proposal complies with all of the criteria of policy 3/10 as described in the relevant sections of this report.

8.6 The principle of creating a new access on Long Road is considered to be acceptable to the Highway Authority and in accordance with Cambridge Local Plan (2006) policy 8/2. With regard to the use of the existing car park its lawful use has been granted in association with the use of the adjacent playing fields through the recent application for a Certificate of Lawful Use (12/0956/CLUED).

8.7 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1, 3/10 and 8/2 of the Local Plan (2006).

Context of site, design and external spaces

8.8 The predominant form of development along Sedley Taylor Road is linear development of large residential detached houses fronting onto the road. In the previous inspectors report (05/0028/S73), it was stated that:

“Whereas the predominant linear frontage character is primarily seen from Sedley Taylor Road, there would be very limited views of the proposed dwelling from that vantage point. It would be seen from other viewpoints, including the rugby club, the sports field and Long Road, from where views would be filtered through trees.”

- 8.9 In light of the above assessment made by the planning inspector, the main consideration in terms of the impact on the character of the area, are the views from the aforementioned vantage points and that the proposal would have little impact on the character of the area when viewed along Sedley Taylor Road.
- 8.10 Firstly, extensive planting and landscaping is proposed along the western boundary of the site and so I consider that the proposed dwelling would be well shielded and not noticeably visible from the sports fields to the west. Secondly, there is a 1.8m high fence that separates the dwelling and access road along Sedley Taylor Road from the rugby club and car park immediately to the south. This boundary treatment and separation clearly distinguishes the backland plot as a residential area and not associated or linked to the rugby club. Finally, the creation of the vehicular access onto the car park from Long Road would inevitably lead to the loss of some trees that filter the view to the site from this public viewpoint. However, as the larger trees to the west and east of the proposed access will remain, and additional buffering landscaping in the form of a large hedge has been proposed behind the established tree line, I consider that the proposed dwelling would still be well shielded from this vantage point along Long Road and that the proposed dwelling will not detrimentally harm the character of the area in this respect.
- 8.11 Although it has been established that the site is not highly visible from public vantage points, consideration needs to be made as to whether the design and scale of the proposed dwelling is in keeping with the character of the area. The inspector stated in his previous assessment that a single storey dwelling would be acceptable and so deliberation needs to be made as to whether the proposed scale of a one-and-a-half storey dwelling is acceptable from a design perspective.

8.12 The proposed dwelling has been designed as a single storey property with a steep roof to allow for the roof space to be used for habitable rooms with roof dormers. The ridge height has been varied so that the ridge height closest to the eastern boundary would be 5.8, whilst the ridge height along the west, south and north elevations are higher at up to 6.9m. The roof form on the north elevation has been altered from a pitched roof to a hipped roof following concerns raised relating to the residential amenity of no.22 Sedley Taylor Road. In my opinion, whilst the proposed dwelling is larger in scale than the previous bungalow style dwellings, I consider that with the extensive planting and limited visibility from public viewpoints, a one-and-a-half storey dwelling in this location is acceptable and would not detrimentally harm the character of the area. The staggered roof height, use of dormers and velux windows, and the variation in the layout of the built form helps break up and reduces the emphasis on the steepness and height of the roof and therefore makes the proposed dwelling less visually dominant and obtrusive in its context. I consider that the design is acceptable and blends in successfully within a backland context and does not compete with the neighbouring dwellings to the east.

8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

Impact on Listed Building

8.14 Consideration needs to be made as to the impact of the proposed dwelling on the listed building of no.23 Sedley Taylor Road to the east.

8.15 In the inspector's previous assessment, the inspector dismissed the previous reason for refusal that the proposed dwelling would be harmful to the setting of no.23 Sedley Taylor Road. This was justified due to the application site having an appearance as a distinct plot and the separation from no.23 by way of a timber fence. The inspector stated that subject to careful consideration of siting, design and landscaping, a single storey dwelling on the site would not have an unacceptable effect on the setting of no.23. As a result, consideration needs to be made as to whether the siting, design and landscaping of the proposed dwelling is acceptable in this instance so as to avoid harm to the nearby listed building.

- 8.16 As noted in the previous section of this report, the house has been designed so that the height of the roof form is set lower closest to the boundary of no.23 Sedley Taylor Road. In addition to this, the external garage proposed under the previously refused scheme has been removed and relocated to the south-west corner of the proposed dwelling in this current scheme. While I appreciate that the majority of the vegetation on site has already been cleared, there are still two trees within and outside the north-east boundary of the site that do partially shield the site when viewed from no.23. Two additional trees have also been proposed to the east and north-east of the proposed dwelling which would increase the level of shielding on site.
- 8.17 It is identified that concerns have been raised from the Sedley Taylor and Luard Road Residents Group regarding the incorrect comparative ridge height measurements made by the applicant and that this may have misled the Conservation Team in making their previous comments. In addition, a point has been raised stating that the actual ridge height of the two-storey property at no.23 Sedley Taylor Road is 7.1m and that therefore the impact of the proposal on the listed building should be treated as though it is effectively a two-storey dwelling. In the validation of planning applications, the applicant is only required to accurately measure the dimensions of the proposed development and features that are on-site. While it is appreciated that the measurements stated in the design and access statement relating to the other properties in the surrounding area may be incorrect, this does not undermine the validity of the planning application itself. The Conservation Team has been made aware of this discrepancy in the design and access statement and to the comments made by the Residents' Group. While the heights of the proposed dwelling and no.23 are comparable, the form of the proposed dwelling is that of a one-and-a-half storey dwelling. The Conservation Team has made additional comments and remains of the opinion that the overall scale and form of the proposed development would not harm the setting of the listed building.
- 8.18 In my opinion, in consideration of the distinctiveness of the plot from no.23, the variation in ridge height, the separation distance from this listed building to the proposed dwelling and the partial shielding present on and off-site, I consider that the proposed

dwelling would not cause any significant detrimental harm to the setting of the listed building and is compliant with Cambridge Local Plan (2006) policy 4/10.

Trees

- 8.19 The protected trees that are on the plot of the proposed dwelling will not be impacted by the proposed works. I note that the majority of the existing vegetation has been cleared prior to this application. However, as these trees did not have any protected status, their removal was entirely lawful. The application must be assessed on the merits of the site in its current form and the impacts on those trees that are protected. In light of this, I do not consider that the proposal would pose any harm to the protected trees that are on or off-site.
- 8.20 It is also identified that the creation of the vehicular access along Long Road and extension to the car park would involve the removal of several category B and C trees that form part of the TPO area. However, the arboricultural survey identifies that these trees are of lower value than the category A trees which will not be impacted by the proposed works. I consider that the loss of these trees to be acceptable in balancing the benefits of an improved access to the car park and that the void left by the creation of the access will not detrimentally harm the character of the area.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.22 In terms of the impact on neighbours, the proposal seeks to minimize this through the design elements. The main consideration is the impact of the proposed dwelling on nos. 22, 23 and 23a Sedley Taylor Road, and nos. 51 and 49 Long Road.

Overlooking/ Loss of Privacy

- 8.23 The proposed groundfloor windows on the east and north elevations will not significantly infringe on the privacy of any neighbouring properties due to the 1.8m high timber fence that

runs around the perimeter of the site boundary of the proposed dwelling. A potential cause of overlooking to neighbouring properties is the roof dormer on the east elevation.

- 8.24 The proposed roof dormer would not affect nos. 21 and 22 due to the fact that the view towards these properties is blocked by the projection of the roof out to the east.
- 8.25 I note that objections have been raised regarding the velux window and dormer window overlooking no.23. There would be a view out towards no.23 that would offer a limited view of this neighbouring properties garden. However, given that the separation distance between the proposed dormer and velux window, and the rear of no.23 would be over 40m, I do not consider that the proposed dwelling would lead to a significant loss of privacy at no.23.
- 8.26 There is a large protected tree in the north-west corner of the rear garden of no.51 Long Road which shields no.23a Sedley Taylor Road from the view of the rear dormer. Furthermore, the separation distance between no.23a and the proposed dormer would also be so extensive, at approximately 50m, as to prevent any significant loss of privacy at this neighbouring property.
- 8.27 The view out to properties along Long Road from the proposed dormer would be acute, and when considered alongside the substantial length of these properties rear gardens, there would be limited overlooking issues regarding this dormer.

Visual dominance/ Enclosure

- 8.28 There were originally concerns regarding the impact of the gable end of the pitched roof of the north elevation on the garden of no.22 Sedley Taylor Road. However, the roof form of this element of the proposed dwelling has been altered from a pitched roof to a hipped roof in an attempt to reduce the visual dominance of this gable end on the garden of this neighbouring property. I am satisfied that in light of this amendment, the proposed dwelling would not be perceived as visually dominant from this neighbouring property.
- 8.29 The eastern elevation of the proposed dwelling would be 5.8m in height and situated 5.3m away from the boundary between

the site and no.23's boundary. While it is acknowledged that the bulk of the proposed dwelling behind this lowered element would be higher at 6.9m in height, I consider that the separation distance from this neighbouring property, coupled with the existing and proposed tree planting, would prevent the proposed dwelling from visually enclosing this neighbouring property.

- 8.30 The remaining properties along Sedley Taylor road and Long Road are set a considerable distance away from the proposed dwelling and would therefore not be visually enclosed.

Overshadowing/ Loss of light

- 8.31 In studying the orientation of the site, it is evident that consideration needs to be made as to the potential overshadowing that could be caused to nos. 22 and 23 Sedley Taylor Road.
- 8.32 The proposed dwelling would inevitably overshadow the rear garden of no.22 due to the additional scale and mass of the proposed dwelling. However, as no.22 benefits from a long rear garden, the actual impact of overshadowing on the rear of the house and the majority of the garden would be insignificant and the access to light in the main amenity areas would be unaffected by the proposed dwelling.
- 8.33 I note that concerns have been raised from no.23 regarding the loss of light that the proposed dwelling could cause on this neighbouring property. However, it is felt that the orientation of the proposed dwelling in relation to no.23, coupled with the significant separation distance will mean that there will only be a minimal loss of light over the latter half of the rear garden in the late afternoon hours of the day. In addition to this, there are already high trees on and off-site that partially shade the garden of this neighbouring property during afternoon hours. As a result, I do not consider this loss of light to be significantly harmful to the amenity of this neighbouring property. I have carefully considered no.23's representation regarding this in coming to my conclusion.

Noise and disturbance

- 8.34 In terms of noise and disturbance, I consider that the impact of people and vehicle movements arising from this additional dwelling would not significantly harm the amenity of nearby residential dwellings.
- 8.35 In response to the concern raised from no.23, the creation of the vehicular access from Long Road will reduce the number of users of the Sedley Taylor Road access road and so the scheme as a whole would be an improvement, in my view, in terms of noise and disturbance from private car users.
- 8.36 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 (criteria a) and 3/12.

Amenity for future occupiers of the site

- 8.37 The site is located within a highly sustainable area of the City, close to public transport routes and local amenities. The design of the building and the site layout represents a high quality development, in my view, and I therefore consider that future occupiers would feel comfortable and safe in this environment. The garden is approximately 15m in depth.
- 8.38 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 (criteria b) and 3/12.

Refuse Arrangements

- 8.39 Details of the refuse arrangements have not been provided within this application. I consider that there is scope for refuse arrangements on this site and have attached a condition requiring full details of this storage prior to occupation.
- 8.40 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.41 The highway authority has raised no objections to the proposed scheme. It is explained in their comments that whilst the access to the proposed property along Sedley Taylor Road is below the width that the highway authority would normally seek to serve such a development, the significant reduction in motor vehicle movements that will be a consequence of the proposal is welcomed. I agree with this advice and consider that the proposal does not pose a threat to highway safety.
- 8.42 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.43 Two parking spaces are provided to the east and south of the dwelling. I consider that the level and provision of car parking to serve this dwelling is acceptable.
- 8.44 No details of cycle storage for the proposed dwelling have been included in this application. I consider that there is scope to accommodate three cycle spaces on this site and so have attached a condition requiring full details of this cycle storage prior to occupation
- 8.45 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.46 The majority of third party representations have been addressed in the main body of this report.
- 8.47 Concern has been raised regarding the loss of the woodland area on the site of the proposed dwelling and how this should be retained in future applications as most clearly stated by two appeal inspectors. I acknowledge that the two previous appeal inspectors made reference to the fact that landscaping, including retention of some of the existing trees and vegetation would reduce the visual prominence. However, as this vegetation has now been cleared, the application site needs to be judged on its present form. I note that the protected tree in the north-west corner of the site has been retained, and that as

suggested by the previous planning inspector (05/0028/S73), the dwelling has been carefully designed and sited to shift the main bulk of the proposed dwelling furthest away from no.23. Additional landscaping has been provided to the south-west of the proposed dwelling and two new trees to the east and north-east of the proposed dwelling. I consider that this proposed dwelling has been carefully designed and sited as to minimize its visual prominence and that even without the extent of planting formerly on the site, the proposed dwelling would not detrimentally harm the character of the area and is reflective of the context of the site, which now also includes the new HRSFC pavilion building.

8.48 Reference has been made to the wording of the recommended landscaping condition suggested by the Landscape Team, specifically “these details shall include retained historic landscape features and proposals for restoration.” The retained historic landscape features refer to those features that are currently on site which in this case are the protected trees. This does not include those landscape features that were on or off-site previously and only refers to current features.

8.49 Reference has been made to the email sent to the applicant from the planning officer dated 22nd April 2015 and how this has not been fully addressed, particularly point 5 of this email stating that

“Fifthly, the recent removal of much of the wooded vegetation from the site has exposed the plot more readily to the proximity of the listed building and reduced the ability of a dwelling on this plot to nestle more comfortably within its environment and relate successfully to its surroundings as set out in the reasoning for the related appeal decision. In order to reduce the visual prominence of the scheme to the east and from the new access point from Long Road, additional space needs to be given over within the site for landscaping.”

8.50 Since this email, amendments have been made by the applicant to demonstrate additional landscaping (as described in paragraph 2.3 of this report). The residents’ group does not consider that this request, specifically the request for landscaping along the eastern boundary adjacent to no.23, has been addressed. Two additional trees have been provided

along the eastern boundary of the proposed dwelling and I consider that these additional trees are sufficient as to reduce the exposure of the plot from the curtilage of the listed building and enables the proposed dwelling to relate to the context of the site. In addition to this, hedge planting has also been proposed to reinforce the tree line along Long Road to reduce the visual prominence of the dwelling when viewed from Long Road.

- 8.51 The Residents Group has also suggested that the footprint of the proposed dwelling could be moved up to 7m further back towards the western field end of the plot to restore the historic setting on the plot and restore lost amenity/ privacy. This suggestion was brought to the attention of the applicant but the applicant does not wish to amend the scheme in this way and so the application must be determined based on the most recent set of amendments which does not include this suggestion. I do not consider that the proposed dwelling in its proposed position on the site would significantly harm the amenity of neighbours or the historic setting of the listed building for the reasons set out in the main body of this report. As a result, I do not consider it necessary to move the footprint of the proposed dwelling in order for the proposal to be acceptable.
- 8.52 The Residents Group has conducted an analysis of the internal dimensions and height of the listed building at no.23 compared to the proposed dwelling which demonstrates that the floor area of the proposed dwelling is approximately double that of the listed building and that this would consequently overwhelm the listed house and its setting. While the overall floor area of the proposed dwelling may be double that of the listed building, I consider that the separation distance from this listed building and the one-and-a-half storey form means that the proposal does not overwhelm the historic setting of the listed building. These measurements have been brought to the attention of the Conservation Team and they remain of the opinion that the proposed dwelling would not harm the setting of the listed building.
- 8.53 In response to the concern raised regarding the proposal not being compliant with paragraphs 126, 128, 130 and 132 of the NPPF, I consider that the proposal is compliant with these paragraphs. Firstly, paragraph 126 refers to plan making and

not decision making and so this is not relevant for the determination of this application. Secondly, Paragraph 128 has been complied with as sufficient detail is included in the design and access statement. Thirdly, I do not consider that the clearance of the vegetation on site has neglected or damaged the nearby heritage asset of the listed building, in accordance with paragraph 130. Finally, I consider the principles of paragraph 132 to have been covered in the 'Impact on the Listed Building' section of this report.

- 8.54 The request for a gate across the Sedley Taylor Road access has been included in the amendments to this proposal.
- 8.55 Grampian conditions relate to the need for works to take place on land that is not under the control of the applicant prior to the commencement of the development. A condition has been included to ensure that the access off Long Road is completed prior to the commencement of development of the dwelling. This is to ensure that the benefits of the new access are realized, to overcome previous refusal reasons as otherwise there would be little incentive for the works.
- 8.56 The concerns regarding the ability of the access off Sedley Taylor Road to accommodate emergency vehicles is a building control matter and not a planning consideration.
- 8.57 The concerns regarding the position of the gate and illegal parking in front of this is a matter for the police and is not a planning consideration.
- 8.58 The highway authority has not requested a two-way mirror on the Sedley Taylor Road access and I do not consider the implementation of this necessary.
- 8.59 The Residents' Group has requested clarification regarding the land ownership and interests of the site. The applicant has provided a Certificate B land ownership form and demonstrated which parties with an interest on the land have been notified of the development. I believe the correct notices have been served and the applicants have been specifically made aware of these issues.
- 8.60 A construction method statement condition has been included to ensure that access to the car park and adjacent sports fields

is retained and safe for users of these facilities. Parking of contractor vehicles and deliveries to and from the site will be covered by the traffic management plan condition.

- 8.61 I do not consider it reasonable to prevent construction and deliveries on Saturdays as these standards allow for limited activity until 1pm on Saturdays. I do not consider that the proposed construction and delivery times on this day of the week would significantly harm the amenity of neighbouring properties. The construction method statement and traffic management plan conditions will take account of the safety of the users of the sports field during times of construction and delivery.

Planning Obligation Strategy

Planning Obligations

- 8.62 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 will not harm the setting of the listed building, will not appear out of character with the area, and will not harm the amenity of nearby residential properties. 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. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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 Planning 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 nearby properties. (Cambridge Local Plan 2006 policy 4/13)

5. Prior to occupation of the development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 1996 policies BE2 and BE4)

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)

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

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

8. The proposed drive shall be constructed using a bound material, for the first five metres into the proposed car park to prevent debris spreading onto the adopted public highway.

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

9. The area shown as a manoeuvring space to the proposed private house shall be kept free from any obstruction.

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

10. "Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The CMS shall provide a specific construction programme and a plan identifying: the contractor site storage area/compound; screening and hoarding locations; access arrangements for vehicles, plant and personnel; building material, plant and equipment storage areas; the parking of vehicles of site operatives and visitors; and the location of contractor offices. Thereafter the development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13).

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

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

12. 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. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. Prior to commencement of the proposed dwelling, the access off Long Road to the car park must be completed.

Reason: To ensure that access to the car park and sports facilities is retained for these users during the construction phase and closure of the existing access from Sedley Taylor Road, in the interests of highway safety (Cambridge Local Plan Policies 3/10 and 8/2).

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CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

REFUSAL OF OUTLINE PLANNING PERMISSION

Ref: C/99/0562/OP

To: Keymer Cavendish & Quinlan
8 Station Court
Great Shelford
Cambridge
CB2 5LR



The Council hereby refuse permission for

**Erection of single dwellinghouse and improvement to existing access road
(Class C3) (outline planning).**

at

Land to the rear of 23 Sedley Taylor Road, Cambridge, CB2 2PW

in accordance with your application received 18th June 1999 and the plans, drawings and documents which form part of the application, for the following reasons:

- 1 The proposed widening of the existing access to serve the proposed dwelling and the existing Cantabrigian Clubhouse is unacceptable as it does not facilitate safe access to and from the site. The access is contrary to part (b) of Policy NE8 of The Cambridge Local Plan (1996).
- 2 The proposed widening of the access to serve the existing clubhouse and the proposed dwelling is unacceptable by reason of its position between, and proximity to 23a and 23 Shelford Road. The access would have a detrimental impact upon the adjacent dwellings, particularly No.23 Sedley Taylor Road and would detract from their residential amenity, contrary to Policy NE8 of The Cambridge Local Plan (1996) and the advice contained within paragraph 26 of PPG3 'Housing'.

- 3 This site and the adjoining sites are characterised by long plots and the piecemeal introduction of residential development within the rear garden of 23 Sedley Taylor Road would be out of character with the existing pattern of development which is contrary to parts (a) and (b) of Policy NE8 of The Cambridge Local Plan (1996) and Policy SP12/10 of the Cambridgeshire Structure Plan 1995.
- 4 The proposal would lead to the loss of existing trees and scrub woodland which are likely to make a long term contribution to the character of the area and the adjoining playing fields. The loss of existing trees and vegetation would therefore be contrary to Policies NE8 (a), NE16 and NE17 of The Cambridge Local Plan (1996).

Dated: 18th August 1999

Guildhall, Cambridge, CB2 3QJ


Director of Planning

SEE NOTES OVERLEAF



Appeal Decision

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

hearing held on 11 January 2000

by Andrew S Freeman BSc(Hons) DipTP DipEM
FRTPI FIHT MIEEnvSc

PS|HH|MA|BH|SE|JS

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

19 JAN 2000

Appeal: T/APP/Q0505/A/99/1030111/P4

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr Robinson against Cambridge City Council.
- The site is located at land rear of 23 Sedley Taylor Road, Cambridge.
- The application (ref: C/99/0562/OP), dated 15 June 1999, was refused on 18 August 1999.
- The development proposed is erection of a single dwelling and improvement of access.

Decision: The appeal is allowed and planning permission granted subject to conditions set out in the attached schedule.

Procedural matters

1. The appeal relates to an outline application. However, the means of access is to be determined at this stage. Approval of the siting, design, external appearance and landscaping of the site would be sought at a later date.
2. It was agreed at the hearing that the description of the development should be amended to "erection of a single dwelling". The appellant's agent indicated that a bungalow is proposed.

The main issues

3. The main issues are the effect of the proposal on:
 - (a) the character and appearance of the area;
 - (b) safe access to the development by fire appliances; and
 - (c) the living conditions of the occupiers of nearby residential premises in terms of noise, disturbance, loss of privacy and overshadowing.

The development plan

4. The development plan includes the Cambridgeshire Structure Plan and the Cambridge Local Plan.
5. Structure Plan Policy SP3/6 places emphasis on reusing previously developed land within existing settlements. Policy SP3/7 seeks to protect important green spaces. Policy SP12/10 states that all new developments will be expected to incorporate high standards of layout and design and to relate well to their surroundings.
6. Local Plan Policy NE5 is directed at protecting structurally important open spaces. Policy NE8 states that the City Council will exercise strict control over the nature and extent of

backland development. The principle of development will be assessed against criteria that include the contribution of the site to the character and quality of the area, both visually and in terms of greenery and wildlife habitats and the extent to which this can be maintained if the site is developed; the ability to achieve safe access to the site for vehicles without unacceptable damage to the environment and residential amenity; and any potential benefits eg use of derelict land. Policy NE16 indicates that the City Council will use all powers at its disposal to protect trees it considers to be of amenity value. Policy NE17 is concerned with existing trees. Planning permission for development will not be given where the City Council is not satisfied that due regard has been given to the successful retention of existing trees and, where it considers it appropriate, the establishment of new trees.

Inspector's reasons

The character and appearance of the area

7. I saw that Sedley Taylor Road is characterised by residential development with what are, in the main, two-storey detached houses of individual design fronting the highway. Exceptions include the bungalow at 23a Sedley Taylor Road that lies immediately south of the access track to the appeal site. I also saw, at the northern end of the road, two detached houses on a "backland" site served by an access track adjacent to No 4 Sedley Taylor Road. Given the above, I did not form the impression that a single bungalow on the appeal site would fail to reflect the general pattern of housing in the area to any significant extent.
8. On behalf of the Council, it was indicated that the main part of the appeal site has a wooded appearance. This, in turn, contributes in an important way to the general green appearance of the locality and to the setting of the "structurally important open space", principally to the west. The proposal, including the domestication of the site, would adversely affect the visual quality and appearance of the area.
9. For my part, I saw that the main public views toward the site are from Long Road to the southwest across playing fields. In such views, I perceived the appeal site to be part of a block of land enclosed by the outside rear boundaries of the properties on the west side of Sedley Taylor Road. The overall impression that I gained was of an attractive and well-contained area with a green and wooded appearance. I recognise, however, that views are limited by existing vegetation along Long Road; also that some of the views are across the relatively unattractive car park of the Cantabrigian Rugby Union Football Club.
10. In my opinion, the loss of the vegetation on the appeal site and the wholesale exposure of a bungalow and its residential curtilage to available public views, notably from the southwest, would unacceptably change the character and appearance of the area. However, through the retention of existing planting, complemented by new landscaping, I consider that the development could be accommodated in a way that would not materially harm the visual amenities of the area or unduly impact upon the strategically important open space.
11. I appreciate that a desire for increased daylight and sunlight often leads to pressure for the removal or severe pruning of trees. However, I can conceive of a solution whereby boundary vegetation to the west and south would be retained, in the main, and strengthened without prejudicing the amenities of future residents whether in the dwelling or in the garden. In this and all other respect, the character and appearance of the area would not be materially harmed.

Access by fire appliances

12. The Council has noted that the appeal property would be more than 50m from Sedley Taylor Road. In such circumstances, and taking into account the limited width of the access track, insufficient room would be available for safe access by a fire appliance. The normal width for access by a fire tender is stated to be 3.7m. However, only a maximum of 3.6m is available; and given the presence of former fence posts, the usable access is only 2.7m in width.
13. I appreciate that, under the Building Regulations 1991, the typical vehicle access route specification indicates a minimum width of road between kerbs of 3.7m with 3.1m as the minimum width of gateways. Be that as it may, I am aware from my own experience that a gap of 2.7m is wide enough to allow the passage of a typical fire appliance, albeit not at speed. I also saw that, in an emergency, access to the appeal site could be gained via the access way north of 4 Sedley Taylor Road and along the edge of the playing fields. In all the circumstances, I am satisfied that attendance at the appeal site by a fire appliance would not be unduly inhibited even without the improvement of the existing track.

Noise and disturbance

14. In terms of noise and disturbance, the Council is concerned that, in circumstances where the access track would need to be improved, the traffic to the proposed dwelling would adversely affect the occupiers of 23 Sedley Taylor Road; also those at No 23a. There would be comings and goings seven days a week, throughout the year, day and night.
15. I saw that the front elevation of No 23 is orientated toward the access track. Windows, notably of the principal downstairs living room, are immediately adjacent to the track. As such, the occupiers of that property are likely to suffer noise and disturbance from passing vehicles irrespective of any widening on the north side of the track. However, given that the track also gives access to the rugby club and the playing fields, I would not expect the appeal development to give rise to a material increase in the amount of traffic using the track. I appreciate that the hours of use would be different. Nevertheless, in the light of the overall situation, I do not consider that the additional noise and disturbance would be significant.
16. With regard to noise from the rugby club itself, I consider that prospective purchasers of the dwelling would be well aware of the sort of disturbance that might emanate from the premises. However, I do not consider that the degree of noise and disturbance, and its frequency, would be such as to preclude residential development of the appeal site.
17. It has been suggested that the occupiers of 22 Sedley Taylor Road would be affected by noise and disturbance given that the proposed development would be adjacent to their garden. I appreciate that there would be an intensification of the residential use of the site. However, in a residential area such as this, the sounds of domestic activity would be heard all around. I do not consider that the appeal development would give rise to unacceptable noise or disturbance in this regard.

Loss of privacy

18. I saw that, when travelling away from the appeal site, there are prominent views toward a corner bedroom window at 23 Sedley Taylor Road. However, bearing in mind the amount of traffic already using the access track, and the relatively low levels of traffic likely to be

generated by the appeal proposal, I do not consider that there would be a material change in the related loss of privacy.

19. In terms of any other overlooking of houses or gardens, notably of 22 Sedley Taylor Road, I consider that this could be precluded by way of conditions relating to storey height, siting and design.

Overshadowing

20. Any significant overshadowing of the garden of No 22 could also be precluded by careful attention to detailed aspects of boundary treatment, storey height, siting and design.

Overall conclusions

21. My overall conclusions are that, in terms of noise, disturbance, loss of privacy and overshadowing, there would be no unacceptable effects upon the living conditions of the occupiers of nearby residential premises. In addition, safe access to the development by fire appliances would be available; and there would be no harmful effects upon the character or appearance of the area. Related objectives of the development plan would not be prejudiced.

Conditions

22. In addition to the standard "outline" conditions (Conditions (i), (ii) and (iii)), and in the interests of visual amenity, I consider that specific conditions are necessary in respect of landscaping and boundary treatment (Conditions (iv), (v) and (vi)). In order to protect the living conditions of the occupiers of Nos 22 and 23 Sedley Taylor Road in terms of overlooking and overshadowing, it is also necessary to restrict the proposed storey height (Condition (vii)). To help protect privacy, the future insertion of openings will also need to be controlled (Condition (viii)).
23. Although the Council has suggested a condition in respect of parking and manoeuvring space, I do not consider that the highway safety and convenience implications are such that a related condition is strictly necessary in this case.

All other matters

24. All other matters before me have been considered including the likely cumulative effects of the development and the optimum use of land for housing. However, I have found no evidence that would outweigh the considerations that have lead me to my decision.

Conclusions

25. For the reasons given above I conclude that the appeal should, on balance, succeed and I shall exercise the powers transferred to me accordingly.

Informatives

26. The conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if they refuse any such application, fail to give a decision within the prescribed period or grant a conditional approval.

27. This decision does not convey any approval or consent that may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Schedule:

Appeal: T/APP/Q0505/A/99/1030111/P4

28. The appeal is allowed and outline planning permission granted for erection of a single dwelling in accordance with the terms of the application (No C/99/0562/OP) dated 15 June 1999, and the plan submitted therewith, subject to the following conditions:

- (i) Approval of the details of the siting, design and external appearance of the buildings (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- (ii) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- (iii) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (iv) 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 indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection to be used in the course of development.
- (v) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- (vi) 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 dwelling is occupied. Development shall be carried out in accordance with the approved details.
- (vii) No building on any part of the development hereby permitted shall exceed one storey in height.
- (viii) 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 window, dormer window or other opening shall be constructed in elevations of the proposed dwelling that face toward 22 or 23 Sedley Taylor Road without the prior approval in writing of the local planning authority.

Andrew Greenman

APPEARANCES

FOR THE APPELLANT:

Mr J A Quinlan
BSc(Hons) DipTP MRTPI

Partner, Keymer Cavendish & Quinlan, Environmental Planning &
Development Consultants, 8 Station Court, Great Shelford,
Cambridge, CB2 5LR

FOR THE PLANNING AUTHORITY:

Mr R W Wilson
BA(Hons) DipTP MRTPI

Managing Director, Bill Wilson Planning Ltd, The Laundry House,
Ecton Hall, Church Way, Ecton, Northants, NN6 0QE

INTERESTED PERSON:

Professor A Muthesius

Prospective purchaser, 23 Sedley Taylor Road, Cambridge, CB2 2PW

DOCUMENTS

Document 1	-	Attendance list
Document 2	-	Copy of letter of notification of the hearing
Document 3	-	Extract from the Cambridge Local Plan Proposals Map
Document 4	-	Extract from the Building Regulations 1991
Document 5	-	List of conditions suggested by the Council

PLANS

Plan A	-	Application drawing
Plans B.1-B.2	-	Supporting drawings for illustrative purposes only



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

REFUSAL OF PLANNING PERMISSION

Ref:05/0028/S73

Barry Rencher Robinson
27 Bentley Road
Cambridge
Cambridgeshire
CB2 2AW

The Council hereby refuse permission for

Variation of Condition 3 of planning permission C/99/0562/OP (allowed on appeal) to allow a further five years for development to commence.

at

Land Rear Of 23 Sedley Taylor Road Cambridge Cambridgeshire

in accordance with your application received 7th January 2005 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The development of this parcel of land to the rear, west, of 23 Sedley Taylor Road, by the construction of a single dwelling, constitutes an inappropriate form of backland development. The proposal does not reflect the residential character of this side of Sedley Taylor Road, which is one of substantial houses with street frontages and long rear gardens. Furthermore, the proposal fails the tests set out in criteria b) and d) of Policy NE8 of the Cambridge Local Plan (1996), in that it fails to demonstrate any access to the public highway (let alone a safe means of access), and has not addressed the opportunities for comprehensive, rather than a piecemeal approach to development. The proposal does not reflect the character of the area, recognise the constraints of the site, or relate well to its surroundings. For these reasons the proposal is contrary to policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies NE8 and BE2 of the Cambridge Local Plan (1996).

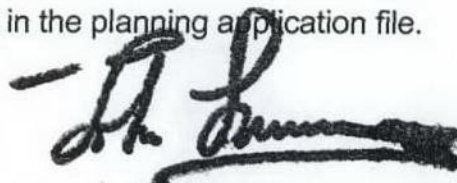

2. The proposed development does not make appropriate provision for public open space or community development facilities, in accordance with the following policies: policies CS3 and RL3 of the Cambridge Local Plan (1996); policy P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, and the guidance for Interpretation and Implementation of Open Space Standards, adopted as supplementary planning guidance by Cambridge City Council.

This decision notice relates to the following drawings: **Location Plan CB237215**

A copy of the refused plan(s) is/are kept in the planning application file.

Dated: 9 March 2005

Guildhall, Cambridge, CB2 3QJ

 P.P.
Director of Environment & Planning


SEE NOTES OVERLEAF

IMPORTANT ADVICE ON CHANGE TO TIME LIMITS FOR LODGING PLANNING APPEALS

Please note that recent changes to planning legislation mean that the time limit for the submission of planning appeals and listed building and conservation area appeals **has been increased from three months to six months** after the planning authority has made its decision on an application or failed to determine the application.

These changes came into effect on 14 January 2005 and **apply to all planning listed building and conservation area decisions made on and after 14 October 2004.** Applications made before 13 October are unaffected by this change.

This advice supersedes the advice on time limits for submitting appeals given on the back of this decision notice.

In case of enquiry contact Tony Collins
Direct Dial 01223 457157
Fax 01223 457109
E-mail: planning.devcontrol@cambridge.gov.uk



Landcharges

Date 2nd September 2005

Our Ref 05/0028/S73

Dear Sir/Madam

Town and County Planning Act 1990

Land at: Rear of 23 Sedley Taylor Road, Cambridge

Proposed Development: Variation of Condition 3 of planning permission C/99/0562/OP (allowed on appeal) to allow a further five years for development to commence.

Planning Reference: 05/0028/S73

Planning Inspectorate Reference: APP/Q0505/A/05/1186199

Appeal Start Date: 31st August 2005

Appellant's Name: Mr B R Robinson

An appeal has been lodged against the council's decision to refuse planning permission.

If you wish you may attend the Hearing, and at the discretion of the Inspector to take part in the discussion. You will need to advise the Planning Inspectorate if you wish to attend the Hearing.

If you cannot or do not wish to attend the Hearing you may give your views in writing.

If you wish to make your views known, these should be sent, quoting Reference number direct to:-

Mr Andy Maskrey
3/21 Eagle Wing
Temple Quay House
2 The Square
Temple Quay

John Summers
Head of Development Services
Cambridge City Council The Guildhall Cambridge CB2 3QJ
Telephone 01223 457000



Your comments (3 copies) must be received by the Inspectorate not later than 6 weeks from the appeal start date set out at the front of this letter. Any views submitted will be disclosed to the parties and may be read out at the hearing. Any views previously submitted to the Planning Department are automatically forwarded onto the Planning Inspectorate. You will only need to write if you wish to add to or retract your earlier comments, or if you wish to appear at the Hearing.

If you would like to see the Appellants grounds of Appeal before submitting any views, these may be inspected at the reception desk on the second floor, at the Guildhall during normal working hours. A copy of the Council's statement will also be available for inspection within 6 weeks from the start date. However, I strongly urge you to contact the Development Control Administration Department on 01223 457142 before coming into my office to ensure the statement is available.

A copy of the Appeal Decision Letter will only be sent on request, if you wish to receive a copy, you should write direct to the Planning Inspectorate (address above).

The Planning Inspectorate have produced a leaflet called "A Guide to Taking Part in Planning Appeals". This leaflet explains in simple terms the possible involvement that interested parties may have in the appeals process. The Planning Inspectorate have provided me with copies of the leaflet, so if you would like one, please ask at the Planning Reception, 2nd Floor, Guildhall, Cambridge between 9.00am and 5.00pm Monday -Thursday or 9.00am - 4.30pm Friday. Alternatively, please ring the Planning Reception to request a leaflet.

If you are not the owner of the property to which this letter is addressed, I would be grateful if you could ensure that the letter is brought to the attention of the owner.

I will write to you again giving the details of the Hearing as soon as this is available.

Yours faithfully

John Summers
Head of Development Services

In case of enquiry contact Tony Collins
Direct Dial 01223 457157
Fax 01223 457109
email planning.devcontrol@cambridge.gov.uk



Landcharges

Date 17th August 2006

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Land At: Rear of 23 Sedley Taylor Road, Cambridge

Planning Reference: 05/0028/S73

Planning Inspectorate Reference: APP/Q0505/A/05/1186199

Proposed Development: Variation of Condition 3 of planning permission C/99/0562/OP (allowed on appeal) to allow a further five years for development to commence.

I wrote to you on 2nd September 2005 to advise you that a Planning Appeal had been lodged and that an Informal Hearing was going to be held.

I am writing to inform you that this will take place in **Committee Room 2 at The Guildhall, Cambridge** on **Wednesday 20th September 2006**.

Yours faithfully

John Summers
Head of Development Services



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email planning.devcontrol@cambridge.gov.uk



Landcharges

Date 12th September 2006

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Land At: Rear of Sedley Taylor Road, Cambridge

Planning Reference: 05/0028/S73

Planning Inspectorate Reference: APP/Q0505/A/05/1186199

Proposed Development: Variation of Condition 3 of planning permission C/99/0562/OP (allowed on appeal) to allow a further five years for development to commence.

We wrote to you on 17th August 2006 to advise you that the Informal Hearing relating to the above Planning Appeal would take place in Committee Room 2 at The Guildhall on Wednesday 20th September 2006. Unfortunately there has been a change of venue and the Hearing will now be held in **The Robing Room at The Guildhall, Cambridge** on 20th September and will commence at 10:00am.

Yours faithfully

Veronica Cox
Support Officer

John Summers
Head of Development Services
Cambridge City Council The Guildhall Cambridge CB2 3QJ
Telephone 01223 457000

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INVESTOR IN PEOPLE

In case of enquiry contact Tony Collins
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email planning.devcontrol@cambridge.gov.uk



Landcharges

Date 17th November 2006

Our Ref 05/0028/S73
Your Ref

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Land At: Rear of 23 Sedley Taylor Road, Cambridge

Proposed Development: Variation of Condition 3 of planning permission C/99/0562/OP (allowed on appeal) to allow a further five years for development to commence.

Planning Reference: 05/0028/S73

Planning Inspectorate Reference: APP/Q0505/A/05/1186199

Appeal Start Date: 31st August 2005

Appellant's Name: Mr B R Robinson

With reference to the above appeal I now enclose a copy of the Planning Inspector's decision letter in relation to this appeal.

Yours faithfully

John Summers
Head of Development Services

John Summers
Head of Development Services
Cambridge City Council The Guildhall Cambridge CB2 3QJ
Telephone 01223 457000

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INVESTOR IN PEOPLE



Appeal Decision

Hearing held on 20 September 2006

Site visit made on 20 September 2006

by **Mr K L Williams BA MA MRTPI**

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



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Date

09 NOV 2006

Appeal Ref: APP/Q0505/A/05/1186199

Land rear of 23 Sedley Taylor Road, Cambridge, CB2 2PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Barry Rencher Robinson against the decision of Cambridge City Council.
- The application Ref.05/0028/S73, dated 5 January 2005, was refused by notice dated 9 March 2005.
- The application sought planning permission for the erection of a single dwelling without complying with a condition attached to planning permission Ref.C/99/0562/OP, dated 15 June 1999.
- The condition in dispute is No.(iii) which states that: *"The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later."*
- The condition was imposed as a standard condition for outline planning permission.

Summary of Decision: The appeal is dismissed

Procedural Matters

1. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.
2. The appellant's planning application (Ref.05/0028/S73), dated 5 January 2005, was an application for the variation of Condition No.(iii) of planning permission C/99/0562/OP. However, that permission has now expired and its conditions cannot be varied. I have therefore dealt with this appeal as a proposal to renew that planning permission. At the Hearing, the Council and the appellant agreed that this was appropriate.
3. There was an error on the 1:1250 site plan submitted with the planning application which led to this appeal (Ref.05/0028/S73). The access road linking the main part of the site with Sedley Taylor Road was omitted from that plan. The access road was included in the site area of planning permission Ref.C/99/0562/OP, to which application Ref.05/0028/S73 referred. A copy of the previously approved plan was submitted at the Hearing and, with the agreement of the main parties, I have considered this as the application plan.
4. As a result of this error, the owners of the access road were not notified at the planning application stage. After the Hearing, the Council took steps to notify the owners. Having regard to this, and to my decision, I am satisfied that their interests are not materially prejudiced by my determination of this appeal.
5. A Unilateral Undertaking, submitted by the appellant after the close of the Hearing, names another party as an owner of the land and the requisite notice was not served on him. As he

is a signatory to the Unilateral Undertaking, I am satisfied that his interests have not been prejudiced by that omission.

6. No.23 Sedley Taylor Road is a listed building. Having regard to the Council's view that the proposed development would not affect the setting of the listed building, I am satisfied that it did not have to advertise the proposal under Section 67 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. In reaching this view, I have taken account of advice in paragraph 2.17 of Planning Policy Guidance 15: Planning and the Historic Environment (PPG15).

Main Issues

7. I consider that the main issues are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the setting of the listed building, No.23 Sedley Taylor Road;
- Whether the proposal makes appropriate provision for access by vehicles and pedestrians; and,
- Whether the proposal makes appropriate provision for formal and informal open space, children's play areas and community facilities.

Planning Policy

8. The development plan includes the Cambridge and Peterborough Structure Plan, 2003 (SP) and the Cambridge City Council Local Plan, 2006 (LP). SP policy P1/3 requires a high standard of design and sustainability and provides a range of related criteria. Policy P9/8 deals with infrastructure provision and refers to a comprehensive approach to securing infrastructure to support the development strategy for the Cambridge Sub-region. LP policy 3/4 permits development which responds to its context, creating distinctive places by drawing inspiration from key characteristics of the area. Development should be well connected to and integrated with the locality. Policy 3/10 does not permit development in the garden areas of existing dwellings where, amongst other things, it would detract from local character and appearance, or adversely affect residential amenity or the setting of listed buildings. Policy 3/8 deals with public open space and sports facilities provision and policy 5/14 deals with the provision of community facilities.
9. The Planning Obligations Strategy was adopted by the Council in 2004 as Supplementary Planning Guidance (SPG). It was subject to public consultation and is relevant. I have given it significant weight reflecting its status as SPG. I have also had regard to other policy and guidance, including advice in paragraph 40 of Planning Policy Guidance 3: Housing, concerning the non-renewal of outstanding planning permissions and in paragraph 60 of Circular 11/95 regarding the renewal of permissions.

