



Public Document Pack

Cambridge City Council

Planning

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

Alternates: Councillors Bird, Holt and Holland

Published & Despatched: Tuesday, 29 September 2015

Date: Wednesday, 7 October 2015
Time: 1.00 pm
Venue: Committee Room 1 & 2 - Guildhall
Contact: Toni Birkin

AGENDA

1 ORDER OF AGENDA

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

- **PART ONE**
Major Planning Applications
(Not applicable at 7 October committee)
- **PART TWO**
Minor/Other Planning Applications
Start time: 1.00pm
- **PART THREE**
General and Enforcement Items
Start time: At conclusion of Part Two

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 9 - 50)*

To confirm the minutes of the meeting held on 5 August and 2 September 2015.

Appendix 1 for Full Details of Central Government Planning Guidance

Part 1: Major Planning Applications

There are no Major Applications.

Part 2: Minor/Other Planning Applications (1.00pm)

- 5 15/1163/FUL - 104 WULSTAN WAY** *(Pages 61 - 72)*
- 6 15/1308/FUL - 94 MILTON ROAD** *(Pages 73 - 82)*
- 7 15/0585/FUL - 84 CAVENDISH ROAD** *(Pages 83 - 92)*
- 8 15/0908/FUL - 14 WORTS CAUSEWAY** *(Pages 93 - 122)*
- 9 15/0796/FUL - ICE RINK, PARKERS PIECE** *(Pages 123 - 138)*
- 10 15/0596/FUL - LAND R/O 268 QUEEN EDITHS WAY** *(Pages 139 - 172)*
- 11 15/1111/FUL - LAND AT 58 FISHERS LANE** *(Pages 173 - 196)*

Part 3: General and Enforcement Items

- 12 ENFORCEMENT - SCHEME OF DELEGATION REPORT** *(Pages 197 - 198)*
- 13 ENFORCEMENT - CE/5892 - 136 PERNE ROAD** *(Pages 199 - 214)*

- 14 GENERAL ITEM - 14/1252/FUL - CITYLIFE HOUSE, STURTON STREET**
(Pages 215 - 216)
- 15 GENERAL ITEM - CONSULTATION ON REVIEW OF CAMBRIDGE FRINGES JDCC TERMS OF REFERENCE TO DETERMINE CITY DEAL INFRASTRUCTURE SCHEMES** *(Pages 217 - 230)*

Meeting Information

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

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

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

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

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

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

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

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

**Development
Control
Forum**

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

**Public
Participation**

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

Members of the public who want to speak about an

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

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

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

Further information is available at

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

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

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

Representations on Planning Applications

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

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

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

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

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

**Filming,
recording
and
photography**

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

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

Fire Alarm

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

**Facilities for
disabled
people**

Level access to the Guildhall via the Peas Hill entrance.

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

Accessible toilets are available on the ground and first floor.

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

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

**Queries on
reports**

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

**General
Information**

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

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PLANNING

5 August 2015

10.00 am - 4.25 pm

Present:

Planning Committee Members: Councillors Dryden (Chair), Blencowe (Vice-Chair), Gawthrope, Hart, Hipkin, Holland, Holt, Pippas and Tunnacliffe

Councillor Hipkin left after the vote on item 15/141/Plan

Councillor Dryden left after the vote on item 15/147/Plan

Officers:

Head of Planning Services: Patsy Dell

City Development Manager: Sarah Dyer

Principal Planner Officer: Tony Collins

Principal Planning Officer: Lisa Lamb

Environmental Quality & Growth Manager: Jo Dicks

Senior Planning Officer: Catherine Linford

Senior Planning Enforcement Officer: Alison Twyford

Senior Technical Officer: Adam Finch

Arboricultural Officer: Kenneth McGregor

Planning Enforcement Officer: Debs Jeakins

Planning Officer: Michael Hammond

Planning Officer: Amit Patel

Planning Officer: Sav Patel

Legal Advisor: Cara De La Mare

Committee Manager: Toni Birkin

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

15/134/Plan Apologies

Apologies were received from Councillor Smart, and Councillor Holt was present as the alternate.

Councillor Hipkin was present for the morning session only and the alternate, Councillor Holland, attended the afternoon session.

15/135/Plan Declarations of Interest

No interests were declared.

15/136/Plan Minutes

The minutes of the meeting of the 1st July 2015 were approved and signed as a correct record.

15/137/Plan Re-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.

15/138/Plan 15/0398/FUL - 8, 10, 10A Cheddars Lane and 351-355 Newmarket Road

The Committee received an application for full planning permission.

The application sought approval for the 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.

The Principal Planning Officer drew Members attention to the lengthy appendices to the amendment sheet regarding this application. He explained the elevations of the site and tabled additional images.

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

The representation covered the following issues:

- i. Similar plans to develop on industrial sites had been rejected.
- ii. Alternative mixed use of the site had not been considered.
- iii. Eleven building, currently used as industrial units, would be lost.
- iv. Proposal was not responding to an identified need in the area.
- v. Application was premature as it was submitted in advance of the emerging Local Plan.
- vi. Student rooms in this area were not wanted by either of the Universities.

- vii. Large blocks would be situated very close to existing residential accommodation.
- viii. Mitigation measure did not go far enough to make the scheme acceptable.
- ix. Noise levels would be unacceptable.
- x. Surface water drainage was insufficient.
- xi. Parking and in particular, disabled parking, was inadequate.
- xii. It would be impossible to police a no car policy.

Justin Bainton (Applicant's Agent) addressed the Committee in support of the application.

Councillor Johnson (Ward Councillor for Abbey) addressed the Committee regarding the application.

- i. Questioned the accuracy of the images supplied by the applicant and suggested they had used a wide angle lens rather than the 50mm used normally used for such images.
- ii. Local residents had commissioned an independent study.
- iii. Buildings would be visually dominant.
- iv. Revisions had been made to the plan but these were not sufficient to make it acceptable to local residents.
- v. Properties adjacent to the site already suffered from poor light levels and additional buildings would exacerbate the situation.
- vi. Building D would be tall and would have a significant impact on neighbours.
- vii. Buildings E and F would damage existing trees which currently screened the area.
- viii. Noise levels would create conflict and result in loss of amenity value for the area.
- ix. Proposed communal areas would abut sensitive boundaries.
- x. Proposed management of the site was insufficient and no evening or overnight cover was to be provided.

Councillor Roberts (Ward Councillor for Petersfield) addressed the Committee regarding the application.

- i. Site not suitable for student housing.
- ii. Surrounding area described as 'hostile' to development.
- iii. Proposed buildings would be very close to existing homes.
- iv. Noise would be an issue. Student units would disturb existing residents and industrial units would disturb future student residents.

- v. Lack of parking, lack of disabled parking and lack of drop off spaces will inconvenience local residents and result in a resident parking scheme being required.
- vi. A no car scheme would be unenforceable.
- vii. Visitor parking had not been addressed.
- viii. Proposals were not supported by the target market.
- ix. Would be unaffordable to Anglia Ruskin students.
- x. Contractual arrangements make the upfront cost too great for many students.
- xi. Bidwell's assessment of the need for additional student housing was questionable and lacked evidence to support the level of need.
- xii. Site had poor transport links to the City Centre or the Universities.
- xiii. Would be an unsustainable site.
- xiv. Would be a gated community with no links to neighbours.

Councillor Robertson (Ward Councillor for Petersfield) addressed the Committee regarding the application.

- i. Represented Petersfield Ward which contained Anglia Ruskin University.
- ii. Liaison meetings with the University suggest that they did not support this application.
- iii. Students were unable to afford studio flats.
- iv. This was a speculative student development and would not be used for this purpose long term.
- v. Would end up being accommodation for language school students.
- vi. Would not ease pressure on family housing.
- vii. If approved please add conditions requiring:
 - that it may only be used by students attending Anglia Ruskin University or the University of Cambridge;
 - that any proposal to vary this requirement be brought to Planning Committee (not delegated to officers; and
 - if a variation was approved, 40% of the accommodation must become affordable housing.

Councillor Whitehead (Romsey Ward County Councillor) addressed the Committee regarding the application.