Reasons

Background

10. The main part of the appeal site is a roughly rectangular area of land to the rear of No.23 Sedley Taylor Road. The site also includes the access road referred to above, which currently provides access to a rugby club to the south of the site. In January 2000 outline planning permission was granted on appeal for the erection of a single dwelling on the site. Although access formed part of that proposal, other detailed matters were reserved. Drawing Ref.320-2 (undated), entitled Typical Bungalow Plans, Elevations, provides an illustrative layout and elevations for the proposed dwelling. Condition No.(vii) of the January 2000 permission limits the approved dwelling to one storey in height. I have had careful regard to the findings of the Inspector who determined the appeal in 2000. However, I have reached my own conclusions with regard to the main issues.

First issue - character and appearance

11. The Council considers that the dwelling would be in a backland situation and would be out of character with the surrounding area. It would therefore fail to take account of the context and character of its surroundings, which would be harmed by the development.
12. Having regard to the location of the site to the rear of No.23, I agree with the Council that the proposal amounts to backland development. The predominant form of development locally is linear frontage development along Sedley Taylor Road, mainly consisting of substantial detached houses. However, there is some variation in this pattern. At the northern end of the road, Nos. 2 3 and 4a are set back behind the frontage development, although they appear as a continuation of Luard Road. There are also one or two other examples of backland dwellings on the eastern side of Sedley Taylor Road. There is a bungalow to the south of the appeal site access road, albeit fronting onto Sedley Taylor Road and the rugby club is to the rear of frontage development. Whereas the predominant linear frontage character is primarily seen from Sedley Taylor Road, there would be very limited views of the proposed dwelling from that vantage point. It would be seen from other viewpoints, including the rugby club, the sports field and Long Road, from where views would be filtered through trees. However, the dwelling would be single storey and its prominence could be further reduced by a careful approach to design and siting and by landscaping, including retention of some of the existing trees and vegetation on the site.
13. Having regard to the above, I conclude that, while the dwelling would not be consistent with the predominant local character, it would not cause unacceptable harm to the character and appearance of the surrounding area. I consider that the proposal would not fully meet the aspirations of LP policy 3/4 but would not conflict with policy 3/10 in this respect.

Second issue – effect on the setting of a listed building

14. No.23 Sedley Taylor Road was added to the list of buildings of special architectural or historic interest in 2001, as a Grade II listed building. The listing schedule refers to the house, which was built in 1934, as a remarkably unaltered house of the period. Reference is made to interesting fenestration, interior features and to a rear conservatory. The occupier of No.23 considers that its setting would be harmed by the proposal and by widening of the access road. She refers to the site as having contained an orchard, providing the house with fruit and forming an essential part of the division of the garden into different sections.

15. The appeal site, which was formerly part of the extended garden of No.23, is shown on the plan attached to the listing schedule as part of the plot within which the listed building sits. However, at the Hearing the Council referred to the site as having been separated from the property before the house was listed in 2001. In my view, the site now has the appearance of a distinct plot. It is at the bottom of the garden of No.23 Sedley Taylor Road and is separated from it by a timber fence. Seen from the windows of No.23, the site appears as an area of trees and other vegetation at some distance from the property. In my view, it is considerably more detached from No.23 than is the neighbouring dwelling to the north. Taking this into account, and subject to the careful consideration of siting, design and landscaping which I have referred to above, I do not consider that a single storey dwelling on the appeal site would have an unacceptable effect on the setting of No.23. No specific proposals for improvement of the access have been put forward and I do not consider that the increased use of the existing access road would be harmful to the setting of No.23.
16. I conclude that the proposed dwelling would not be harmful to the setting of No.23 Sedley Taylor Road as a Listed Building. It would not conflict with LP policy 3/10 in this respect.

Third issue – access for vehicles and pedestrians

17. The Council is concerned that the site does not have a guaranteed road access and about the safety of the access. The appellant says that the access road is well used and additional movements from one dwelling would not be harmful. He also refers to the favourable findings of the Inspector in the 2000 appeal, including his findings with regard to access by fire appliances.
18. The access road which would serve the proposed dwelling is not in the ownership or control of the appellant. However, if this appeal was to be allowed, I consider that a planning condition could be imposed which would have the effect of preventing development of the site until that access was made available. Subject to such a condition, I do not consider the scheme unacceptable with regard to the absence of a guaranteed access.
19. I turn now to the adequacy of the proposed access. This access is already used for vehicles and pedestrians visiting the rugby club and I am aware that the Highway Authority did not object to the application. I appreciate that the volume of vehicle movements generated by a single dwelling would be small. However, I share the concern of the Council and local residents regarding the safety of users of the access. Conflicting figures are given for the width of the access. The appellant refers to a 3 metre access road and a width between property boundaries of 4.5 metres. The occupier of No.23 refers to a width of 2.7 metres. Measurements taken during my site visit showed a width of about 3.9 metres at the western end of the access road, near the rugby club. However, this reduced about 3.24 metres at its narrowest point and was about 3.39 metres near its junction with Sedley Taylor Road.
20. The access appeared to me to be narrow. In my view, it does not comply with guidance in paragraph 2.70(c) of Design Bulletin 32: Residential Roads and Footpaths (1992), that shared surface roads should provide a surface wide enough to allow pedestrians and vehicles to pass comfortably. There is no footway and, from what I saw, there is little room for pedestrians when the access is being used by vehicles, as it was when I visited the site. This is a sustainable location and the occupiers of the dwelling, who could include children, are likely to make some trips on foot or by bicycle. In my view this would intensify the extent of conflicting vehicle and pedestrian movements on the access road, leading to

unsafe conditions, particularly for pedestrians and cyclists. I appreciate that a layout allowing vehicles to enter and leave the appeal site in forward gear could be achieved. However, I consider that vehicle movements associated with the dwelling would increase the likelihood of reversing movements on the narrow access road and the possibility of vehicles being unable to enter the access road if it was already in use. This would be to the detriment of the free flow of traffic on Sedley Taylor Road. In my view, it has not been demonstrated that there would be scope for widening the access road to an extent which would resolve these problems.

21. I appreciate that the Inspector dealing with the appeal in 2000 did not find the access road unacceptable. However, while his decision dealt in some detail with access for fire appliances, it did not evaluate the general adequacy of the access. I have therefore reached my own conclusion on this matter based on the evidence before me.
22. At the Hearing, evidence was submitted by the occupier of No.23 regarding the site's non-compliance with standards set out in the Building Regulations, 1991 for access by fire appliances. These standards include reference both to the width of the access road and, if a fire appliance could not reach the site itself, the distance of the site from a point where a fire appliance could be stationed. These matters are covered by the Building Regulations and the Cambridgeshire Fire and Rescue service did not object to the planning application. Taking this into account, I do not consider that inadequate access for fire appliances would be a sufficient reason, on its own, to dismiss the appeal, although it adds to my concern regarding the access to the site.
23. I conclude that the proposal would not make adequate provision for access by vehicles and pedestrians. It would result in unsafe conditions, particularly for pedestrians and cyclists and would be harmful to the free flow of traffic on Sedley Taylor Road. It would conflict with LP policy 3/10 in this respect.

Third issue – provision for open space and community facilities

24. In the Council's view, the proposal fails to make appropriate provision for open space and community facilities. LP Policy 3/8 requires residential development to provide for public open space and sports facilities either through provision on site or, where the scale of development indicates otherwise, through commuted payments. Policy 5/14 requires provision of or contribution to community facilities where development leads to an increased demand for such facilities. The Council's Planning Obligations Strategy sets out its approach in more detail. It provides criteria for contributions and defines the scale of contributions required. It also provides a framework for the expenditure of contributions.
25. The appellant considers the contributions sought by the Council inappropriate in view of the small scale of the development. He also considers them insufficiently linked to the development and to be for provision which is unspecified in location or timescale.
26. I have considered this matter in light of the SPG and having regard to Circular 05/2005: Planning Obligations. The Circular is consistent with The Planning System: General Principles, to which the appellant has referred. I am satisfied that the contributions sought by the Council are consistent with the approach set out in the SPG, which in turn stems from relevant LP and SP policies. The SPG explains the need to require contributions in order to help to meet the infrastructure costs arising from development, including the costs of providing open space and community facilities. While I appreciate the appellant's

concern regarding the scale of the appeal proposal, paragraph 2.10 of the SPG explains that the development of small sites should not escape the infrastructure costs resulting from cumulative increases in demand. I am also satisfied that the scale of contributions sought is set out in the SPG and has regard to the costs of the provision of facilities and to assessments of need.

27. The SPG was adopted in 2004 and refers to expenditure on local projects and on projects benefiting the city as a whole. A range of projects to which expenditure could be directed is specified. No updated information was submitted. However, at the Hearing, the Council referred to the continuing severe pressure on the city's infrastructure arising from housing and other development and this was not disputed by the appellant. In my view, it is therefore likely that suitable projects would arise within a reasonable timescale for the expenditure of the contributions sought by the Council on the basis set out in the SPG.
28. Having regard to the above, I consider that the contributions sought by the Council are necessary from a planning viewpoint. In my view, they are, in the terms of Circular 05/2005, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. The appellant has submitted a Unilateral Undertaking which provides for the payment of contributions towards open space, children's play areas and community facilities on the commencement of development. The Council has accepted that this meets the requirement for contributions and I agree with that view.
29. I conclude that the contributions specified by the Council would be necessary to ensure appropriate provision for formal and informal open space, children's play areas and community facilities. I also conclude that the Unilateral Undertaking submitted by the appellant would meet these requirements. Subject to that Undertaking, the proposal would not conflict with the relevant LP policies or with the SPG.

Other Matters

30. The site is a sustainable one, having regard to its location within an urban area, with good accessibility to a range of services, facilities and employment. The proposal therefore accords with policies and guidance regarding the more efficient use of such land in sustainable locations. I am satisfied that a dwelling could be accommodated on the site without harm to trees protected by Tree Preservation Order No.4/2002. While there would be some overlooking of the garden of No.23 from the access road, this can already occur and I consider that the proposal would be acceptable with regard to its effect on the occupiers of neighbouring dwellings. Nothing has been submitted regarding any proposals for the comprehensive development of the wider area or to suggest such proposals are likely to emerge. I do not consider that the proposal would be likely to prejudice such comprehensive development, as referred to in criterion (f) of LP policy 3/10. None of these other matters adds to my reason for dismissing the appeal.

Conclusions

31. I have concluded that the proposed dwelling would be acceptable with regard to its effect on the character and appearance of the surrounding area and its effect on the setting of No.23 Sedley Taylor Road. Subject to the Unilateral Undertaking submitted by the appellant, it would also be acceptable with regard to the provision of formal and informal open space, children's play areas and community facilities. However, these conclusions are outweighed

by my conclusion with regard to access to the site. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

32. I dismiss the appeal.

K Williams

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr J Quinlan, BSc(Hons), DipTP, MRTPI

James Quinlan and Associates Ltd

Mr B R Robinson

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Collins, MRTPI

Planning Officer, Cambridge City Council

INTERESTED PERSONS:

Professor A Muthesius

Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- | | |
|-------------|---|
| Document 1. | Extracts from Cambridge City Council Local Plan, 2006. |
| Document 2. | Note submitted by the Council comparing the policies of the 1996 Local Plan with those of the 2006 Local Plan. |
| Document 3. | Statement of consultation on Revised Planning Obligation Strategy adopted as Supplementary Planning Guidance in April 2004, Cambridge City Council. |
| Document 4. | Copy of Planning Application C/99/0562/OP and related plan. |
| Document 5 | Extract from building regulations, B5, Vehicle Access, Section 17. |
| Document 6. | Representation by Neighbourhood Watch, Sedley Taylor Road. |
| Document 7. | Report to Planning Committee, Land to the rear of 4 Sedley Taylor Road, 16 April 2003. |
| Document 8. | Listing description for 23 Sedley Taylor Road, 8 March 2001. |
| Document 9. | Deed of Rectification regarding 23 Sedley Taylor Road, and related plan. |

DOCUMENTS SUBMITTED AFTER THE HEARING

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|--------------|---|
| Document 10. | Letter, dated 28 September 2006 from Professor A Muthesius, with attached correspondence. |
| Document 11. | Letter and attached correspondence from Professor A Muthesius, dated 24 September 2006. |
| Document 12. | Letter from Cambridge City Council, dated 27 September 2006. |
| Document 13. | Letters from James A Quinlan and Associates Ltd, dated 21 September 2006. |
| Document 14. | Letter from the appellant, dated 27 September 2006, with Unilateral Undertaking attached. |
| Document 15. | Letter from Cambridge City Council, dated 21 September 2006 with attached correspondence. |
| Document 16. | Letter from Cambridge City Council, dated 6 October 2006, with attachments |



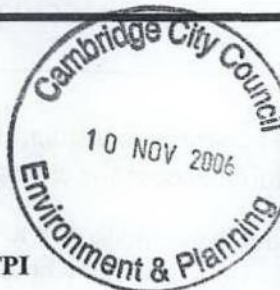
Costs Decision

Hearing held on 20 September 2006

Site visit made on 20 September 2006

by Mr K L Williams BA MA MRTPI

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



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Date

09 NOV 2006

Costs application in relation to Appeal Ref: APP/Q0505/A/05/1186199

Land rear of 23 Sedley Taylor Road, Cambridge, CB2 2PW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr B R Robinson for a full award of costs against Cambridge City Council.
- The hearing was in connection with an appeal against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.

Summary of Decision: The application for an award of costs is allowed in part as set out in the Formal Decision and Costs Order below.

The Submissions for the Appellant

1. The Council's approach in this case has been unacceptable and unreasonable. The Inspector who determined an appeal for the same form of development on the site in January 2000 looked at the site and the issues carefully. The issues are now the same and there is nothing new, although there has been a review of the Local Plan.
2. The report to the Council's South Area Planning Committee concerning the application which led to this appeal was very thorough. It assessed whether significant changes had occurred since the 2000 appeal decision and reviewed changes in planning policies and guidance. It concluded that to allow, in effect, a renewed planning permission would not be premature and would not result in uncertainty. There was clear advice to members to approve the application subject to completion of a legal agreement. However, the Committee placed undue weight on aggressive lobbying against the proposal and acted against officer advice and against the decision of the Inspector in the 2000 appeal.
3. In this case, the Council did not comply with the requirements of Circular 8/93, particularly with regard to paragraphs 9 and 16 of Annex 3 of that Circular. While there have been changes, the situation is not materially different. The Council's decision did not have an adequate foundation and ignored the officer's advice and the previous appeal decision.
4. The Council considered the application on 3 March 2005. There had been active discussions with the Council concerning a Planning Obligation with regard to contributions related to open space and community facility provision. With regard to these contributions, the report to the Council's committee says that: "*The applicant has indicated his willingness to enter into a legal agreement for these costs.*" A completed Unilateral Undertaking on this matter was sent to the Council on 10 March 2005 and was acknowledged. There had been a thorough consideration of issues related to access to the site at the previous appeal,

including whether there was a guaranteed right of access. The Inspector considered access acceptable, including access for emergency vehicles

5. Application is therefore made for a full award of costs, related to both of the Council's reasons for refusal and to the whole of the case. The unnecessary costs incurred are the entire costs of mounting the resulting planning appeal.

The Response by the Council

6. The Council has not acted unreasonably. With regard to the second reason for refusal, concerning provision for public open space and community facilities, there is a sound basis for requiring an agreement regarding financial contributions in the Council's Planning Obligations Strategy, 2004, which is Supplementary Planning Guidance. No Planning Obligation had been put in place and therefore the Council was not acting unreasonably in refusing the application on this basis. The Council would have been justified in refusing the application on this basis alone, and an appeal on that issue was likely in any case. As a result, the further matters referred to in Reason for Refusal No.1 did not result in added costs.
7. The Council acknowledges paragraph 16 of Annex 3 of Circular 8/93. However, that paragraph refers to an authority as: "... likely to be regarded as having acted unreasonably". This implies that in some circumstances it would not be so regarded. In this case the Council considered that some aspects of the proposal had not been satisfactorily dealt with in the previous appeal decision. This included whether the proposal provided a guaranteed access, a matter which was not addressed in the previous appeal decision and is material. Therefore, despite the previous appeal decision, the Council was not unreasonable.

Conclusions

8. This application for costs falls to be considered in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
9. It is normal practice for a Council to consider fully any objections to planning applications. The appropriate test is whether the Council's Reasons for Refusal were founded on planning arguments. In this case, I consider that they were and that it has not been demonstrated that the Council's decision was driven by lobbying against the proposal.
10. Paragraph 16 of Annex 3 of Circular 8/93 refers to situations where an appeal is successful, whereas in this case the appeal has been dismissed. However, paragraph 19 of Annex 3 refers to unreasonable behaviour when a planning authority cannot show good reason, such as a material change in planning circumstances, for failing to renew an extant or recently expired planning permission. I find that the Council did not meet this requirement with regard to the issue of the effect of the proposal on the character and appearance of the area. The Council explained its concerns. However, it did not show that circumstances had materially changed since the previous planning permission, or show other good reason, either with regard to the nature of the character and appearance of the area or with regard to the effect to planning policies and guidance, to an extent which would justify refusal on this ground. I consider that the Council acted unreasonably in this respect.

11. I do not consider that the Council acted unreasonably with regard to the issue of access to the site. The Inspector determining the appeal in January 2000 did not find the access to the site unacceptable. However, while it referred to access for fire appliances, that appeal decision did not deal at any length with the merits of the access for general vehicular use. In my view, it was therefore reasonable for the Council, notwithstanding the lack of objection from the Highway Authority, to come to a planning judgement on the suitability of that access having regard, amongst other things, to its restricted width, which was addressed through measurement on site.
12. The Council also considered the proposal unacceptable because availability of the proposed access could not be guaranteed. In doing so, it did not pursue the possibility of a planning condition preventing development until the access was made available. Paragraph 11 of Annex 3 of Circular 8/93 says that, where appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions on a grant of planning permission which would allow the proposed development to proceed. In this case, the position was not straightforward in that the proposed access is not owned by the appellant but by a Trust. Taking this into account, I do not consider the Council's failure to pursue such a condition to amount to unreasonable behaviour.
13. With regard to access for fire appliances, the reasoning of the Inspector in 2000 relied, in part, on reference to a possible alternative route to the site for emergency access. The Council's evidence, which was supported by a local resident, was that it could not be guaranteed that this access route would always be available. In the event, the appellant agreed that he was not relying on that access route. Taking this into account, I consider that the Council acted reasonably in this respect.
14. Although the appellant provided the Council with a Unilateral Undertaking regarding the provision of public open space, play areas and community facilities on 10 March 2005, the Council had considered the application on 3 March 2005 and the notice of refusal was dated 9 March 2005. I therefore consider that the Council did not act unreasonably in refusing the application with regard to this issue. The Council's failure to acknowledge the Unilateral Undertaking or to pursue any necessary changes to it was unhelpful. However, the issues surrounding the need for a planning obligation and the precise form of that obligation would have had to be fully discussed at the Hearing in any case. In my view, the Council's failure to respond to the appellant's Unilateral Undertaking did not materially affect the time taken at the Hearing to deal with this issue. Taking this into account, I do not consider the Council's actions to amount to unreasonable behaviour in this respect.
15. Having regard to the above, I conclude that the full award of costs sought by the appellant is not justified. However, I consider that a partial award is justified with regard to the costs incurred by the appellant in preparing evidence dealing with the effect of the proposal on the character and appearance of the area and in dealing with that issue at the Hearing. The application is therefore allowed in part, in the terms set out below in the Formal Decision and Costs Order.
16. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Cambridge City Council will pay to Mr Barry Rencher Robinson, the costs of the appeal proceedings limited to those costs incurred by the appellant in the preparation of evidence with regard to the effect of the

proposal on the character and appearance of the area and the discussion of that issue at the Hearing, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted concerning land to the rear of 23 Sedley Taylor Road, Cambridge, CB2 2PW.

17. The applicant is now invited to submit to Cambridge City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

K Williams

INSPECTOR

PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0793/FUL	Agenda Item	
Date Received	8th May 2015	Officer	Michael Hammond
Target Date	3rd July 2015		
Ward	Newnham		
Site	2 Bulstrode Gardens Cambridge Cambridgeshire CB3 0EN		
Proposal	Demolition of single storey brick built garage. The division of the site to create a new site and build a new two-storey dwelling including the removal of 3 silver birch trees..		
Applicant	Mr & Mrs Simm 2 Bulstrode Gardens Cambridge Cambridgeshire CB3 0EN United Kingdom		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> – The proposed development would appear out of character with the street and would harm the character and appearance of the Conservation Area.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.2 Bulstrode Gardens, is comprised of a large two-storey detached dwelling designed in traditional red brick with a tiled roof situated on the east side of the road. There is a small detached garage adjacent to the boundary of no.3, a large gravel drive at the front and a large garden to the rear which is well landscaped.
- 1.2 There are a series of large trees and hedging at the front of the site which is a characteristic shared along the fronts of properties along Bulstrode Gardens. The surrounding area is

residential in character and is formed of large detached houses set within generous plots with deep gardens. Houses are typically wide and shallow in terms of their orientation to the road.

- 1.3 The site falls within the West Cambridge Conservation Area.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for a two-bedroom, two-storey, detached dwelling situated to the south of no.2 Bulstrode Gardens and directly against the boundary of no.3. It would have a narrow frontage depth but extend deeply into the plot and would measure 4.6m to the eaves and 6.8m to the ridge. The first-floor would overhang the building line of the ground floor, by way of a timber clad projection to the north which would accommodate the landing area of the proposed dwelling.
- 2.2 The proposed dwelling is designed in traditional red brick with a brown tiled roof in a pitched roof style. The proposed dwelling would be sub-divided from no.2 in the form of a 2m high wall, which changes to a 1.7m for the duration of the garden. Bin storage is provided at the front of the site and is shielded behind a timber screen, while cycle parking is allocated at the rear of the site in a garden shed. One parking space is allocated on the front drive.
- 2.3 The application has been called in for determination at planning committee by Councillor Cantrill on the basis that the application would not be out of keeping with the character of the area and should be recommended for approval.

3.0 SITE HISTORY

Reference	Description	Outcome
C/93/0507	RESIDENTIAL TWO STOREY EXTENSION PLUS DETACHED GARAGE (AMENDED BY LETTER & DRAWINGS DATED 29.7.93).	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 Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 4/4 4/11 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)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> West Cambridge Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Head of Refuse and Environment

6.2 No objection, subject to conditions on construction hours and piling.

Urban Design and Conservation Team

- 6.3 The proposed dwelling is to be arranged perpendicular to the road, in the gap currently filled by the single width garage at the southern end of the site. It is noticeably smaller than the buildings which surround it and, whilst it is located relatively close to its neighbour to the south, the site plan submitted as part of the application does illustrate properties in a closer proximity within the same road. Nevertheless, the rhythm and status of properties in the road is quite clear, and this is a prominent feature of the cul de sac.
- 6.4 By virtue of the rhythm of the dwellings in their plots, the proposed infill cannot be argued simply to drop into the existing grain of the place. It can only upset the character of the road, which consists overwhelmingly of large, confident structures facing the highway, albeit some properties do hide behind hedges. Because the plot is restricted in its width, the house naturally appears rather apologetic. It is small with a low eaves line and whilst its building line does relate to its neighbours, it appears to recede, because it is visually squeezed between broader, taller structures on either side. Its narrow gable creates a small, vertical structure, quite in contradiction to the remainder of the houses, and as such will always appear as an uncomfortable infill, rather than as a sensitive and appropriate new development on a suitably plot.
- 6.5 The scheme does not accord with section 72 of the Listed Buildings Act, the spirit of the NPPF, or Local Plan policies 3/4, (responding to context) or 4/11 (which states that developments within conservation areas will only be permitted if they preserve or enhance the character or appearance of the area). In conclusion therefore, the conservation team does not support the proposal.

Head of Streets and Open Spaces (Landscape Team)

- 6.6 The proposals are not supported. The proposals do not conform with planning policies 3/4 and 3/10 of the Local Plan 2006.
- 6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following address has made a representation:

- 14 Bulstrode Gardens

7.2 The representation can be summarised as follows:

- The proposal is not in keeping with the character of the area.
- The proposal will set a precedent for future sub-division and development which would irrevocably change the character of the area.

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. Context of site, design and external spaces and Impact on Conservation Area
3. Residential amenity
4. Trees
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 supports residential development on windfall sites subject to the existing land use and compatibility with existing land uses. There is no conflict with this policy. Policy 3/10 supports the use of sub-divided residential curtilages for new development only if the proposal causes no harm to neighbour amenity or the character of the area, and provides acceptable amenity space, car and cycle parking and waste storage. I

explain below that in my view the proposal does cause harm to the character of the area.

- 8.3 In my opinion, whilst the principle of residential development on this site is acceptable, I believe it is in conflict with policy 3/10 of the Cambridge Local Plan 2006 for the reasons as set out below.

Context of site, design and external spaces and Impact on Conservation Area

- 8.4 The West Cambridge Conservation Area Appraisal identifies Bulstrode Gardens as being characterized by large family houses, orientated parallel and set back from the road, and situated within deep garden plots.
- 8.5 The existing properties along Bulstrode Gardens appear very wide in their respective plots and the fenestration of windows and doors are generally orientated towards the road and this rhythm is consistent throughout this road.
- 8.6 The proposed dwelling would be arranged perpendicular to the road, would be considerably smaller in size, and the plot would be noticeably narrower and constrained than other properties in the area. The Conservation Team has stated that by virtue of the rhythm of the dwellings in their plots, the proposed infill cannot be argued simply to drop into the existing grain of the place. The character of the road is that of large, confident structures facing the highway and the addition of this dwelling would contrast unsuccessfully with this character.
- 8.7 The Conservation Team has also explained that because the plot is restricted in its width, the house naturally appears out of context with the neighbouring properties. Furthermore, the low eaves line makes the dwelling appear to recede due to it being visually squeezed between broader, taller structures which flank the dwelling. The narrow gable end creates a small, vertical structure, which contradicts the remainder of the houses, and as such, would not sit comfortably within the plot and the context of the site.
- 8.8 I agree with the advice of the Conservation Team, and consider that by way of its narrow width and extended length, coupled with the disruption to the rhythm of the fenestration and

contrasting orientation to the existing pattern of development, the proposal would be out of keeping with the street scene and would consequently harm the character of the area and wider Conservation Area.

- 8.9 I consider that the proposed development would detract from the character of the area and is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The main consideration is the impact on nos.2 and 3 Bulstrode Gardens.

Overlooking

- 8.11 The windows are all positioned on the east and west elevations of the proposed dwelling. There are roof lights on the south and north elevations but these are positioned high in the roof slope and are for natural lighting purposes as oppose to outlooks.
- 8.12 The windows on the east elevation would have views across the rear gardens of nos.2 and 3 and there is already a mutual sense of overlooking across the rear gardens of properties in this area from first floor windows. These neighbouring properties both benefit from large spacious gardens and the views from the first-floor windows of the proposed dwelling across these gardens will be relatively oblique. As a result, while there will be a slight increase in overlooking over the rear gardens of neighbouring properties, I do not consider these outlooks to be so compromising to the privacy of these neighbours as to significantly harm their respective amenities.

Overshadowing

- 8.13 The proposed dwelling will not have a bearing on sunlight to no.3 as it is positioned directly to the north of this neighbouring property.
- 8.14 The proposed dwelling would be immediately to the south of no.2 and so consideration needs to be made as to the impact of overshadowing on this neighbour. The main areas of no.2

affected by overshadowing would be the south elevation and the small courtyard area of this neighbour. It is identified that the majority of the key outlooks for no.2 are positioned on the east and west elevations and that the windows on the south elevation are secondary windows which are not solely dependent on lighting their respective rooms. The courtyard area is only a small portion of the external amenity space available to no.2 as the considerable garden space further to the east will be largely unaffected by the proposed development in terms of overshadowing. Therefore, I am content that while there will inevitably be overshadowing over the south courtyard and windows of no.2, these are not dependent on sunlight, and that the amenity of this neighbour will not be adversely impacted by the proposed development.

Visual Enclosure

- 8.15 Similar to the preceding paragraph, there is not a dependency on the south courtyard and south facing windows of no.2 as the only visual outlook as these are secondary windows and spaces. The main outlooks are to the east and west, and there is a substantial garden further to the east. As a result, the proposed dwelling will not be perceived as visually dominant from the main windows and amenity spaces of this neighbouring property.
- 8.16 There are only a few small windows on the north side elevation of no.3 which do not serve habitable rooms. Again, the main windows and amenity areas for this neighbour, similar to no.2, are all positioned on the east and west side of the property and so I am content that the proposal will not visually dominate any of the key outlooks of no.3.
- 8.17 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10 (criteria a).

Amenity for future occupiers of the site

- 8.18 The application provides a two-bedroom home with outdoor amenity space with a depth of 13.2m and adequate cycle parking provision and bin storage. The site is located in a sustainable location, within walking distance to nearby bus

stops. In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 (criteria b) and 3/12.

Trees

- 8.19 The proposal involves the removal of a mature birch tree along the front of the site and the subsequent replanting of a silver birch tree further to the north of this frontage. The Landscape Team have not raised any concerns with this removal and replanting and are supportive of this element of the proposed works. I agree with this advice and consider the removal of the tree to be acceptable.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Refuse Arrangements

- 8.21 Adequate refuse arrangements have been provided at the front of the site situated behind a timber screen. The Environmental Health team has not raised any objection to the refuse arrangements.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.23 The highway authority has not raised any objection to the proposal and I agree with this advice.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 One parking space is provided at the front of the site which is in accordance with the Car Parking Standards.

- 8.26 Two cycle parking spaces are provided in a secure covered shed at the rear of the garden in accordance with the Cycle Parking Standards.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.28 The concern regarding the proposal being out of character has been addressed in the main body of this report.
- 8.29 A concern was also raised regarding the precedent that this type of development could set on the rest of Bulstrode Gardens. In response, each application will be judged on its own merits and in the event that permission is granted for this development, this does not necessarily set a precedent for residential development on other plots.

Planning Obligation Strategy

Planning Obligations

- 8.30 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 dwelling would detract from the character of the area and wider Conservation Area, and is contrary to policies 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed dwelling, by virtue of the size of the plot, the narrow width and length of the dwelling and its orientation perpendicular to the road, would appear cramped and out of character with its setting. The area is characterized by large dwellings set parallel to the road with spacious gardens and the proposal would contradict this character and consequently harm the character of the Conservation Area by disrupting the rhythm of the dwellings in the street scene. The narrowness of the dwelling adjacent to two large buildings, when considered with the low eaves lines and elongated gable end facing the street, means that the proposal appears as an alien and incongruous feature.

For these reasons, the proposals fail to respond to their immediate context and would neither, preserve or enhance the character and appearance of the Conservation Area. As such the proposals are contrary to the provisions of Policies 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006.

PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0787/FUL	Agenda Item	
Date Received	28th April 2015	Officer	Michael Hammond
Target Date	23rd June 2015		
Ward	Trumpington		
Site	St Marys School Bateman Street Cambridge Cambridgeshire CB2 1LY		
Proposal	Creation of a new extended entrance to the school (Bateman Street). Construction of a new boundary wall and signage, enclosing the bicycle store. A small extension to the classroom accommodation and signage. Provision of through colour render to the existing brickwork of two buildings (the Cortile and the Science block). Provision of new gates/screens/ fencing on to Bateman Street. Provision of screen to obscure extract ductwork from the science classrooms (Bateman Street)		
Applicant	Ms Charlotte Avery St Marys School Bateman Street Cambridge Cambridgeshire CB2 1LY United Kingdom		

SUMMARY	<p>The development fails to accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> – The proposed use of render would not be in keeping with the defined character of this part of the Conservation Area and would appear out of context with the surrounding area, consequently harming the Conservation Area.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, St Marys School, is comprised of a series of large multi-storey buildings used for education purposes. The application relates specifically to the building which has been developed incrementally over time between the sites of Paston House and The Elms which front Bateman Street.
- 1.2 The school is situated on the south side of the street bounded by the Botanical Gardens. Opposite the school site on the north side is the Goldsmiths Hall, a Grade II listed building, and at the western end of the site is 1 Brookside, also Grade II listed. The area is predominantly formed of two-storey Victorian terrace style properties designed in traditional brick with tiled roofs.
- 1.3 The site falls within the Central Cambridge Conservation Area.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the following:
- Creation of a new extended entrance to the school (Bateman Street). The new entrance would project out to the front by 2.1m with a series of glazed doors and windows. A new canopy in the form of a curved metal roof and a tall fin wall would project towards Bateman Street to create a more distinctive entrance.
 - Construction of a new 3.3m high boundary wall and signage, enclosing the bicycle store.
 - A small extension of 1m in depth to the classroom accommodation at two-storey level on the west elevation of the science block and signage.
 - Provision of through colour render to the existing brickwork of two buildings (the Cortile and the Science block).
 - Provision of new gates/screens/ fencing on to Bateman Street to replace existing.
 - Provision of perforated screen to obscure extract ductwork from the science classrooms (Bateman Street).
- 2.2 The proposal has been amended to remove the through colour render on the science block and retain as existing.
- 2.3 The application has been called in for determination at planning committee by Councillor Meftah on the grounds that the application should be supported as the proposal will enhance

the presence of the building and will not detract from the character of the area.

3.0 SITE HISTORY

Reference	Description	Outcome
09/0086/FUL	Erection of a new four storey D1 educational building including associated landscape works following demolition of a rear extension.	Withdrawn
07/0526/FUL	Installation of new canopy and replacement of two windows and replacement of existing doors.	Permitted.
06/1404/FUL	Provision of temporary mobile classroom.	Permitted.
06/0407/FUL	Replacement windows and frames to existing school building facade.	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 Plan 2006	Local	3/1 3/4 3/7 3/11 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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	
	<u>Area Guidelines</u> New Town and Glisson 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 of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection, subject to informative.

Urban Design and Conservation Team

6.2 When considering applications for works within a conservation area, we are looking to preserve or enhance the character or appearance of the conservation area. The Conservation Team does not consider that the use of render on the upper three storeys of this building will either preserve or enhance the conservation area as it will be the introduction of an alien material to this part of the conservation area. As stated in the original comments on this application, a key characteristic of this part of the conservation area is that of brick facades to the buildings.

6.3 The reasons why the use of render is not supported in this area are noted below:

- ☐ With the introduction of render the texture of the bricks is lost and the emphasis of the building changes from individual building blocks of different hues to slabs of over-regular colour.
- ☐ By the breaking up of the consistent use of brick in Bateman Street, views from Panton Street and those along Bateman Street itself would be significantly altered if the building were to be rendered.
- ☐ This would be exaggerated if the colour of the proposed render were to be inappropriate for the area
- ☐ There may also be a long term maintenance issue with render.

6.4 All of the above would be to the detriment of the character of the conservation area.

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

7.0 REPRESENTATIONS

7.1 No representations have been received.

8.0 ASSESSMENT

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

1. Context of site, design and external spaces and Impact on Conservation Area
2. Residential amenity

Context of site, design and external spaces and Impact on Conservation Area

8.2 All of the proposed works would be highly visible from the street scene. In order to assess the proposed works more clearly, each aspect has been assessed individually as is demonstrated in the sub-chapters below.

New entrance

8.3 At present, the entrance is by way of a set of double doors, with relatively blank and un-noteworthy brick wall sections between glazed panels.

8.4 The proposal seeks to enhance the visual presence of the main entrance by replacing the existing brick section of this frontage with glazed panels with automatic sliding doors. A new canopy in the form of a curved metal roof and a tall fin wall would project towards Bateman Street to create a more distinctive entrance.

8.5 The Conservation Team has not raised any objection to this element of the proposed works and I agree with their advice. Overall, I consider that the proposed entrance, fin and canopy roof would enhance this frontage and create a far more welcoming and positive entrance for users.

New 3.3m high boundary wall and signage

8.6 The existing cycle store is currently visible from Bateman Street and is partially obscured by low level railings.

- 8.7 The proposals would replace these railings with a new boundary wall to increase security of cycles and a sign for the school would be positioned in the corner of this wall. The Conservation Team are supportive of these works subject to details of the materials and I agree with this advice.

1m Extension to science block

- 8.8 A 1m extension at two-storey level is proposed on the western side of the science block which would allow for new signage on this elevation to make this entrance more focal. This would also enable classrooms on these levels to become small lecture theatres.
- 8.9 The proposed extension is relatively minor in terms of scale and massing. The overall design is supported in principle by the Conservation Team but further details would be needed to clarify the dimensions, colours and materials of the signage. I agree with this advice and consider that subject to further details, which could be dealt with through condition, this element is supported.

Render to main building

- 8.10 The main building is currently clad in brick which is a feature characteristic of this part of the Conservation Area.
- 8.11 The proposals seek to replace the existing brick on the main building with render. The Conservation Team is not supportive of this element of the proposed works. Within Bateman Street and Panton Street, almost all of the buildings are finished in brickwork. This brings a visual homogeneity to this part of the Conservation Area and is a distinct characteristic of it. I acknowledge that properties on Hills Road may be rendered, such as Three Crowns House, but to my mind that is a completely different visual character, which includes a greater variety of building styles and finishes, including commercial and business premises. The character differs from many of the side streets. The use of render on the main building of the school is therefore not supported as it is seen to be out of character with the Conservation Area.

New gates/screens/ fencing

- 8.12 The proposed gates, screens and fencing are in similar positions to that of the existing. The new designs are reflective of the proposed patterned perforations of the new entrance screen. The existing gates and fencing are not considered to be of any particular interest or value to the character of the area. The Conservation Team are supportive of this element of the proposed works and I agree with this advice.

Perforated Screen

- 8.13 The proposed perforated screen has been designed to obscure the extract ductwork from the science block when viewed from Bateman Street. The Conservation Team are supportive of this element and I agree with this advice, particularly given that it will help shield the exposed extract ductwork from public view which is not considered to be an aesthetically positive feature.

Summary

- 8.14 The applicants were advised previously that render was unlikely to be acceptable as an alternative finish to the building. Officers have welcomed numerous changes to the building but the use of render would appear out of context with the positioning of the building in the Conservation Area.
- 8.15 In my opinion the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.16 As the overall mass and scale of the building is not being increased substantially and no new outlooks are being created by any of the proposed works, I am content that the proposal poses no harm to the amenity of neighbouring properties.
- 8.17 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

9.0 CONCLUSION

- 9.1 The proposal to replace the existing brickwork with render on the main building would appear out of character with the Conservation Area and is consequently not supported. Refusal is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposal to replace the existing brickwork with render on the main building would appear out of context with the area and would consequently harm the character and appearance of the Conservation Area. Bateman Street is characterised by properties designed in brick and the proposal to introduce render on this street, which would also be visible from along Panton Street, would clash with this distinctive feature and appear alien from public views throughout this street of the Conservation Area.

For this reason, the proposals fail to respond to their immediate context and would neither preserve or enhance the character and appearance of the Conservation Area. As such the proposals are contrary to the provisions of Policies 3/4, 3/7, 3/11 and 4/11 of the Cambridge Local Plan 2006.

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PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0924/FUL	Agenda Item	
Date Received	15th May 2015	Officer	Michael Hammond
Target Date	17th July 2015		
Ward	Queen Ediths		
Site	3 Fendon Close Cambridge Cambridgeshire CB1 7RU		
Proposal	Part two storey part single storey rear and side extensions, incorporating rear balcony, following demolition of existing garage and part demolition of existing house. Roof extension incorporating rear dormers and balcony and raising ridge height.		
Applicant	Mr Xiahai Liu 3 Fendon Close Cambridge Cambridgeshire CB1 7RU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> – The proposed extensions would not detract from the character of the area. – The proposed extensions would not significantly harm the amenity of neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.3 Fendon Close, is comprised of a two-storey detached property situated on the west side of Fendon Close, designed in red brick and brown tile. There is a long drive and parking at the front of the site and a large garden to the rear with a detached garage adjacent to the boundary of no.4 Fendon Close.

1.2 The surrounding area is residential in character and is formed primarily of similar sized detached properties set back and facing towards the road. Properties around Fendon Close are designed predominantly in either red brick or render with pitched tiled roofs.

1.3 There are no site constraints.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for part two-storey, part single-storey, rear and side extensions. The works incorporate the demolition of an existing garage and part demolition of the existing house. A roof extension including rear dormers and a balcony is included in the scheme, which also involves an increase to the ridge height of 0.2m.

2.2 At single-storey level, the proposed extension would project out to the rear by 5m and to the side by 5.6m. The two-storey element would project out to the rear by 6.3m, 1.3m further than the ground floor and to the side by approximately 4m. The proposed extension is designed with a gently curving and slanted roof and is designed predominantly in render but there are smaller areas designed in red brick, stone and timber cladding, while the new roof would be designed in pre-weather zinc.

2.3 The roof would also be increased in height by 0.2m, taking the total ridge height up to 8m, and extended out to the rear as the same depth as the proposed two-storey element with an eaves height of approximately 5.2m. The roof form at the rear would also be converted from a hipped roof to a pitched roof with two gable ends facing out to the rear.

2.4 The application has been called in for determination at planning committee by Councillor Moore due to concerns regarding the impact of the proposal on the amenity of no.4 Fendon Close.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1239/FUL	Two storey side extension and	Withdrawn.

part two storey part single storey
rear extension (following
demolition of garage)

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	3/4 3/7 3/11 3/14

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p>
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Head of Refuse and Environment

6.2 No objection subject to demolition/ construction hours and demolition/ construction delivery/ collection hours conditions.

7.0 REPRESENTATIONS

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

- 30 Station Road
- 2 Fendon Close
- 4 Fendon Close

7.2 The representations can be summarised as follows:

- Overlooking/ loss of privacy
- Enclosure/ visual dominance
- Detrimental impact on character of the area

- Poor design
- Overshadowing
- There are inaccuracies in the drawings.
- Some of the statements in the design and access statement are false and misleading.
- Concerns regarding change of use to house in multiple occupation (HMO).

7.3 The owner/ occupiers of the following addresses have made representation in support to the proposals:

- 21 Fendon Road
- 29 Kinnaird Way

7.4 The representations can be summarised as follows:

- Positive impact on character of area
- Good design

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. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

Context of site, design and external spaces

8.2 The proposed extension would be visible from the street scene of Fendon Close.

8.3 Concerns have been raised from neighbouring properties regarding the design of the proposed extension and how it is not in keeping with the character of the area. The concerns state that the mass and footprint of the extension would be disproportionate to the size of the existing dwelling and that this would appear overly dominant and cramped in the site. In

addition to this, the objections state that the scale and massing of the roof extension are not in keeping with the existing roof forms in the area. The materials are also criticised as exacerbating this dominating impact of the additional mass.

- 8.4 The proposed extension would significantly increase the footprint of the dwelling at ground floor and first floor level and would inevitably lead to an increase in mass when viewed from the street scene of Fendon Close. However, there would be a 1m gap retained between the boundary of the site and the dwelling as a result of the extension and this gap would gradually increase as the extension curves away from the boundary. I consider that given that there is a gap between the proposed extension and the boundary and it has been designed to curve away from the boundary, the proposed extension will not read as cramped or overdeveloped on the plot. Furthermore, as the property is situated over 25m from the road, I do not believe that the additional mass as a result of the increased footprint will be so prominent as to detract from the character of the area.
- 8.5 The change in scale and massing of the roof to the front and side would be visible from the street, while the two additional gables and changes to the rear of the roof will be concealed from the main views from the street. The sloping roof is set at a relatively steep gradient which reduces its prominence when viewed from the street scene. While I accept that the design is unique and not reflective of the predominant pitched roof form established in the area, the design of this contemporary roof slope is integrated into the extension well and I believe that this style contrasts successfully with the surrounding area.
- 8.6 While I acknowledge that the materials on the roof are not reflective of the more traditional tiled roofs in the surrounding area, I consider that these materials reinforce the contemporary identity of this extension and this further enhances the successful contrast from other properties.
- 8.7 In conclusion, while I accept that the overall mass, design and choice of materials are distinct and noticeable from the street scene, I consider this contrast to be successful. There is not a uniform building line as properties are incoherently staggered back from the road and there is a mix of render and brick

externally on other properties which reduces the need for the proposed extension to conform to a particular form or style.

- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The main consideration is the impact on the two adjacent properties at nos. 2 and 4 Fendon close. I have visited no.4 Fendon Close specifically to understand the nature of the potential impact of the scheme and requested additional visualisations of the scheme from this property.

Overlooking/ loss of privacy

- 8.10 There are already first-floor rear windows that have views out across the rear garden of no.2. While the windows on the roof extension and balcony of the study room on the second floor would have views across this neighbour's garden, I do not consider that this would be significantly different to the existing views from the first floor rear windows and that the privacy of this neighbour will not be significantly compromised.
- 8.11 The neighbour at no.4 has raised concerns regarding overlooking into their garden from the proposed first floor side balcony. The proposal has been amended to increase the balustrade width and create an additional privacy screen made of vertical louvres. I consider that the views from the first floor side balcony will be oblique and will not allow for direct overlooking of this neighbour's garden.
- 8.12 No.4 has also raised concerns regarding overlooking into their front first-floor bedroom from a side first-floor window on the proposed extension, which would serve a bathroom. The window in question would have a view into this neighbouring bedroom window. As a result, I have added a condition to ensure that this window be obscure glazed so that there is no outlook towards this neighbouring window.
- 8.13 The occupier of no.4 has requested that the large velux window on the roof slope be obscure glazed so as to prevent

overlooking into the first-floor front bedroom window of no.4. However, in consideration of the height of this window on the roof slope and the obliqueness of the view from this velux window, I do not consider this necessary as there would not be a clear view into this neighbouring bedroom window.

Overshadowing/ loss of light

- 8.14 The proposed extension will have no bearing on sun light to no.2 given the orientation of this property to the site.
- 8.15 The main consideration in terms of overshadowing is the impact on no.4 as this property is positioned to the north-west of the application site.
- 8.16 The focus of this assessment is the impact of overshadowing in the hours from morning until midday when the sun rises from the east. After midday, the impact is insignificant.
- 8.17 The shadow studies provided demonstrate that from the hours of 8am until 11am, there would be overshadowing over windows and the front porch and drive areas of no.4. The degree of overshadowing would be at its greatest at the earliest hours and would gradually decrease over the course of the morning hours when the shadow cast is not as great and fewer windows are affected.
- 8.18 In order to evaluate the degree of harm this overshadowing would cause, an assessment of the windows and spaces affected needs to be made.
- 8.19 The first floor front bedroom window would only be noticeably overshadowed during the winter months when the sun path is lower than normal and would be affected during the hours of 10am to 12pm. While this would lead to a loss of light for this room, I do not consider the loss of roughly two hours of sunlight at this time of year to a bedroom to be so significant as to warrant refusal.
- 8.20 The front porch and part of the drive area would be overshadowed during the autumn months from the hours of 9am to 12pm. This is not the main private outdoor amenity space for this neighbour, which is in the rear garden. Therefore, given the limited hours of overshadowing, and the fact that the

overall enjoyment of the external areas of no.4 would not be significantly compromised, I am satisfied that the levels of overshadowing on this area are acceptable.

- 8.21 The small front facing window at ground floor level is a relatively insignificant window and the living room that it connects to is not dependent on this outlook for lighting purposes.
- 8.22 Looking at the side elevation of no.4, the eastern most ground floor living room window would experience overshadowing from around 8am to 9am in the summer months, and between 9am to 11am in the autumn months. This increase in overshadowing is relatively limited as this window will still receive a considerable amount of sunlight during the midday to afternoon hours. I am also mindful that other windows serve this living space which are less affected by the proposal. I am content that this level of overshadowing would not significantly harm no.4's amenity within its internal living space(s).
- 8.23 Similar to the preceding assessment, the central and western most windows on the ground floor would only experience overshadowing as a result of the proposed extension from 8am to 9am during the autumn months and I do not consider this level of overshadowing great enough as to warrant refusal of the application.

Visual Enclosure/ Dominance

- 8.24 The main consideration in terms of the impact of enclosure on no.2 is the visual dominance when perceived from the rear ground floor windows of this neighbour. The proposed extension is set approximately 1m away from the side of this neighbouring property and the first floor element of the proposal is set 1.6m further away from this neighbour than the ground floor element. There is a relatively high wall and boundary treatment that runs between these two properties. I do not consider that the overall scale and mass of the proposed extension would visually dominate the outlook from these neighbouring ground floor windows given the level of separation and existing presence of boundary treatment between these two properties.

- 8.25 Concerns have been raised from no.4 regarding the enclosure that the proposed extension would cause, particularly on the side ground floor windows of this neighbouring property.
- 8.26 Looking at the south elevation of this neighbouring property, the central and western most windows would not be visually enclosed by the proposed extension. The extension would be partially visible from the central window but the overall outlook from this window will be retained and so I do not consider that the outlooks from these windows will be visually dominated.
- 8.27 The main window in question in terms of enclosure is the eastern most window of no.4. At present the lower half of the outlook from this window is partially obscured by the boundary treatment and the wall of the existing garage of no.3 which is hard up against this shared boundary and is at a height of approximately 2.5m. Under the proposed extension this 2.5m high wall of the garage would be removed and a 3.8m high wall that forms part of the extension, set 2m further back from the boundary than the existing garage would be built. It is clear that the proposed 3.8m high wall will visually enclose the outlook from this window. However, the living room that the window serves already has two other outlooks on this elevation and a far more encompassing outlook to the west from the glazing on the rear conservatory. As a result, I do not consider the outlook in this direction to be vital to the enjoyment of this room, and so while this outlook will be visually enclosed, I consider that on balance, the proposal will not significantly harm the amenity of this neighbour.
- 8.28 Additional virtual views have been provided to show the visual presence of the proposed extension when viewed from the front drive area of no.4. In consideration of the impact of enclosure on the front drive area, I do not believe the proposal will be significantly harmful. This is because a gap would still be retained between these two properties, and, the sloping and curving roof form and use of white render helps reduce the visual prominence when viewed from this space.
- 8.29 In my opinion, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider on balance that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Third Party Representations

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

8.31

<u>Representation</u>	<u>Response</u>
Overlooking	See paragraphs 8.10 – 8.13
Overshadowing	See paragraphs 8.16 – 8.25
Visual Enclosure/ Dominance	See paragraphs 8.26 – 8.30
Poor design/ Impact on character of area	See paragraphs 8.2 – 8.8
There are inaccuracies in the following drawings:	
SK-032/R2: View from south – FF side balcony has been omitted	The first floor side balcony appears behind the tree line. In any case, this is an indicative drawing and does not form part of the formal submission (i.e. scaled elevations, floorplans etc)
SK-034/R3: boundary line between no.3 and no.4 is shown as crooked.	The boundary line is accurately shown on this drawing. This was raised with the architect on site and measurements were taken on site which proved that the distances from the house to the boundary were correct.
SK-034/R3: the windows of no.4 are labelled incorrectly.	The labelling of neighbours windows does not hold any weight in the assessment of this application. I have been to site and am well aware of what these windows serve.
SK-029/R3: West elevation: architect incorrectly labels existing as extension, and extension as existing	This discrepancy does exist. However, in making my decision, this oversight has not had any impact. The elevations marry up with the floorplans and so I am content that this error does not undermine the validity of this

	application.
SK-022/R3: boundary appears incorrectly drawn	The boundary on this drawing appears to be in the correct position. I agree that the aerial photograph layer does make the boundary more difficult to determine than a plain background but I consider the position to be very similar to that of the site boundary. In any case, it is the location plan boundary (SK-001/R2) that needs to be correctly shown as this has been done.
SK-007/R2: The existing garage is shown as a rectangular block and omits the sloping roof in reality. This could alter the outcome of the shadow study.	Yes this is correct; the garage is shown as having a flat roof in this drawing when in reality there is a very slight slope. However, upon viewing the site, this slope is not very steep and does not drastically alter the overall mass of this garage. In any case, I do not believe that this minor change in roof form would drastically affect the shadow study and I remain of the position that the levels of overshadowing are acceptable.
SK-040-43/R0 indicates a first floor side window not shown on SK-024/R3	Yes, the first floor side window is not shown on SK-024/R3. However it is shown on SK-029R3 and I am aware that it would serve a bathroom. The impact of this window has been assessed in this report in paragraph 8.12
Several drawings, most of which on the shadow study, do not show the ground floor side window of no.4.	SK-034/R3 is an indicative drawing to demonstrate distances for illustrative purposes and is not included in the list of approved/ refused drawings that would be referred to on the decision

	<p>notice. The shadow study, as pointed out, does not include a small ground floor side window which connects to the front porch and this is correct. However, the reason for the shadow study is to demonstrate to the local planning authority the likely effects of overshadowing on the windows on the side elevation which serve the living room. This side porch window is not critical to the amenity of this neighbouring property in terms of direct sunlight and so I am of the opinion that the impacts on the window will not harm the amenity of this neighbour.</p>
<p>SK-044/R0 is incorrectly labelled, does not include the western most side elevation window of no.4 or the window to the front of the room.</p>	<p>I do not consider the labelling of the windows to be an issue as I am well aware of what windows these indicative views relate to in making my assessment. The drawings do not include the western most window on the side elevation or the small front window of the living room. However, I am content that the views from this window will be unaffected by the proposed extension and so do not consider this additional information necessary in making my assessment. These drawings were requested for demonstrative purposes to show the impact of enclosure and not overshadowing or overlooking.</p>
<p>SK-048/R0: the existing and proposed labels are wrong.</p>	<p>Yes, this discrepancy does exist. However, I am well</p>

	<p>aware of this oversight and am able to interpret these images. In any case, I have not used these images in making my assessment of the impact of overshadowing on no.4 and have referred to the shadow studies.</p>
<p>The application form boundary treatment section is incorrect.</p>	<p>As the boundary treatment is not altering and is staying as existing, I do not consider it necessary to clarify or amend this section of the application form. However, for the purposes of clarity, a boundary treatment condition has been included to ensure that details of the boundary treatment are provided.</p>
<p>The design and access statement is inaccurate and misleading and should not be included in the application.</p>	<p>The design and access statement is not a document that is referred to in the decision notice when granting/refusing planning permission. The application has been judged on the relevant drawings provided and the representations made during the time that this application has been valid.</p>
<p>Concerns regarding change of use to HMO</p>	<p>The proposal does not seek planning permission for any change of use and so this has not been assessed under this application.</p>

9.0 CONCLUSION

- 9.1 The proposed extensions would not harm the character of the area or adversely impact on the amenity of neighbouring properties and so 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. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. 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)

5. The window identified on the west elevation serving the bathroom at first 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 3/14).

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. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/14)

PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0629/FUL	Agenda Item	
Date Received	22nd April 2015	Officer	Lorraine Casey
Target Date	17th June 2015		
Ward	Coleridge		
Site	134 Coleridge Road Cambridge Cambridgeshire CB1 3PR		
Proposal	Part two storey part single storey side and rear extension, loft extension with rear dormer and juliet balcony. Change of use of dwelling to house in multiple occupation (8 rooms)		
Applicant	71 Greville Road Cambridge CB1 3QJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed change of use is acceptable in principle 2. The proposal would not materially harm the character and appearance of the area 3. The proposed change of use, including extensions, would not have a significant impact on neighbour amenity. 4. Cycle and bin storage is adequately accommodated on the site
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.134 Coleridge Road is a semi-detached two-storey 3-bedroom house located on the west side of Coleridge Road. To

the front of the property is a concrete parking area and shrubs/hedging.

- 1.2 The area is characterised by semi-detached and terraced dwellings with relatively long rear gardens. The site backs onto the rear gardens of dwellings in Sterne Close. The dwelling to the south is a two-storey hipped roof property that is attached to the application dwelling with a single-storey flat-roofed structure.

2.0 THE PROPOSAL

- 2.1 The proposal seeks to extend the property and to change the use of the extended dwelling to an 8 bedroom house in multiple occupation.
- 2.2 The proposed development includes a part two-storey and part single-storey extension to the rear and side of the property. The extension would project 4.1m in depth from the rear elevation and 1.2m beyond the south side elevation. The two-storey element would be set off the boundary with No.132 Coleridge Road to the north by approximately 2.6 metres. A single-storey lean-to is proposed for this section nearest to the adjacent property. A flat-roofed dormer, with Juliet balcony is proposed to the rear. A hip-to-gable enlargement of the main roof, including insertion of 3 rooflights in the front facing roof slope is also proposed.
- 2.3 The accommodation includes three bedrooms on the ground floor, three bedrooms on the first floor and two bedrooms in the roof space. A communal kitchen and dining area is provided on the ground floor. A shared private garden space is provided to the rear, and bin and bike storage within the front garden. The front of the property would be block paved in order to provide off-street parking space for two cars.

- 2.4 The application is accompanied by the following supporting information:

1. Planning Statement

3.0 SITE HISTORY

- 3.1 There is no relevant history for the application site.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

Original comments

- 6.1 Recommends refusal. Contrary to the information in the application, the vehicular access point is changed to the other side of the plot frontage. The proposal to run vehicles across an unstrengthened footway is unacceptable to the Highway Authority. The proposal seeks to justify a level of car parking provision at less than 1 space per sub-household. The applicant should assess parking provision in relation to guidance in the NPPF. The development may impose additional parking demands upon on-street parking and, whilst this is unlikely to

adversely affect highway safety, there is potentially an impact on residential amenity that the LPA should consider. Any consent should be subject to conditions requiring: no unbound material within 6m of the highway boundary; removal of permitted development rights for gates; provision of access prior to commencement of use and retention free of obstruction; construction of access with adequate drainage; provision of 2m x 2m pedestrian visibility splays; return redundant vehicular crossover to normal footway and kerb; provision of traffic management plan.

Second comments

- 6.2 Following the submission of confirmation from the applicant's agent that alterations would be made to the access, the Highways Authority has advised that, providing the footway would be properly strengthened in accordance with the County Council's specification, this would overcome the recommendation of refusal.

Head of Refuse and Environment

- 6.3 No objections providing a condition is added to any consent to restrict construction hours.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers No.136 Coleridge Road have objected to the application for the following reasons:
- ☐ The volume of traffic created by the proposal would result in parking problems.
 - ☐ Noise disturbance arising from the increased number of tenants.
 - ☐ Overshadowing of property and garden from the new extension.
- 7.2 The applicant's agent has forwarded a letter of support from the owner/occupier of No.132 Coleridge Road.

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

8.0 ASSESSMENT

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

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

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 Local shops and services are easily accessible from the site, whilst the site has good pedestrian and cycle linkages and is close to bus routes. The proposal therefore complies with part c) of Policy 5/7 of the Local Plan. Parts a) and b) are addressed in further detail in the following sections of this report.

Context of site, design and external spaces

- 8.4 The proposed extension would be predominantly contained to the rear of the dwelling. It would be clearly subservient to the host property, with the ridge line being set significantly lower than that of the main dwelling. A small section of the rear extension would be visible beyond the side wall of the house but this would not negatively impact the character of the

dwelling. the hip-to-gable extension of the main roof would alter the symmetry of the existing semi-detached dwellings but, given that such works constitute permitted development for a dwelling, an objection on such grounds could not be substantiated.

- 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 In my opinion, the massing of the proposed two-storey rear extension would be acceptable as the two-storey element would be offset from neighbouring properties such that it would not encroach into 45 degree lines drawn from the centre of the nearest windows. The submitted shadow diagrams also demonstrate that the development would not harm the amenities of neighbours by reason of overshadowing or visual domination.
- 8.7 With regards to the issue of noise disturbance, car parking and bin/cycle storage would be provided entirely to the front of the property, with garden and drying areas to the rear. Whilst there is likely to be some increased noise due to increased activity, my opinion is that this would not be significant enough to materially impact the neighbours.
- 8.8 In my opinion, the proposal would adequately respect the residential amenity of its neighbours and be 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 private communal area/rear garden with a depth of approximately 26m, and space for parking for two cars and covered bin and bike storage in the front garden area. The site is in a sustainable location, close to services and facilities in the immediate area and within walking distance of 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) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

- 8.10 A dedicated bin store, capable of accommodating four large wheelie bins, would be provided to the front of the site and would be accessible from the main road. In my opinion, this complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006).

Highway Safety

- 8.11 The Highways Authority initially raised a holding objection as the application did not acknowledge that alterations would need to be made to the access in order to accommodate the proposed off-street parking spaces. The applicant's agent has since confirmed that alterations would be required to the access, and has confirmed that the applicant would be agreeable to entering into a section 278 agreement to secure the required strengthening works to the footway. The Highways Authority has confirmed that this resolves its objections subject to the imposition of conditions.

Car and Cycle Parking

- 8.12 Two car parking spaces are proposed to the front of the property. There are no parking standards specifically relating to HMO's. Due to the proximity to local amenities, and bus and cycle links, I consider the level of parking provision to be acceptable in this location.
- 8.13 A cycle store is proposed in the front garden area. In accordance with the standards, this would accommodate eight spaces on the basis of one per bedroom. The applicant's agent has also advised that, to encourage cycling as opposed to car usage, the management company provides all incoming residents with a new bike.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.15 The comments raised by No.136 Coleridge Road have been addressed within this report.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and would comply with the provisions of the relevant development plan policies. As such, approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. 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, and 3/14)

4. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. 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.

6. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Prior to the bringing into use of the HMO, the vehicular access shall be provided in accordance with the approved drawings and shall be maintained in accordance with these details thereafter.

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

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

Reason: To prevent surface water discharging to the highway.

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 curtilage of the site and not on street. iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway) iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows other than those expressly authorised by this permission shall be constructed at and above first floor level in the side and rear elevations of the extensions, hereby permitted, unless fitted with fixed, obscure glass up to a minimum height of 1.7 metres above the internal finished floor level

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

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PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0818/FUL	Agenda Item	
Date Received	12th May 2015	Officer	Lorraine Casey
Target Date	7th July 2015		
Ward	East Chesterton		
Site	Land Rear Of 1 Fen Road Cambridge Cambridgeshire		
Proposal	Erection of a dwelling and associated works on land to the rear of 1 Fen Road, fronting Fallowfields, Cambridge		
Applicant	Mr Drew Moore Criterion House Camboro Business Park Girton CB3 0QH United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The principle of residential development on the site is acceptable 2. The proposal would not materially harm the character and appearance of the area 3. The proposed development would not have a significant impact on neighbour amenity
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site lies on the west side of Fallowfield and comprises rough ground to the rear of 1 Fen Road (but not within its ownership) and four concrete garages that are accessed via Fallowfield. The access from Fallowfield serves a further eleven garages and an open parking space to the rear of 179-183 Water Street.

- 1.2 The properties to the south, 1 Fen Road and 179-183 Water Street, are semi-detached Victorian dwellings. The site is separated from 1 Fen Road by a tall conifer screen, and this screen extends across the garden of 183 Water Street. To the north is Hodge House, a modern two-storey development of seven flats, beyond which is an estate of predominantly semi-detached and terraced two-storey houses. Opposite the site are the gardens of 3 and 5 Fen Road, another pair of semi-detached Victorian properties.

2.0 THE PROPOSAL

- 2.1 The application proposes to erect a detached one and a half storey 5.7m high 2-bed dwelling on the site. The dwelling would be contemporary in design, incorporating brown brick walls under a grey zinc curved roof. The building would be located towards the southern end of the site, with a 4.5m deep garden (including patio) on the south side and a further garden area, incorporating bin and cycle storage on the north side. Vehicular access to the site would be obtained via the existing entrance to the garages and two off-street parking spaces provided on the north side of the access. The right of way to the remaining garages would be retained. The site would be enclosed by a combination of 1.8m high close-boarded fencing and a 2m high brick wall.
- 2.2 The application is accompanied by the following supporting information:

1. Planning and Heritage Statement

3.0 SITE HISTORY

Reference	Description	Outcome
10/0532/FUL	Erection of 2 three bed dwellings	Refused. Appeal dismissed
09/1132/FUL	Erection of 5 new 1 bedroom apartments	Refused
09/0847/FUL	Erection of 5 new 1 bedroom	Withdrawn

C/72/0385	Erection of two garages	Approved
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4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

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

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/12 4/13 4/16 5/1 8/2 8/6 8/10

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

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 The application removes existing garage provision and no car parking provision is made for the existing dwelling. The development may therefore impose additional parking demands upon on-street parking on the surrounding streets and, whilst this is unlikely to adversely affect highway safety, the LPA may wish to consider the impact on residential amenity. Otherwise the development should have no significant impact on the public

highway. Any consent should be subject to conditions requiring: no unbound material within 6m of highway boundary; removal of permitted development rights for gates; new access to be provided prior to occupation and retained free of obstruction; construction of access with adequate drainage; provision and retention of manoeuvring area; provision of traffic management plan

Head of Refuse and Environment

- 6.2 No objections providing the following conditions are added to any planning permission: restriction regarding construction hours; details of any piled foundations; contaminated land investigation.

Sustainable Drainage Engineer

- 6.3 A small portion of the site falls within flood zone 2. The developer has undertaken a sequential approach to site layout and has adequately demonstrated that any proposed building would be outside flood zone 2. In this instance, therefore, the sequential test is not required. The ground floor level of the proposed dwelling has been set at a level of 410mm above the 1 in 100 year climate change level. The development is acceptable with regard to flood risk. A condition controlling the ground floor level of the development should be added to any consent. A surface water drainage scheme should also be required by condition.
- 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 A letter has been received from the joint owners of Nos. 179 and 181 Water Street. Their concerns can be summarised as follows:
- ☐ The proposed house, by virtue of its orientation, fails to reflect the character of the street which is generally one of a building fronting the street.

- ☐ A previous scheme was refused in 2010 due to the design and siting in front of the building line. The proposed dwelling sits on the edge of the footpath and in front of the building line for Fallowfields.
- ☐ The design would be out of keeping with the character of the area and would not enhance the street scene.
- ☐ Occupiers of the house would be disturbed by people using the remaining garage court.
- ☐ The existing garage roofs are constructed from asbestos.
- ☐ The plans do not show the metal gate barrier at the entrance of the garages. This was installed to prevent fly tipping.
- ☐ The development would be contrary to Policy 52 of the emerging Local Plan as the form, height and layout are not appropriate to the surrounding pattern of development and character of the area.
- ☐ The development would have a detrimental effect on the potential comprehensive development of the garages as a whole.
- ☐ There are inconsistencies between the drawings and statement, which claims that no window openings have been included on the first floor of the southern and western elevations of the dwelling.
- ☐ Construction vehicles could damage the soakaways.

7.2 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. Flood Risk
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses.
- 8.3 Policy 3/10 of the 2006 Local Plan 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.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The site is not near a listed building or BLI, would not affect protected trees/wildlife features and would not prejudice the comprehensive development of the area. Issues relating to residential amenity impacts and the character of the area, as set out in Policy 3/10, are assessed in further detail below.

Context of site, design and external spaces

- 8.5 Policy 3/10, part c, of the 2006 Local Plan states that residential development within the garden area of existing properties will not be permitted if it will detract from the prevailing character and appearance of the area.
- 8.6 In 2009, an application to erect 5 new 1 bedroom apartments on a site similar in length to the existing but also incorporating the rear garden of No.183 Water Street was refused on six grounds (Reference 09/1132/FUL). The proposed flats were 8 metres high, positioned towards the northern end of the site on the footprint of the existing garages, and sited forward of Hodge House and facing the road. The first two reasons for refusal referred to the harmful impact on the character of the area arising from the narrow depth of the plot and the forward position/prominence of the development.
- 8.7 In 2010, an application for the erection of 2 no. 3-bed dwellings on the same site was also refused. Rather than fronting Fallowfield, these dwellings were turned through 90 degrees to the road and moved further away from Hodge House. The first reason for refusal referred to the character of the area being generally one of buildings fronting the street, and stated that the development would be harmful to this character by siting the dwellings gable end to the road and due to the prominent position forward of the building line of Hodge House. This application was then dismissed at appeal. The Inspector considered that the development would not relate to either the traditional Victorian properties in Water Lane and Fen Road, which are oriented towards the road and set back behind front gardens, or to the more informal pattern of development in Fallowfield. The Inspector also raised concerns regarding the incongruous design and the positioning of the building so close to the footway, resulting in the new building appearing unduly dominant within the street scene and inconsistent with the pattern of surrounding development.
- 8.8 It is important to stress that neither of the previous refused decisions nor the dismissed appeal conclude that the principle of residential development on the site would be unacceptable. Rather, it was the cumulative impacts of the siting, scale, design and forward position that was considered to cause harm to the character of the area.

- 8.9 In my opinion, the current proposed scheme successfully addresses and resolves these previous issues. The site is narrower (confined to the land to the rear of No.1 itself rather than including the land to the rear of 183 Water Street) and, as a result, the dwelling would be sited directly adjacent to the footpath and forward of the building lines of Hodge House and No.1 Fen Road. The dwelling has been designed with its longest most prominent elevation facing Fallowfield, thereby ensuring it would have a strong presence to the street frontage, reflecting the pattern of development in the vicinity. In contrast to previous schemes, the proposed dwelling has been significantly reduced in scale, from approximately 8m to 5.7m, and adopts a curved roof form, with the roof sloping away from Fallowfield and helping to minimise the massing and visual impact of the development. The current scheme also includes a greater degree of spacing to the north and south of the dwelling and this helps to ensure that, in spite of its forward position in the street, it would not appear overly cramped in the context of the adjacent buildings at 1 Fen Road and Hodge House.
- 8.10 The third party representation expresses concern that the development would be out of keeping with the character of dwellings in the area. I cannot dispute the fact that there is no comparable design in the area. However, the fact the building is different does not make it harmful. The NPPF stresses that factors such as scale, massing and materials etc are important in guiding new development, but that planning authorities should not seek to stifle innovation or originality by imposing certain development forms and styles. In this instance, I consider the scheme has successfully achieved a contemporary but complementary contrast to the area, whilst ensuring the form/pattern of development and palette of materials responds to local distinctiveness. I consider the scheme would be of a sufficiently high quality of design to ensure the development would accord with the NPPF and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Residential Amenity

- 8.11 With regards to the impact on the amenity of neighbouring occupiers, the proposed dwelling would be located approximately 15.5m from the rear elevation of No.1 Fen Road, and in excess of 20m from Hodge House. Given this separation

and the relatively low height of the building, I do not consider the development would result in an unacceptable loss of light or outlook to the adjacent properties.

- 8.12 No first floor windows are proposed in the south side elevation, whilst first-floor openings in the rear/west elevation would be high level openings serving en-suite bathrooms. In the north elevation, an oriel window is proposed to the first-floor bedroom, thereby ensuring views would be directed towards the road rather than towards Hodge House.
- 8.13 The dwelling would be sited directly adjacent to the boundary with part of the rear garden of No.183 Water Street. This neighbouring property has a tall conifer screen subdividing the garden into a private area near to the house and a separate bottom garden area. The dwelling would be sited adjacent to the bottom garden. Due to its distance from the house and main garden, I do not consider it would result in an unacceptable degree of enclosure to this neighbouring property.
- 8.14 The 2010 scheme was refused, in part, on the basis that it would not provide an appropriate standard of residential amenity for future occupiers of the houses, as they would be disturbed by the comings and goings of users of the garage court. The Inspector, however, considered that the level/nature of activity likely to be associated with the retained garages would not be sufficient to materially detract from the living conditions of future occupiers of the development. In the current scheme, the proposed dwelling would be even further away from the retained garages and associated vehicle movements.
- 8.15 The proposed dwelling would have access to outside areas to both the north and the south of the property. The amenity area to the south of the property would be accessed directly from the lounge and would measure approximately 4m by 5.3m. There is also an outdoor area to the north of the proposed dwelling and this can be accessed via an external gate to the front of the property and also a gate from the car parking area. This area is shown as paved/landscaped and also provides bike and bin storage. I consider that the two areas together will provide sufficient space for a small patio/garden area and enough outside storage provision for a unit of this size.

- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and would secure an appropriate level of amenity for future residents, and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Refuse Arrangements

- 8.17 Adequate bin storage has been shown within the drawings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.18 The Highways Authority has raised no specific highway safety objections and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.19 Adequate car and cycle parking is shown for both the existing and proposed dwellings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Flood Risk

- 8.20 The site lies partly within Flood Zone 2. A Flood Risk Assessment has been provided and this demonstrates how the development can be achieved without putting residents at risk of flooding. The Sustainable Drainage Engineer is satisfied that the flood risk impact can be protected by way of planning condition.

Third Party Representations

- 8.21 The majority of third party representations have been addressed in the main body of this report.
- 8.22 The safe removal of asbestos is covered under separate legislation and is not a material planning consideration.
- 8.23 Issues relating to preventing unauthorised access to private land (the garages) and obtaining access for maintenance

purposes are civil matters and not material planning considerations.

- 8.24 The Cambridge Local Plan 2014 is not adopted and so the proposals have been assessed under the Cambridge Local Plan 2006, which remains the Development Plan in force for the area.

Planning Obligations

- 8.25 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 and it is not therefore 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 would comply with the provisions of the relevant Development Plan Policies. As such, approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development, 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.

4. Prior to the commencement of development, details of the facing materials shall be submitted for the written approval of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area. (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12]

5. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to occupation of the dwelling, hereby permitted. 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, 3/10 and 3/12)

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

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

7. 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)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows other than those expressly authorised by this permission shall be constructed at and above first floor level in the side and rear elevations of the dwelling, hereby permitted, unless fitted with fixed, obscure glass up to a minimum height of 1.7 metres above the internal finished floor level

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

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

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

10. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. Prior to the first occupation of the dwelling, the vehicular access shall be provided in accordance with the approved drawings and shall be maintained in accordance with these details thereafter.

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

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

Reason: To prevent surface water discharging to the highway.

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

Reason: In the interests of highway safety.

14. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

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

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

16. The dwelling, hereby permitted, shall be constructed with a ground floor level of 5.82m AOD.

Reason: To minimise flood risk (Cambridge Local Plan 2006, Policy 4/16)

17. The dwelling, hereby permitted, shall not 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.

Reason: To minimise flood risk (Cambridge Local Plan 2006, Policy 4/16)

PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0068/FUL	Agenda Item	
Date Received	11th February 2015	Officer	Mr Sav Patel
Target Date	8th April 2015		
Ward	Abbey		
Site	10 Coldhams Lane Cambridge Cambridgeshire CB1 3EP		
Proposal	Change of use of dwelling (use Class C3) to an eight bed house of multiple occupation (sui generis)		
Applicant	Mr Unai Ayo 10 Coldham Lane Cambridge Cambridgeshire CB13EP United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> • The proposed use would not have a detrimental impact on neighbouring properties subjecting to a condition limiting the occupation of the house to eight people and a management plan; • The proposed cycle and bin store would not have a detrimental visual impact; and • The proposed use would be located within a highly sustainable location.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site consists of an extended two storey semi-detached property that is located on the western side of Coldhams Lane, between the junctions of New Street and

Silverwood Close. The property has been extended at two storey level on the side, single storey at the rear and has a flat roof dormer in the rear roofscape which extends across the roofscape of the property.

- 1.2 The front boundary of the site facing Coldhams Lane is partially defined by a row of tall evergreen trees which restricts views of the two storey side extension from Coldhams Lane.
- 1.3 The area is predominantly residential to the south of Coldhams Lane and commercial/industrial to the north and east.
- 1.4 The site is not allocated within the Cambridge Local Plan (2006) and the site is not located within a conservation area.

2.0 THE PROPOSAL

- 2.1 The proposal is for the change of use of the existing property from dwelling (C3 use) to an eight bed (8 person) house in multiple occupation (Sui-Generis use). The proposal also seeks retrospective permission for the flat roof dormer window in the rear roofscape of the two storey side extension. The proposal also includes bin and cycle storage provision.

3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0800	Two storey side extension to house (C3).	APPROVED
12/0273/CL2 PD	Application for a certificate of lawfulness under Section 192 for existing garage to be blocked up and a new window inserted, fenestration changes to rear elevation.	GRANTED
14/0013/FUL	Garage conversion to a bedroom and utility/kitchen area. Replace existing garage door with a new window and fenestration changes in side elevation.	APPROVED
14/1171/NM A	Single storey rear extension. Non material amendment on application 14/0013/FUL for the installation of a rear door	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 Plan 2006	Local	3/4 3/7 3/11 3/14 5/7

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)
Supplementar y Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management

	Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) 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)

- 6.1 Whilst the proposal is unlikely to result in any significant adverse impact on highway safety, the proposal may impose to additional parking demand upon on street parking.

Head of Refuse and Environment

- 6.2 No objection to the principle of development subject to condition on construction hours and informative on housing Health & Safety Rating System.
- 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:

- 168 New Street;
- 170 New Street*;
- 172 New Street*;
- 1 Silverwood Close*;
- 1a Silverwood Close*;
- 12 Coldhams Lane*

(*Representations received via a petition)

7.2 The representations can be summarised as follows:

- Concerned with the size of the proposed HMO and harmful impact on the area;
- The area is already diverse with hotels, other HMOs, and the New Street hostel and HSS hire plant, which cause late night disturbance.
- One car parking space is insufficient for eight residents;
- Concerned by the amount of work that has taken place which has been ongoing since July 2014 and raises concerns about future management.
- Impact on property value;
- Concerned by the size of the roof extension and loss of privacy;
- Concerned by the concentration of HMOs in this area and the condition of the HMOs.

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

8.0 ASSESSMENT

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

1. Principle of development

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

Principle of Development

8.2 Policy 5/7 (Supported Housing/Housing in Multiple Occupation) of the Cambridge Local Plan (2006) is relevant to test whether the principle of the proposed use is acceptable. Policy 5/7 states that 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 I set out below my assessment of the proposed use in accordance with the above policy criteria:

Impact on residential amenity

8.4 Whilst a significant amount of internal alterations have been carried out by the applicant, which is at their own risk, the dwelling was previously a four bed property let to students. The conversion loft and extension of the roof to create a flat roof dormer has added an extra two bedrooms. The roof extension within the original roofscape falls under permitted development rights as it is less than 40m³ and does not raise the ridge height. The section within the two storey side extension requires planning permission as it is not an extension to the original dwelling. In this case, the applicant is applying for retrospective consent. The applicant has been misinformed about whether the roof extension within the extension requires planning permission.

8.5 In my view, the proposed use of the dwelling as an eight bed HMO would not have a significant adverse impact on the residential amenity of the local area. The affects from the proposed use would not be materially different from that which

would occur if the dwelling was used as a C3 dwelling. A dwelling can be let to up to six people without the need for planning permission, and I have therefore assessed the impact of two 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 eight 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 16 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 eight people by condition (3). The dwelling could be used as an eight bed dwellinghouse to serve a large family without planning permission. Therefore subject to the restrictive occupancy condition, the proposed use would not be materially different in terms of intensification of the use and noise and disturbance.

- 8.6 The proposal does not include any external alterations to the dwelling. The roof extension including the element within the extension has been completed. This has resulted in four windows within the roof extension. However, only the element within the roof extension required planning permission and this element has one window to serve a bedroom. I do not consider this additional window would cause significant loss of privacy of adjacent gardens over and above that which already would have existed. The applicant has agreed to obscure glaze the lower section of the windows that serve the lounge, utility and bedroom within the loft to a minimum height of 1.7 metres. The shower room would also be obscured glazed entirely. I have in view of the concerns raised recommended an obscure glazing condition (7) to the windows in the loft. This would address concerns regarding loss of privacy and overlooking.

Suitability of the building

- 8.7 In 2014 planning permission was granted to convert the garage and extend the rear with a single storey extension. This increased the number of rooms from 4 to 6. This did not include the loft extension which has resulted in two additional bedrooms. Having visited the site and walking around the property, I am satisfied that there is enough internal space to

accommodate the number of occupiers and provide sufficient communal provision such as dining, living room and washing facilities. The proposed layout would provide one bathroom for every two occupiers. The applicant is aware that separate licensing consent will be required from the Council's Residential Team.

- 8.8 In terms of outdoor space, the applicant has indicated the location for cycle and bin storage which is proposed to be close to the front boundary and behind a fence. No specific details have been provided for the type of enclosure and so I have recommended cycle and bin storage conditions (5 and 6 respectively) to ensure such details can be provided in accordance with the Cycle Parking Guide and Waste Design. There is also a rear and side garden area which would provide outdoor space for the occupiers. The existing brick outbuilding is proposed to be used to accommodate the washing and drying machines and there is enough space to hang clothes to dry in the garden area. The site is also located within 7 minute walking distance of Coldham Common which is a large area of open space. In view of this I am satisfied that the building and site is suitable enough to accommodate the proposed number of occupant without result cramping living environment and there is enough within the area of supplement this.

Proximity to public transport, shops and services

- 8.9 The site is considered to be located in a highly sustainable location in terms of proximity to public transport links. There is a bus stop directly in front of the site which provides services into the City Centre and wider areas. The railway station is an approximate 20 minute walk and 8 minute cycle ride. Therefore, in terms of access to public transport, the site is located in a sustainable location for this.
- 8.10 In terms of proximity to shops, the site is located a 5 minute walk from the Asda store in the Beehive Centre, which also has other shops and services. The site is also within similar walking distance to Cambridge Retail Park and Cheddars Lane industrial estate which also has a Tesco Extra. This site is also within 15 minute walk of the Grafton Centre which has a variety of shops and services within the centre and around it such as banks, dentist, chemist and post office. I am therefore satisfied that the site is highly accessible to shops and services.

- 8.11 In my opinion, the principle of the development is acceptable and in accordance with policy 5/7.

Context of site, design and external spaces

- 8.12 The proposal does not include any external alterations to the dwelling other than retrospective consent for the additional section of the dormer window above the two storey side extension. The roof dormer within the original dwelling falls within the parameters of permitted development and therefore this element cannot be controlled or assessed as part of this application.
- 8.13 The side elevation of the dormer would be visible from the Coldham's Lane and New Street junction. However, there are no other public location that dormer would be visible from. Some of the dwellings within New Street have extended into the roof with a flat roof dormer window. Therefore, given only the side elevation of the dormer would be visible from the public realm and there are other examples in this area, I do not consider the dormer would have a significant adverse impact on the character of the area. The built form of the area is characterised by a two storey post war housing with deep rear gardens and commercial buildings. Therefore on balance, I do not consider the scale of the dormer is significantly harmful enough to warrant refusal in this context.
- 8.14 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

- 8.15 I have addressed this issue in the above section. I do not consider the proposed use of the property as an 8 bed HMO would have a significant adverse impact over and above that which it could otherwise existing if the property was continued to be let to students. Nevertheless, the applicant has agreed to provide local residents with contact details in case of any disturbances from future tenants. The applicant advises that his intention is to improve the appearance of the site which has been run down and improve the standard of accommodation to

the benefit of the area. I have therefore recommended (condition 4) a management condition to ensure provisions are in place to ensure any disturbances are dealt with and mitigate at the earliest opportunity.

- 8.16 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

- 8.17 Future occupants would have access to suitable facilities within the property in terms of the number of bathrooms, communal areas inside and out and suitable bin and cycle storage (subject to agreeing the details). The property is also located within a highly accessible location in terms of public transport links and shops and services.
- 8.18 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12.

Refuse Arrangements

- 8.19 There is enough space within the curtilage of the site to accommodate suitable refuse storage in an orderly manner. Currently bins are stored within the front garden area in an ad-hoc manner. This is unsightly and it is my view that it could be rectified if there was an appropriate plan in place. I have therefore recommended a waste condition to ensure dedicated refuse storage details are provided and agreed in accordance with the required of the Waste Officer and Waste Design Guide.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

Car Parking

- 8.21 The site has space in front of the dwelling to accommodate one

possibly two cars. Concerns have been raised regarding the potential accumulation of vehicles from the proposed use. However, given the highly sustainable location of the site the additional occupants would not place a materially significant strain on on-street parking spaces to warrant refusal of the application. I consider the existing arrangement to be acceptable.

Cycle parking

8.22 The applicant has proposed to provide 10 cycle parking space in a location adjacent to front boundary and behind a secure fence. I have recommended cycle parking condition (5) to secure the specific details for this.

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

Third Party Representations

8.24 I set out below my response to the third party representations received.

Representation	Response
Concerns with the size of the proposed HMO and impact on the area	Para 8.8
Late night disturbance	Para 8.5 and 8.15
Insufficient car parking	Para 8.21
Concerns with the amount of work	This work has been undertaken at the applicant's own risk. Most of the work except for the dormer over the side extension is either permitted development or internal alterations.
Impact on property value	This is not a material planning consideration.
Concerns with the size of the roof extension and loss of privacy	Para 8.4 and 8.6
Concerned by the concentration of HMOs in this area and condition of them.	Most of properties in the area are in private residential use. According the Licensing

	Register there are two HMOs in Coldhams Lane, one in New Street and 3 in Silverwood Close. This is not considered to be significant concentration of such uses in such an urban context.
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9.0 CONCLUSION

- 9.1 The proposed use of the dwelling as an eight bed (eight person) HMO is considered to be acceptable in this location and I do not consider it would have a significantly adverse impact on the residential amenity of the adjacent occupiers.
- 9.2 The retrospective roof dormer which is linked to the dormer within the original dwelling is not considered to be cause significant harm to the character of the area as there are other similar dormers nearby. The overall dormer would contain windows that the applicant has agreed to partially obscure glaze in order to mitigate overlooking from this level. 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 eight 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, contact details for residents to call in case of nuisance behaviour or emergency. 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)

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

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

6. Prior to occupation, 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 a covered area and specific positions of where wheeled bins will be stationed. 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 amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

7. (The windows on the south-west elevation at second floor level shall be obscure glazed to a minimum height of 1.7 metres from internal finished floor level and with a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use 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).

INFORMATIVE: The Housing Act 2004 introduces the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

The applicant/agent is advised to contact Residential Team at Mandela House, 4 Regent Street, Cambridge concerning HMO Licensing, fire precautions, means of escape and the HHSRS.

PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0757/FUL	Agenda Item	
Date Received	24th April 2015	Officer	Mr Sav Patel
Target Date	19th June 2015		
Ward	Romsey		
Site	29 Cromwell Road Cambridge Cambridgeshire CB1 3EB		
Proposal	Change of use from A1 commercial unit to A3 restaurant Change of use form A1 offices to residential and extension at 1st floor. 1No two bed unit to rear of site		
Applicant	Ms Laura Chen c/o Cantab Design Ltd United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed change of use would bring back into use a vacant property; <input type="checkbox"/> The proposed development would not have any significant adverse impact on the residential amenity of the adjoining neighbours' <input type="checkbox"/> The proposed single storey residential to the rear would make efficient and effective use of a vacant parcel of land.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site consists of a two storey vacant commercial property. This is located within a parade of commercial uses which is designated as a local centre in the Local Plan. To the rear of the property is a connected single storey flat roof

workshop. To north and east is housing and to the rear of the site is an access passage that serves the parade and houses to the north. Beyond the access is Ridgeon builders merchant site.

- 1.2 The site is located within a designated Local Centre. The site is not within a Conservation Area and there are no listed buildings or Buildings of Local Interest nearby.