- i. Density of the site was a cause for concern.
- ii. Development would be overcrowded.
- iii. This application, in common with similar application for the West of the City, was motivated by profit.
- iv. Impact on area would be detrimental to the local community.

- v. Application does not address an identified housing need.

Councillor Baigent (Ward Councillor for Romsey) addressed the Committee regarding the application.

- i. The City required more housing and not more student accommodation.
- ii. Site under consideration would be a key part of wider development of the area.
- iii. Would result in a lack of light for neighbouring properties.
- iv. Would be unaffordable for many students.
- v. Would be costly for the City Council as no Council Tax contributions would be collected towards waste collection or other services to the site.
- vi. Parking issues would have a detrimental impact on neighbours.

The Principal Planning Officer confirmed that any variation of conditions would be brought back to the Planning Committee suggested that any additional conditions regarding this were unnecessary. He stated that the site had not been identified for Housing in the Local Plan and that this was not, therefore, a grounds for refusal.

Councillor Blencowe proposed that condition 28 be amended to require that approval of the management plan be brought to Committee and not delegated to officers.

Committee resolved (*Nem Con*) that Condition 28 (management plan) must be discharged only by Planning Committee and not under delegated powers, this fact to be communicated to the applicant by an informative on the decision notice.

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 and including the amended condition.

15/139/Plan 15/0864/FUL- 20 Station Road

The Committee received an application for full planning permission.

The application sought approval for the 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).

Simon Miles, the 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 and with delegated authority granted to negotiate and complete s106 Agreement by 31 January 2016.

15/140/Plan 15/0865/FUL - 20 Station Road

The Committee received an application for full planning permission.

The application sought approval for the 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).

Simon Miles, the 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 and with delegated authority granted to negotiate and complete s106 Agreement by 31 January 2016.

15/141/Plan 15/0120/FUL - 186-188 Histon Road

The Committee received an application for full planning permission.

The application sought approval for the 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.

The Planning officer drew members attention to the amendments detailed in the amendment sheet.

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.

15/142/Plan 15/1045/FUL - Marque House, 143 Hills Road

The Committee received an application for full planning permission.

The application sought approval for retrospective 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 Committee received a representation in objection to the application from Mr Morris.

The representation covered the following issues:

- i. Expressed concern regarding the:
 - Planning process.
 - Applicant started work without planning permission.
 - Loss of amenities for residents from installing the condenser.
- ii. Took issue with the:
 - Noise assessment data supplied by the Applicant. Referred to own assessment data, which appeared to have been ignored by Officers.
 - Location of the condenser.
- iii. Queried why resident's objections appeared to have been dismissed.

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

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

The representation covered the following issues:

- i. The nature of the development meant that it included a combination of shop and residential units.
- ii. Suggested the photo in the Officer's report did not accurately reflect the actual layout of buildings on the site. The condenser would be located near amenity space, but away from the shop it served. This was not clearly shown in the report.
- iii. Outlined the history of the application. The location of the condenser was more suited to the (original) larger building than the (current) smaller one.
- iv. The location of the condenser was inappropriate being near amenity space. It was put in without planning permission due to an unfortunate breakdown in communication between the Council and Applicant.
- v. Insufficient noise attenuation information had been provided despite assurances from the Applicant that it would be submitted.
- vi. Took issue with noise mitigation measures conditioned in the Officer's report, they needed to be more specific to be enforceable.

Amendments were requested to the Officer's recommendations. Councillor Blencowe proposed that an additional condition should specify that the condenser be screened on all four sides.

This amendments were **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 an additional condition to read:

The mitigation measures, including the enclosure around all four sides of the condenser, specified in the application and its associated 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), shall be fully

installed and implemented before the condenser unit hereby permitted are brought into operation and shall be maintained permanently thereafter.

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

15/143/Plan 15/0842/S73 - 6 Hardwick Street

The Committee received an application for a Section 73 application to vary condition 2 of application (Approved Drawings) 14/0946/FUL.

The application sought approval 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).

Ms Richardson (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Unanimously resolved to grant the application for a Section 73 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.

15/144/Plan 15/0962/FUL - 218A-220 Mill Road

The Committee received an application for retrospective planning permission.

The application sought approval for rendering external wall and painting in soft stone colour (retrospective).

The Committee received a representation in objection to the application from Ms Freeman.

The representation covered the following concerns regarding render on the side of the building:

- i. It was detrimental to the building.
- ii. It goes against the character of the area, which was generally naked brickwork.

- iii. The planning appeal decision said that all render should be removed, not just some.

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

Councillor Baigent (Ward Councillor for Romsey) addressed the Committee about the application.

The representation covered the following issues:

- i. Conservation Area status had only recently been given.
- ii. Historic work was unaffected by the Conservation Area status.
- iii. Render was applied without planning permission, it should be removed.
- iv. Referred to the Planning Inspector's comments stating the render was visually obtrusive.

The Committee:

Resolved (by 7 votes to 1) 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.

15/145/Plan 15/0602/FUL - 564 Newmarket Road

The Committee received an application for retrospective planning permission.

The application sought approval for a change of use from a family home to a HMO (House in Multiple Occupation) (Sui Generis).

The Committee:

Resolved (by 7 votes to 1) to grant the application for retrospective 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.

15/146/Plan 15/0603/FUL - 31 Gisborne Road

The Committee received an application for retrospective planning permission.

The application sought approval for the change of use of the property from C3 domestic dwelling house, which can be occupied by up to 6 people, to a HMO (sui generis) use, for occupation by 9 people.

The Committee:

Unanimously resolved to grant the application for retrospective 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.

15/147/Plan 15/0287/FUL - Cantabrigian Rugby Club, Sedley Taylor Road

Councillor Dryden left the meeting due to Mayoral commitments. Councillor Blencowe assumed the role of Vice-Chair in the Chair for the rest of the meeting.

The Committee received an application for full planning permission.

The application sought approval 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.

The Committee received a representation in objection to the application from Professor Muthesius.

The representation covered the following issues:

- i. Residents supported the new Sports entrance. However they expressed the following concerns:
 - Felt the proposed dwelling represented an over-development of site. Height is over one storey.
 - Sense of enclosure.
 - Loss of amenity.
 - Loss of privacy.
 - Overshadowing.
 - Overlooking.
- ii. The new use of the access was welcomed, but existing protective covenants needed to be preserved. Emergency service access to the site appeared difficult. Requested that a two-way mirror be conditioned at the head of the access.

- iii. Suggested the development should be moved off the eastern and northern boundaries to allow for the original wooded setting to be restored.

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

Councillor Holland proposed an amendment to the Officer's recommendation that a two-way mirror be conditioned at the head of the access

This amendment was **lost by 2 votes to 1**.

The Committee:

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

15/148/Plan 15/0793/FUL - 2 Bulstrode Gardens

The Committee received an application for full planning permission.

The application sought approval for the 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.

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

Councillor Cantrill (Newnham Ward Councillor) was unable to attend the committee so his comments had been added to the amendment sheet.

The Committee:

Resolved (by 6 votes to 1) to reject the officer recommendation to refuse the application.

Resolved (by 6 votes to 1) to approve the application contrary to the officer recommendation with 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 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. 'No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate and to avoid harm to the character of the Conservation Area. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/14 and 4/11)'

6. 'Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The

agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

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

7. '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.

15/149/Plan 15/0787/FUL - St Marys School, Bateman Street (Deferred)

This item was deferred to the next meeting with the agreement of the Chair and Opposition Spokesperson.

15/150/Plan 15/0924/FUL - 3 Fendon Close

The Committee received an application for full planning permission.

The application sought approval for a 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.

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

The representation covered the following issues:

- i. Supported the principle of extending the property.

- ii. Took issue with the details of this specific application:
 - Impact on existing residents' amenities (overlooking, dominance, loss of light and privacy).
 - Impact on the character of the area due to the applications' unsuitable design.
- iii. Referred to residents' queries set out in the Officer's report. The number of these were disproportionate to the size of the application, it's unusual to receive this many representations for a minor application.

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

The Committee:

Resolved (by 4 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.

15/151/Plan 15/0629/FUL - 134 Coleridge Road

The Committee received an application for full planning permission.