2.0 THE PROPOSAL

- 2.1 The proposal as submitted has been through extensive pre-application discussion and involves the demolition and replacement of the existing single storey building to the rear.
- 2.2 The proposal has three elements to bring the vacant commercial unit back into use, create a separate residential flat at first level with external stair case and remodel the rear of the site to create a separate self-contained residential unit. The proposal also includes the creation of a 1.2 metre wide side passage to access the rear of the site from Cromwell Road. The side passage would be secured by a security gate.
- 2.3 The previous use of the property was as a motorcycle showroom (ground floor only) with workshop and MOT testing to the rear. The proposal is to change the use of the existing property from Sui Generis use to A3 use on the ground floor and ancillary residential use on the first floor. The proposal also includes a first floor extension which would project from the rear elevation by 2.5 metres with a pitched roof.
- 2.4 The proposal is also for the demolition of the rear outbuildings and subdivision of the site to create a two bed residential unit with garden space. The proposed residential unit would be 18.5 metres in depth and between 5.6 and 3.7 metres wide. The proposed dwelling would have access to a shared bin and cycle store which would be located in the middle of the site. The proposed side access is proposed to allow access to the unit from Cromwell Road. However, the site would also be accessible from the rear access which serves the parade of shops and some of the dwellings to the north of the site.
- 2.5 The northern and western boundary of the site is proposed to be defined by a new 1.8 metre high close boarded fence.

3.0 SITE HISTORY

Reference	Description	Outcome
C/89/0466	ERECTION OF NEW WORKSHOP (AND DEMOLITION OF OLD WORKSHOP).	APPROVED
14/1923/FUL	Change of use for commercial unit to A3 restaurant and redevelopment of site with eco friendly units	WITHDRAWN
15/0352/FUL	Change of use for commercial unit to A3 restaurant and redevelopment of site, including first floor rear extension and new entrance to create 4 dwelling units.	WITHDRAWN

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

5.2 Cambridge Local Plan 2006

3/4 Responding to context
3/7 Creating successful places
3/10 Subdivision of existing plots
3/11 The design of external spaces
3/12 The design of new buildings
3/14 Extending buildings
4/13 Pollution and amenity
5/1 Housing provision

6/7 Shopping development and change of use in the District
and Local Centres

6/10 Food and drink outlets.

8/4 Walking and Cycling accessibility

8/6 Cycle parking

5.5 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and
Construction

Cambridgeshire and Peterborough Waste Partnership
(RECAP): Waste Management Design Guide Supplementary
Planning Document (February 2012)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The proposed A3 use may introduce additional demand for short stay parking in the vicinity but this is unlikely to result in any significant adverse impact upon highway safety. The proposed residential unit is also unlikely to have any adverse impact on highway safety. Both elements are potentially likely to have an impact on the residential amenity of surrounding residents.

Head of Refuse and Environment

- 6.2 No objection to the proposal subject to conditions and informatives relating to construction hours; plant and building noise insulation, contaminated land, odour filtration/extraction and waste.
- 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:
- 31 Cromwell Road
 - 33 Cromwell Road

- 1 unknown

7.2 The representations can be summarised as follows:

- Loss of privacy through overlooking;
- Car parking pressure on the area;
- Impact from noise and disturbance on this residential area particularly late at night;
- Increase in rubbish and littering ;
- Impact from smells on residential properties;
- Increase in vermin and litter;
- Side access would cause noise disturbance;
- The proposal would devalue property and living standard;
- The proposal is more suited to the city centre
- No planning notice was displayed to inform local residents;
- No evidence has been provided to demonstrate there is lack of A1 use;
- The proposal would reduce the amount of business space;
- New access at front would have a negative impact on the parade;
- The restrictive condition (planning permission C/89/0466) that tied to the property to the warehouses should be carried through;
- Inappropriate for bins to be collected from the front as currently no bins are collected from in front of the parade. Bins left at the front will reduce visual amenity of the parade and centre a nuisance for users of the parade. No location for bin storage provided;
- Side access passage would be too narrow for bikes and bins;
- Residential units would face fire safety risk;
- Inadequate living space for the residential units;
- Unclear over the proposed use; takeaway or restaurant;
- Ventilation of the kitchen has not been addressed;
- No staff or customer toilets provided for restaurant;
- Inaccurate to say there will be no increase in the number of cars and lorries compared the previous motorcycle showroom use.
- Roof plan of rear extension is incorrect.

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

8.0 ASSESSMENT

Principle of Development

- 8.1 The existing site has been used as a motorcycle showroom with repair workshop to the rear and offices at first level. According to the applicant the property was used for this purpose for 37 years. There is not defined use for this use and is therefore considered to be Sui-Generis use. The applicant has advised that prior to the last use, the property was used as a fish and chip takeaway and then as a greengrocer.
- 8.2 The applicant has advised that since the motorcycle use ceased in July 2014, the property has been let on a short term lease as a pop-up artist studio use on reduced rent until a suitable alternative operator can be found.
- 8.3 Therefore, as the current use of the unit is not within A1 use and given that the proposed use (A3) is to revert the use of the property back into a Class A use, I am satisfied that the proposed use A3 would benefit the parade by bringing this vacant unit back into use and local area by provide a service that is not currently available.
- 8.4 The current parade has four shops; 23 to 29 Cromwell Road. No.23 is currently in A1 use (newsagents); no.25 is currently B1 (freight deliver use); no.27 is in A1 use (fancy dress shop) and no.29 is vacant but the last permanent use was as a motorcycle showroom. Therefore, the overall percentage of A1 use within the parade is currently 50%. The proposed use would not reduce this but would bring the number of A Class units up to three (75%).
- 8.5 The proposal includes the demolition of the existing single storey flat roof outbuilding and new single storey detached dwelling. The proposal would result in the subdivision of the curtilage to create two entitles; a commercial use and residential use. Policy 3/10 (sub-division of existing plots) states that residential development within the 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 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;

(I do not consider criteria d, e and f are relevant to this proposal as it would not affect a listed building or BLI, would not impact any trees and would not prejudice comprehensive redevelopment of the wider area).

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

Impact on residential amenity

- 8.7 The proposed dwelling would be detached from the commercial use and enclosed by a 1.8 metre high close boarded fence. The proposed dwelling would be single storey and contain two windows in the northern elevation that would face the northern boundary with no.31. However the boundary fence would restrict any overlooking of the neighbour's garden. I therefore do not consider the proposal dwelling would cause any overlooking issues.
- 8.8 The proposed single storey dwelling would be located approx. 16 metres from the rear elevation of no.31 and be approx. 2.7 metres in height. The dwelling would also occupy a similar footprint of part of the existing outbuilding. Therefore, I do not consider the proposed dwelling would cause any significant loss of light issues due to its height and level of separation and would also not create an overbearing sense of enclosure.
- 8.9 The proposed dwelling would not result in unreasonable levels of traffic. The site is located within reasonable walking and cycling distance of Mill Road, the city centre, railway line and bus stops. Therefore in this context, car free development would be acceptable due to the sustainable location of the site.
- 8.10 The proposed dwelling would be compatible with the existing residential use to the north and would not result in significant

noise nuisance over and above the previous workshop and MOT testing use of the outbuilding.

- 8.11 The proposed use of the first floor as a separate residential unit is considered to be acceptable. Access to the proposed flat would be via an external staircase that would be located adjacent to the northern boundary with no.31. The applicant has proposed to include a screen on the first floor platform to prevent overlooking from this level. Whilst this is acceptable, it does not mitigate the impact from the staircase itself. I have therefore recommended a condition (16) for the staircase to include a screen that sits above the handrail to mitigate overlooking. The recommended condition requires the material and colour of screen to be provided. There are also no windows in the side elevation of the first floor extension that would overlook. Therefore with the inclusion of the screen, I do not consider the proposed first floor extension or use of the first floor as a residential unit would have a significant adverse impact on the residential amenity of the adjacent neighbours.
- 8.12 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1, and 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.

Context of site, design and external spaces

- 8.13 The main alterations to the property are to the rear. However the proposal does include the introduction of an undercroft side passage on the northern side of the property. The passage would be secured by double gates at the front. This would allow for more convenient access from the rear to the front without going through the property or around the rear of the site. In my view, the introduction of a side passage would not have a significant adverse impact on the appearance of the shop front or parade overall.
- 8.14 The proposed first floor extension with external stair case would be set off the northern boundary with no.31 by approx. 1.5 metres. The extension would project 2.5 metres from the rear and would be set off the boundary by approx. 2.3 metres. The extension would have a pitched roof and appear as an ancillary

addition. In this context, the proposed extension is considered to be acceptable as it would appear as a subservient addition.

- 8.15 The demolition of the outbuilding and replacement detached dwelling would break up the visual mass of the structure from the rear gardens of the dwellings to the north. The proposed dwelling would have a similar scale to the existing outbuildings and so would not appear as an alien form in this rear garden/yard location.
- 8.16 Basic information has been provided on the location of any flue for extraction to serve the proposed A3 use which would be located at the rear of the site. However, the Environmental Services team has recommended a condition for specific information to be provided including details of any flue/pipe for filtration/extraction. I am satisfied with this approach as there is enough space to the rear to accommodate such equipment without having an adverse impact on the visual appearance of the rear elevation.
- 8.17 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

- 8.18 I have addressed this point in the above section.

Amenity for future occupiers of the site

- 8.19 In my view the proposed single storey dwelling to the rear of the site would provide a high quality living environment for a future resident as there would be a generous amount of private amenity space and the internal layout would provide a good standard of accommodation. The garden space would be between 21.6 metres and 16 metres in depth and between 5.2 and 10.8 metres wide.
- 8.20 The proposed first floor flat would provide a good amount of living accommodation. Whilst no formal outdoor space is proposed, other than the area around the cycle and bin store, which would provide enough space for a clothes airer, Romsey and Coldham Recreation Grounds are located a six minute walk

from the site. Therefore in this urban context, my view is that the living accommodation and living environment for any future resident would be acceptable.

- 8.21 The applicant has indicated the potential location for a flue to serve the proposed restaurant use which would be to the rear of the commercial unit. On the basis of the limited information provided to assess the potential impact from odour and noise from the ventilation/extraction system, the Environmental Services team have requested a plant noise condition and odour condition to ensure details can be submitted and agreed before the use is commenced. This would ensure the residential amenity of future and existing residents is reasonably protected.
- 8.22 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

- 8.23 The location for the refuse storage arrangements has been provided to the between the proposed residential unit and commercial unit. There appears to be enough space to accommodate the necessary amount of receptacles for both uses. However, I have recommended a refuse storage condition to ensure details of the refuse storage arrangement are submitted for consideration.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.25 The County Highway Officer has advised that the proposed development is unlikely to raise any highway safety issues.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

8.27 The proposal does not include any new car parking provision. However, due to the size of the units and their location to local shops and services and public transport links, I do not consider car parking in this context is necessary to serve the proposed residential units or restaurant use.

Cycle Parking

8.28 The proposal does make provision for a covered cycle parking area to serve 8 cycles. However, no elevational details have been provided for this. I have therefore applied a cycle parking condition.

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

Third Party Representations

Representations	Response
Loss of privacy through overlooking	Para 8.11
Car parking pressure	Para 8.24
Impact from noise and disturbance	The proposal includes residential units which would be compatible with the surrounding area and would not in my view cause significant level of noise disturbance. The proposed restaurant use would bring the vacant unit back into use. I have recommended a condition to restrict the operation hours to mitigate impact on the neighbouring dwellings. I have also recommended plant noise and odour conditions to mitigate the impact from this on the future and existing residents.
Increase in rubbish and littering	The proposed restaurant is unlikely to result in any additional litter as the use would provide seated eating as well as takeaway. There is also a bin

	close to the site.
Impact from smells on residential properties	I have recommended at the request of the Environmental Services team an odour condition to ensure smells from the use are mitigated.
Increase in vermin and litter	Vermin is controlled by separate legislation and cannot be mitigated through the planning process. Any litter would be cleaned by the Waste Team. There is a bin close to the site.
Side access would cause noise disturbance	The proposed undercroft side passage is unlikely to be used to such a degree that would cause significant adverse noise disturbance on the residential amenity of the adjoining occupier.
Reduce value of property	This is not a material planning consideration.
Inappropriate location for use	The proposed development consists of two residential units which are compatible with the local area. The proposed restaurant use would introduce an A class use into a local centre and bring back into use a vacant commercial unit.
Site Notice not displayed to inform local residents	The planning application does not warrant a site notice to be displayed.
No evidence to demonstrate there is a lack of A1 use	The last planning use of the property was as a motorcycle showroom with ancillary workshops. Therefore the use of the property was Sui-Generis. This use was operated from the site for 37 years until it ceased in July 2014. Therefore as property has not been in A1 for some time and the proposed use would not reduce the number of A1 units within the parade but would increase the number of A Class

	Uses that the proposed use would be acceptable. The owner has temporarily (6 months) let the vacant unit since the demise of the previous use to an artist studio on below the market rent.
Reduce the amount of business space	The proposal is for mixed use development. There is no policy protection against the loss of ancillary space.
The historic tie that links the use of the workshops to the shop should be carried through	The restrictive condition (2 of 89/0466) was applied to protect the residential amenity of the adjoining neighbour. However, I do not consider it necessary to carry through this tie as the subdivision of the plot is considered to be acceptable subject to conditions.
Inappropriate for bins to be collected from Cromwell Road.	The applicant has advised that waste can be collected from the front of the unit. I have recommended a management condition to ensure bins are collected and returned. I do not consider the visual appearance of bins in front of a parade of commercial units would have any adverse impact on the character of area and are unlikely to remain in position long enough to cause a nuisance to other users of the parade. There is an area in front of the unit that could be used to store bins.
Side passage too narrow for bikes and bins	According to the Cycle Parking Guide (2010) a side access way should be a minimum of 1.2 metres over a distance of no more than 10 metres. The length of the proposed side passage would be 8.4 metres. The side passage is therefore acceptable. Waste receptacle come in various

	sizes and most would fit through the side passage. The Environmental Services team have not raised any concerns in this regard.
Residents would face fire safety risk	This is not a material planning issue as it is covered under separate legislation (Building Regulations).
Inadequate living space	Para 8.19-8.20
Unclear over the proposed use takeaway or restaurant	The proposal is for an A3 restaurant which would form the main use. The use would also provide a takeaway service. I do not consider this arrangement is any different from existing A3 uses.
Ventilation for the kitchen	The Environmental Services team has recommended a plant noise and odour filtration condition to ensure these details are agreed and implemented prior to the use commencing – see conditions 10 and 11.
No staff or customer toilets	This relates to the internal layout of the restaurant. The applicant has updated the layout plan of the restaurant use to show how a toilet and kitchen area could be provided.
Inaccurate to say no increase in number of cars and lorries compared to previous use	There is parking in front of the unit and there is a parking bay area on the highway for two vehicles. Nevertheless, the Local Plan seeks to encourage alternative modes of transport.
Roof plan incorrect	The applicant has amended the roof plan drawing.

9.0 Conclusion:

9.1 The proposal seeks mixed use planning permission consisting of two self-contained residential units and an A3 use on the ground floor of the parade. The proposal has been carefully

assessed in terms of its impact on the residential amenity of the local area and living environment for future residents. I am satisfied that subject to the conditions recommended that the proposed development would not have a significantly adverse impact on the residential amenity of the local area.

- 9.2 The proposed A3 use would bring a vacant unit back into use and subject to conditions would not have a significant adverse impact on the local area.
- 9.3 The proposed residential unit and first extension are of an ancillary scale and subservient design to enable both to assimilate into the plot without appearing overbearing or as an alien form.

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. 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 construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

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

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

12. Before the development/use hereby permitted is occupied, a scheme for the insulation of the building in order to minimise the level of noise emanating from the said building shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the building hereby permitted is occupied and shall be thereafter retained as such.

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

13. 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)

14. 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, type of enclosure 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

15. 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)

16. Prior to occupation of the first floor residential unit hereby approved, details of the screen on the external staircase including handrail shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type of screen, material of the screen, colour (RAL) or obscurity (Pilkington level) whichever is relevant, dimensions including details of how it will be applied to the staircase and maintenance. The development shall be carried out in accordance with the approved details.

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

17. The hereby approved restaurant use including food preparation shall not operate outside the hours of 0900hrs to 2300hrs Monday to Saturday and 0900hrs to 1000hrs on Sundays & bank holidays.

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

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

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

INFORMATIVE: The Housing Act 2004 introduces the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

The applicant/agent is advised to contact housing standards at Mandela House, 4 Regent Street,

PLANNING COMMITTEE

Date: 5th AUGUST 2015

Application Number	15/0999/FUL	Agenda Item	
Date Received	27th May 2015	Officer	Elizabeth Thomas
Target Date	22nd July 2015		
Ward	Petersfield		
Site	161 Gwydir Street Cambridge Cambridgeshire CB1 2LJ		
Proposal	Rear roof extension		
Applicant	Mr And Mrs Parry 161 Gwydir Street Cambridge Cambridgeshire CB1 2LJ		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed rear roof extension would read as a third storey on a traditional modest mid-row Victorian terrace property. <input type="checkbox"/> The proposed scale and bulk appearance significantly detracts from the traditional roof form <input type="checkbox"/> The proposed development is a form of poor design contrary to Local policy and national policy <input type="checkbox"/> The proposed development does not preserve or enhance the Conservation area, which would cause substantial harm.
RECOMMENDATION	REFUSE

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The property is located in an area of predominately Victorian terraced properties. The mid-terraced property is east facing

and has a long rear garden. The site falls within the Central Core Conservation Area and is within a controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal is for a rear roof extension to create two linked dormers which would cover the majority of the rear roof space.
- 2.2 The application is accompanied by the following supporting information:

- ☐ Existing and proposed drawings
- ☐ Design and access statement

3.0 SITE HISTORY

Reference	Description	Outcome
14/1083/FUL	Rear roof extension (including raising ridge height)	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 3/14 4/11

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1st December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Roof Extensions Design Guide (2003)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge Historic Core Conservation Area Appraisal (2006)</p> <p>Mill Road and St Matthews Conservation Area Appraisal (1999)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

5.5 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.

- 5.6 For the application considered in this report, there are three policies in the emerging Local Plan that are of relevance these are: Policies 55, 56, 58 and 61.

6.0 CONSULTATIONS

Conservation Officer

- 6.1 Not supported. The conservation officer replicates their comments made on the previous refused application (14/1083/FUL) because the application fails to address the issues of the previous refusal and inspectors appeal decision that determined the roof extension reads as a third storey. The scale and bulk detracts from the traditional roof form, which does not preserve or enhance the character of the conservation area. Subsequently considers the proposed development contrary to local plan policies 3/4, 3/14 and 4/11.
- 6.2 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

159 Gwydir Street (Neutral comment):

- 7.2 The comments are in relation to the following:

- ☐ Orientation of the stairs to face the back of the property where ownership matters are.
- ☐ Party wall above the flying freehold
- ☐ Ceiling height is not clear
- ☐ Concerned about the size of the proposed roof extension and the boundary between
- ☐ Unclear about construction and utilities

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

Context of site, design and external spaces

- 8.2 The proposal is for a rear dormer consisting two double pitch dormers with a flat roof link in between.

Review of dismissed appeal decision of application 14/1083/FUL:

- 8.3 The dismissed appeal decision in respect of application 14/1083/FUL identifies that the main issue is whether the proposal would preserve or enhance the character or appearance of the Central Conservation Area. The inspectors report concluded the traditional form of the terrace is for the most part unaltered so that it makes a positive contribution to the conservation area.
- 8.4 The proposed rear roof extension would appear as a substantial third story addition, the scale and bulky appearance would detract from, and significantly alter the traditional roof form of the dwelling house and terrace. Subsequently the proposed development would not provide high quality design, contrary to paragraph 17 of the National Planning Policy Framework. The inspector had also taken into account the smaller rear roof slope of number 161 compared to that of nearby dwellings.
- 8.5 The appeal decision also identifies the proposal would be in conflict with Local Plan policy 3/4 and 3/14 and The Roof Extension Design Guide due to the adverse affect on the character and appearance of the conservation area and the dominance in the traditional roof space.

- 8.6 Overall the appeal decision concluded substantial harm of the proposed development overrides the benefit of the proposed development.

Comparison of this proposal with refused application 14/1083/FUL

- 8.7 In comparing this proposal with the previous refusal the main differences are:

- ☐ The proposed extension roof height has been reduced in height by 0.2 metres. The roof line would remain level with the existing pitch.
- ☐ The Juliet Balcony in between the proposed linked dormers has been removed
- ☐ The width of the proposed dormer has been brought in slightly from the party wall line by approx. 0.3 metres.

Issues still remaining:

- 8.8 The general scale and bulk design of the proposed development remains broadly the same as that under application 14/1083/FUL because the proposed development fills the majority of the roof space. The proposal protrudes out from the existing roof pitch line out to the existing eaves, which in effect creates the effect of a third storey element and box appearance on a traditional modest Victorian terraced property. Consequently the proposed dormer would not appear subservient in the existing roof. Therefore, the proposal does not preserve or enhance the conservation area and would be contrary to policies 3/4, 3/14 and 4/11 of the Cambridge Local Plan.

Impact on the Conservation area

- 8.9 The proposed development is considered significantly harmful as the proposed development does not comply with Local Plan policies 3/4 3/14 and 4/11. The proposed development does not respond positively to features of historic or architectural merit and the proposed development conflicts with The Roof Extension Design Guide due to the over dominant roof proposal, which would overwhelm the immediate and modest setting.

- 8.10 Paragraphs 64 of the National Planning Policy Framework states permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Therefore, it is considered the proposed development does not meet the criteria or objectives of National policy.
- 8.11 I am mindful there has been a similar rear dormer allowed at 171 Gwydir Street, but in my opinion this does not set a precedent for future poor design rear roof extensions or determine the prevailing character of the area the area as a whole is undisturbed. Furthermore, I also consider the proposed development would have a detrimental cumulative impact upon the Gwydir Street terrace overall, which makes further development of this scale and bulk contrary to planning policy. The recent inspectors appeal decision is also a material consideration and the issues relating to the previous refusal have not been overcome.
- 8.12 In my opinion the proposal is contrary with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.13 The proposed dormer is unlikely to adversely affect the amenity of the neighbouring properties in terms of daylight/sunlight, outlook and privacy.
- 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 and 3/7.

Third Party Representations

8.17 The third party representation from number 159 Gwydir Street raises concerns in relation to internal arrangements, party wall matters, size of roof extension and unclear drawings. I address each matter in turn as follows:

☐ Internal arrangements

8.18 Internal alterations do not directly affect this application materially and any roof ownership matters would need to be addressed through building regulations and the party wall act.

☐ Party wall above the flying freehold

8.19 The party wall act is separate legislation and the grant of planning permission would not remove the need to comply with all relevant legislation.

☐ Concerned about the size of the proposed roof extension and the boundary between

8.20 The scale and bulk of the proposed development I have addressed from paragraph 8.8.

☐ Unclear about construction and utilities / ceiling height is not clear

8.21 In reviewing the submitted drawings I am satisfied the information is clear for the purpose of assessing for planning permission. If the application was to be approved further technical drawings may need to be sought for construction.

9.0 CONCLUSION

9.1 The rear roof extension is considered unacceptable as it dominates the rear roof slope of the building and is out of character and appearance with the building and the wider Conservation Area.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The scale and bulk of the rear roof extension will fundamentally alter the rear roof shape creating the appearance of a third storey on a modest traditional Victorian terraced property, which will not preserve or enhance the character and appearance of the Conservation area resulting in a detrimental cumulative impact on the Gwydir Street terrace. As such the rear roof extension is contrary to Cambridge Local Plan (2006) policies 3/4, 3/14, 4/11 and the Cambridge Roof Extensions Design Guide.

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PLANNING COMMITTEE

Date: 5TH AUGUST 2015

Application Number	15/0563/FUL	Agenda Item	
Date Received	25th March 2015	Officer	Mr Amit Patel
Target Date	20th May 2015		
Ward	West Chesterton		
Site	45 Elizabeth Way Cambridge Cambridgeshire CB4 1DB		
Proposal Applicant	Proposed one bedroom bungalow Mr J O' Sullivan 9 Hillcrest Bar Hill Cambs CB23 8TJ		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposal would not provide a good quality living environment for the future occupiers <input type="checkbox"/> The proposal will create a development that will have a harmful impact on the living conditions of the proposed occupiers in the host building of number 45 and new dwelling <input type="checkbox"/> The proposals would be out of keeping with the character of the area. <input type="checkbox"/> The car parking arrangement is such that the manoeuvrability of cars is restricted and would not allow cars to access the parking spaces and to leave the site in a forward gear
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site relates to a detached house of multiple occupation situated on the western side of Elizabeth Way. The property has been previously extended with a 2 storey flat roof rear extension.
- 1.2 To the north of the site is land which has planning approval for residential properties. The area is characterised by two storey buildings.
- 1.3 The site is surrounded by residential curtilages. The site is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 The application seeks to split the current curtilage of the plot to accommodate a one-bedroom bungalow at the rear of the site.
- 2.2 The bungalow would be nearly the full width of the plot. The proposal will be finished in a pitched and hipped roof design and a patio area to the northeast part of the proposed plot. Bins and bike storage will be located within the patio area.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
C/87/0371	First floor rear extension	Approved
C/00/1170	Retention of store building and parking area (3 no. bays) in the curtilage of a HMO (house of multiple occupation)	Approved
13/1062/FUL	First floor extension (rear) to dwelling.	A/C

4.0 PUBLICITY

- 4.1 Advertisement: No

Adjoining Owners:
Site Notice Displayed:

Yes
No

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

	Developments (2010)
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5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No additional provision is made for the additional dwelling therefore demand for on street car parking could lead to residential amenity impact but unlikely to result in a significant adverse impact upon highway safety.

Head of Refuse and Environment

- 6.2 No objection in principle to the application subject to conditions relating to construction hours and collection and deliveries.
- 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:

- ☐ 44 Elizabeth Way

7.2 The representations can be summarised as follows:

- ☐ Suitable for a young person

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan explains that provision is made for an increase of 12,500 dwellings over the period 1999-2016; although it recognises that many of these will be from larger sites within the urban area and in the urban extensions, development for housing on windfall sites, such as this, will be permitted subject to the existing land use and compatibility with adjoining uses.

8.3 The NPPF (para. 53) still allows local authorities to resist private residential gardens from previously developed or brownfield land to greenfield land. This does not, however, mean that garden land cannot be developed under any circumstances. At the present time, national policy does not preclude the development of private gardens, but garden land is now not considered to be brownfield land and is not, therefore, of the same priority for development as was the case previously. Proposals for the development of garden land will continue to be assessed against Policy 3/10 of the Cambridge Local Plan (2006) relating to the subdivision of plots.

- 8.4 In my opinion, and notwithstanding the new guidance about the status of garden land, the broad principle of development is acceptable and in accordance with policy 5/1, which supports the development of windfall sites such as this but must be considered in the light of the re-issued NPPF and other policies of the Local Plan 2006, including policy 3/10 which addresses the subdivision of gardens.
- 8.5 Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, 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 These six elements are not uniformly relevant to this site. I do not think that the development of this site would prejudice the comprehensive development of the wider area of which the site forms part, and it would not prejudice the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site; on that basis I consider neither d) or f) to be relevant here. The other parts of this policy will be discussed later on in the report.

Context of site, design and external spaces

- 8.7 The site is within the rear part of the hardstanding area which includes a shed. The area is residential in character and there

are other outbuildings in the area. To the southwest is a development site where there is approval for five new family homes. The plans for the new homes show that the garden area for house three will run along the southwestern boundary of the proposed bungalow.

- 8.8 The building measures 2.5m to the eaves and 3.9m to the overall ridge height. The design of the building is acceptable as this will in keeping to the materials that have been used in the area. The site is currently used as car parking and storage. Three car parking spaces will be kept and the wooden shed will be demolished to accommodate the bungalow.
- 8.9 The proposal will be visible through the gap between the properties, within the street scene. Although the proposal will be masked by the proposed boundary it will be clear that there is a new dwelling to the rear.
- 8.10 There are no other sites in the immediate area which has approval for the sub-division of plots. The plot is shorter in length than other properties further northwest of the application site and this adds to the constraints of the site. I consider that the sub-division of this plot is not acceptable and would be detrimental to the character of the area.
- 8.11 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policies 3/4 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 The site lies to the north of 43 Elizabeth Way. The proposed bungalow on this boundary will be 6.5m in depth and 3.9m high to the ridge of the roof. This will be to the rear part of the garden. I do not consider that the proposal will have any significant impact on sunlight to that property and there are no windows in the southern elevation so privacy will not be affected.
- 8.13 The proposal is stepped off the boundary with number 47 Elizabeth Way by 1m given the design of the roof, its low height and the existing boundary treatment; I do not consider that there will be any significant shadowing or domination of the

garden space. There are no windows proposed in the side elevation and therefore no overlooking impact.

- 8.14 The main route for access to this property will be from the side of the existing house. The floor plan layout, taken from the submitted 13/1062/FUL application, show that the utility, hallway and kitchen of the main house are closest to the access at ground floor. There are bed rooms to the front and rear at ground floor but these are not adjacent to the access and therefore I do not consider that these properties would be impacted significantly worse than the current situation.
- 8.15 The bedroom facing the car park will not have a buffer for privacy. Although this is the current situation the addition of a new dwelling in my opinion, alters this arrangement as the car parking would be used by residents of the existing HMO and new arrangement introduces a separate occupier. I do not consider that this would provide a high quality living arrangement for this occupier.
- 8.16 In addition to this the car parking area will have comings and goings for the ground floor rooms. The comings and goings from the car parking area to this room will have potential noise and disturbance that would be detrimental to the occupier. I consider that by adding a new dwelling to the rear the comings and goings will intensify within this area, which is close to ground floor living room windows and by not having any break out space the situation for the current occupiers on ground floor level in number 45 would be severely compromised.
- 8.17 The plans do not provide for any amenity space for the occupiers of the main house. Other properties in the area have some form of amenity space and the current situation also provides amenity space. Although the current area is a car park there is outdoor space if needed for the occupiers. I therefore consider that the proposal is not acceptable, due to a lack of provision of outdoor/amenity space and worsening the existing situation.
- 8.18 In my opinion the proposal does not respect the residential amenity of its neighbours and the constraints of the site and I do not consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

Amenity for future occupiers of the site

- 8.19 The proposed bungalow will be close to the proposed boundaries enclosing the site. The proposed bedroom will be served by a single window with an outlook towards the southwest. The building will be 1m from the boundary fence. I consider that this gap will lead to a very dark and not a high quality living space. The windows will receive light in the later part of the afternoon and being so close to the boundary fence will not create a high quality habitable space.
- 8.20 In my opinion the proposal would provide an unsatisfactory living environment and a poor standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.21 The proposal shows a bin and bike storage for the new dwelling. This is acceptable.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12, relating to refuse arrangement.

Highway safety and Car and Cycle Parking

- 8.23 The highway authority has not raised any concerns regarding highway safety impact. The number of spaces provided accords with the Car Parking Standards but as previously mentioned the usability of the car parking spaces is a concern.
- 8.24 The plans show cycle parking space for two bikes. This is in a safe and secure space and is acceptable and accords with the Cycle Parking Standards. The proposals would comply with the requirements of Policies 8/6 and 8/10.
- 8.25 The position of the car parking spaces in relation to boundaries makes the car parking space unusable. The space adjacent to the proposed dwelling would not allow a car to turn around due to the width of the site and leave a reversing gap of 4.2m for a cars parked in this space. The acceptable distance is 6m. Due to the constraints of the site I consider that this adds to the

concerns about whether this development is acceptable. Therefore it is likely that vehicles would reverse into and out of the site conflicting with pedestrian, cycling and other vehicle traffic detriment to highway safety.

- 8.26 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.27 The third party objection related to the proposed use and therefore, has been addressed in the main body of the report.

Planning Obligation Strategy

Planning Obligations

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

9.0 CONCLUSION

- 9.1 The proposal is for a new dwelling to the rear of the House in Multiple Occupation. The proposal will have a detrimental impact upon the character of this back land area as there are no other forms of development of this scale and layout. The proposal will also have a detrimental impact on the host building through loss of privacy, amenity space and noise and disturbance. In addition the future occupiers will not have a high quality living environment as the window serving the bedroom, which faces west will be close to the boundary and therefore will have a lack of outlook and light. The car parking arrangement will not be functional as there would not be room to manoeuvre cars in forward gear onto Elizabeth Way. This will result in an overdevelopment and cramped form of development. The

combination of all of this is that this is an overdevelopment of the site and would not comply with relevant Development Plan Policies.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed new building in this location would have a harmful effect on the character of the area. Living accommodation in this position within the curtilage is not characteristic of the area. The proposal fails to respond positively to the character of the area and would result in a cramped form of development and an over development of the site. The proposal would therefore be poorly integrated with, the immediate locality, contrary to policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan 2006
2. The proposed bungalow would have single aspect windows serving the bedroom giving outlook onto the rear passage way. In so doing, future occupiers would have a poor outlook due to having these windows being located within 1m of the boundary and limited natural light . This arrangement would not create a high quality living environment for future occupiers and is contrary to policies 3/4, 3/7 and 3/10 (b) of the Cambridge Local Plan 2006 and National Planning Policy Guidance (2012).
3. The proposed car parking layout does not allow for sufficient room for cars to manoeuvre in and out of the access, in forward gear and could result in cars reversing out onto Elizabeth Way, compromising highway safety. The proposal is contrary to policy 8/2 in the Cambridge Local Plan (2006).
4. Number 45 curtilage would be diminished to the extent that the occupiers would have no access to private garden space. The development would therefore result in a poor standard of amenity for existing occupiers contrary to policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan (2006).
5. Impact on the ground floor rooms in number 45 being prejudicial by the comings and goings of cars for the rear plot, impacting on the amenity of the existing occupiers contrary to policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan (2006).

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee DATE: 5 August 2015

WARD: Castle

PLANNING ENFORCEMENT UPDATE REPORT

Address: 213 Huntingdon Road, Cambridge

**Details of breach of planning control: breach of condition
relating to separate use of an annex**

SUMMARY	<p>On 1 July 2015 Planning Committee authorised the service of an enforcement notice for breach of condition 4 of 10/0691/FUL relating to the separate use of the annex at 213 Huntingdon Road.</p> <p>Since Members authorised the notice, further legal advice has been received which indicates that the breach of a planning condition relating to the separate residential use of the annex is not subject to the usual ten year immunity rule for breach of conditions, but would become immune from enforcement action after four years in line with the immunity period for residential dwellings.</p>
RECOMMENDATION	<p>That planning committee note the four year immunity rule applies in relation to this breach of condition relating to separate residential occupation, confirm their authorisation to draft and serve the enforcement notice (referred to in the report from 1 July 2015) and approve the alteration in the wording of the reasons for issue of the notice to refer to four years instead of ten years.</p>

1 INTRODUCTION

- 1.1 On 1 July 2015 members of the planning committee authorised the service of an enforcement notice for breach of condition 4 of 10/691/FUL relating to the separate residential use of an annex at 213 Huntingdon Road. Appendix A contains a full copy of the report.
- 1.2 Officers had taken legal advice during the preparation of the committee report however a more detailed legal review took place during the drafting of the notice which highlighted a stated case which alters the period after which this specific breach of planning condition becomes immune from enforcement action.
- 1.3 Section 171B of the Town and Country Planning Act 1990 (as amended) provides the time limits after which a breach of planning control becomes immune from enforcement action.

In the case of a breach of planning condition, no action enforcement action can be taken after the end of a period of ten years beginning with the date of the breach.

However, where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

The Court of Appeal case of First Secretary of State v Arun District Council (10 August 2006) established that the legislative intention was clear that householders who changed the use of a building to a single dwellinghouse should only be vulnerable to enforcement action if it was instituted within four years and therefore it would be illogical for there to be a different period of enforcement depending on whether the breach of planning control involved a failure to comply with a condition.

- 1.4 Officers have noted the Human Rights Act 1998 and the Equality Act 2010 and consider that the alteration in the wording of the 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.
- 1.5 As far as Officers are aware, the annex at 213 Huntingdon Road has only been let separately since August 2014. Consequently the

breach is well within the revised four year period for enforcement action to be pursued and the use has not become immune from enforcement action.

2 RECOMMENDATION

- 2.1 (i) Confirm their authorisation of the drafting and service of an enforcement notice (as set out in the Planning Committee Report of the 1st July 2015) and approve the alteration in the wording of the reasons for issue of the notice to refer to four years instead of ten years.

BACKGROUND PAPERS

Planning application 10/0691/FUL and supporting documents
Summary of Court of Appeal case of Arun DC v First Secretary of State from August 2006

APPENDICES

Appendix A Committee report from 1 July 2015

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\Committee report update 5 Aug 15.docx

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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	<p>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.</p> <p>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.</p>
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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

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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CAMBRIDGE CITY COUNCIL

REPORT OF: Arboricultural Officer
TO: Planning Committee 5th August 2015
WARDS: 2a Carisbrooke Road

OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER (TPO) NO. 02/2015

1.0 INTRODUCTION

- 1.1 A TPO has been served to protect trees at 2a Carisbrooke Road
- 1.2 As objections to the order have been received the decision whether or not to confirm the order is brought before Committee.
- 1.3 Members are to decide whether to confirm or not confirm the Tree Preservation Order.

2.0 RECOMMENDATION

- 2.1 The tree preservation order is confirmed without amendment.

2.0 BACKGROUND

The land the four trees grow on is private, which until recently remained unfenced. We were alerted by a local ward councillor, that a fence was starting to be erected, around the small area adjacent Histon Road and Carisbrooke Road. A tree officer went to site and noted that the trees are in good condition and of a significant amenity. Therefore the Tree Team placed a TPO on the four trees.

A land search revealed that the land had changed ownership on the 19th December 2014.

4.0 POWER TO MAKE A TPO

- 4.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of TPO.

4.1.1 Expedience

If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

4.1.2 Amenity

While amenity is not defined in the Town and Country Planning Act, government guidance suggests that trees suitable for TPO should be visible to the public, at the time of making the TPO or in future. Trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore. Consideration should also be given to environmental benefits and historic/commemorative significance.

4.1.3 Suitability

The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

4.2 Suitability of this TPO

4.2.1 Expedience

It was considered that the trees were at risk from development, this is confirmed as they are currently under scrutiny within a planning application.

4.2.2 Amenity

The trees sit together in a group of four. The trees are clearly visible from Carrisbrooke Road and Histon Road.

4.2.3 Suitability

There are three Wild Cherries and one Norway Maple. Both species are widely used across the city in verge and open grass settings. Histon Road also has numerous examples of both species of tree used in this way.

5.0 CONSULTATIONS

- 5.1 A TPO must be served upon anyone who has an interest in land affected by the TPO.
- 5.2 Following the serving of the TPO an objection has been received to the TPO from the new owners of the piece of land, the owners of 2a Carrisbrooke Road.

6.0 CONSIDERATIONS

- 6.1 The objection is made on the following grounds:

- 6.1.1 T1 & T2, roots have grown into the garden from the trees and are lifting external paving slabs. There are concerns in regards to safety and the roots causing the slabs to be trip hazards. The trees will need to be removed as a preventative for causing damage to the property.
- 6.1.2 The order states that it was made because the trees provide an important amenity, the owners are surprised by this and feel that if the visual impact was so important to the local community an order should have been raised before.
- 6.1.3 In 2009 they contacted the city council to enquire about the trees and ownership of the land. At the time they were informed that the city council had no ownership or responsibility for maintaining the trees or the land.
- 6.1.4 If T1 and T2 are to be removed they would be prepared to plant replacement trees closer to the road.

- 6.2 Officer's response to the objection.

- 6.2.1 Tree removal for problems such as uneven slabs, or paving, is not a valid reason to remove early mature or mature trees. Hard landscaping such as this can be easily be maintained, repaired, and/or replaced. Whereas it would take 25 to 30 years to replace the current trees.
- 6.2.2 It is common place to find trees growing close to buildings. Only a small percentage of those trees actually cause damage structurally. If structural damage is caused, the Tree Team would be more than happy to talk through the issues and a tree work application should be submitted. Proof of damage will need to be submitted at that time.

6.2.3 Previous to the selling of the land the land was communal and the trees were considered to be under good arboricultural management. Members of the public raised their concerns re the change of ownership to a ward councillor. In turn the ward councillor approached the Tree Team who considered a TPO expedient.

6.2.4 The group of four trees have grown together since planted at the same time. To remove trees T1 and T2 would leave T3 and T4 with unbalanced and with asymmetric crowns. This could lead to branch failure on the remaining trees, in heavy rain fall or strong winds. There is lack of room to plant new trees closer to the road, also there are underground services and manhole covers very close to this position.

7.0. OPTIONS

7.1 Members may

- Confirm the Tree Preservation Order.
- Confirm the Tree Preservation with modification.
- Decide not to confirm the Tree Preservation Order.

8.0 RECOMMENDATION

8.1 Members are respectfully recommended to confirm City of Cambridge Tree Preservation Order 02/2015 without modification.

9.0 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:

TPO 02/2015 map with positions of trees

City of Cambridge Tree Preservation Order 02/2015

To inspect these documents contact Kenny McGregor on extension 8522

The author and contact officer for queries on the report is Kenny McGregor on extension 8518.

Date originated: 16/7/15

Date of last revision: 21/7/15



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CAMBRIDGE CITY COUNCIL

Record of Officer Urgency Action

Urgency Powers: to Withdraw the Enforcement Notice dated 2 October 2014 relating to 136 Perne Rd Cambridge

Decision of: Director of Environment: Simon Payne

Reference:

Date of decision:

Decision Type: Officer Urgent Action

Matter for Decision: That the Council will withdraw the enforcement notice dated 2 October 2014 relating to 136 Perne Road Cambridge.

Why the decision had to be made (and any alternative options): Due to the view expressed by the Inspector appointed by the Planning Inspectorate to deal with this case that an amendment to the enforcement notice at the inquiry might cause prejudice to the appellant. The alternative is to leave the notice extant and to proceed with the inquiry, which would bring with it a risk of an award of costs against the Council.

Officer decision(s): To withdraw the enforcement notice dated 2 October 2014 relating to 136 Perne Road Cambridge.

Committee consideration: The Chair, and Opposition Spokespersons of the Planning Committee were consulted prior to the action being authorised.

Briefing Note/Report: A briefing note detailing the requirement for the decision is attached.

Conflicts of interest: None

Note: City Council Constitution: Part 3 Para 3.6 states:

Urgency Action

Each Director is authorised to act on behalf of the Executive or the Council (after consultation, if practicable with the relevant Executive Councillor or, in respect of non-executive functions, the relevant Chair or, in either case, the Chief Executive) in relation to matters within his/her area(s) of responsibility in cases of urgency or emergency. Any such action to be reported as soon

as possible to the relevant Executive Councillor and Scrutiny Committee or, for non-executive functions, the relevant committee or sub-committee.

In exercising this power, a Director shall either consult:

- members, in which case the Executive Councillor (in respect of executive functions) or the Chair (in respect of regulatory functions) and, so far as practical in the time available, spokesperson(s); or
- the Chief Executive (if available) before taking action.

If only the Chief Executive is consulted, the Director shall, as soon as possible after taking the action in question, inform the Executive Councillor, Chair and spokesperson(s) of what has happened. (This shall be in addition to reporting the action taken to the next meeting of the relevant committee or sub-committee)."



DIRECTOR OF ENVIRONMENT
CAMBRIDGE CITY COUNCIL

15/7/15 .

OFFICER DECISION UNDER URGENCY POWERS

REPORT TO DIRECTOR OF ENVIRONMENT

The purpose of this report is to ask the Director of Environment to make a decision under the urgency powers set out in paragraph 3.6 of Part 3 of the Council's Constitution to withdraw an enforcement notice.