The application sought approval for a 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).

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

The Committee:

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

15/152/Plan 15/0818/FUL - Land R/O 1 Fen Road

The Committee received an application for full planning permission.

The application sought approval for the erection of a dwelling and associated works on land to the rear of 1 Fen Road, fronting Fallowfields, Cambridge.

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

The representation covered the following issues:

- i. Referred to his written representation.
- ii. Suggested the application was not in accordance with Local Plan policy 3/1, 3/10 or 52.
- iii. Expressed the following concerns:
 - The design was poor and detrimental to the character of the area. Previous applications had been refused due to poor design.
 - The application added to the number of houses in the area by stealth.

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

The Committee:

Resolved (by 5 votes to 1) 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.

15/153/Plan 15/0068/FUL - 10 Coldhams Lane

The Committee received an application for full planning permission.

The application sought approval 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 sought retrospective permission for the flat roof dormer window in the rear roofscape of the two storey side extension. The proposal also included bin and cycle storage provision.

The Committee received a representation in objection to the application from Mr Terry, speaking on behalf of Mrs Raymer.

The representation covered the following issues:

- i. The area has been over developed in terms of houses in multiple occupation. There were a lot in the area.
- ii. Existing parking issues would be exacerbated by the application.
- iii. Family houses were being replaced in the area by houses in multiple occupation. This was detrimental to the character of the area.

- iv. Requested obscured glazing and restrictions on the number of occupants to 8 if the application were approved.

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

Councillor Johnson (Abbey Ward Councillor) was unable to attend the committee so his comments were added to the amendment sheet.

The Committee:

Resolved (by 6 votes to 0) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/154/Plan 15/0757/FUL - 29 Cromwell Road

The Committee received an application for full planning permission.

The application sought approval for the change of use from A1 commercial unit to A3 restaurant. Change of use for A1 offices to residential and extension at 1st floor. 1 two bed unit to rear of site.

The Committee were advised the amendment sheet contained a typographical error. There was no amendment to the Officer's recommendation, this was to approve the application as set out on P405 of the agenda pack.

The Committee:

Resolved (by 6 votes to 0) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/155/Plan 15/0999/FUL - 161 Gwydir Street

This item was deferred to the next meeting with the agreement of the Chair and Opposition Spokesperson.

15/156/Plan 15/0563/FUL - 45 Elizabeth Way

The Committee received an application for full planning permission.

The application sought approval to split the current curtilage of the plot to accommodate a one-bedroom bungalow at the rear of the site.

The Committee:

Resolved (by 6 votes to 0) to refuse the application for planning permission in accordance with the officer recommendation.

15/157/Plan EN/337/14 - 213 Huntingdon Road

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.

Since Members authorised the notice, further legal advice was received indicating 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.

The Committee were recommended to:

- 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).
- Approve the alteration in the wording of the reasons for issue of the notice to refer to four years instead of ten years.

The Committee:

Unanimously resolved (7 votes to 0) to accept the officer recommendation to confirm authorisation of the drafting and service of an enforcement notice (as set out in the Planning Committee Report of the 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.

15/158/Plan Objection To City Of Cambridge Tree Preservation Order (TPO) No. 02/2015 2a Carisbrooke Road

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order (NO. 02/2015) that relates to a (2a Carisbrooke Road).

The Committee:

Unanimously resolved (7 votes to 0) to accept the Officer's recommendation to confirm the tree preservation order without amendment.

15/159/Plan Record of Officer Urgency Action**15/159/Plan To Withdraw the Enforcement Notice dated 2 October 2014 relating to 136 Perne Road**

The decision was noted.

The meeting ended at 4.25 pm

CHAIR

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PLANNING

2 September 2015
10.00 am - 5.55 pm

Present:

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

Councillor Dryden left after the vote on item 15/181/Plan

Councillor Tunnacliffe left after the vote on item 15/185/Plan

Officers:

Head of Planning Services: Patsy Dell

City Development Manager: Sarah Dyer

Principal Planner: Tony Collins

Principal Planner: Lisa Lamb

Principal Planner: Toby Williams

Principal Conservation and Design Officer: Christian Brady

Senior Planner: John Evans

Senior Planner: Catherine Linford

Planner: Amit Patel

Planner: Elizabeth Thomas

Legal Advisor: Penny Jewkes

Committee Manager: Toni Birkin

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

15/160/Plan Order of 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.

15/161/Plan Apologies

Apologies were received from Councillor Pippas.

15/162/Plan Declarations of Interest

Item	Member	Interest
15/1141/REM and 15/1171/FUL	Dryden	Personal and Prejudicial: Member of Addenbrookes Board. Left the room and took no part in these decisions.
15/0787/FUL	Hipkin	Personal: His daughter attends St Marys Junior School. (The application was for the senior school).

15/163/Plan Minutes

The minutes from 5 August 2015 Planning Committee will be reviewed in October.

15/164/Plan 15/0906/FUL - 32-38 Station Road

The Committee received an application for full planning permission.

The application sought approval for construction of a new office building comprising 16,937sqm (GIA) of office floorspace (Class B1) and 614 sqm (GIA) of retail/ cafe and restaurant (Class A1/A3), including ancillary accommodation/facilities with an additional double level basement and up to 124 car parking spaces, with associated plant, up to 626 internal and external cycle parking spaces, and hard and soft landscaping.

The Committee noted amendments to conditions 16 and 20 on the amendment sheet.

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

- Penny Heath
- Frank Gawthrop (on behalf of the Friends of Wilton Terrace)

The representations covered the following issues:

- i. Loss of daylight/sunlight to the public realm.
- ii. Void spaces between buildings needed to add to the street scene.
- iii. Green balconies would not mitigate impact of buildings.
- iv. Proposed buildings would be bland and would not enhance area.
- v. Area in need of improving.

- vi. Proposed office space would be much larger than that proposed in the outline application.
- vii. Massive office building is not wanted in the area.
- viii. Original plan proposed two separate buildings.
- ix. Would be out of scale with the area.
- x. Loss of Wilton Terrace regrettable.

Mike Derbyshire, Applicant's Agent, addressed the Committee in support of the application.

Councillor Meftah (Ward Councillor for Trumpington) addressed the Committee about the application as follows:

- i. Area around the station has changed considerably in recent months.
- ii. Proposed buildings larger than that envisaged in the master plan.
- iii. Would bring considerably more traffic into a congested area.
- iv. S106 money would not mitigate the impact of a large development.
- v. Was out of scale with the area.

The Committee:

Resolved (by 4 votes to 2 with 1 abstention) 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 (as amended) recommended by the officers and subject to referral to Secretary of State.

15/165/Plan 15/0893/FUL - Land West of ARM 1, Peterhouse Technology Park

The Committee received an application for full planning permission.

The application sought approval for detailed planning application consisting of: the demolition of ARM2; the construction of new buildings for B1 use; two multistory car parking structures; additional temporary car parking spaces; new cycle parking spaces; hard and soft landscaping works; new internal roads, foot and cycle paths; ancillary and associated facilities and site infrastructure.

The Committee noted the amendment sheet and the additional conditions that had been circulated.

The Committee received a representation in objection to the application from Mrs Dove.

The representation covered the following issues:

- i. Concerned about the impact of increased traffic on a small, quiet residential street.
- ii. Appreciated effort to minimise the visual impact.
- iii. Limesdale Close would become an access route for cyclists which would have an impact on residents.
- iv. Speeding cyclists would present a hazard to locals.
- v. Would encourage motorists to park in Limesdale Close.
- vi. Residents are restricted from parking in the street due to a covenant on properties.
- vii. Requested that the access route be changed.

Mike Muller of ARM addressed the Committee in support of the application.

The Legal Advisor reminded the Committee of the correct test to be applied to applications which would cause harm to the Green Belt. The special circumstances to be considered were detailed in the amendment sheet.

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 (as amended) recommended by the officers and subject to referral to Secretary of State.

15/166/Plan 15/0777/FUL - New Museums Site, North Range

The Committee received an application for full planning permission.

The application sought approval for the creation of a new student services centre, including demolition of existing examinations hall, north end of the Austin Building, Mond Building annexe and creation of a cut through the Old Cavendish Laboratory. Refurbishment of Old Cavendish, Rayleigh wing Arts School and Lecture Theatre creation of the landscape areas and associated works.

The Committee noted the revised conditions on the amendment sheet; and the addendum to the amendment sheet.

Peter Fisher, the Applicant's Architect, 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 (as amended) recommended by the officers.

15/167/Plan 15/0779/LBC - New Museums Site, North Range

The Committee received an application for Listed Building Consent

The application sought approval for internal and external alterations to the Grade II listed Old Cavendish Laboratory and Arts School Buildings, including the creation of a new ground floor cut-through, removal of the non-original walls and links to the proposed new building for the new student services centre.

The Committee noted the revised conditions on the amendment sheet; and the addendum to the amendment sheet.

Peter Fisher, the Applicant's Architect, 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 (as amended) recommended by the officers.

15/168/Plan 15/1970/FUL - Land at Former Rosemary Branch

The Committee received an application for full planning permission.

The application sought approval for the erection of 8 dwellings and 2 flats, car and cycle parking and landscaping, together with associated infrastructure.

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.

Councillor Blencowe Chaired items 15/169/Plan and 15/170/Plan

15/169/Plan 15/1141/REM - Circus, Cambridge Biomedical Campus

The Committee received a reserved matters application.

The application sought approval for public realm (known as circus/piazza) totaling 1.57ha in area, pursuant to outline application 06/0796/OUT.

The Committee noted new conditions on the amendment sheet.

Andrew Blevins, the 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 (as amended) recommended by the officers.

15/170/Plan 15/1171/FUL - High Street, Cambridge Biomedical Campus

The Committee received an application for full planning permission.

The application sought approval for resurfacing of land at Keith Day Road to provide new public realm with 0.22ha associated landscaping.

Andrew Blevins, the 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.

15/171/Plan Expression of Thanks

The Committee expressed their thanks to Mrs Jewkes as Legal Advisor as it was her last meeting.

15/172/Plan 15/0225/FUL - 2 Barrow Road

The Committee received an application for full planning permission.

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

The Committee received a representation in objection to the application from Ms Campbell.

The representation set out the following specific concerns:

- i. Development out of scale with neighbours.
- ii. Application's ridge height should be the same height as neighbour's.
- iii. Sense of enclosure.
- iv. Visually dominant design.
- v. Design out of character with the area.
- vi. Loss of amenity.
- vii. Overshadowing.
- viii. Loss of light.

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

Councillor Avery (Trumpington Ward Councillor) submitted a written representation to the Committee about the application as he was unable to attend in person.

The Committee:

Resolved (by 6 votes to 1) 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.

15/173/Plan 15/1123/S73 - Perse School

The Committee received a Section 73 application.

The application sought approval to vary condition 16 (Long Road Access) of 14/2070/FUL to also allow (ie include) vehicles providing a delivery, collection or maintenance function for the Perse School.

Ms Wood (Applicant's Agent) addressed the Committee in support of the application. She suggested replacing conditions 3, 4 and 8 with two new conditions regarding traffic access.

Councillor Blencowe proposed an amendment to the Officer's recommendation that condition 3 refer to the 'site' not 'school'. Councillor Smart proposed an amendment to the Officer's recommendation that refuse and vehicular access be specifically referenced in conditions (for clarification, although they were legally the same thing).

The amendments were **carried unanimously**. The Senior Planning Officer suggested clarifying details in condition 3, deleting (report pack) conditions 4 and 8, then renumbering remaining conditions.

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 amendments:

Amendment to condition 3 to read:

The service road granted planning permission under reference 06/0175/FUL shall only be used by the following vehicles: construction vehicles, vehicles delivering construction materials, or vehicles delivering to or providing maintenance to the school. The service road shall only be used by the vehicles specified above between the following hours: 08.00 – 18.00 Mondays to Fridays, 08.00 -13.00 Saturdays and at no time on Sundays, Bank or Public Holidays.

Deletion of conditions 4 and 8 and re-numbering of remaining conditions.

15/174/Plan 15/0787/FUL - St Marys School, Bateman Street

The Committee received an application for full planning permission.

The application sought approval for:

- 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).

Ms Avery (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Resolved (by 7 votes to 0) to refuse the officer recommendation to approve the application.

Resolved (by 7 votes to 0) 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.

3. Prior to their individual use, samples of following shall be submitted to and approved in writing by the Local Planning Authority:

- a) colour finish for the use of all render
- b) metal cladding and metal screening

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

Reason: In order to protect the character and appearance of the conservation area (Cambridge Local Plan policy 4/11)

4. Prior to the commencement of development of the individual items listed below, large scale plans of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Projecting fin
- b) Perforated screen
- c) Signage

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

Reason: In order to protect the character and appearance of the conservation area (Cambridge Local Plan policy 4/11)

5. 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)

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

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

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

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

15/175/Plan 15/0567/FUL - 63 Thoday Street

The Committee received an application for full planning permission.

The application sought approval for a two storey one bed room unit (residential studio) on land to the rear.

The Planning Officer circulated colour photos of the site showing various building elevations.

The Principal Planning Officer revised the recommendation for refusal to include a specific reference that the design did not respond to the character of the area.

The Committee:

Resolved (by 5 votes to 1) to refuse the application for planning permission in accordance with the officer recommendation for the following reason:

The proposed studio flat, due to the infilling of the gap, erosion of view of the rear of the terraces and its scale, form, design and fenestration - which would be highly visible in the street - would result in a form of development that would be visually and cumulatively detrimental to the character and appearance of the Conservation Area. In addition, the development would lead to pressure to prune or fell the Birch tree at the front of the site, which would erode and be of detriment to the character and appearance of the Conservation Area, given that the tree plays an important role within the street. For these reasons, the development would be contrary to policies 3/4, 3/7, 3/10, 3/11, 3/12, 4/4 and 4/11 of the adopted Cambridge Local Plan (2006).

15/176/Plan 15/0400/FUL - 23 Garden Walk

The Committee received an application for full planning permission.

The application sought approval for a 1.5 storey rear extension to provide three additional one bedroom flats

The Senior Planning Officer stated the images in the drawing pack had been superseded by those on the amendment sheet.

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

The Committee:

Resolved (by 6 votes to 1) 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.

15/177/Plan 15/0999/FUL - 161 Gwydir Street

The Committee received an application for full planning permission.

The application sought approval for a rear roof extension to create two linked dormers which would cover the majority of the rear roof space.

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

The Committee:

Resolved (by 4 votes to 3) to reject the officer recommendation to refuse the application.

Resolved (by 6 votes to 0) to approve the application contrary to the officer recommendation for the following reasons:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.
- 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.

15/178/Plan 15/0134/FUL - 44 Queen Ediths Way

The Committee received an application for retrospective and full planning permission.

The application was part-retrospective and sought approval for part two storey, part single storey, front, side and rear extensions including conversion of the garage to living space.

The Committee received a representation in objection to the application from a member of the public.

The representation covered the following issues:

- i. A retrospective application was being made in addition to planning permission originally sought in 2012 ie various work has been done outside of the permission granted. Conditions had been knowingly and persistency breached.
- ii. Work should be undertaken in-line with permission granted in 2012, which it had not.
- iii. The application design was visually dominating and out of scale with neighbouring properties.
- iv. Roof space usage should be controlled.
- v. If planning permission were granted, people working on scaffolding at 44 Queen Edith's Way could overlook neighbours.

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

Councillor Moore (Queen Edith Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The house had a large footprint in comparison to neighbouring properties.
- ii. There were 7 bedrooms and no garden.
- iii. Environmental Health Officers had visited 44 Queen Edith's Way due to safety concerns.
- iv. If the application were approved, conditions should be imposed to manage permitted development.

Councillor Blencowe proposed an amendment to the Officer's recommendation to include a considerate contractor informative.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 6 votes to 1) 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 an additional considerate contractor 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).

15/179/Plan 15/0287/FUL - Cantabrigian Rugby Club, Sedley Taylor Road

The Committee received an application for full planning permission.