Reason why an urgent decision is required

The enforcement notice relates to land at 136 Perne Road Cambridge ('the land').

Under the Council's Constitution, the Planning Committee must authorise the issue of an enforcement notice (save for a limited exception under which the power is delegated to officers). The Planning Committee authorised the issue of this enforcement notice on 11 September 2014. The notice was issued on 2 October 2014.

The owner of the land appealed against the notice and the inquiry is set to proceed on Tuesday 21 July 2015. However, the Planning Inspectorate ('PINS') has recently informed the Council that there may be a fundamental flaw in the notice, which cannot be corrected without causing prejudice to the appellant. In order to avoid a potential application for costs against the Council, the notice needs to be withdrawn before the date of the inquiry. The next meeting of the Planning Committee is not until 5 August 2015.

Background

An enforcement notice relating to the land was issued on 2 October 2014. The notice alleged a material change of use of a mobile home situated on the land to use as a separate residential unit. The time limit for taking action is stated in the notice as being four years.

The land consists of a house and garden. Council officers accept that a mobile home has probably been situated in the garden for many years. Council officers also accept that it is lawful for a mobile home to be sited on the land, provided that its use remains one which is ancillary to the use of the main house. It is not lawful to use the mobile home for a separate residential use, because that amounts to a material change of use.

Mr Paul Sanderson, the owner of the land, appealed against the notice. The Planning Inspectorate decided that the appeal should take the form of a one day planning inquiry and was set for Tuesday 21 July 2015.

On the 8 July, the Council received the attached letter from PINS.

Under section 171B(2) of the Town and Country Planning Act 1990, no enforcement action can be taken for a material change of use of land after 10 years. However, in the case of a material change of use of a building to a single dwelling house, no enforcement action may be taken after four years.

Here, in essence, the Inspector appointed to deal with the case is concerned that the four year rule does not apply because the mobile home is not a 'building' and so cannot be a 'dwelling house'. Rather, he considers that the ten year rule applies, because the breach is a material change of use of the land. If this is the case, and the notice were to be amended at the Inquiry, this could cause prejudice to Mr Sanderson, who would then have to show that the use has become immune from enforcement action by having been used in this manner for ten years rather than just four.

We know very little about Mr Sanderson's case and what he would have argued at the inquiry, as he has not submitted a statement of case or a proof of evidence. Based on his enforcement appeal form, it appears that he wanted to argue that a mobile home had existed on the site since about the year 2000 and had been used since then as a separate dwelling. Whether a mobile home is a building is a matter of fact and degree and it is arguable that the mobile home here is a building. In addition, given Mr Sanderson's anticipated argument, it is arguable as to whether a change made to the notice by the Inspector would have caused any prejudice or unfairness to Mr Sanderson. However, advice from the Council's Legal Section is that it is not worth the risk of proceeding in light of the Inspector's views. To do so could result in an application for an award of costs by Mr Sanderson against the Council. The better alternative is to withdraw the enforcement notice before the date of the inquiry.

Planning Enforcement Officers will then need to re-investigate to establish whether the breach is continuing. If officers consider that a new enforcement notice should be served, then this will be the subject of a future report to the Planning Committee asking for authority to do this.

Consultations

I have consulted the Chair and Spokespersons of Planning Committee by email.

Councillors Dryden, Hipkin and Smart support the action.

Decision to be made

The decision is to be taken under Urgency powers and will be reported back to Planning Committee on 5 August 2015.



The Planning Inspectorate

Room 3/23
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5574

Customer Services:
0303 444 5000

Email: teame2@pins.gsi.gov.uk

www.planningportal.gov.uk/planninginspectorate

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

Your Ref: CE/5892

Our Ref: APP/Q0505/C/14/3000156

08 July 2015

Dear Joely Day,

Town and Country Planning Act 1990
Appeal by Mr Paul Sanderson
Site Address: 136 Perne Road, CAMBRIDGE, CB1 3NX

The Inspector appointed to determine the above appeal has pointed out that the subject enforcement notice is seriously flawed. Moreover, it is his considered opinion that it cannot be corrected without giving rise to injustice. This being so, correction is beyond the powers available to the Inspector under section 176(1) of the 1990 Act as amended.

The notice alleges, at section 3, the material change of use of a mobile home to a separate residential unit. The reasons for issuing the notice set out in section 4 refer to the four year time bar on enforcement action as specified in section 171B(2) of the 1990 Act as amended. The mobile home occupies part of the garden of an established dwellinghouse.

However, nothing in the written evidence before the Inspector suggests that the mobile home has at some point been converted to a 'building' as defined by the Act. Its residential occupation as a self-contained unit does not therefore constitute a material change of use to a dwellinghouse subject to the four year rule. Instead, the stationing of the mobile home amounts to a 'use of land' and is therefore subject to the ten year bar on enforcement action pursuant to section 171B(3).

Accordingly, the Inspector advises that, to reflect the breach of planning control perceived by the Council, the notice should have alleged:

- 'Without planning permission, the material change of use of the land to use for the stationing of a mobile home occupied as a separate unit of residential accommodation' (if the planning unit as perceived by the Council comprises just land associated with the residential use of the mobile home); OR
- 'Without planning permission, the material change of use of the land to a mixed use comprising a single dwellinghouse and land used for purposes incidental thereto and use for the stationing of a mobile home occupied as a separate unit of residential accommodation' (if the planning unit as perceived by the Council comprises the

whole of the original curtilage of the established dwellinghouse).

The Inspector considers that it remains less than clear from the Appellant's written submissions as to whether he seeks to establish under ground (d) an immunity from enforcement action by reason of continuous use of the land for one of the above options over a period of ten years prior to the issuing of the notice or over a shorter period. In view of this uncertainty, he is obliged to assume that the Appellant's focus for the purposes of ground (d), in preparing for the Inquiry, may well have been the four year period cited erroneously in the notice and that he may have been misled by that erroneous reference. The Appellant would thus be denied the opportunity to prepare his ground (d) case in the certain knowledge that he should focus on a ten year period of use if the Inspector corrected notice. It is therefore the Inspector's current view that, should the enforcement notice remain before him, it is beyond correction and he would have no option but to quash it. This could, of course, have implications for costs.

Accordingly, the Inspector invites the Council to consider, as a matter of urgency, withdrawing the current enforcement notice and reissuing it in the correct form under the 'second bite' provisions of section 171B(4)(b). The current appeal and associated Inquiry would thus fall away. However, the Appellant would enjoy a further right of appeal against the reissued notice. Please confirm in writing the Council's chosen course of action and, if it is minded to withdraw the notice, take the necessary steps within 7 days from the date of this letter. Prompt action is required in view of the close proximity of the Inquiry date.

Should the Council decide that it wishes to press ahead with the Inquiry irrespective of the Inspector's advice, please note that the Inspector will require:

- A list of those to whom the Council's notification letter dated 5 January 2015 was sent (which, although listed as an attachment to the Questionnaire, does not seem to have been received); and
- An agreed Statement of Common Ground (which, as the Appellant is not professionally represented, the Council should initiate and coordinate).

These items should all be received at this office at least one week before the Inquiry.

Yours sincerely,

Richard Vause

Richard Vause

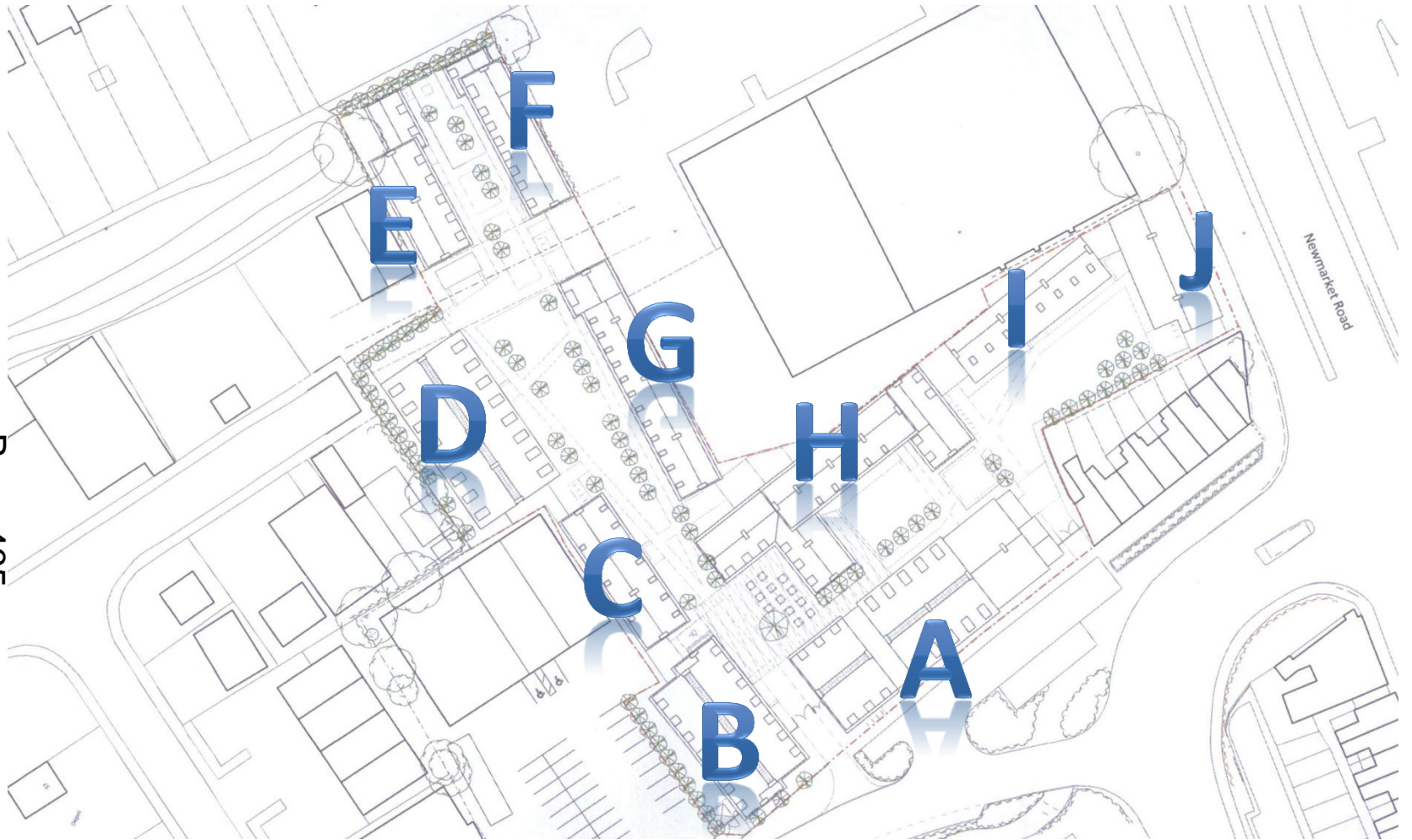
Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

MAJOR APPLICATIONS

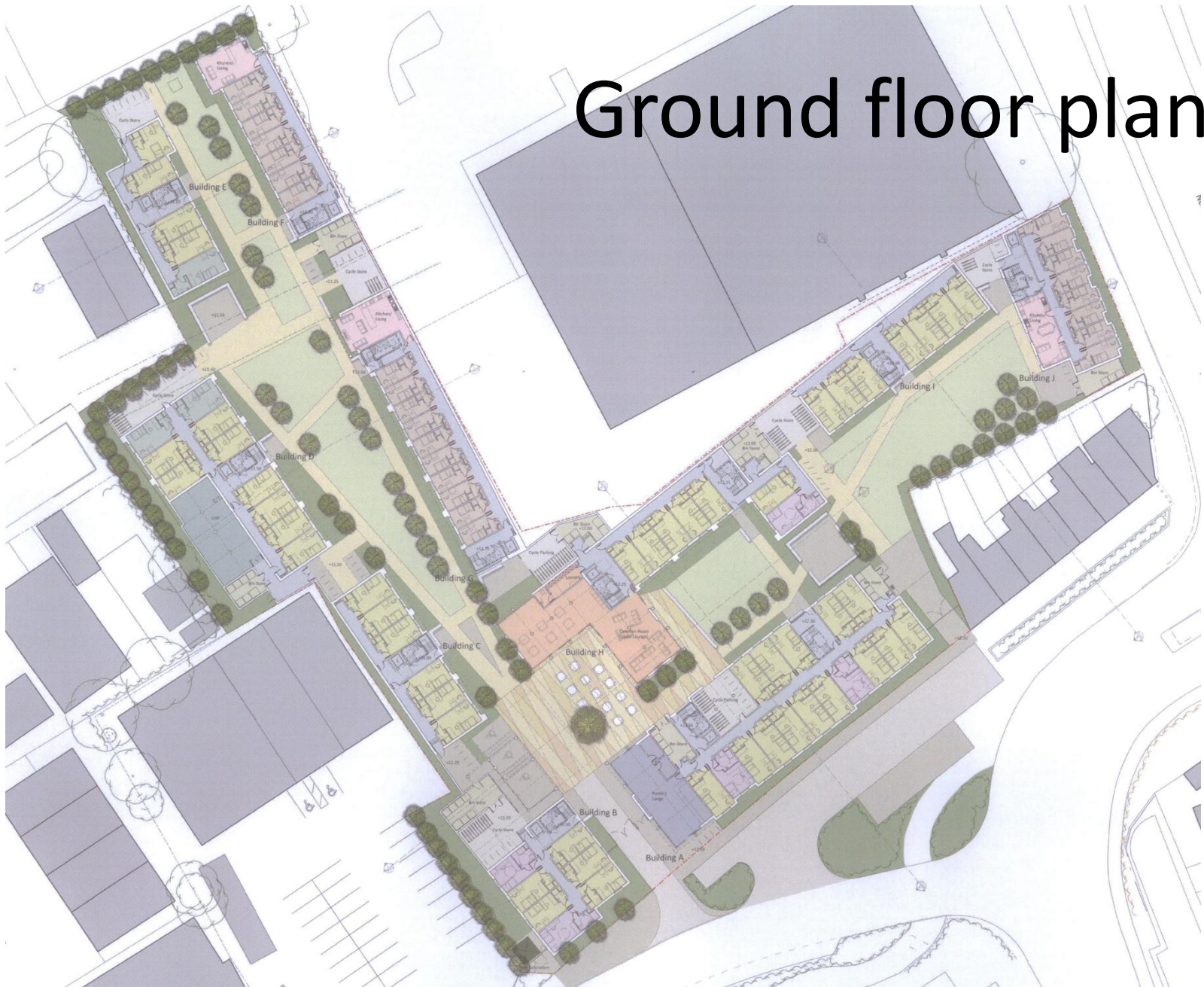
8,10 and 10A Cheddars Lane and
351-355 Newmarket Road

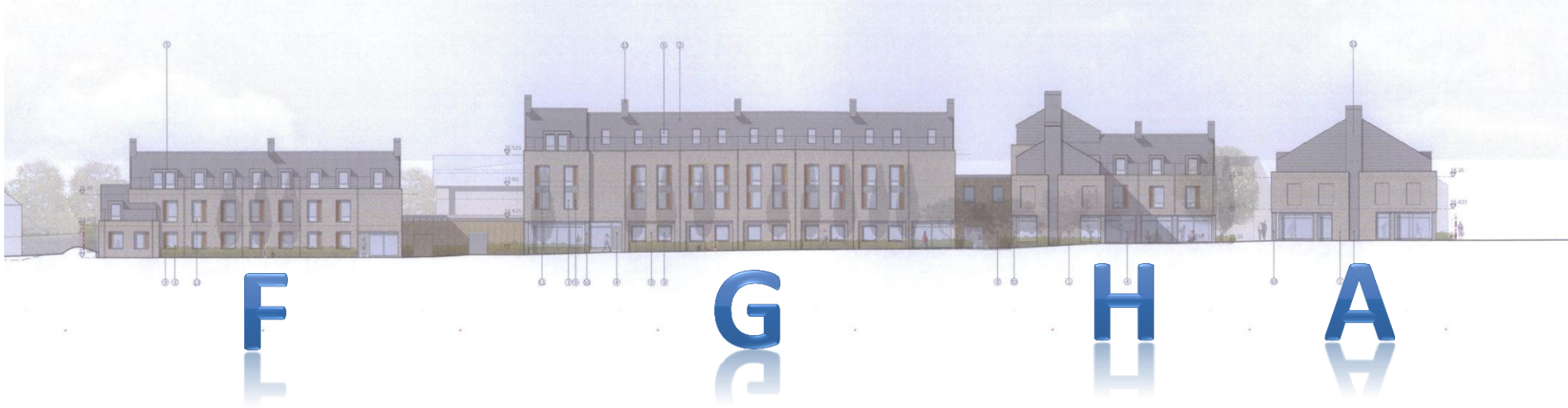
15/0398/FUL

Site plan



Ground floor plan





Elevations from
within main courtyard axis



Elevation from NW (City Church side)