The application sought approval for erection of 1No. dwelling, formation of a new access on to Long Road and associated operational development. This application was brought back to committee 2 September 2015 in response to comments raised by the owner/ occupier of no.23 Sedley Taylor Road after the Planning Committee meeting of 5 August 2015, where the application was approved by committee.

The Committee received a representation in objection to the application from Professor Muthesius.

The representation covered the following issues:

- i. Took issue with details in the Officer's report and suggested this created a false impression of the site.
- ii. The development did not fit into the site set out in the previous iteration of the report (5 August 2015).
- iii. Referred to her objections raised 5 August 2015 and said the application should not be approved for these reasons.

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

Councillor Moore (Queen Edith's Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The principle of developing the site was acceptable, but he took issue with this application.
- ii. Raised the following specific concerns:
 - A massive house was proposed for the space available. It had a large footprint in comparison to neighbours.
 - Overdevelopment of site.
 - There was no garden. Queried where alternative open space would be available.
 - Removing parking spaces to implement the application would exacerbate existing issues. The proposed new access was acceptable.
 - A lack of transparency on the reasons for approval originally given 5 August 2015.

The Committee:

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

15/180/Plan 15/1038/FUL - 92 Queen Ediths Way

The Committee received an application for full planning permission.

The application sought approval for a two storey dwelling to the rear of 92 Queen Edith's Way.

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.

15/181/Plan 15/1085/FUL - 253 Chesterton Road

The Committee received an application for change of use.

The application sought approval for:

- Change of use from an A1 (shop) to A3 (restaurant/cafe).
- Installation of new air conditioning / heating.
- Alterations to external façade and immediate forecourt. Installation of cycle racks and external seating onto private forecourt.

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.

15/182/Plan 15/1014/FUL - 74 St Catharine Street

The Committee received an application for full planning permission.

The application sought approval for a rear roof extension.

The Committee:

Resolved (by 4 votes to 3) to reject the officer recommendation to refuse the application.

Resolved (by 6 votes to 0) to approve the application contrary to the officer recommendation for the following reasons:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.
- 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.

15/183/Plan 15/0611/FUL - 3 Ascham Road

Councillor Dryden left the meeting to undertake Mayoral duties. Councillor Blencowe took over as Vice Chair in the Chair.

The Committee received an application for full planning permission.

The application sought approval for erection of single storey two bedroom house.

The Committee:

Unanimously resolved (by 6 votes to 0) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/184/Plan 15/0729/FUL - Land Rear of 15 Coleridge Road

The Committee received an application for full planning permission.

The application sought approval for construction of a two bedroom house.

The Committee received a representation in objection to the application from Dr Virden.

The representation covered the following issues:

- i. The design was out of character with the area.
- ii. Referred to objections set out in paragraph 7.2 of the Officer's report. Also raised concern regarding loss of light and impact of the application on people's health.
- iii. Referred to construction hour information in the Officer's report and stated access problems would arise from these.
- iv. The plot of land was too narrow for this development.

Councillor Blencowe proposed an amendment to the Officer's recommendation to include an additional construction condition and a considerate contractor informative.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 4 votes to 1) 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; subject to an additional condition and informative:

Condition:

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.

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).

15/185/Plan 15/1021/FUL - 15 Whitehill Road

The Committee received an application for full planning permission.

The application sought approval for erection of new 3 Bedroom dwelling to the land r/o 15 Whitehill Road, Cambridge and creation of new access off Elfleda Road.

The Committee:

Unanimously resolved (by 6 votes to 0) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

15/186/Plan 15/0945/FUL - 23-25 Hills Road

The Committee received an application for full planning permission.

The application sought approval for the demolition of nos.23-25 Hills Road and the re-development of this plot with a four-storey building with a mansard roof form, containing a retail unit (A1) on the ground floor level and student accommodation (C2) on the upper floors.

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

The representation covered the following issues:

- i. His residents' association had experience of 16 – 18 year old foreign students in Linwood Road. They congregated in the street and disturbed residents (this had been reported to Environmental Health Officers).
- ii. 2 Linwood Road did not have an on-site warden.
- iii. If no amenity space was provided at 23-25 Hills Road then it was likely students would congregate in the road.

The Committee received a representation in objection to the application from Ms Josselyn.

The representation covered the following issues:

- i. There was no onsite external amenity space at 23-25 Hills Road, therefore students were likely to congregate in the road which could:
 - Block the narrow Cambridge Place entry point, particularly for service vehicles.
 - Lead to anti-social behaviour such as smoking and drinking.

- ii. Parking / drop-off spaces for service vehicles should be provided.
- iii. Policy 50 of the Local Plan should be considered.
- iv. Strict control of the building process was required, the current conditions were impossible to enforce.

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

The Committee:

Resolved (by 4 votes to 2) to reject the officer recommendation to approve the application.

Resolved (by 4 votes to 0) to refuse the application contrary to the officer recommendations for the following reason:

The development fails to make proper provision for servicing of the proposed student accommodation units and in so doing fails to provide for the adequate management and maintenance of the development. The development is therefore contrary to policy 3/7 of the Cambridge Local Plan 2006.

15/187/Plan General Item: 14/1740/FUL: Double Tree By Hilton, Granta Place

On 4 March 2015 Planning Committee considered an application (14/1740/FUL) to allow the extension and alterations to the existing hotel to provide 16 additional bedrooms. The Committee resolved to approve the application subject to conditions and completion of a S106 agreement for SCATP contributions (£23,616) and public art.

As no highway project was identified at the stage of the application, the Head of Planning sought Committee's approval to secure the contribution towards an identified project.

On the basis the Council can no longer pool contributions from developments without having identified a local project to secure it against, the Head of Planning sought members' approval for the following:

- (Officer report paragraph 1.4) The County Highways Authority (CHA) has identified the "Trumpington Road Mini-Roundabouts Safety Improvement

Scheme” as the project to secure the SCATP contribution (£23,616) through a S106 agreement.

- (Officer report paragraph 1.5) The Head of Planning also sought members’ approval to withdraw the public art contribution as no public art strategy has been prepared for this and no local project has been identified. Also as the public art officer did not make any request for this, the Head of Planning did not consider it necessary to seek public art contribution, in this instance.

The Committee:

Unanimously resolved (by 5 votes to 0) to:

- i. Agree the project that the County Highway Authority has identified in para 1.4 for the SCATP contribution to be spend on.
- ii. Agree to withdraw the request for public art contribution as set out in para 1.5.
- iii. Agree an extension of time for completion of the Section 106 agreement until 31 October 2015.

The meeting ended at 5.55 pm

CHAIR

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

(updated August 2015)

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 Planning Practice Guidance (March 2014)

The guidance complements the National Planning Policy Framework and provides advice on how to deliver its policies.

Guidance is provided in relation to the following:

- Advertisements
- Air quality
- Appeals
- Before submitting an application
- Climate change
- Conserving and enhancing the historic environment
- Consultation and pre-decision matters
- Crown Development
- Design
- Determining a planning application
- Duty to cooperate
- Ensuring effective enforcement
- Ensuring the vitality of town centres
- Environmental Impact Assessment
- Flexible options for planning permissions
- Flood Risk and Coastal Change
- Hazardous Substances
- Health and wellbeing
- Housing and economic development needs assessments
- Land affected by contamination
- Land stability
- Lawful development certificates
- Light pollution
- Local Plans
- Making an application
- Minerals
- Natural Environment
- Neighbourhood Planning
- Noise

Open space, sports and recreational facilities, public rights of way and local green space
 Planning obligations
 Renewable and low carbon energy
 Rural housing
 Strategic environmental assessment and sustainability appraisal
 Travel plans, transport assessments and statements in decision-taking
 Tree Preservation Orders and trees in conservation areas
 Use of Planning Conditions
 Viability
 Water supply, wastewater and water quality
 When is permission required?

1.3 Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A only): Model conditions.

1.4 Community Infrastructure Levy Regulations 2010

Paragraph 122 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.

Paragraph 123 Other than through requiring a highway agreement to be entered into, a planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that

- (a) obligation A provides for the funding or provision of an infrastructure project or provides for the funding or provision of a type of infrastructure; and
- (b) five or more separate planning obligations that—
 - (i) relate to planning permissions granted for development within the area of the charging authority; and
 - (ii) which provide for the funding or provision of that project, or provide for the funding or provision of that type of infrastructure

have been entered on or after 6th April 2010

Development Plan policy

2.0 The Cambridgeshire and Peterborough Minerals and Waste Plan (Development Plan Documents) July 2011

Minerals and Waste Core Strategy : this sets out the Councils' strategic vision and objectives for future development and management of minerals and waste within Cambridgeshire and Peterborough, including strategic site allocations over the Plan period to 2026. The document also contains a suite of development control policies to guide minerals and waste development.

Minerals and Waste Site Specific Proposals Plan : this sets out the Councils' allocations for site specific proposals for future development and management of minerals and waste within Cambridgeshire and Peterborough. It identifies site specific land allocations for future minerals and waste management development and other supporting site specific policies.

Proposals Maps: Map A: shows minerals and transport proposals; Map B: shows waste management proposals; Map C: shows Mineral Safeguarding Areas.

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.
- 4.7 **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**

5.1 **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.

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

Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012) - This interim guidance will provide a policy framework prior to adoption of the new Local Plan to clarify the circumstances when it is acceptable for a public house to be lost to alternative uses and when it is not acceptable. The guidance will also be used to help determine planning applications relating to the loss of a current or former public house to alternative uses.

5.2 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.

Brooklands Avenue Conservation Area Appraisal (2013)
Cambridge Historic Core Conservation Area Appraisal (2006)
Castle and Victoria Road Conservation Area Appraisal (2012)
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)
Mill Road Area Conservation Area Appraisal (2011)
Newnham Croft Conservation Area Appraisal (2013)
New Town and Glisson Road Conservation Area Appraisal (2012)
Riverside and Stourbridge Common Conservation Area Appraisal (2012)
Southacre Conservation Area Appraisal (2013)
Storeys Way Conservation Area Appraisal (2008)
Trumpington Conservation Area Appraisal (2010)
West Cambridge Conservation Area Appraisal (2011)

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

Jesus Green Conservation Plan (1998)
Parkers Piece Conservation Plan (2001)
Sheeps Green/Coe Fen Conservation Plan (2001)

Christs Pieces/New Square Conservation Plan (2001)

Historic open space guidance.

Hills Road Suburbs and Approaches Study (March 2012)

Long Road Suburbs and Approaches Study (March 2012)

Barton Road Suburbs and Approaches Study (March 2009)

Huntingdon Road Suburbs and Approaches Study (March 2009)

Madingley Road Suburbs and Approaches Study (March 2009)

Newmarket Road Suburbs and Approaches Study (October 2011)

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

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

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

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

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

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

Application Number	15/1163/FUL	Agenda Item	
Date Received	30th June 2015	Officer	Lorraine Casey
Target Date	25th August 2015		
Ward	Queen Ediths		
Site	104 Wulfstan Way Cambridge CB1 8QJ		
Proposal	1no two bedroom dwelling		
Applicant	Mr P Geoghan		
	104 Wulfstan Way Cambridge CB1 8QJ		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <p>The proposed development would not provide an appropriate standard of residential amenity for future occupiers of the proposed new dwelling, contrary to Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Nos. 104 and 104a Wulfstan Way are terraced brick and tile two-storey dwellings situated on the west side of Wulfstan Way. The gardens back onto Hulatt Road to the west from which vehicular access is obtained.
- 1.2 The surrounding area is residential in character and formed primarily of two-storey semi-detached properties.
- 1.3 There are no site constraints.

2.0 THE PROPOSAL

- 2.1 The application proposes to erect a detached two-storey (6m high) 2-bedroom dwelling on the land to the rear of 104 and 104a Wulfstan Way. The dwelling would be located towards the western end of the site fronting Hulatt Road, from which

vehicular access would be obtained. Car parking would be provided to the front of the property. A 7m deep garden, incorporating bin and cycle storage, would be provided to the rear/east side of the dwelling, backing onto the retained garden areas serving the existing properties fronting Wulfstan Way.

- 2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
13/1372/FUL	Single storey front extension and new dwellinghouse	Approved
13/1053/FUL	Single storey front extension and new dwellinghouse	Refused

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance 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)
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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 The application provides no information regarding how the parking needs of the existing dwelling will be addressed. The development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity that the Planning Authority may wish to consider when assessing this application.

Head of Refuse and Environment

- 6.2 No objections providing conditions are added to any planning permission to restrict construction hours and requiring details of any piled foundations. An informative requiring remediation of any contamination should also be added to any permission.
- 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:

- ☐ 100 Wulfstan Way
- ☐ 106 Wulfstan Way
- ☐ 15 Hulatt Road
- ☐ 1 representation with no address supplied

7.2 No.106 Wulfstan Way has expressed support for the application. Objections have been raised within all other responses, and these representations can be summarised as follows:

- ☐ Loss of privacy to occupiers of 15 Hulatt Road from the proposed front facing first-floor windows.
- ☐ Overlooking of No.100 Wulfstan Way's garden.
- ☐ Would increase the demand for parking in the area.
- ☐ Would result in overdevelopment of the site to the detriment of the character of the area given that No.104 has already been extended to the side to create an additional dwelling (No.104a).
- ☐ Would be out of keeping with the pattern of development in the area, and the scale and proportions of surrounding buildings.
- ☐ Would make it difficult to resist similar applications for dwellings fronting Hulatt Road, with consequent harm to the character of the area.
- ☐ Access for services for the proposed property via Hulatt Road will be restricted by the piped stream.

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

8.0 ASSESSMENT

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

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

8. Planning Obligations (s106 Agreement)

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 broadly 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 The surrounding area is extremely varied in character, in terms of the scale and design of dwellings and pattern of development in the area. The properties in Wulfstan Way are predominantly two-storey brick dwellings fronting the road. No.104 has recently been extended on its south side to create an additional dwelling (No.104a). The east side of Hulatt Road comprises a mixture of single-storey and two-storey buildings, all of differing design, sited in close proximity to the road. These include a semi-detached two-storey dwelling and bungalow located adjacent to No.98 Wulfstan Way, for which planning permission was granted in 1999. Directly to the north of this, planning permission was granted at Planning Committee earlier this year (contrary to Officer recommendation) for the erection of two new 6m high dwellings to the rear of 90 and 92 Wulfstan Way. These have not yet been constructed but, as this is an extant permission, represents a material consideration in the determination of this application. On the west side of Hulatt Road are single-storey, two-storey, and 1½ storey properties that are predominantly sited in close proximity to the road frontage.
- 8.7 The proposed dwelling would be located in the middle of six presently undeveloped rear gardens. However, given the character of the east side of Hulatt Road immediately to the north and south of these gardens, including the recent consent granted at 90/92, my opinion is that the scale, design and siting of the dwelling would not have a significant adverse impact upon the character and appearance of the area.
- 8.8 In my opinion, the proposal is therefore compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 (criterion c) and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 With regards to the impact on the amenity of neighbouring occupiers, the proposed dwelling would be located 14m from the rear elevation of Nos. 104 and 104a Wulfstan Way. 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.

- 8.10 The only first-floor windows in the east/rear and north side elevations of the proposed dwelling are high level rooflights. The development would not therefore give rise to any overlooking of Nos. 104 and 104a or other adjacent properties in Wulfstan Way.
- 8.11 With regards to the impact of the development upon properties on the opposite side of Hulatt Road, the proposed dwelling includes a first-floor bedroom window in the west-facing gable end elevation. The distance between this window and the dwellings opposite, is approximately 17/18m. As these neighbouring windows face the road and pavement to the front, rather than being to private rear gardens, they enjoy limited privacy at present. I therefore consider the proposal would not give rise to an unacceptable level of overlooking of these neighbouring properties.
- 8.12 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.