From Cheddars Lane



From Newmarket Road

Elevations

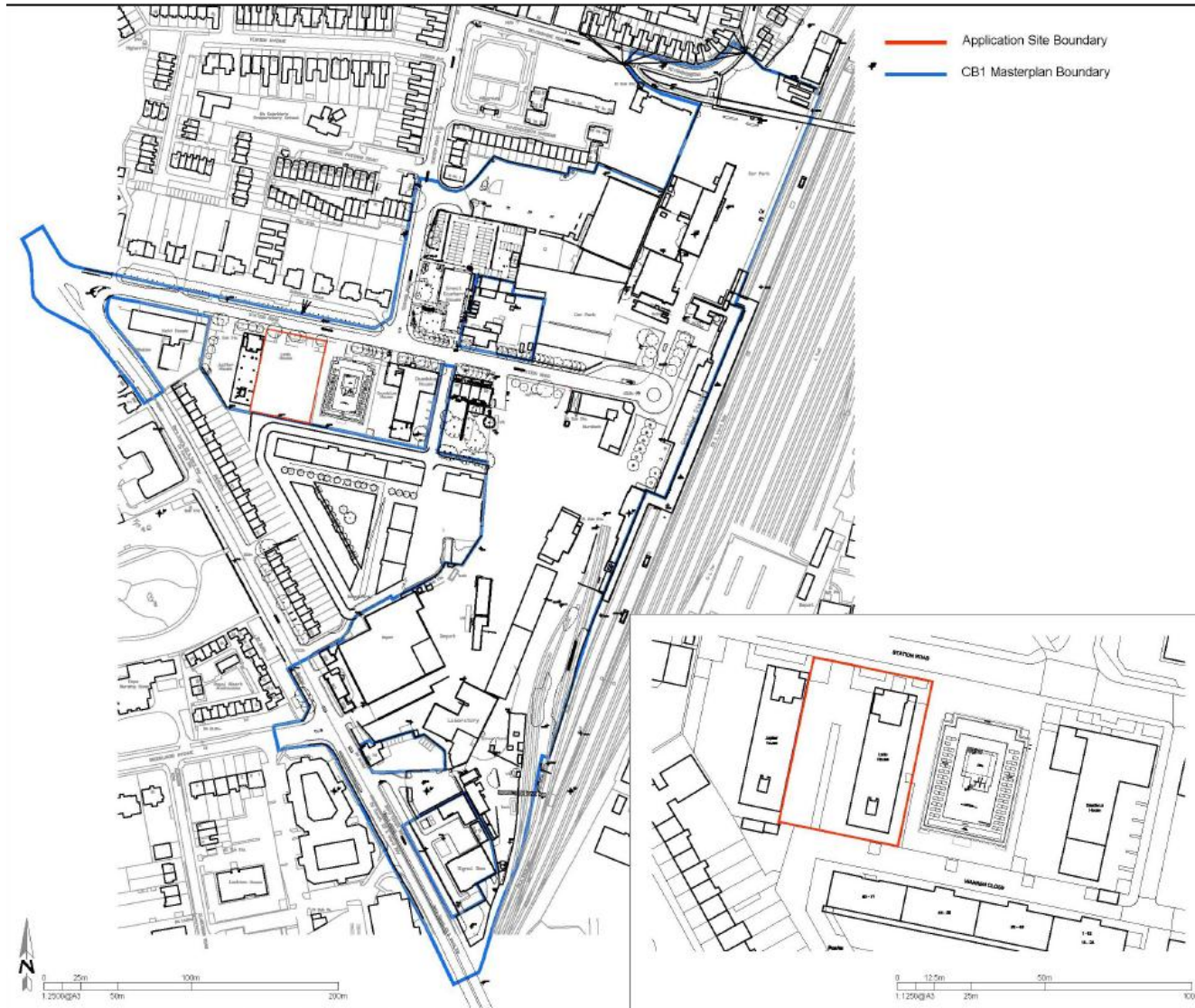


Aerial view from west

20 Station Road

15/0864/FUL

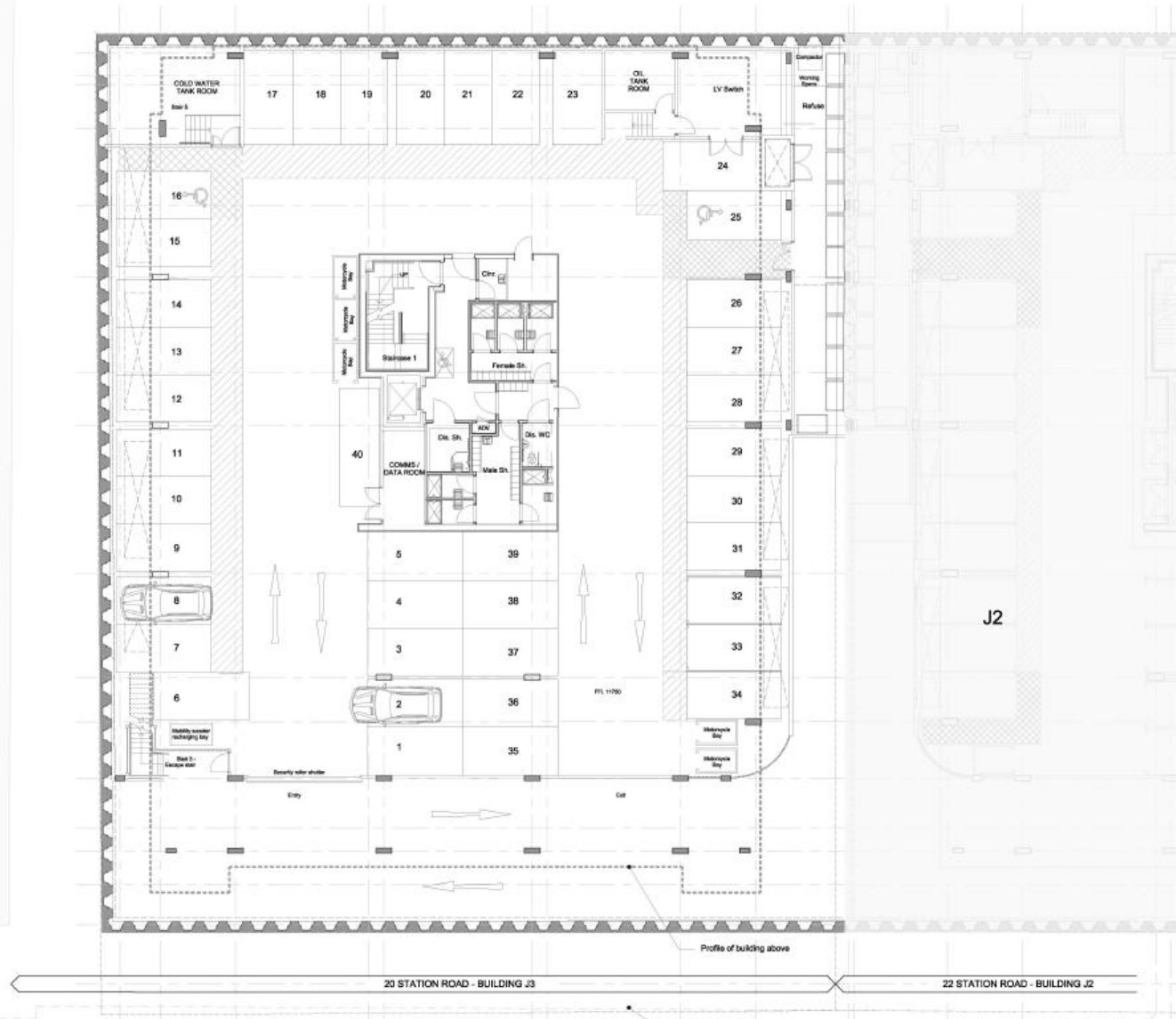
Location plan



Basement plan

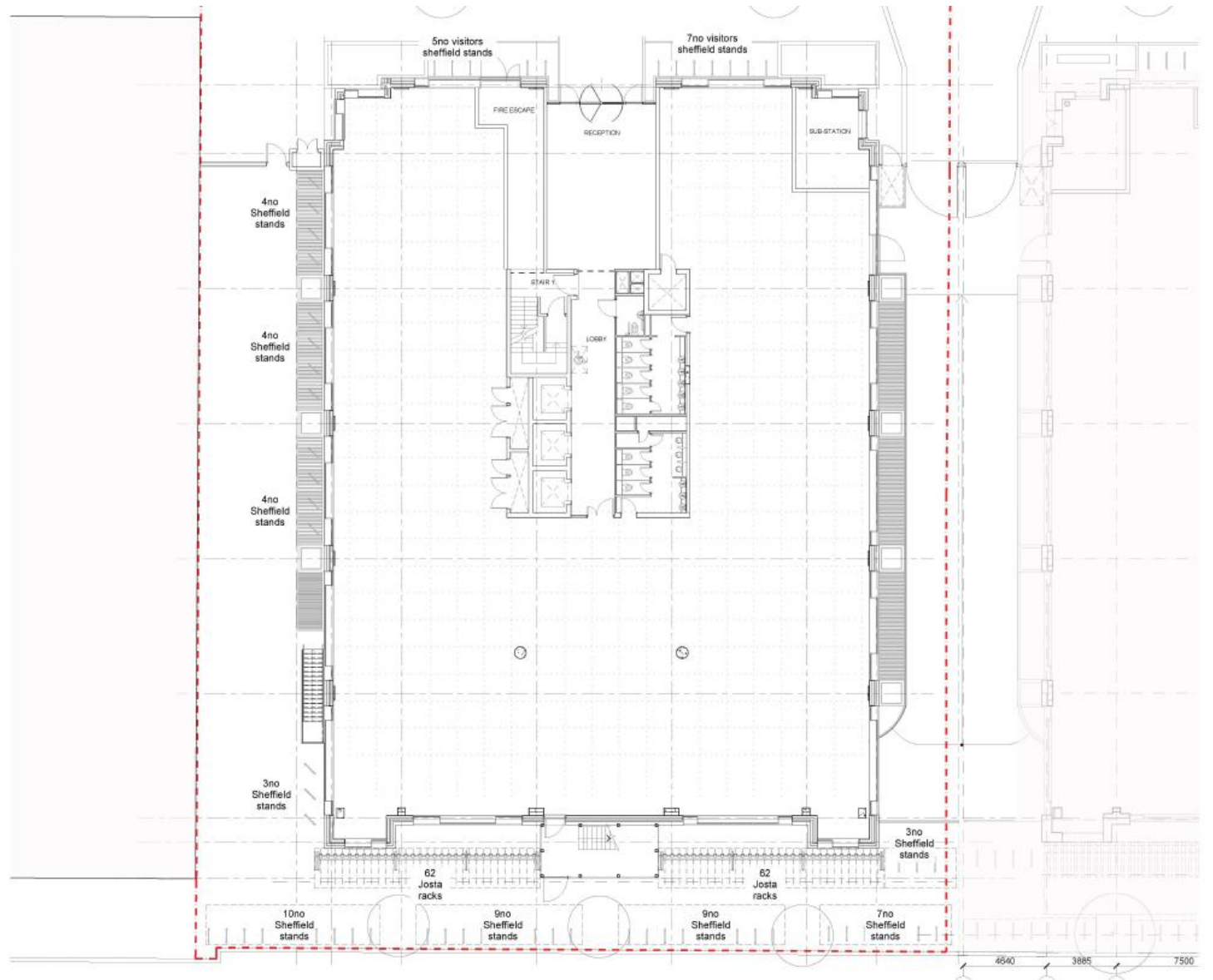
Page 473

Jupiter House

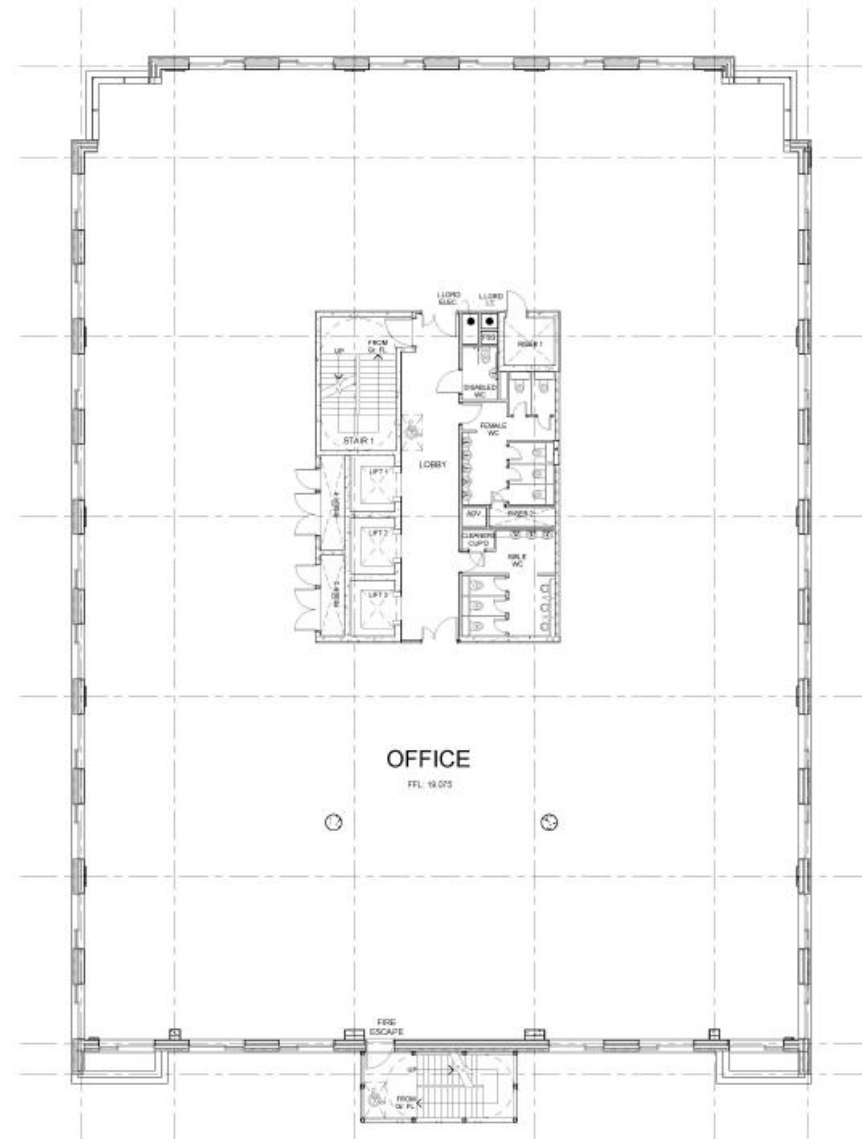


Ground floor plan

Page 474

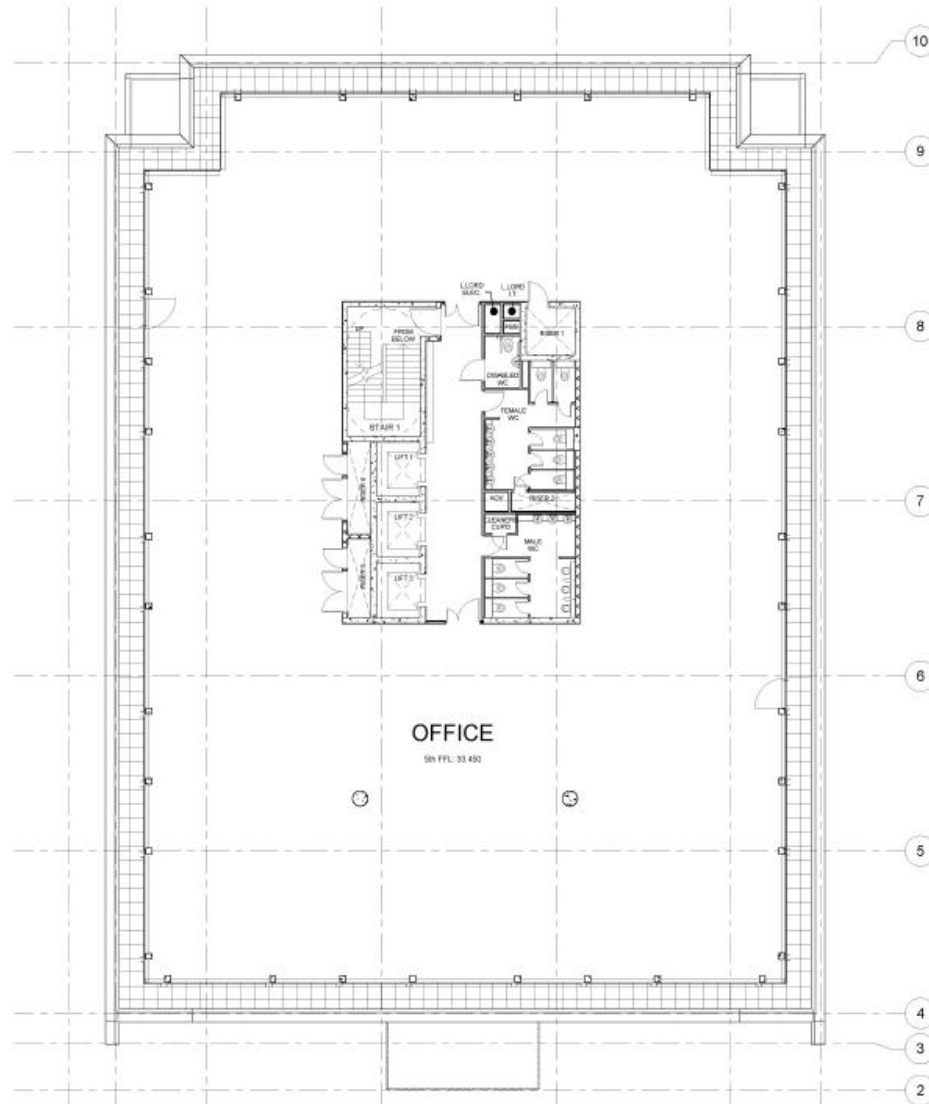


1st, 2nd and 3rd floor plans



5th floor plan

Page 476



North elevation



Page 478



South elevation



West elevation

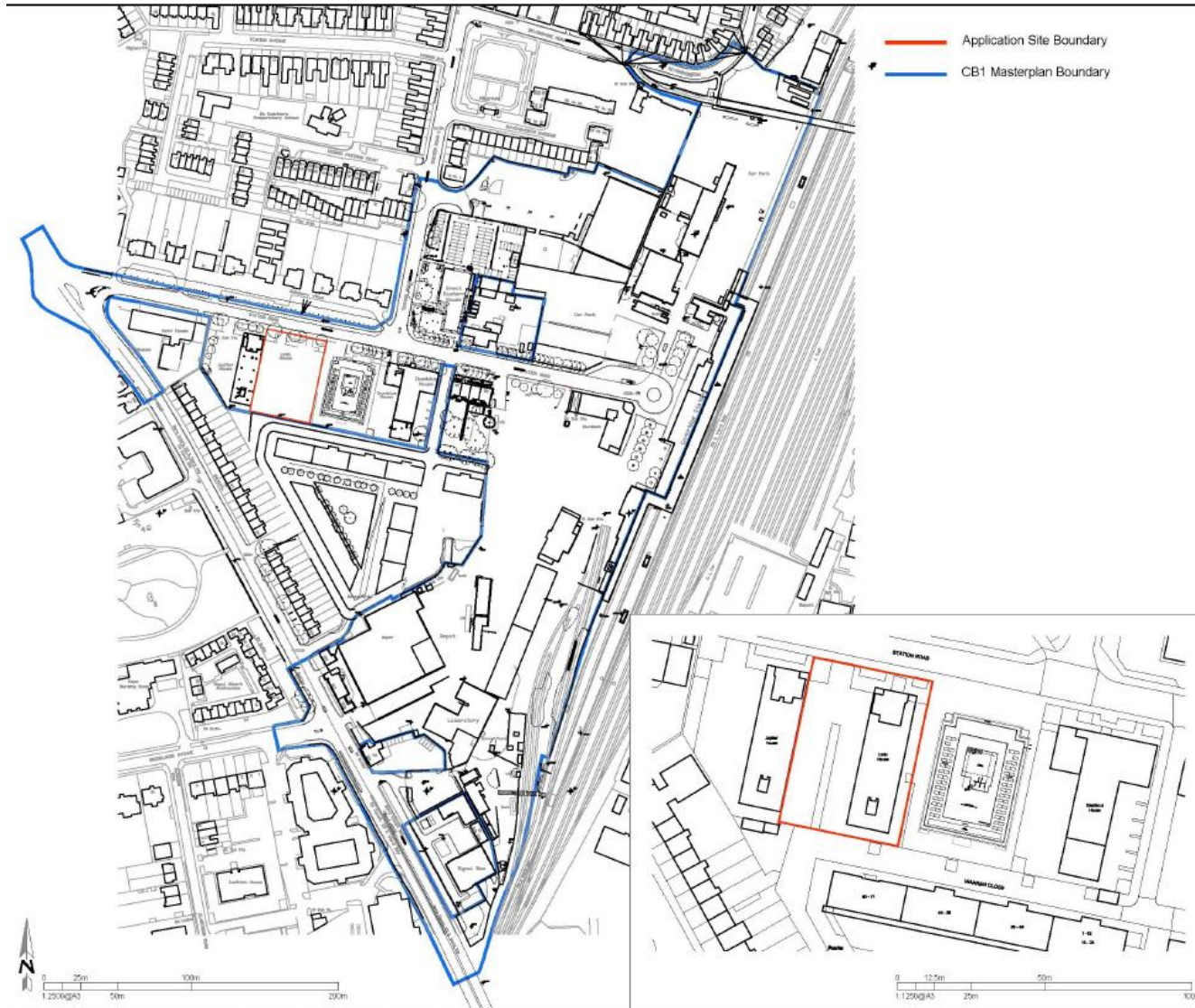
Page 480



20 Station Road

15/0865/FUL

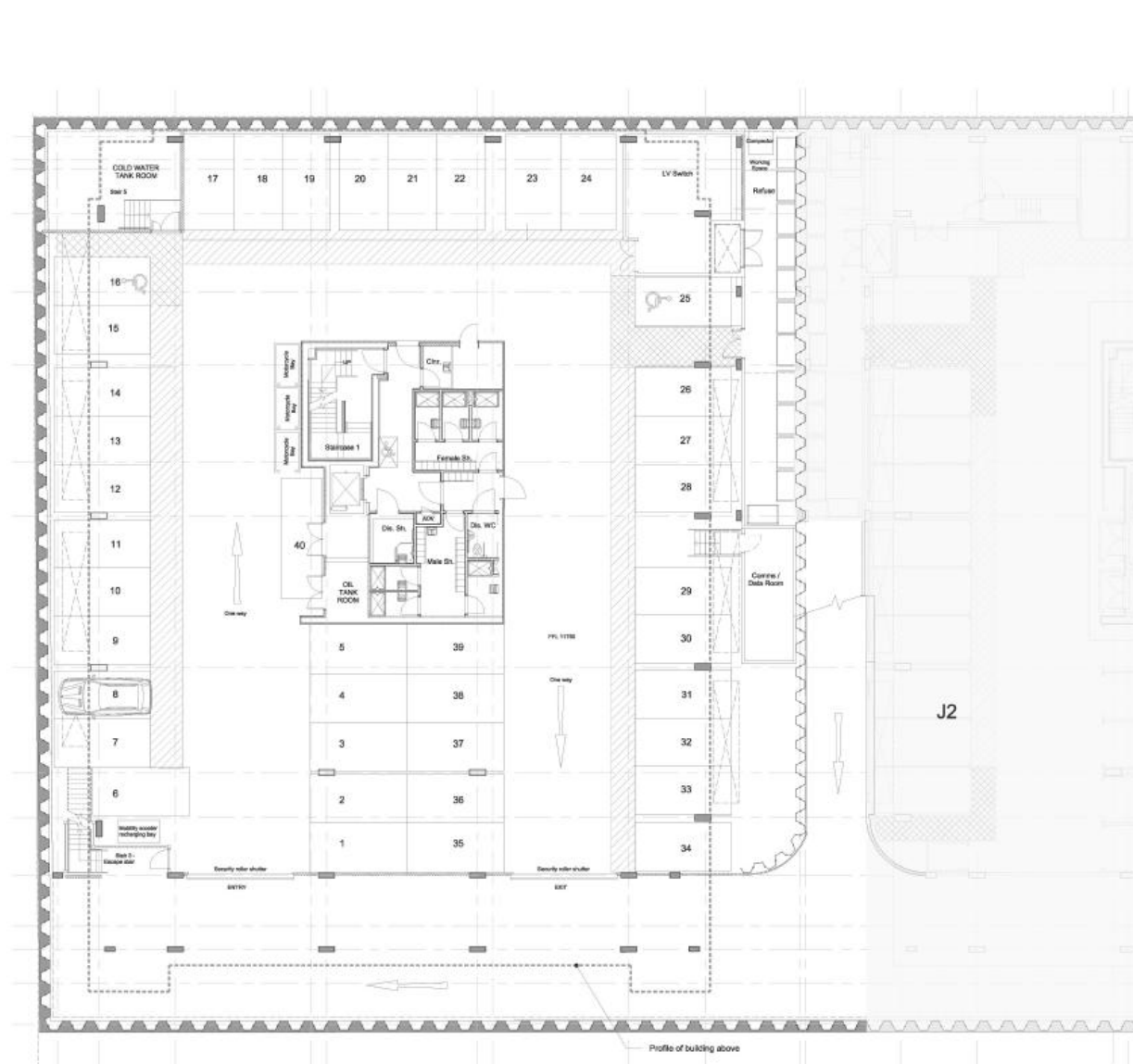
Location plan



Basement plan

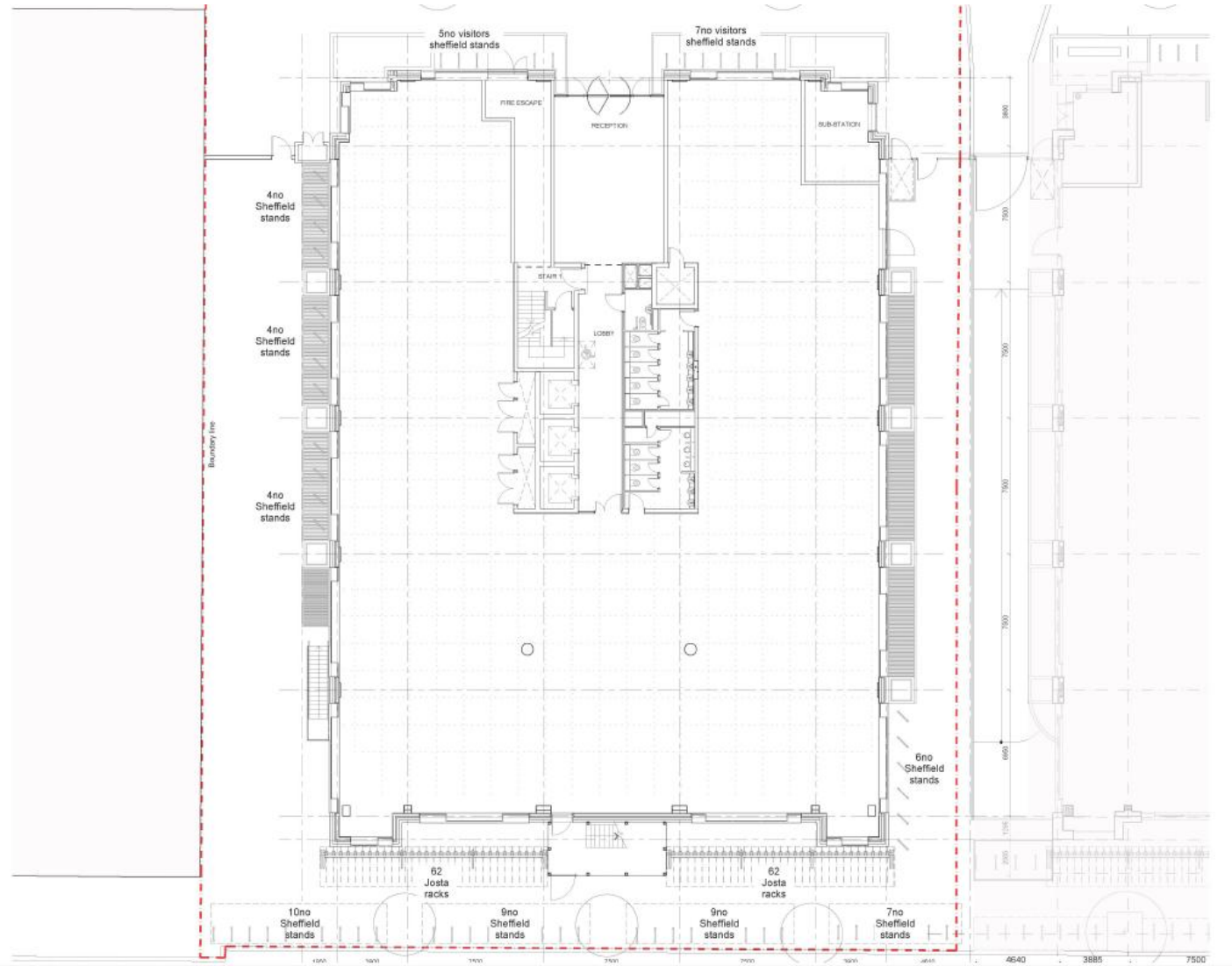
Page 483

Jupiter House

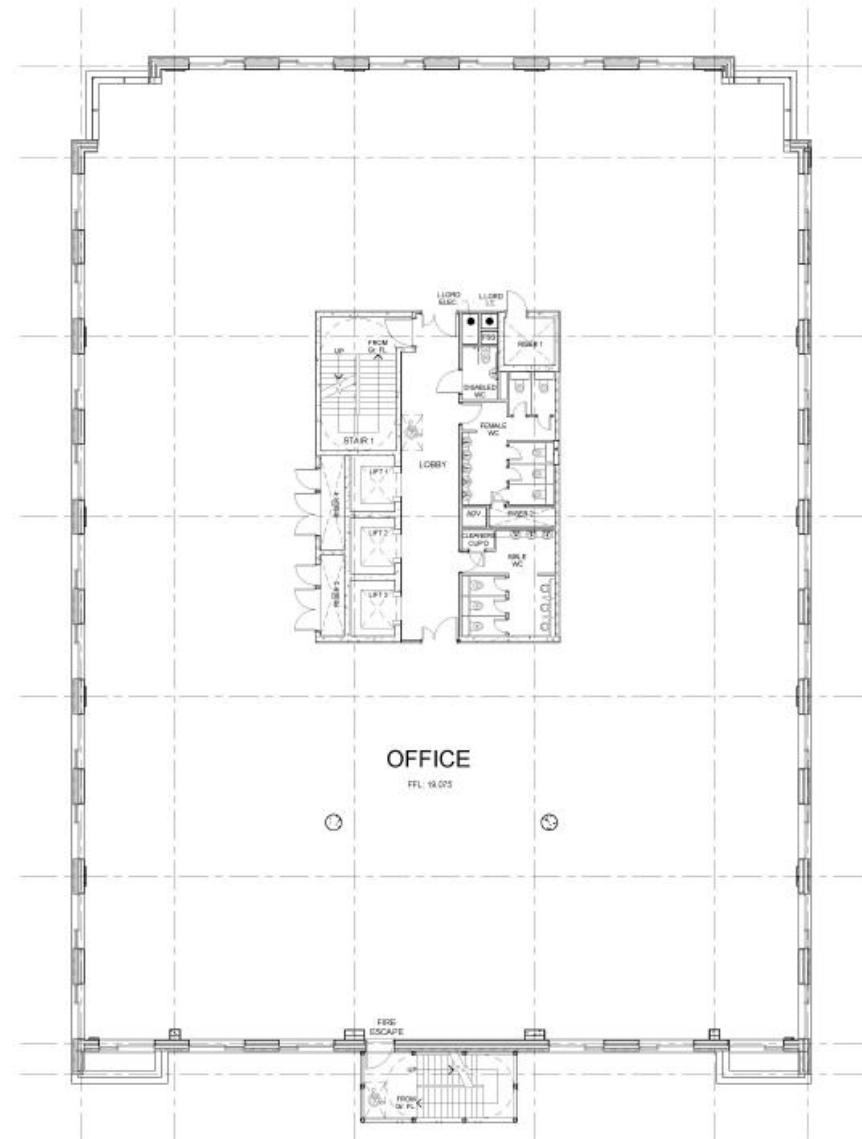


Ground floor plan

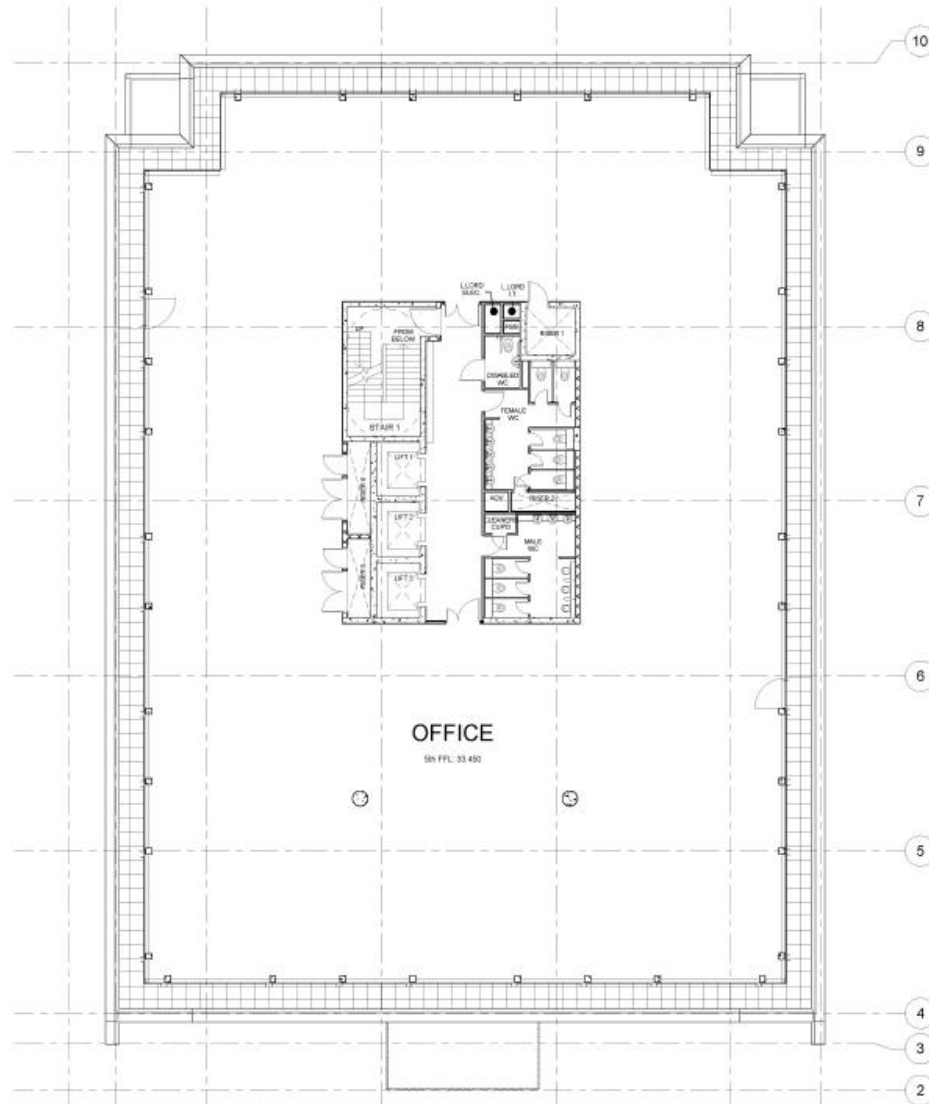
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1st, 2nd and 3rd floor plans



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North elevation



East elevation

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South elevation



West elevation

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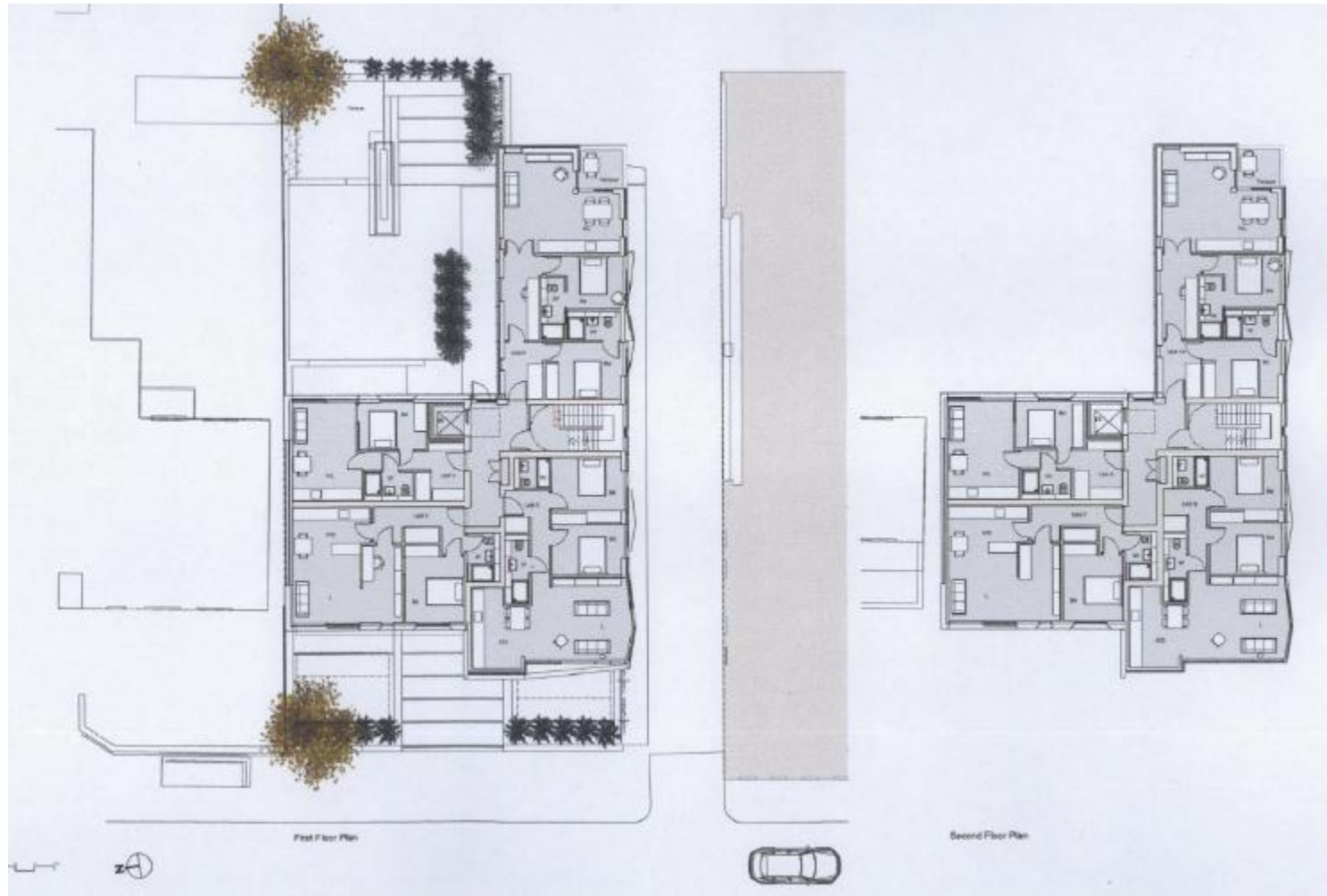
186-188 Histon Road

15/0120/FUL

Site Layout Plan



First & Second Floor Plan



Elevation Plan



Page 495

Front elevation (west) facing Histon
Road

Elevations



Side elevation (south)



Rear elevation (east)

CGI from Histon Road

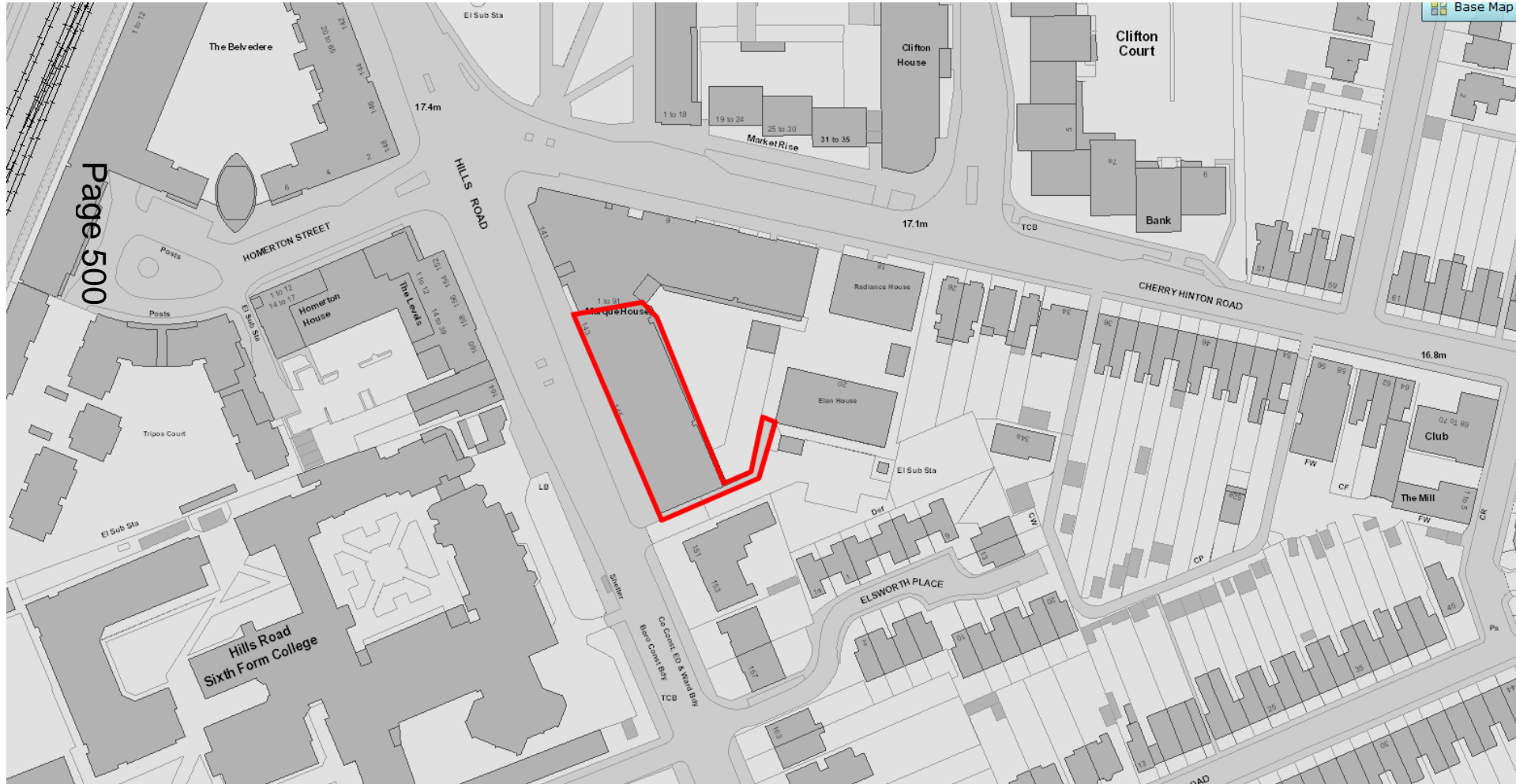


MINOR/OTHER APPLICATIONS

Marque House, 143 Hills Road

15/1045/FUL

Location Plan



Basement Plan

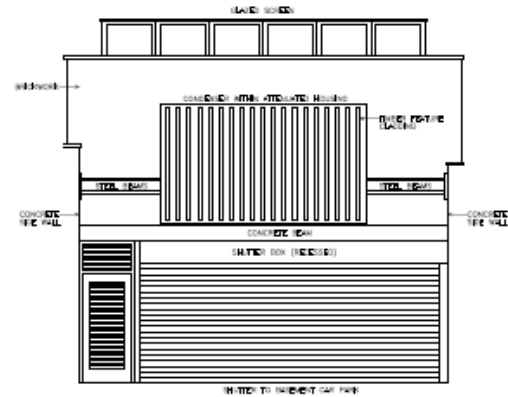


BASEMENT PLAN

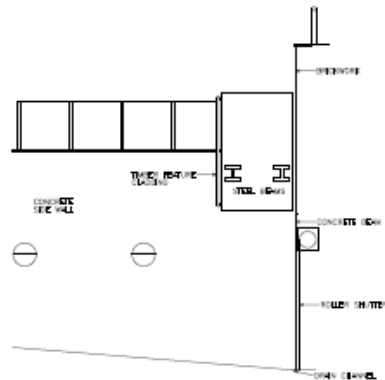
Elevations



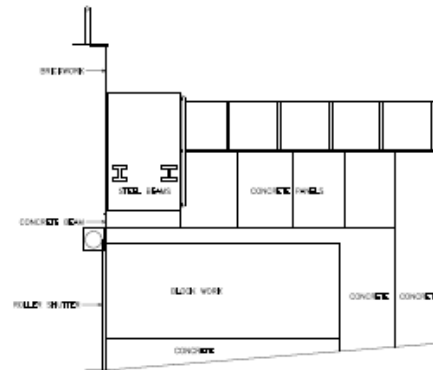
RAMP PLAN @ 1:100



ELEVATION 'A' @ 1:50

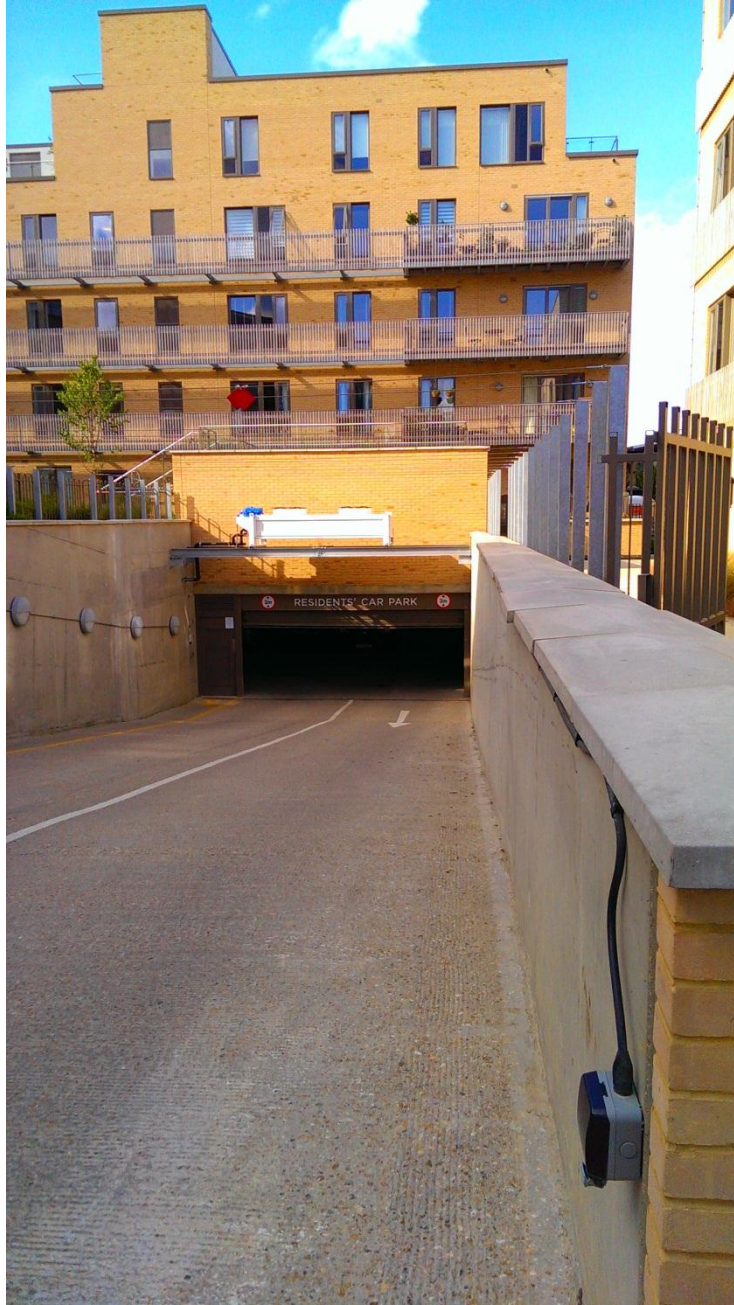


ELEVATION 'B' @ 1:50



ELEVATION 'C' @ 1:50

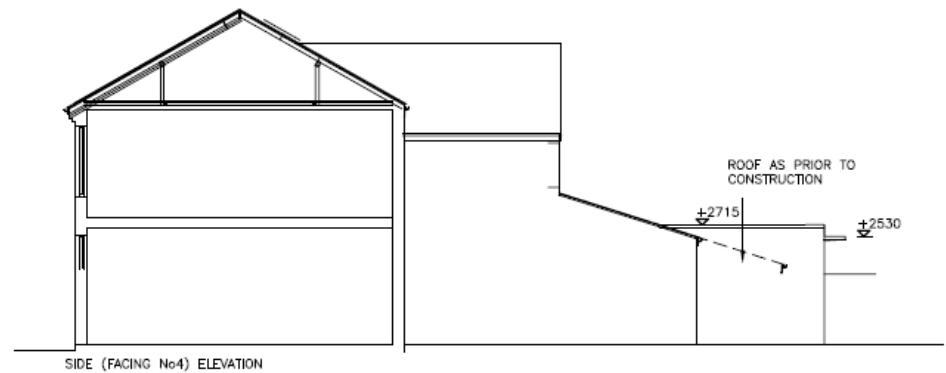
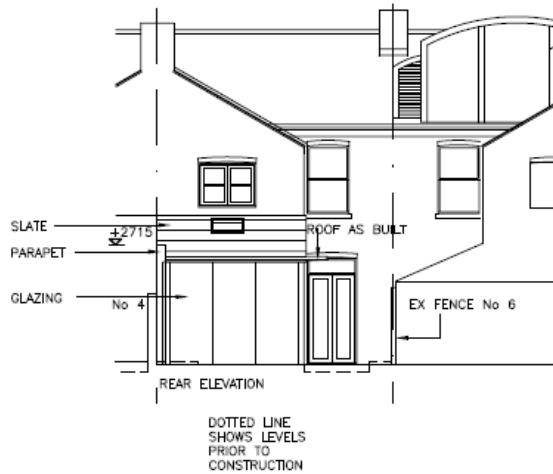
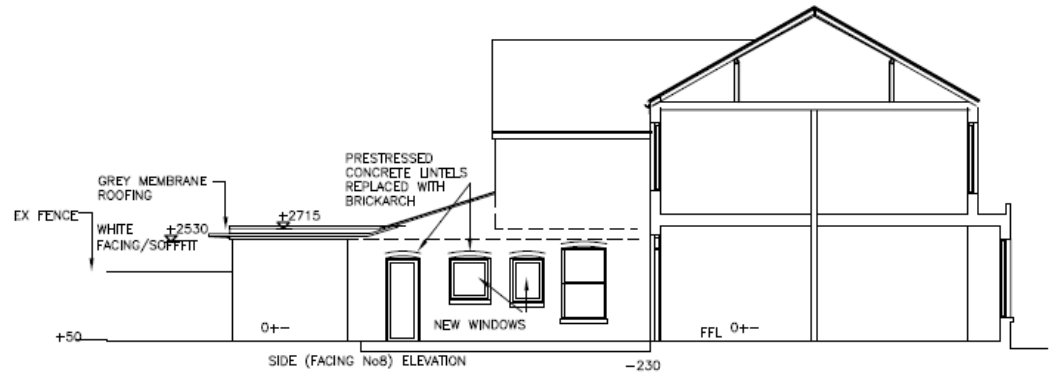
Photo



6 Hardwick Street

15/0842/S73

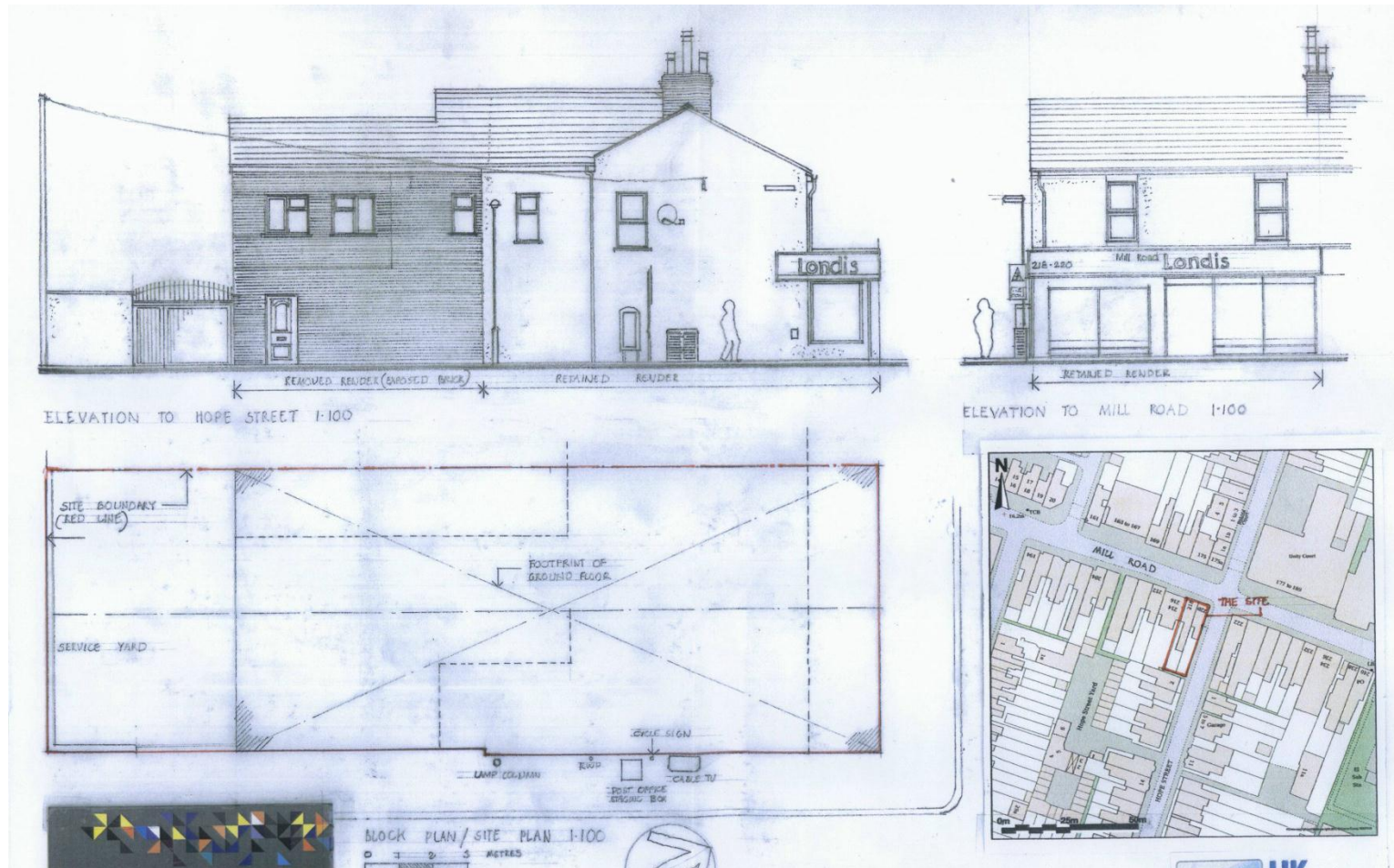
6 Hardwick Street elevations



218A-220 Mill Road

15/0962/FUL

Londis 218-220 Mill Road



564 Newmarket Road

15/0602/FUL

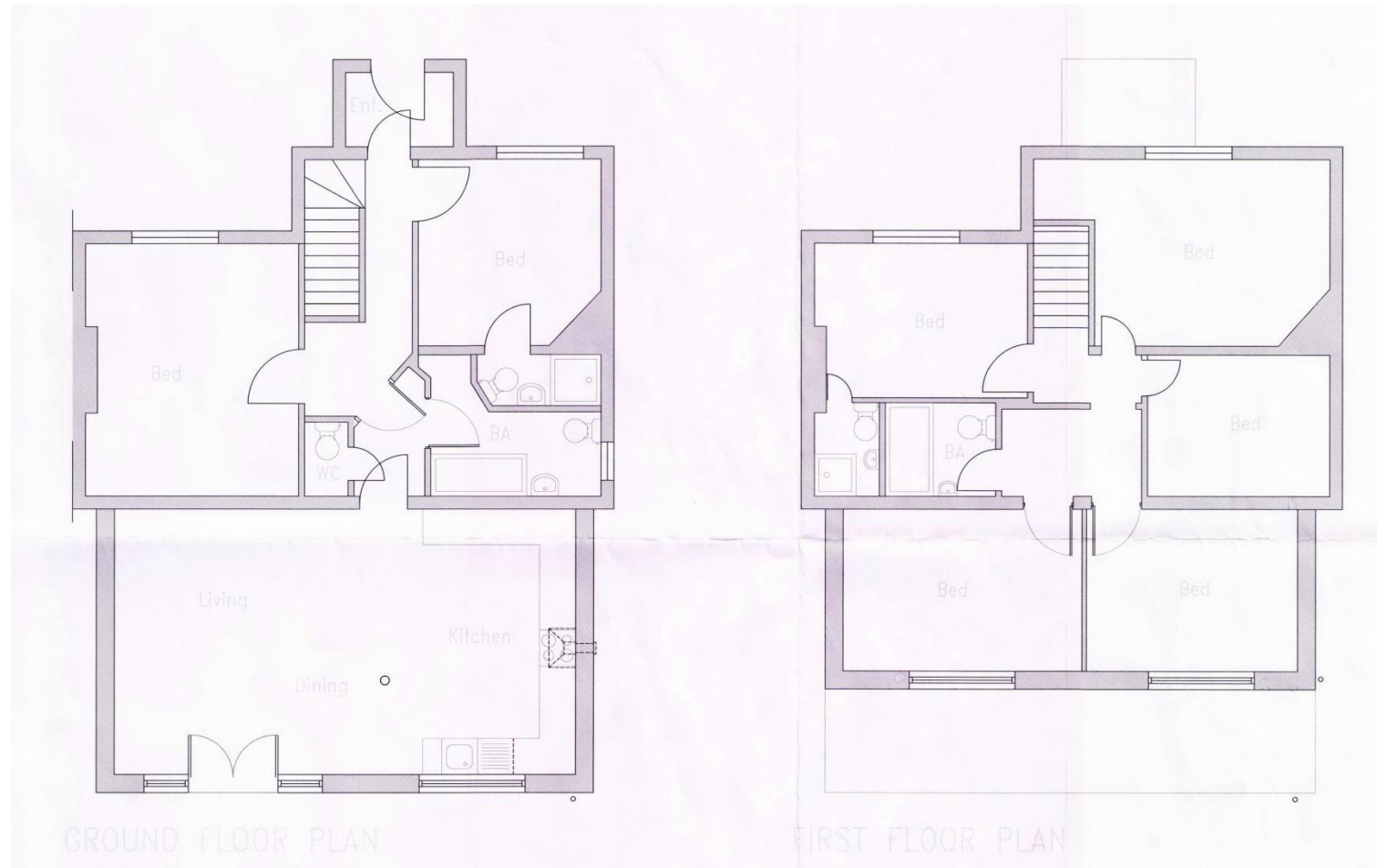
Location Plan



Location Plan 1:2500 © A4

Floor plans

Page 510



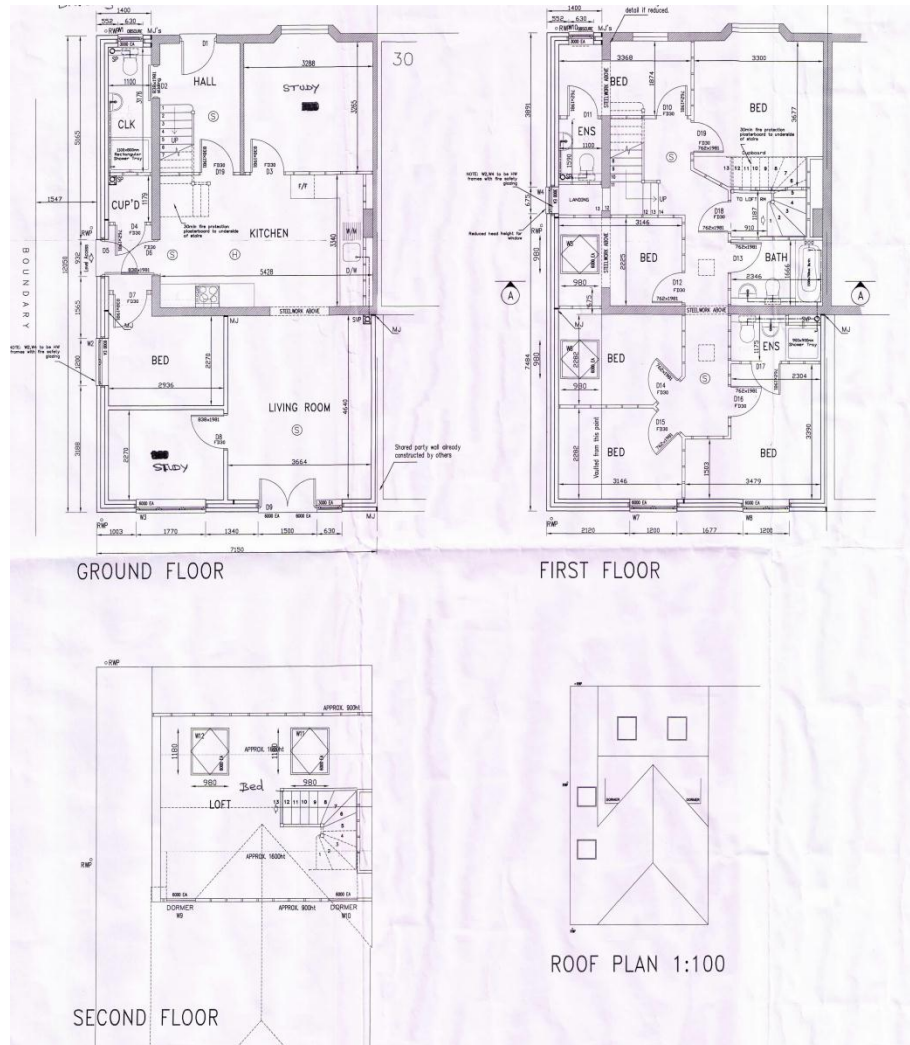
31 Gisborne Road

15/0603/FUL

Site plan



Floor plans

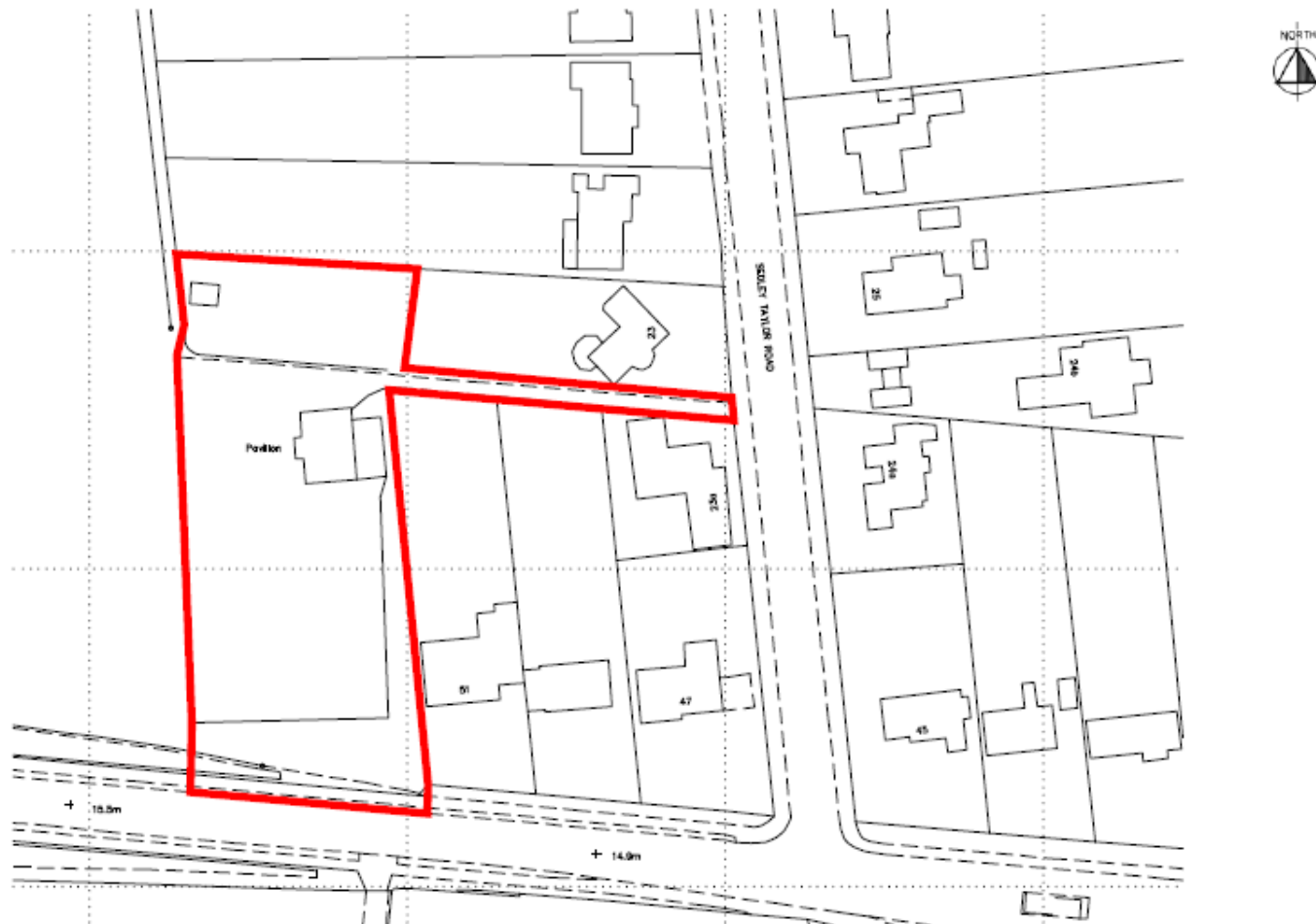


Cantabrigian Rugby Club, Sedley Taylor Road

15/0287/FUL

Location Plan

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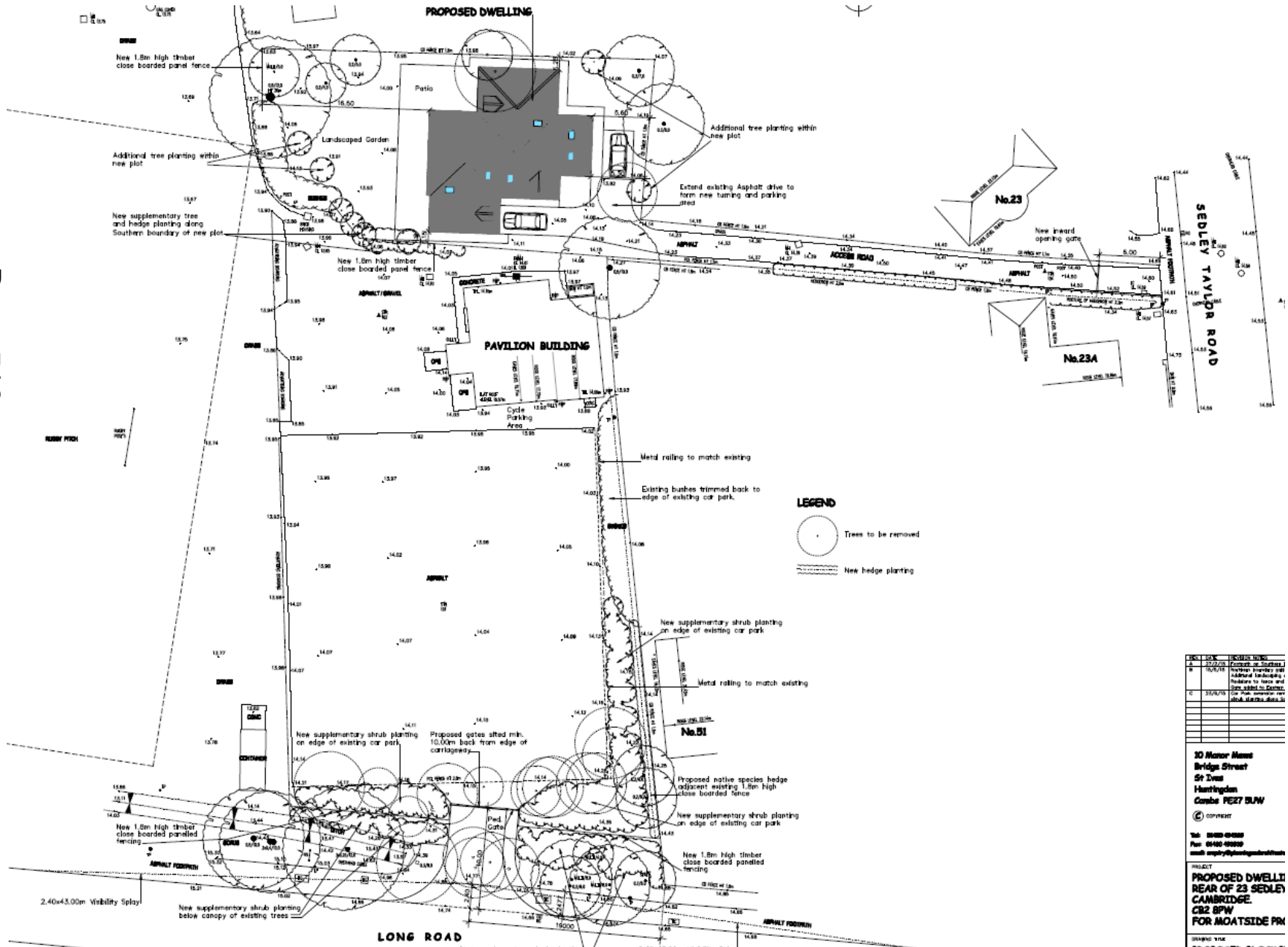
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Location Plan - 2014/01/00