Amenity for future occupiers of the site

- 8.13 A 7m deep garden is proposed to the rear of the dwelling, and this backs onto a retained garden depth of 7m for the frontage dwellings, Nos. 104 and 104a. Whilst no first-floor windows are proposed in the rear elevation of the new dwelling, there are first-floor bedroom windows in the rear elevations of Nos. 104 and 104a that would look directly into the new property's kitchen/diner and living room windows (at a distance of 14m rather than the generally accepted 20m rule of thumb) and main private garden area. I therefore consider that future occupiers of the proposed dwelling would suffer an unacceptable level of privacy in the rear garden by reason of overlooking from the first-floor windows in the rear elevation of the frontage dwellings.
- 8.14 This site differs in this respect from the recently approved scheme to the rear 90-92 Wulfstan Way. In that case, there is a back-to-back distance of approximately 18.5 - 19m metres between the existing and new dwellings, and the existing properties have a retained garden depth of around 12.5 - 13m. This therefore ensures a more appropriate separation between

opposing habitable room windows, and also between the gardens of the new dwellings and first-floor windows in the rear elevations of the existing properties.

- 8.15 Notwithstanding the above concerns, the rear garden would measure 7m x 13m (approximately 90 square metres) and includes ample space for the storage of bins and cycles, with pedestrian access achievable to the side of the dwelling. Adequate parking is also proposed to the front of the property. The site is in a sustainable location, close to services and facilities in the immediate area and within walking distance of nearby bus stops.
- 8.16 Due to the harm caused by overlooking from the existing dwellings, in my opinion the proposal would not provide a high-quality living environment and appropriate standard of residential amenity for future occupiers of the proposed new dwelling, and is therefore unacceptable in this respect.

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 commented that the application includes no information regarding how the parking needs of the existing dwelling will be addressed. Having researched the history of the site, I have noted that the planning permission for No.104a Wulfstan Way showed the provision of parking spaces for both 104 and 104a to the front, accessed via Wulfstan Way. As such, the development would not result in the loss of parking provision for the existing dwellings 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 the proposed dwelling and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.20 The majority of third party representations have been addressed in the main body of this report.
- 8.21 The issue of access to services is not a material planning consideration and would therefore need to be resolved separately by the owner should planning permission be granted.

Planning Obligations (s106 Agreement)

- 8.22 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (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.

- 8.23 This application was received prior to the High Court ruling on 31 July 2015, which quashed the ministerial statement from the Department of Communities and Local Government in late November 2014 that S106 contributions should not be sought from developments of fewer than 11 homes. Whilst this means that new S106 contributions can once again be considered for housing developments of 10 homes or less, the implications of the S106 pooling constraints, which came into effect from 6 April 2015, also need to be taken into account.
- 8.24 Given the council's previous approach to S106 contributions (based on broad infrastructure types within the city of Cambridge), the pooling constraints mean that:
- S106 contributions have to be for projects at specific places/facilities.

- The amount of S106 contributions secured has to relate to the costs of the project for mitigating the development in the context of the capacity of existing facilities serving the development.
- Councils can no longer sign up to any more than five new S106 contributions (since 6 April 2015) for particular projects to mitigate the impact of development.

8.25 The Council is, therefore, now seeking S106 contributions for specific projects wherever practicable, but this does not mean that it will be possible to seek the same number or amount of contributions as before. In this case, for example, there has not been enough time, since the High Court ruling, to identify suitable specific on-site projects. Council services are currently reviewing and updating their evidence bases to enable more S106 contributions for specific projects to be recommended in future. More details on the council's approach to developer contributions can be found at www.cambridge.gov.uk/s106.

9.0 CONCLUSION

9.1 Occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy as the rear ground floor windows and rear garden would be overlooked, at a distance of just 14m, by first floor windows in the rear elevations of Nos. 104 and 104a Wulfstan Way.

10.0 RECOMMENDATION

REFUSE for the following reason:

1. Future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy, as the ground floor kitchen/diner and living room windows in the rear elevation and private rear garden would be overlooked, at a distance of just 14m, by first floor windows in the rear elevations of Nos. 104 and 104a Wulfstan Way. As a consequence, the development is not compliant with Cambridge Local Plan (2006): Policies 3/4, 3/7 and 3/12, which require buildings to respond well to their context and to provide high quality living environments and interrelations between buildings; and 3/10 which states that residential development within the curtilage of existing properties will not be permitted if it would have a significant adverse impact on residential amenity through loss of privacy.

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PLANNING COMMITTEE

7th October 2015

Application Number	15/1308/FUL	Agenda Item	
Date Received	3rd August 2015	Officer	Lorraine Casey
Target Date	28th September 2015		
Ward	West Chesterton		
Site	94 Milton Road Cambridge CB4 1LA		
Proposal	Change of use from C3 domestic dwelling house to 10 person House in multiple occupation and 2 studio flats		
Applicant	Mr Phil Scherb 41 Tenison Road Cambridge CB1 2DG		

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 change of use would not have a significant impact on neighbour amenity.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.94 Milton Road is a substantial detached three-storey Victorian property located on the corner of Milton Road and Herbert Street on a site that slopes downwards from the front to rear. The property is used for the provision of accommodation for Language School students. The site lies in a predominantly residential area, with dwellings to both sides and on the opposite side of the road. The site is not within a Conservation Area and is outside the Controlled Parking Zone.
- 1.2 The property has three floors of accommodation and comprises 10 bedrooms and 2 studio flats.

- 1.3 The site was used as a family home and guest house for at least 20 years until it was purchased by the applicant in 2011, since when it has been used as accommodation for language students.

2.1 THE PROPOSAL

- 2.2 The proposal seeks to change the use of the property from a single dwelling to a 10 person House in Multiple Occupation and 2 studio flats. The application is retrospective in nature and seeks to regularise a change of use that has already occurred, with the existing property providing student accommodation for up to 12 people. The 10 HMO rooms are contained within the main house, whilst the 2 studio flats are within a rear extension to the property and accessed through the main house.
- 2.3 Cycle storage for 10 cycles is provided to the front of the building. Bin storage areas are provided to the front of the building (4 bins) and to the side facing Herbert Street (3 bins).
- 2.4 The application is accompanied by the following supporting information:

1. Design & Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
C/78/0386	3 storey extension to existing lodging house	Approved
C/78/0619	2 storey extension (submission of reserved matters)	Approved
C/79/0831	Erection of fire escape and alteration to second floor of existing lodging house	Approved
11/0404/FUL	External alterations including installation of new windows and entrance door and removal of existing garage doors	Approved

12/1421/FUL External alterations including Approved installation of new windows and replacement of roof construction

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
		5/1 5/2 5/7
		8/2 8/6 8/10

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

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

	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
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 of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 No off-street car parking provision is made for the HMO, which has the potential to increase car parking demand above that which would be anticipated from a single dwelling of this size. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity that the Planning Authority may wish to consider when assessing the application.

Head of Refuse and Environment

- 6.2 Advises that additional information will be required before comments can be provided. The issue of waste and refuse has not been properly covered within the application. The site would be capable of accommodating 14 people (1 in each of the HMO bedrooms and 2 in each of the studio flats). 7 bins are denoted in the plans. However, clarity is required on what bins are present and which occupants they serve. Further details are also required on who is responsible for ensuring the bins are all placed kerbside and returned to the storage areas. It also appears the bins may be required to go up and down steps and further details are required about this.