Scale - 1:1250 @ A4

Block Plan

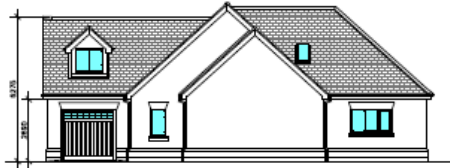
Page 516



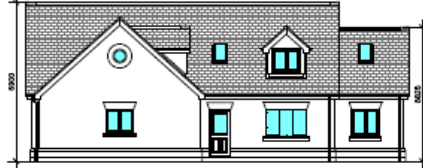
NO.	DATE	REVISIONS
1	12/12/18	Complete all drawings
2	15/01/19	Revised boundary and additional landscaping, residents to trees and gate added to scheme
3	21/01/19	Car park dimensions and gate added to scheme

10 Manor Mount
Bridge Street
St Ives
Huntingdon
Cambs PE27 5UP
 © COPYRIGHT
 Tel: 01455 434333
 Fax: 01455 435555
 Email: enquiries@huntingdon.co.uk
 PROJECT
PROPOSED DWELLING
REAR OF 23 SEDLEY
CAMBRIDGE
CB2 8PW
FOR MOATSIDE PARK
 DRAWING TITLE

Dwelling Plans



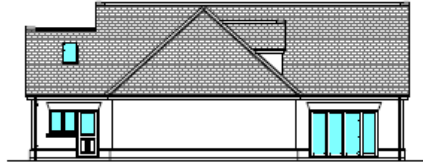
East Elevation



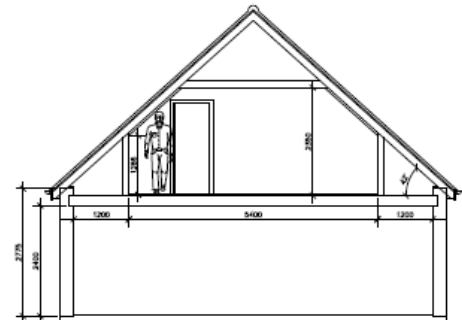
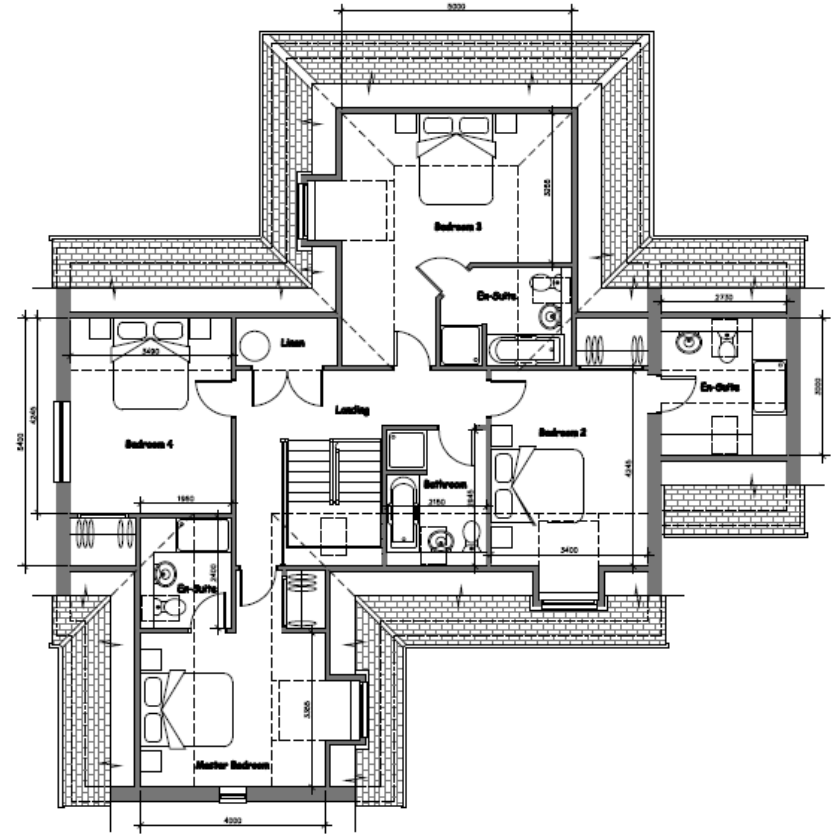
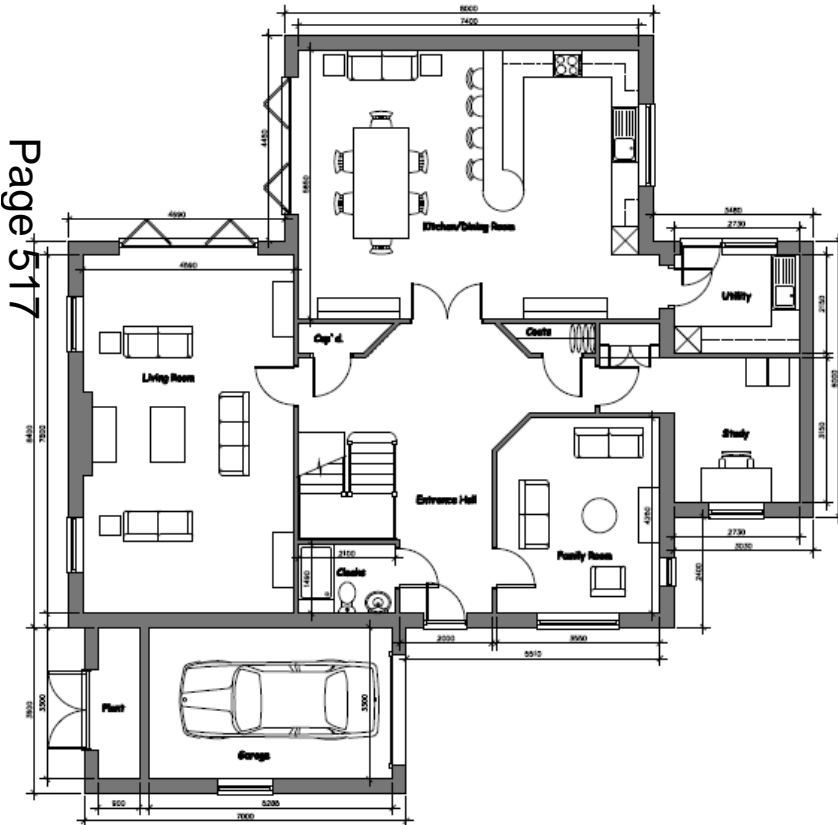
South Elevation



West Elevation



North Elevation



TYPICAL SECTION

2 Bulstrode Gardens

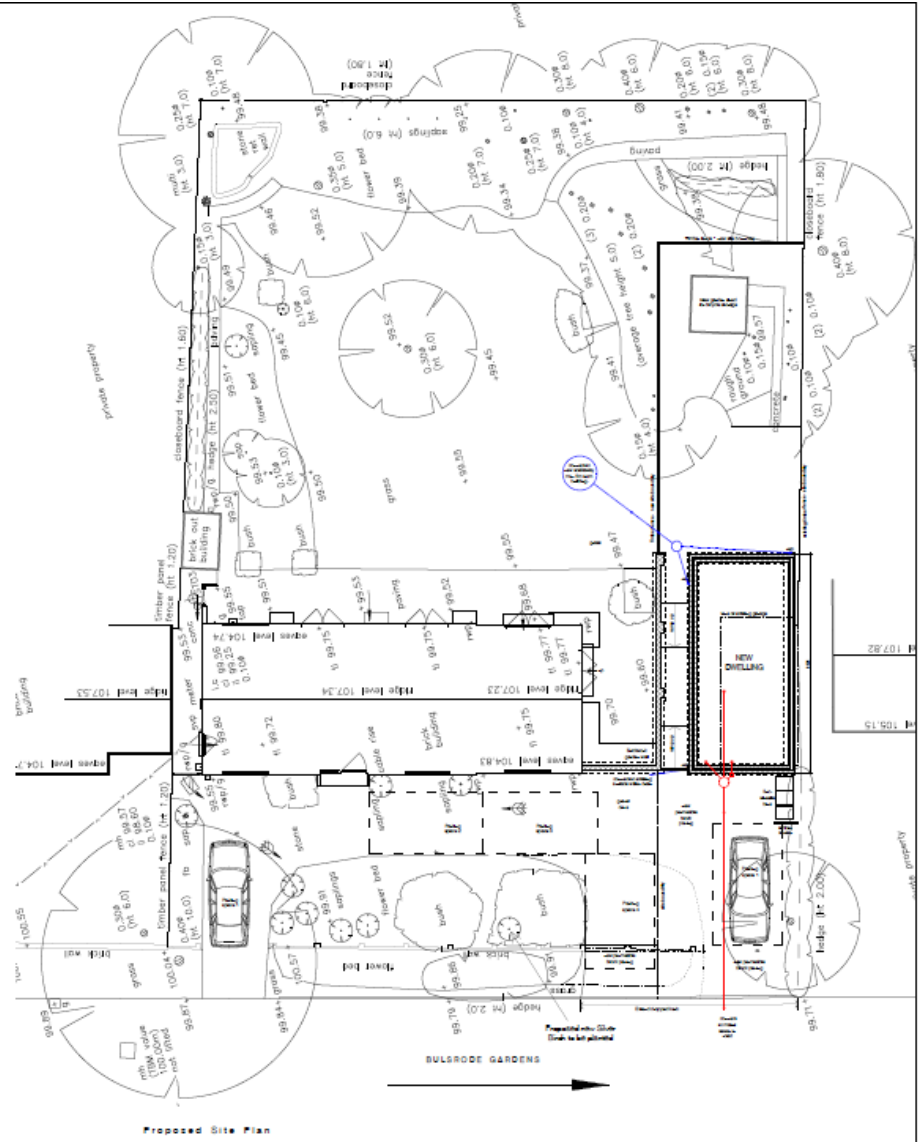
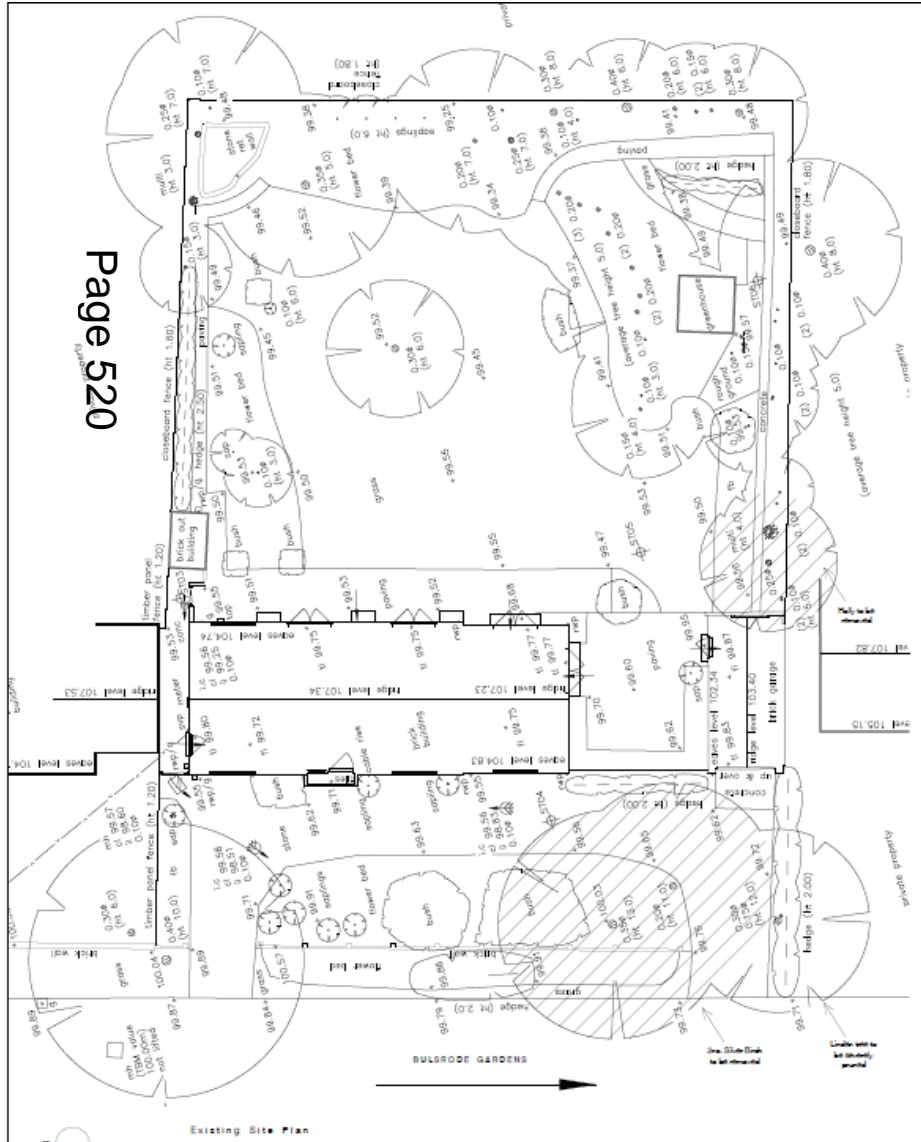
15/0793/FUL

Location Plan

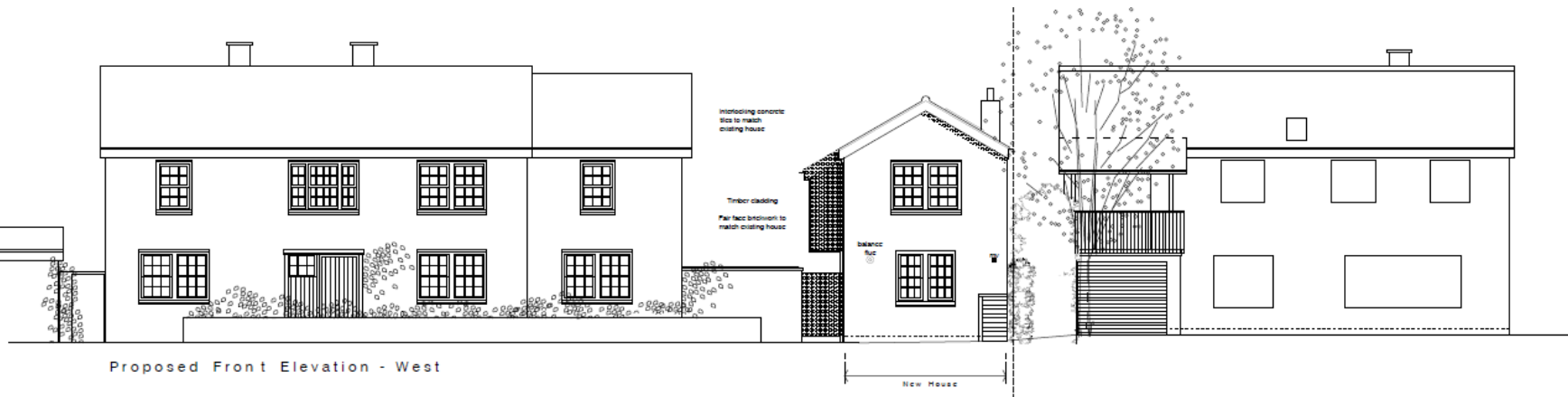


Existing and Proposed Site Plans

Page 520

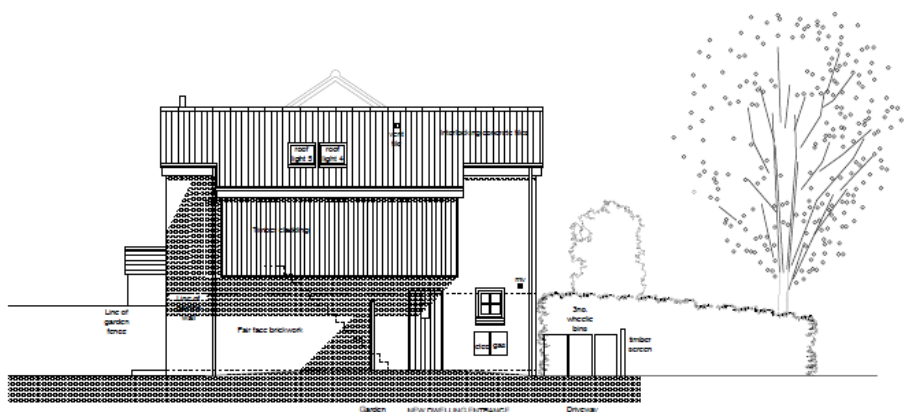


Elevations

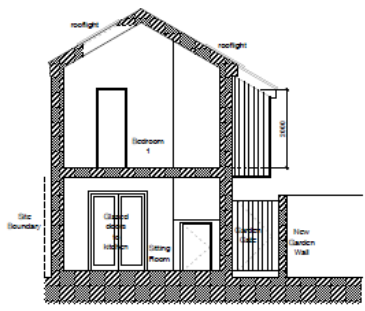


Proposed Front Elevation - West

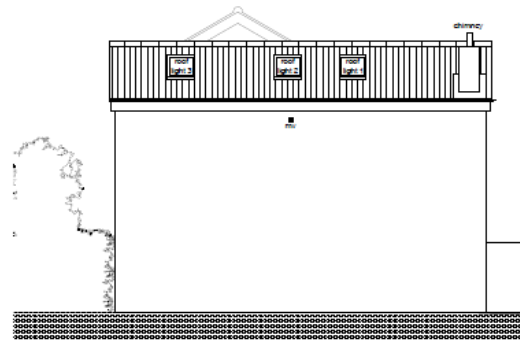
Page 521



Proposed North Elevation

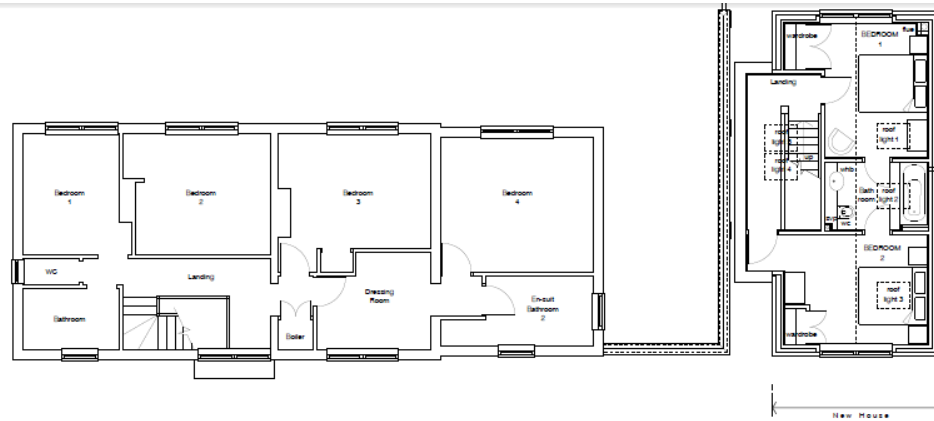


Proposed Section

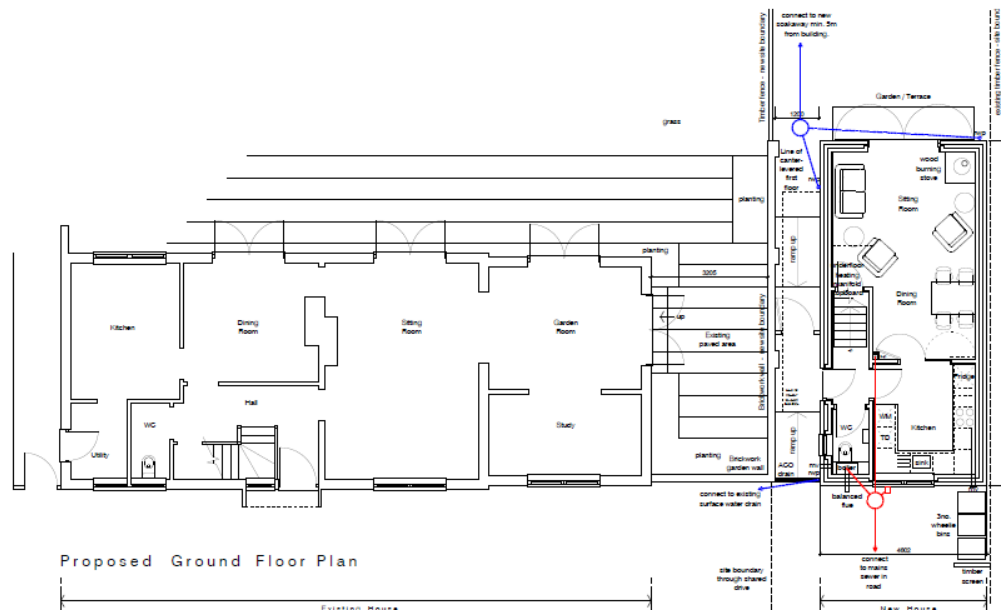


Proposed South Elevation

Floorplans



Proposed First Floor Plan



Proposed Ground Floor Plan

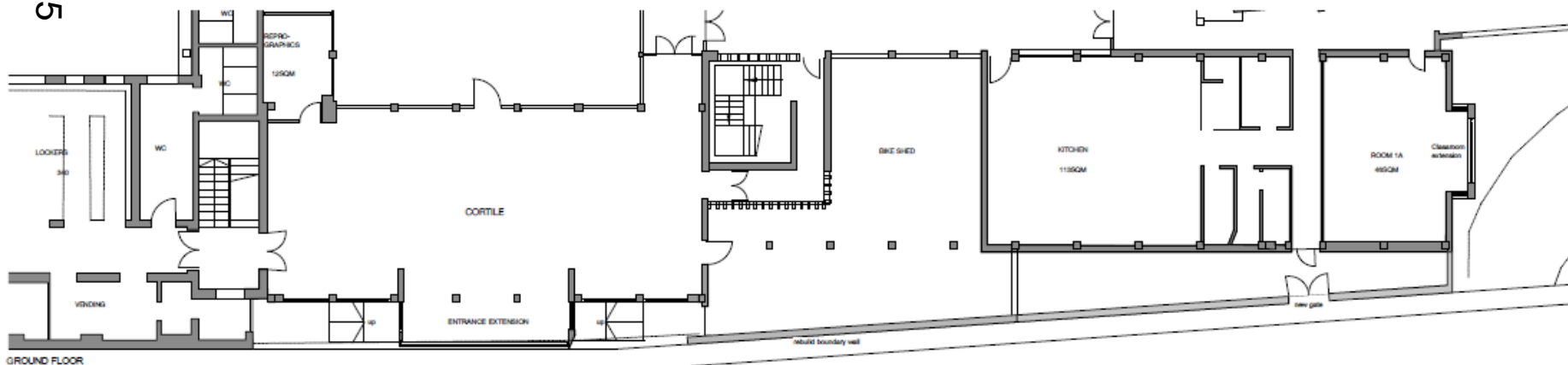
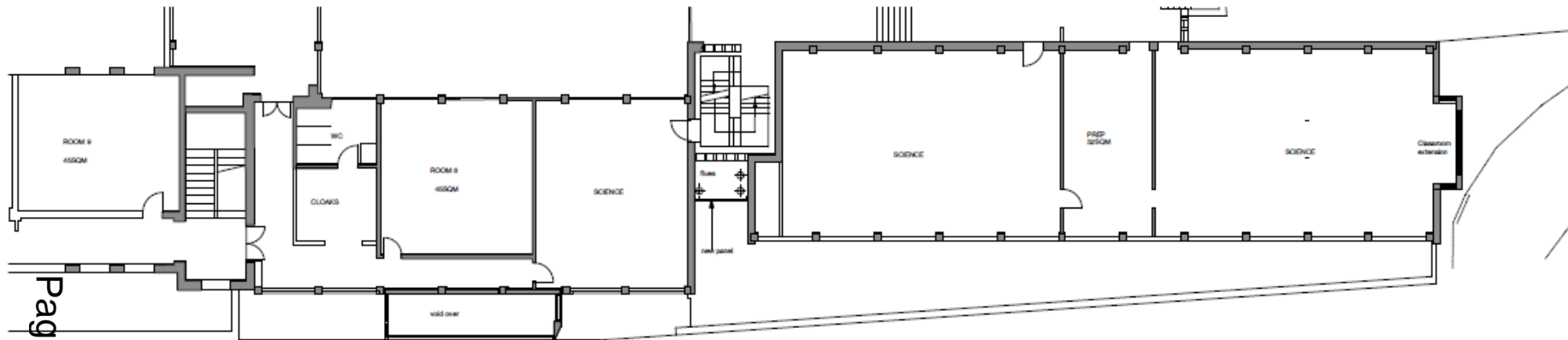
St Marys School, Bateman Street

15/0787/FUL

Location Plan

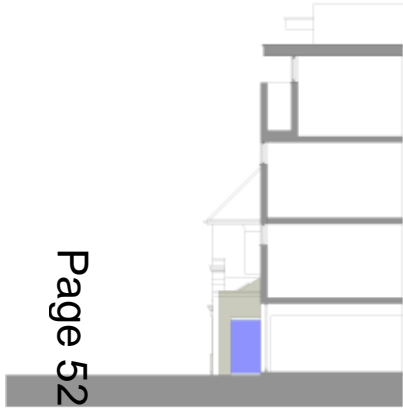


Floorplans

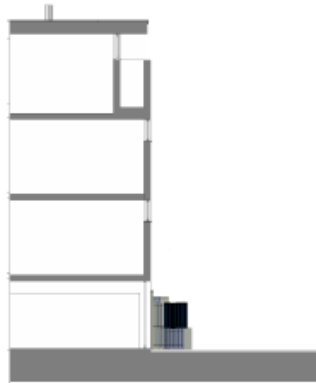


Existing Elevations

Page 526



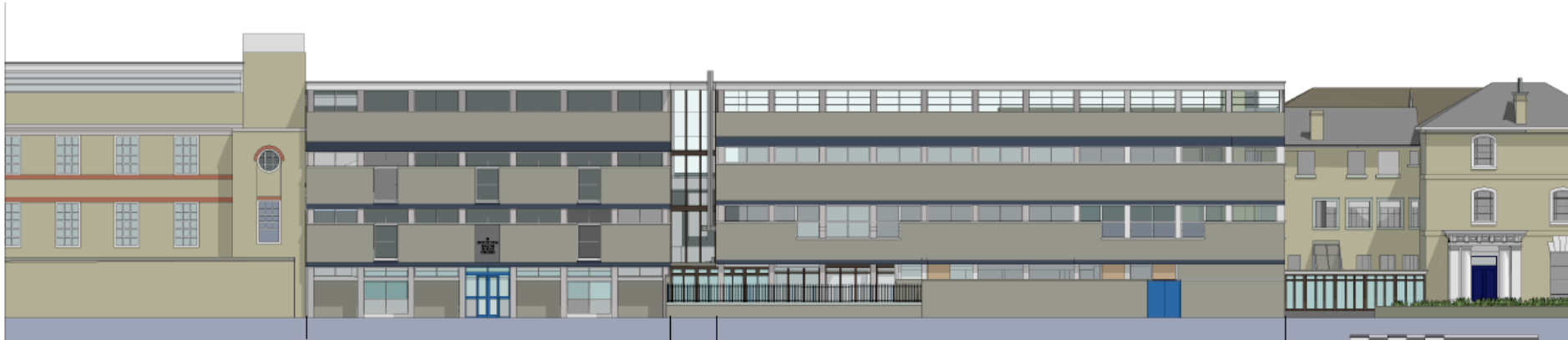
CORTILE ENTRANCE (EAST)



CORTILE ENTRANCE (WEST)



SCIENCE BLOCK EAST ELEVATION



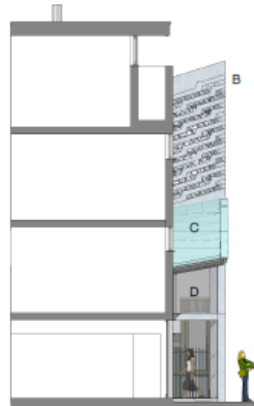
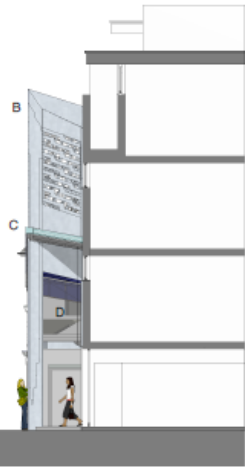
NORTH ELEVATION, CORTILE AND SCIENCE BLOCK (BATEMAN STREET)

CORTILE

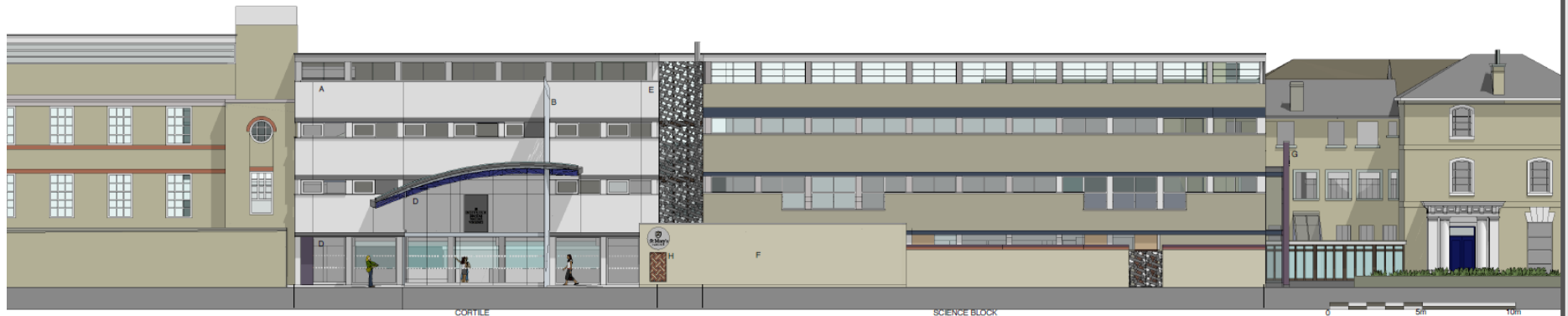
SCIENCE BLOCK

0 5m 10m

Proposed Elevations



Page 527



NORTH ELEVATION (BATEMAN STREET)

CORTILE

SCIENCE BLOCK

0 5m 10m

3D Images

3d images of proposals (clockwise from right):
 1. view west from Balmian Street;
 2. proposed entrance and canopy from Panton Street;
 3. proposed extended bay to science block and signage looking east;
 4. new entrance, canopy, signage and screening the extract flues;
 5. entrance and canopy east from Balmian Street.



3 Fendon Close

15/0924/FUL

Location Plan



Existing

Site Plans

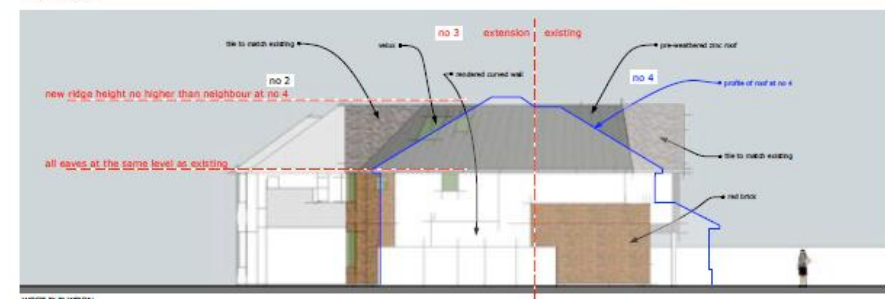
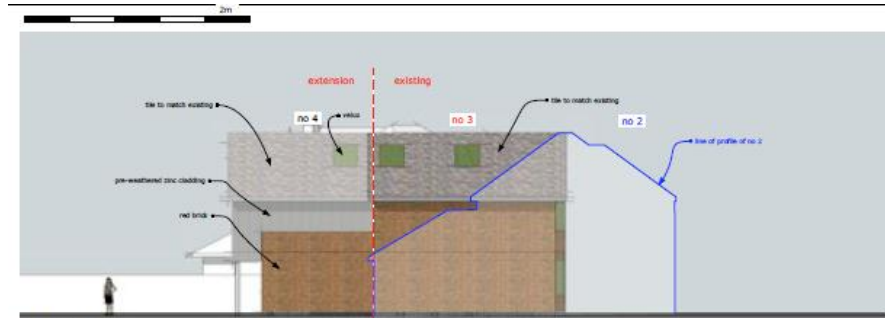
Proposed



Existing

Elevations

Proposed



Existing

Ground floor

Proposed



GROUND FLOOR



GROUND FLOOR

Existing

First Floor

Proposed



Second Floor



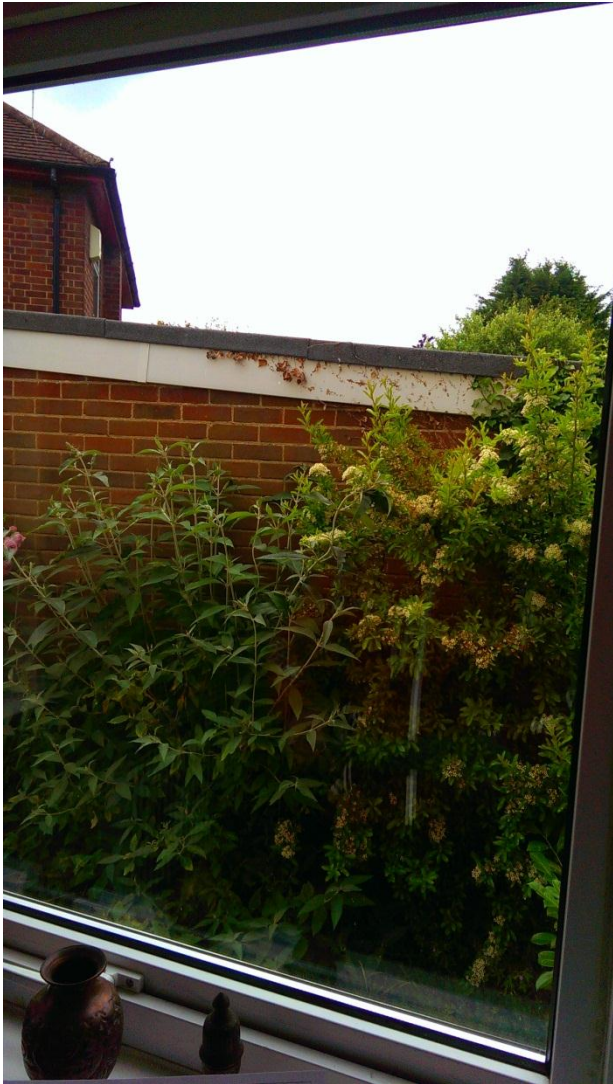
Existing Perspectives

Proposed



Photo from windows of no.4

Page 537



Perspectives from Front Drive of no.4



FRONT VIEW 2 (PROPOSED)



FRONT VIEW 3 (PROPOSED)



FRONT VIEW 2 (EXISTING)



FRONT VIEW 3 (EXISTING)

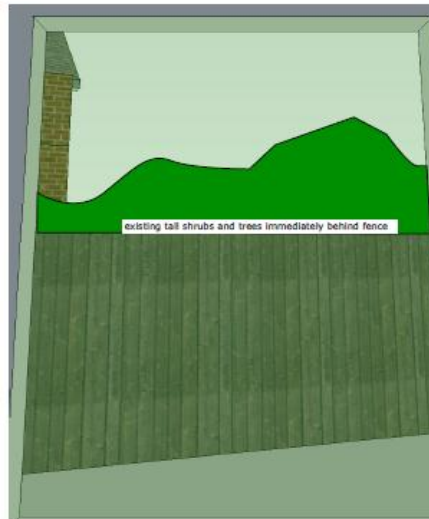
Perspectives from windows of no.4



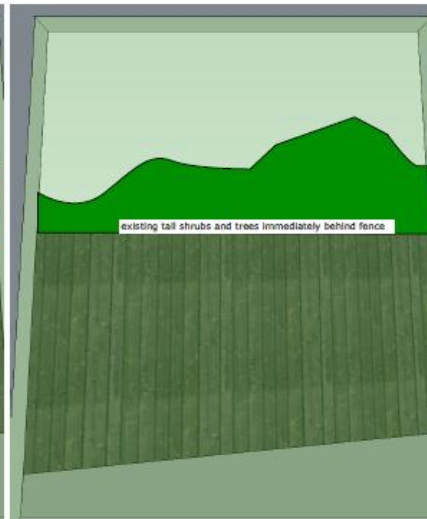
VIEW FROM REAR LIVING ROOM WINDOW (PROPOSED)



VIEW FROM REAR LIVING ROOM WINDOW (EXISTING)



VIEW FROM MIDDLE LIVING ROOM WINDOW (PROPOSED)

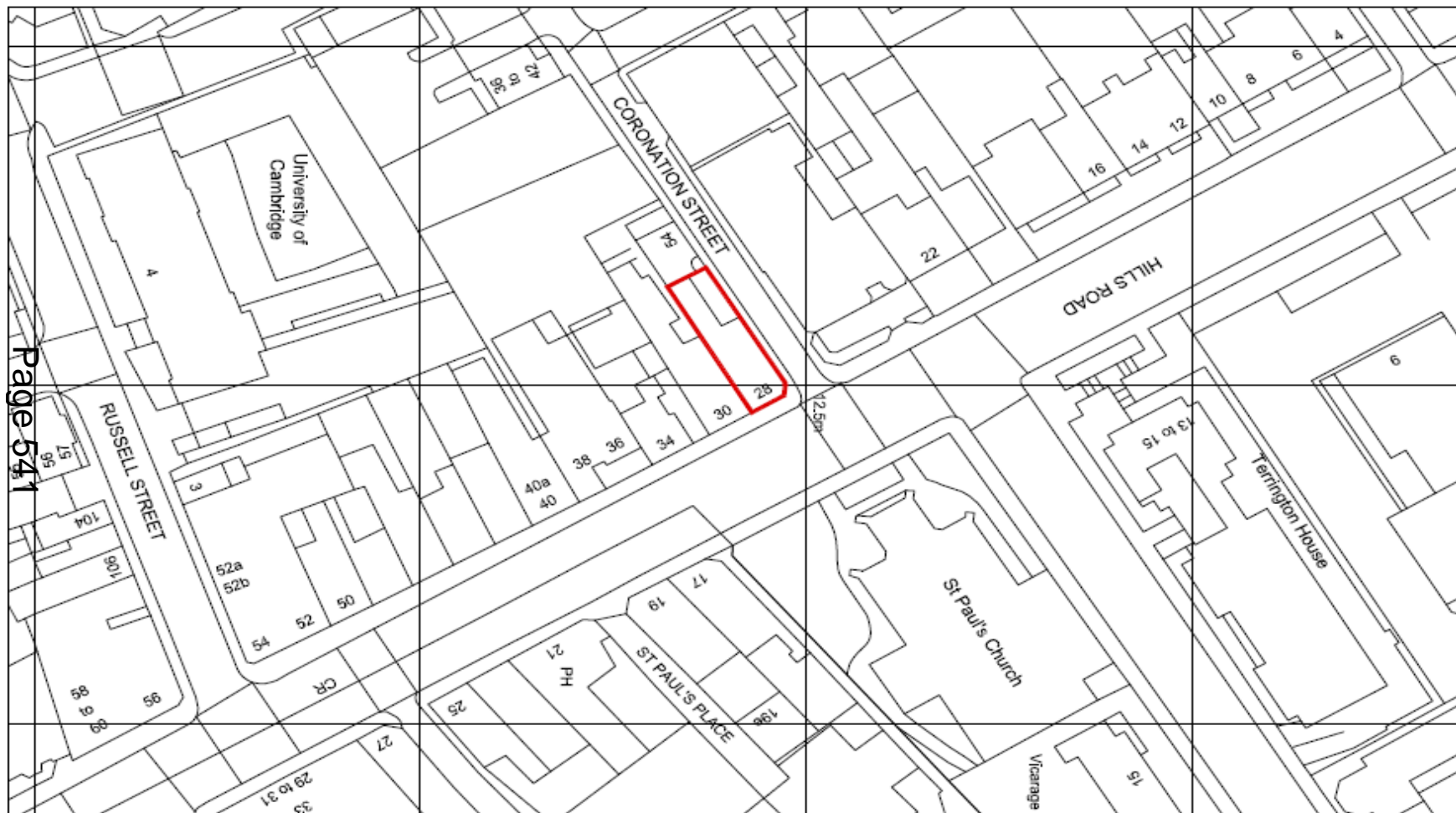


VIEW FROM MIDDLE LIVING ROOM WINDOW (EXISTING)

28 Hills Road

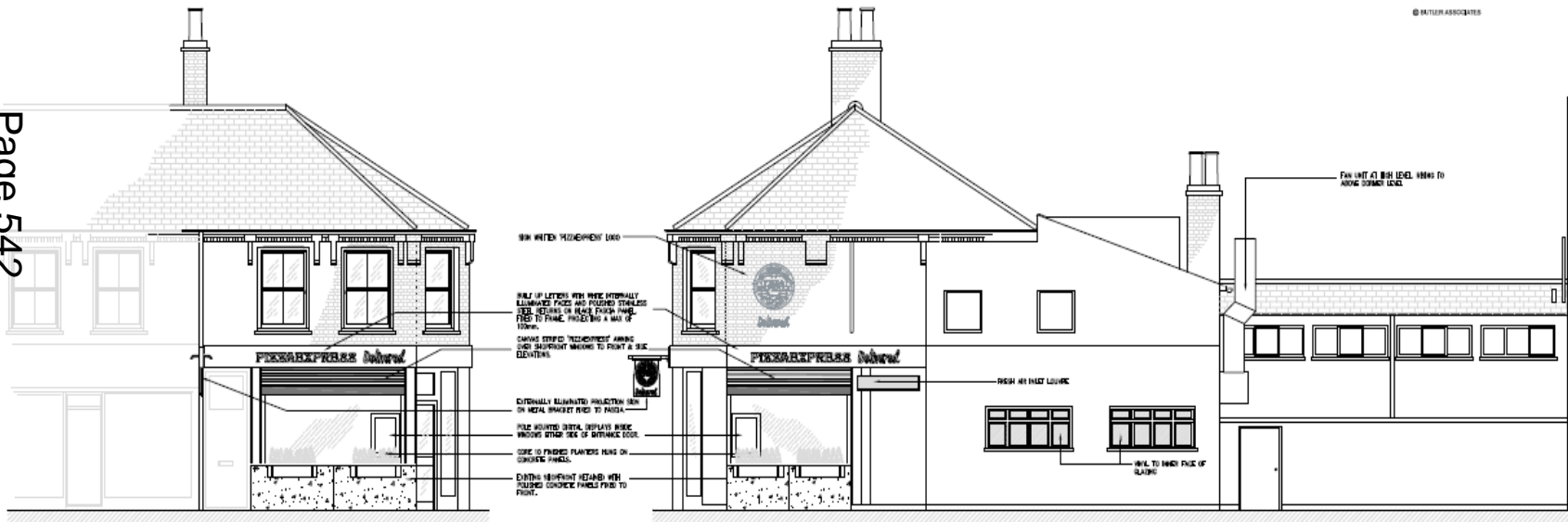
15/0765/FUL

Site Location Plan

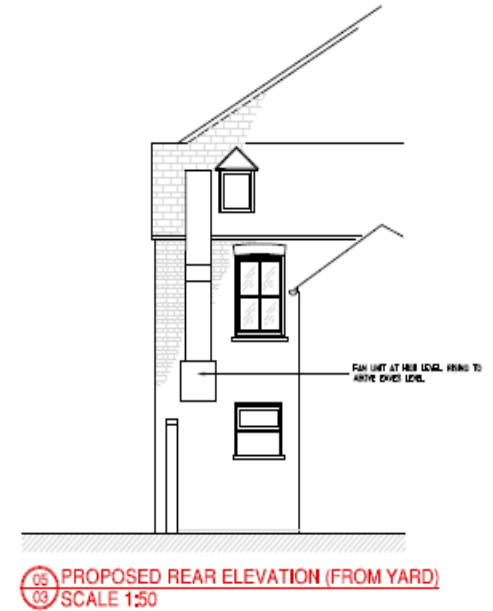
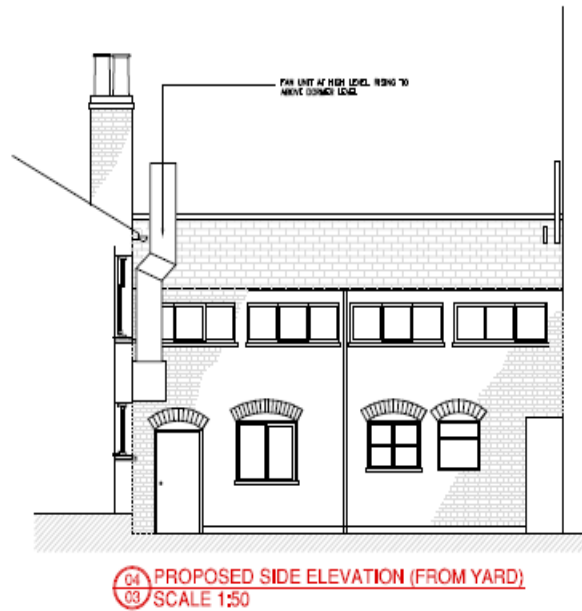
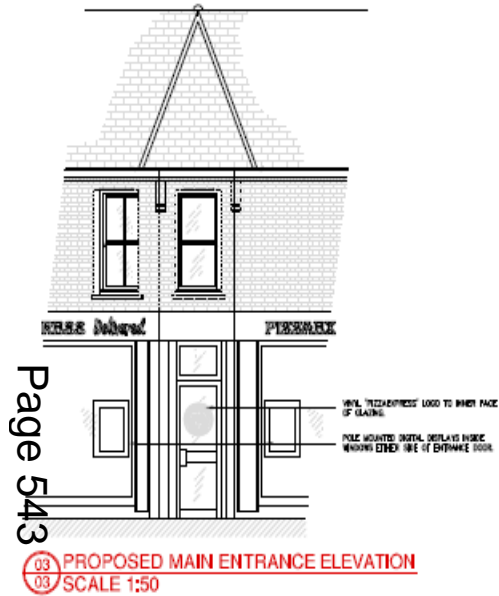


Proposed Front and Side Elevations

Page 542

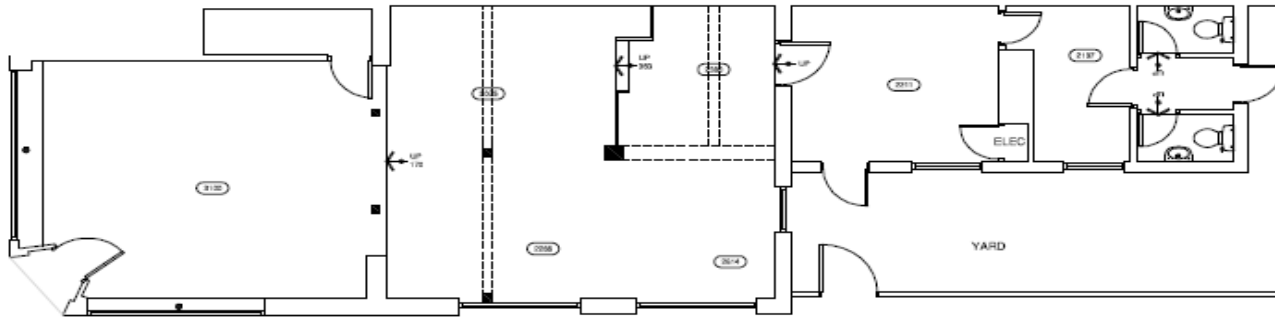


Proposed centre, side and rear elevations

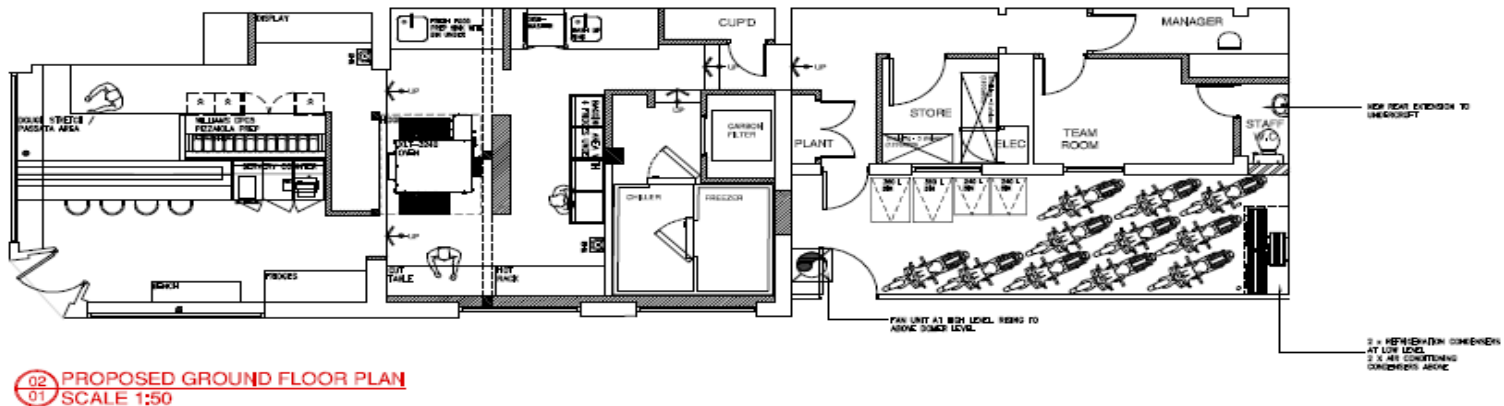


Existing and Proposed floor plans (as amended)

Page 544



01 EXISTING GROUND FLOOR PLAN
01 SCALE 1:50



02 PROPOSED GROUND FLOOR PLAN
01 SCALE 1:50

Photomontage of proposal against existing



Existing

Page 545

Proposed: Built up letters with white faces and black returns mounted to black fascia panels. Pole mounted digital display boxes. Externally illuminated projection sign. Signwritten logo at high level.

Revisions	
 TECHNICAL SIGNS	
Drawn by	Rob
Project	
PizzaExpress Delivered Cambridge	
Date	17.4.16
Revision	F

134 Coleridge Road

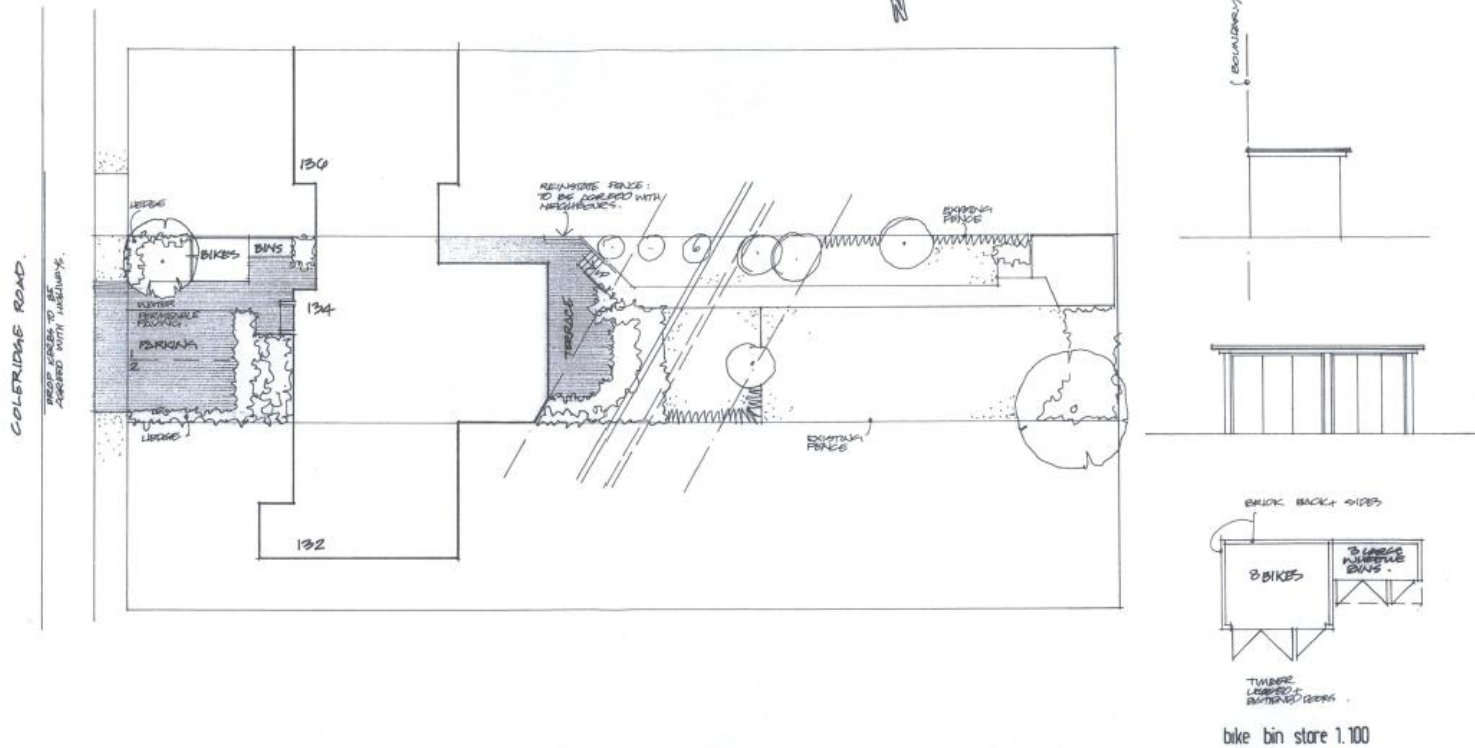
15/0629/FUL

Location Plan



Block Plan

Page 548



block plan

proposal

George Davidson Architect . 251 Mill Road Cambridge CB1 3BE . 01223 576874 . ged251@yahoo.co.uk

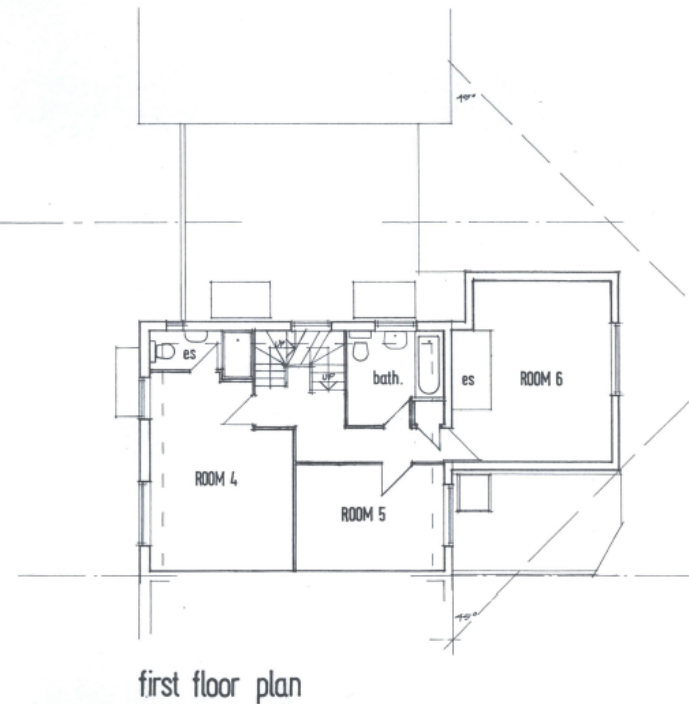
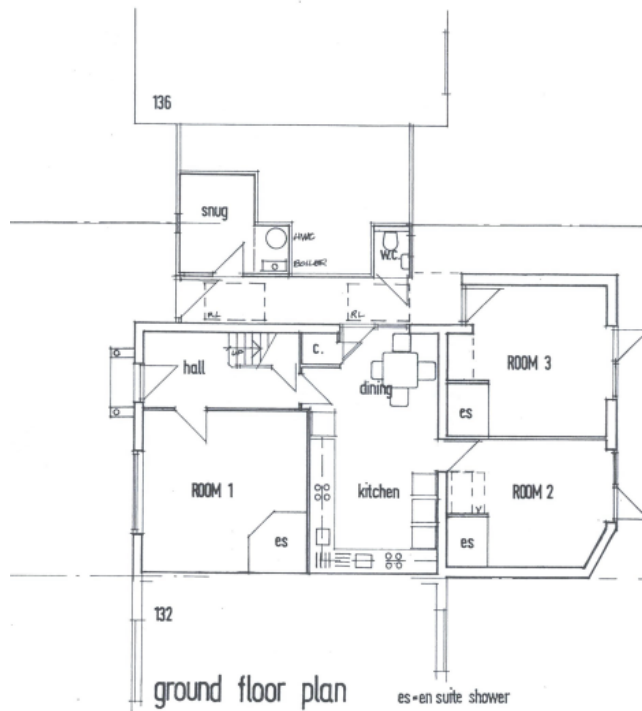
Proposed Elevations



scale 1:100 0 1 2 3 4 5m

Ground and First Floor Plans

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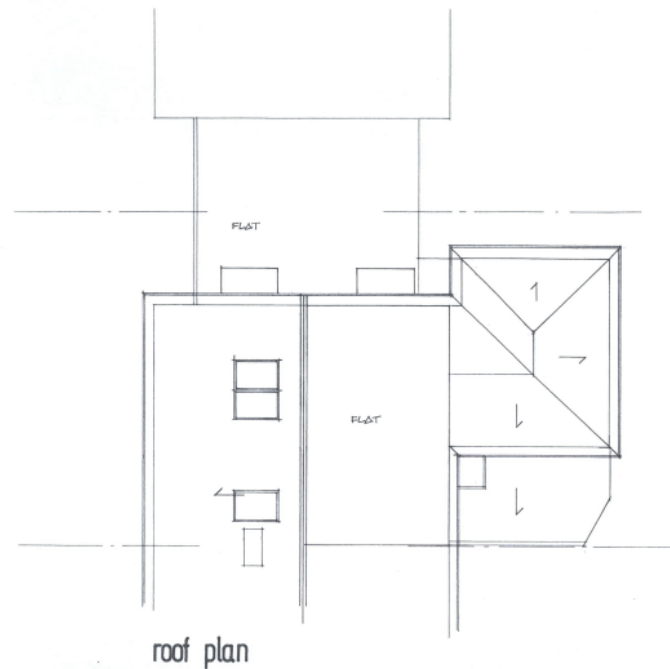
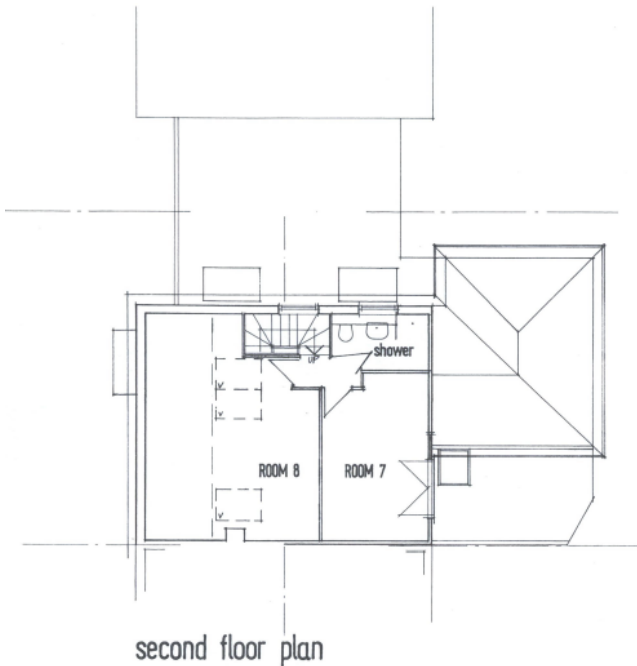


scale 1:100

A scale bar with markings for 0, 1, 2, 3, 4, and 5 meters.

Proposed Second Floor Plan

Page 551



scale 1:100 0 1 2 3 4 5m

proposal

George Davidson Architect . 251 Mill Road Cambridge CB1 3BE . 01223 576874 . ged251@yahoo.co.uk

Project	Scale	Date	Drawing
134 Coleridge Road Cambridge.	1:100 at A3	March 2015	D.100.2

Land r/o 1 Fen Road

15/0818/FUL

Location Plan



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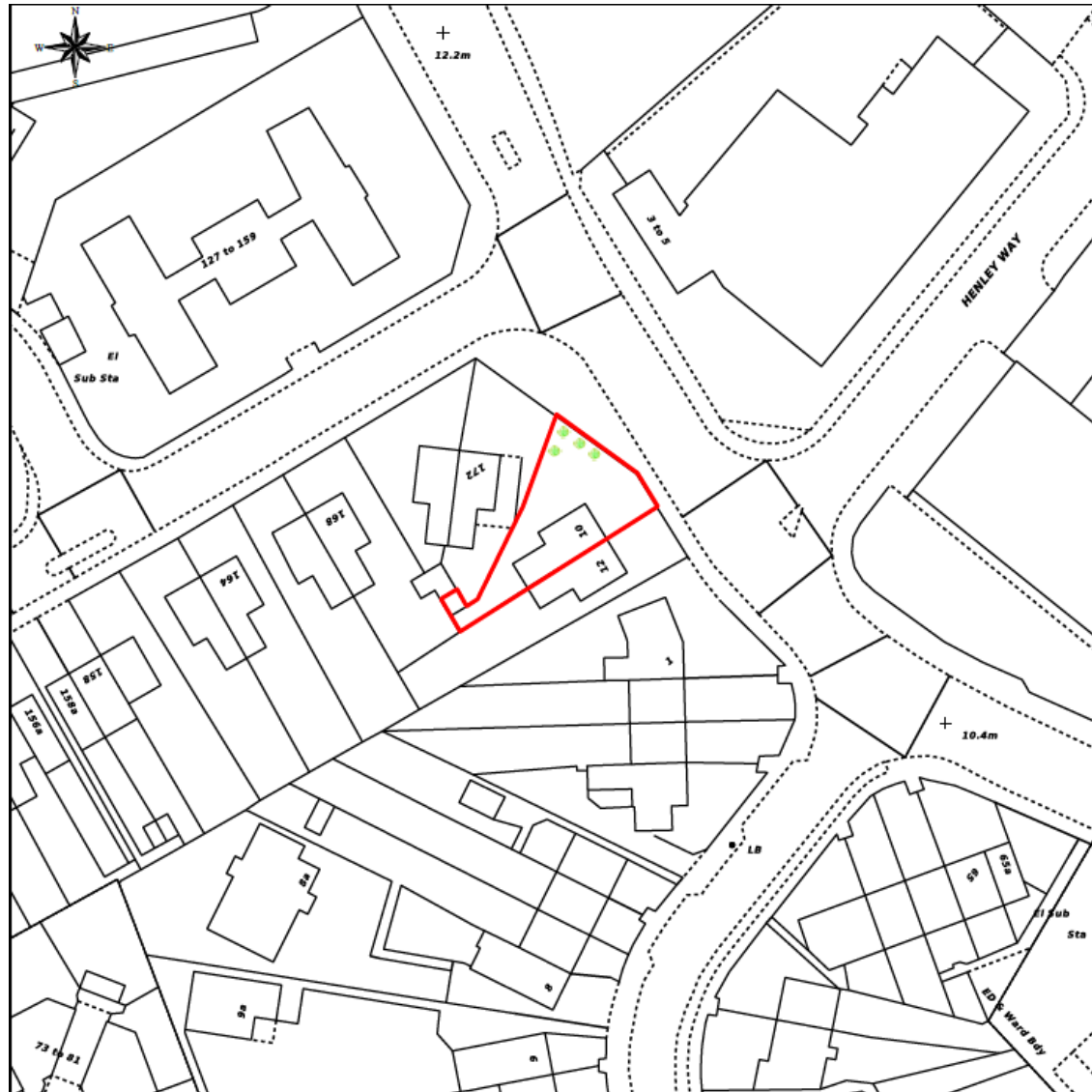
Page 555

[illegible]

10 Coldhams Lane

15/0068/FUL

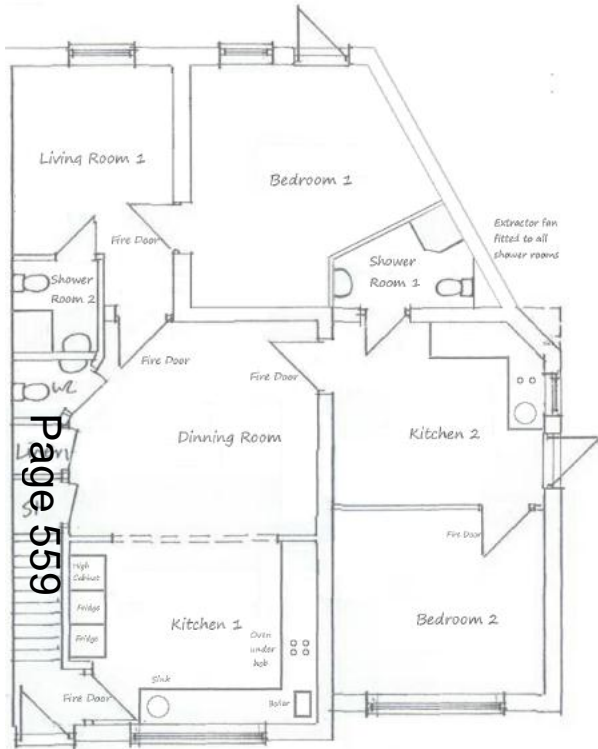
Location Plan



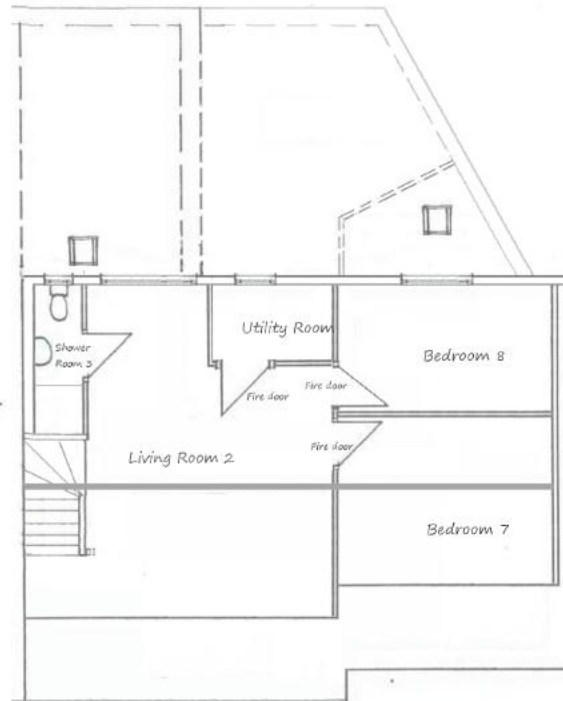
Page 558



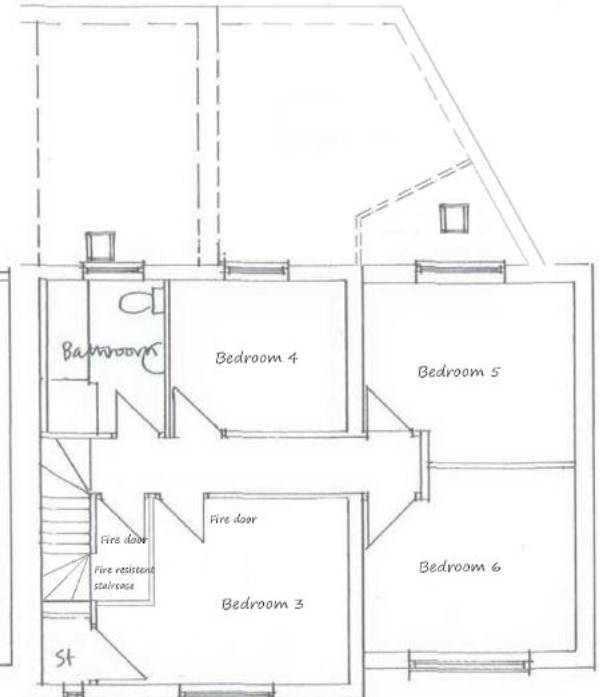
Floor Plans



GROUND FLOOR PLAN



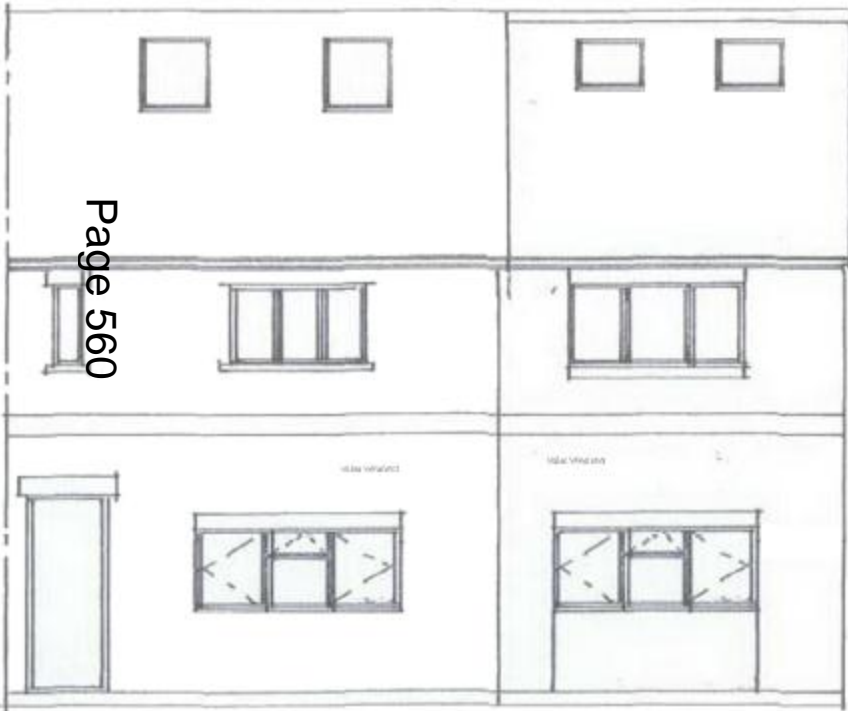
LOFT FLOOR PLAN



FIRST FLOOR PLAN

Elevations

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Front Elevation

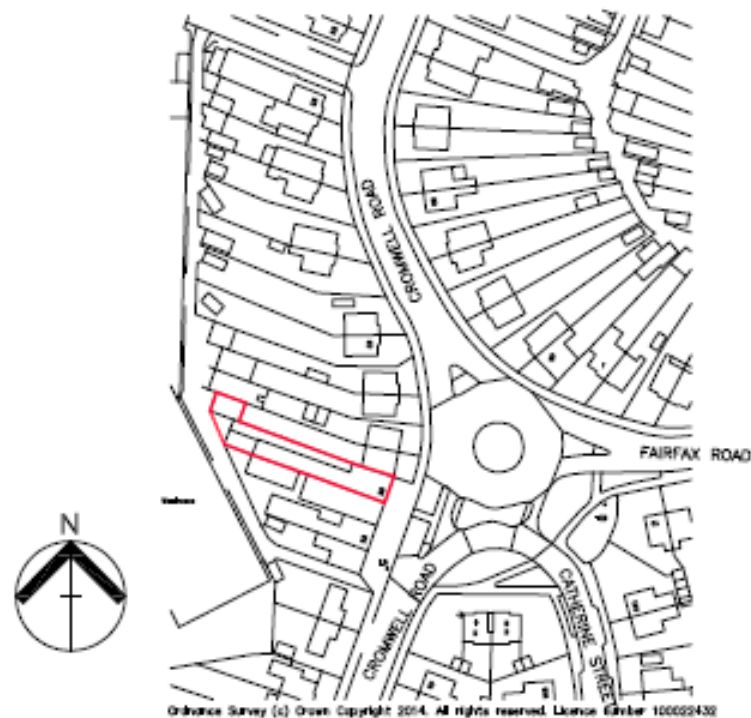


Rear Elevation

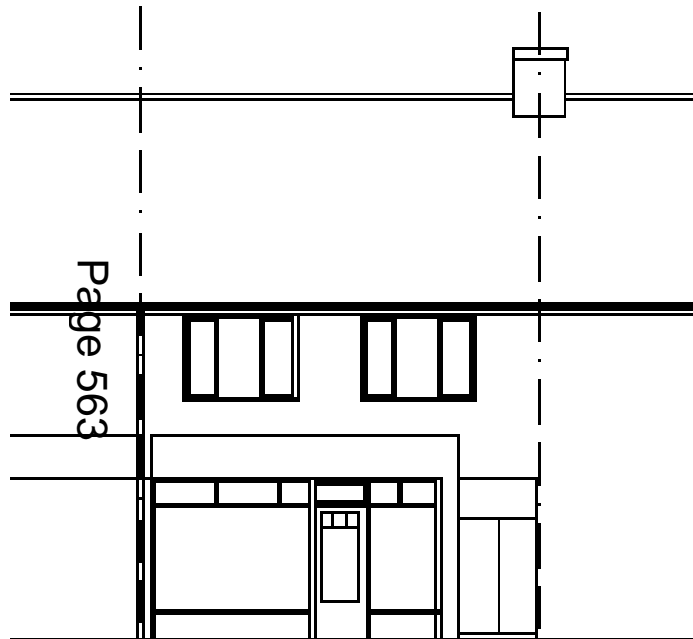
29 Cromwell Road

15/0757/FUL

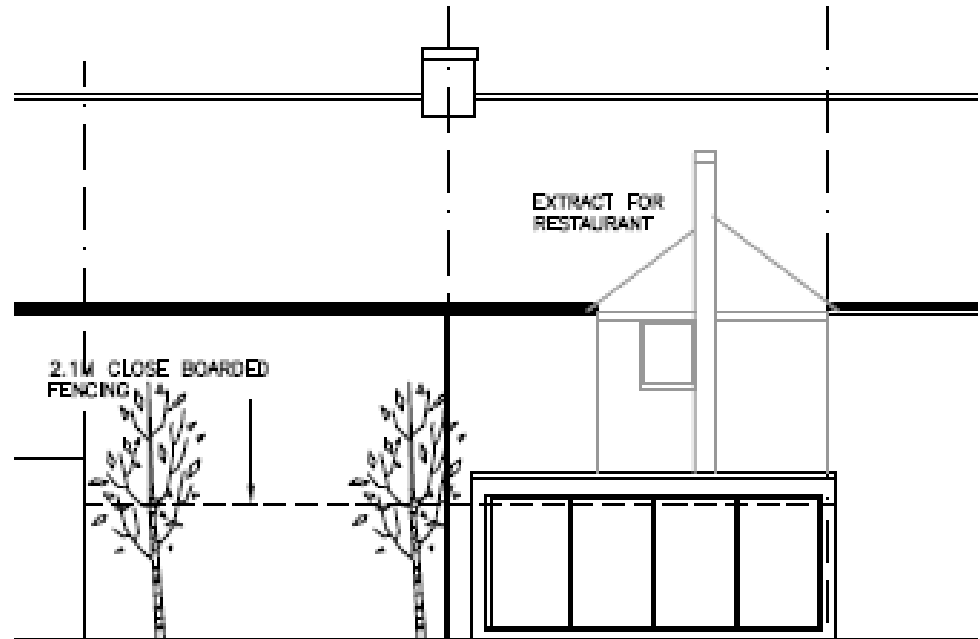
Location & Block Plan



Elevations



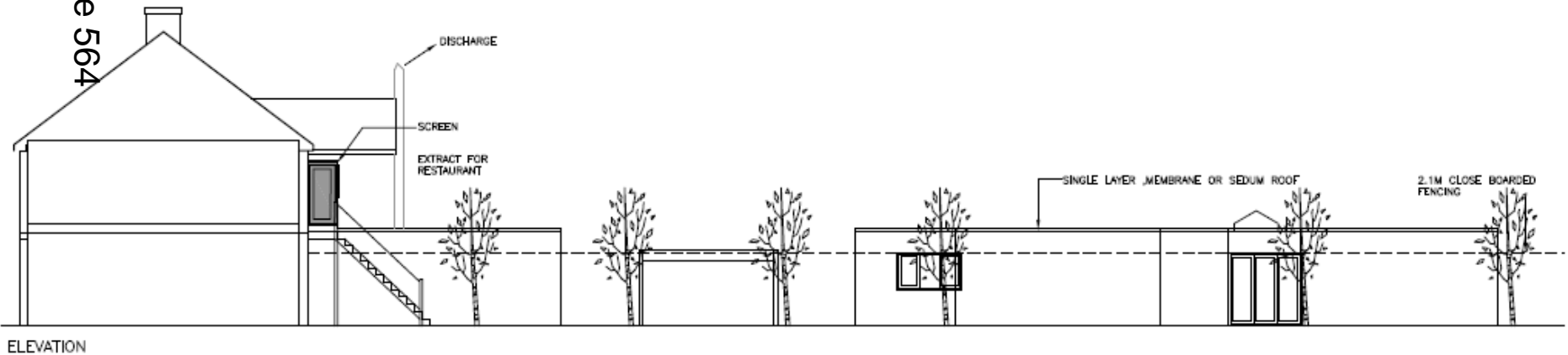
Front Elevation



Rear Elevation

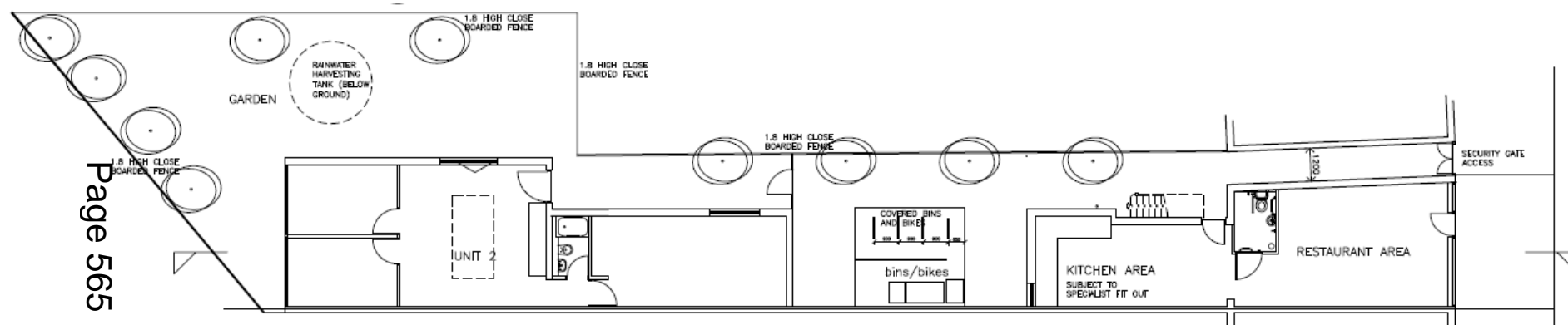
Side Elevation

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Layout Plan

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161 Gwydir Street

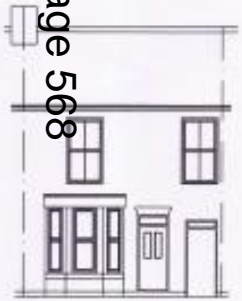
15/0999/FUL

Location Plan

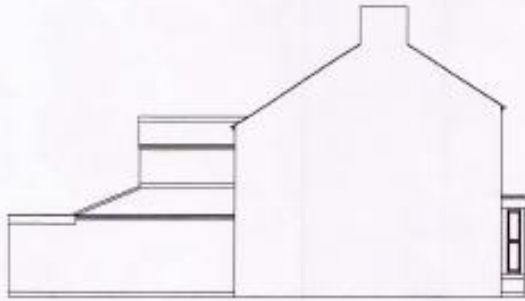


Existing Elevations

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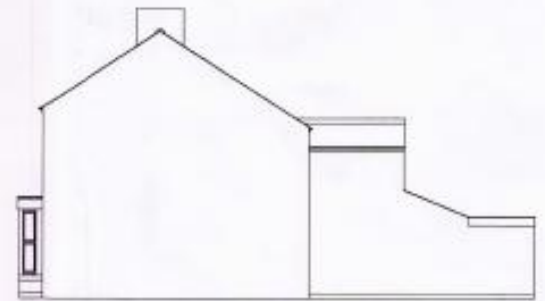
Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation

Proposed Elevations



45 Elizabeth Way

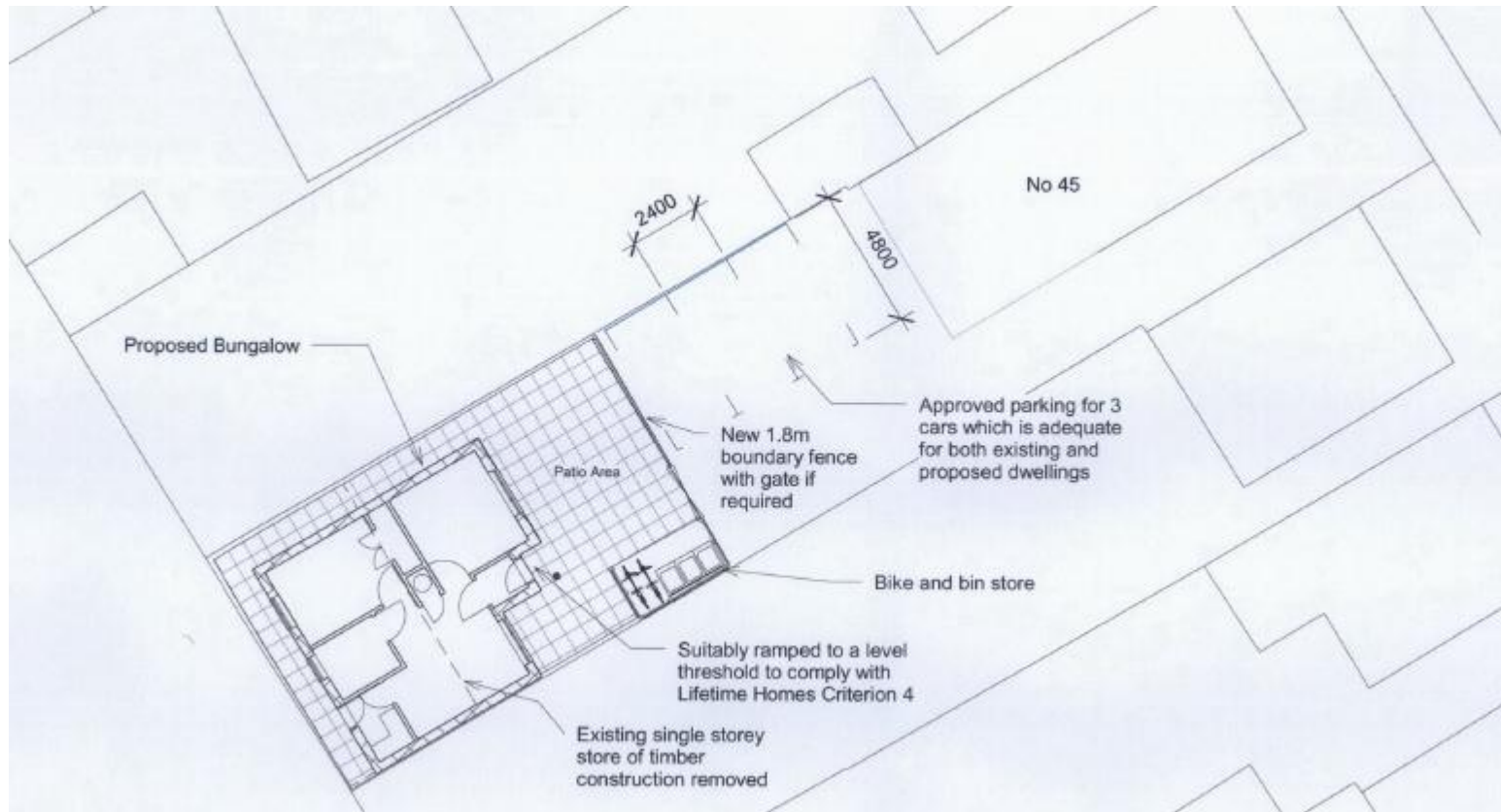
15/0563/FUL

Location Plan

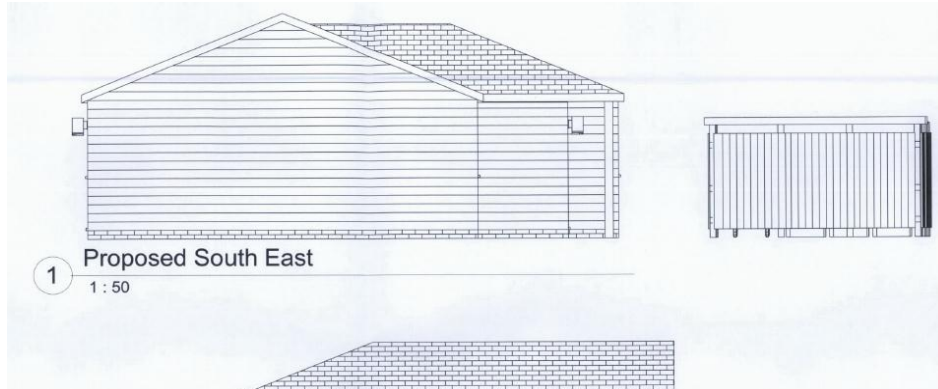


Site Plan

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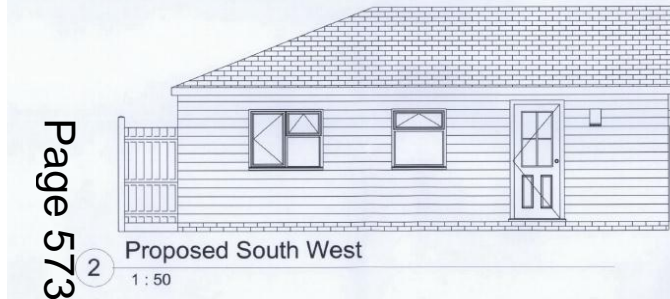


Elevations



1 Proposed South East

1 : 50



2 Proposed South West

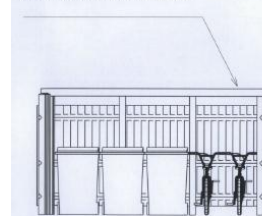
1 : 50



1 Proposed North East

1 : 50

Timber Bin and Bike Store for new dwelling
Bin and Bike Store Construction
Closed Walls to rear, and 2 sides
100x100 Posts @ 1100 centres.
3 No 75x50 Armit rails.
150 feather edge close boarding.
All pressure treated timber.
Concrete base.
150mm clear gap to base.
Open front and Monopitch felted roof.



2 Proposed North West

1 : 50

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