Housing Standards

- 6.3 In January 2014, an HMO licence was granted for 10 people. The two self-contained units to the rear do not form part of the HMO licence as no amenity is shared. There appear to be no changes compared to what was noted at the time and, on this basis, there are no comments regarding the application.
- 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.53 Milton Road have objected to the application for the following reasons:
- ☐ The building is already being used on a multiple occupancy basis and two buildings have already been erected to the rear.
 - ☐ It is assumed the building will be used by students rather than local people.
 - ☐ The use will increase demand for parking which is already critical around these streets.
 - ☐ The use is likely to lead to noise disturbance to surrounding residents.
- 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. 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 building has been previously extended with the benefit of planning permission. The proposal involves no external alterations to the property or its curtilage and, as a result, the development does not have a significant adverse impact upon the character and appearance of the area.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The massing of the development and window positions etc have been considered under previous applications, and the current proposal involves no further physical additions or alterations to the building. As such, the proposal would not have a harmful overlooking or overshadowing impact.
- 8.7 With regards to the issue of potential noise disturbance to surrounding residents, there is no car parking on the site and bin/cycle storage are provided to the front and side of the building adjacent to Milton Road and Herbert Street respectively. Whilst there is likely to be some increased noise due to increased activity compared to the original use as a dwelling, the site has been used intensively for in excess of 20 years, including as a 12 person HMO for the past 4 years. In light of this, together with the fact that the site is located on a corner plot, my opinion is that any increased noise 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 There is no outdoor amenity space for the enjoyment of occupiers of the HMO. Whilst the provision of some outdoor amenity space would normally be desirable for HMO's, the site is located in very close proximity to substantial areas of public open space at Jesus Green and Midsummer Common. The site is also 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 therefore 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 Space for storage of 7 bins is provided to the front and side of the property. The Environmental Health Officer has sought further clarification of the bin storage capacity and management arrangements. The applicant's agent has been requested to provide this information, in order to establish whether the development complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006), and further details will be set out in an update prior to the Committee meeting.

Highway Safety

- 8.11 The Highways Authority has raised no specific objections to the highway safety implications of the development, although does note that the use has the potential to increase car parking demand above that expected for a single dwelling. My observation was that Herbert Street experiences significant on-street parking demand and pressures due to its proximity to the city centre and absence of any parking controls. However, this is a highly sustainable location where car ownership would not be necessary. Additionally, I would add that, as the building is used to accommodate language students that tend to be there on a short-term basis only, they do not typically own cars.

Car and Cycle Parking

- 8.12 There is no off-street car parking provision for 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 absence of any parking to be acceptable in this location.
- 8.13 Secure cycle storage for 10 cycles is provided to the front of the property at lower ground floor level. The standards require the provision of 1 space per bedroom which equates to 12 spaces. 2 further spaces therefore need to be provided and the applicant's agent has been requested to amend the plans to address this.
- 8.14 In my opinion, subject to the satisfactory provision of 2 additional cycle spaces, the proposal will be compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.15 The comments raised by No.53 Milton Road have been addressed within this report.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that, subject to the satisfactory provision of refuse and cycle storage, the proposed development is acceptable and would comply with the provisions of the relevant development plan policies. As such, approval is recommended. Given that almost the entire site has been covered with built form, and the lack of space to provide additional bin and cycle storage, it is recommended that a condition be added to limit the occupation to a maximum of 14 people (this is based on 1 person per room in the HMO and 2 people per studio flat).

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 house shall be occupied by no more than fourteen people at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties, and securing an adequate level of cycle and refuse storage provision. (Cambridge Local Plan 2006, policy 3/7)

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Application Number	15/0585/FUL	Agenda Item	
Date Received	6th May 2015	Officer	Mr Amit Patel
Target Date	1st July 2015		
Ward	Romsey		
Site	84 Cavendish Road Cambridge CB1 3AF		
Proposal	Single storey rear extension and first floor side extension		
Applicant	Mrs Rosalind Morgan 84 Cavendish Road Cambridge CB1 3AF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The development will not have a detrimental impact on the Conservation Area <input type="checkbox"/> The development will not significantly harm the residential amenity of neighbouring occupiers
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 84 Cavendish Road is located on the eastern side of the road. The area is characterised by residential properties within a terrace. Number 84 is an end of terrace property with a side access.
- 1.2 The site falls within a Conservation Area but the building is not listed or a Building of Local Interest. There are no tree preservation orders on the site. The site falls within the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application seeks approval for a first-floor extension and ground floor single-storey rear and side extension.

- 2.2 The ground-floor extension to the rear and side has already gained approved under planning reference 14/2103/FUL.
- 2.3 The applicants have amended the application to show the proposed first-floor extension will be finished in matching brickwork and window detailing.
- 2.4 A further drawing showing a 45 degree line from the adjoining occupier's window has been submitted.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans
- 2.6 Cllr Smart has requested the application to be determined at Committee due to wider issues of development in the Conservation Area and impact on neighbours.

3.0 SITE HISTORY

Reference	Description	Outcome
14/2103/FUL	New rear infill extension and rear dormer	A/C

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 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> 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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

Initial Comments

- 6.1 The Highway Authority does not consider that this application has any implications that will affect the highway network.

Comments on revised Drawings

No comment to make on the revised drawings

Urban Design and Conservation team

Initial Comment

- 6.2 This application is not supported. The design, junctions with the existing building and materials will have a detrimental impact on the Heritage Asset.

Comments on revised drawings

The design and materials are now different and the proposal is now considered acceptable.

- 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

Submitted Scheme

- 7.1 The owners/occupiers of the following addresses have made representations:
- ☐ 16 Cavendish Place
 - ☐ 82 Cavendish Road

7.2 The representations can be summarised as follows:

- ☐ Loss of light
- ☐ Use of materials is detrimental to the character of the building
- ☐ Gable end sills, windows not to project into the shared access
- ☐ Windows to be opaque
- ☐ Restrict outlook from first-floor rooms
- ☐ The roof extension will not preserve or enhance the character of the Conservation Area
- ☐ Choice of windows is not in keeping with the area

Revised Scheme

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

- ☐ 82 Cavendish Road (x2)
- ☐ 16 Cavendish Place

7.4 The representations can be summarised as follows:

- ☐ The design is still at odds with the character of the area.
- ☐ Loss of privacy
- ☐ Loss of light
- ☐ Noise from construction activity
- ☐ The ground floor is no higher than the approved scheme
- ☐ Gable end windows to be flush with the wall
- ☐ No additional windows are added to the ground-floor
- ☐ The process is long and time lines are short.
- ☐ No consultation has taken place with the neighbours from the applicant or architects
- ☐ Wider consultation should have taken place
- ☐ The building is not being built in accordance with the approved plans

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.

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

1. Context of site, design and external spaces
2. Impact on heritage assets
3. Residential amenity
4. Third party representations

8.0 ASSESSMENT

Context of site, design and external spaces

8.1 The proposal seeks permission for the ground-floor side and rear and first-floor extension. This scheme seeks to amend the ground floor extension by reducing it in height and shortening it. This element now measures 5.5m deep and 3m high. A larger ground-floor extension has already been approved under planning reference 14/2103/FUL. Having visited the site I do not consider that it would be reasonable to refuse this element as the site context has not altered.

8.2 The first-floor extension would be an anomaly as there are no other extensions within the terrace at this level. However, there is already a flat roof extension which was approved under planning reference 14/2103/FUL and the proposal is to the rear. The amended scheme will be finished in matching materials (condition 3) and will use traditional window detailing and on balance I consider that the proposal is acceptable.

8.3 The plans also show a dormer window, but this is for information purposes only, as it has already been granted planning permission under reference 14/2103/FUL.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

Impact on the Conservation Area

8.5 Representations have commented that the proposal is detrimental to the character and context of the Conservation Area because of the design. The proposal is to the rear and will be finished in matching materials and a more traditional window. The proposal is not highly visible in the street. The

Conservation Officer has commented that the amended design and form would be acceptable. Whilst I accept that there are no other examples of flat roofed first floor extensions in the immediate vicinity of the site, given that the Conservation Officer has not objected to the proposals and also that there is a flat roofed single storey extension existing at the property I do not consider that a refusal on design and impact on the Conservation Area could be sustained in this instance due to the specific character of this site.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 Representations have been received regarding the loss of light to the neighbours. The proposal does not project past the existing two-storey element and therefore there will be no impact upon number 86 to the north. Having visited the site I consider that the main impact will be on the neighbour to the south, number 82. The proposal is lower than the main ridge and not higher than the eaves and being to the south with a separation gap of 3.6m from proposed gable to the building at number 82, I do not consider that the proposal will have a significant impact upon loss of light to the neighbours.
- 8.8 Representations have also commented that the outlook will also be restricted. Although the proposal will come closer to the boundary with number 82, there is an access way between the properties and the two-storey element is further set back from the boundary of number 82. There will be a total separation gap of about 4m, from building to building and the proposal is not higher than the eaves and projects 3m. The windows at ground-floor serve the kitchen and living space and their outlook will be compromised to some extent, however, the proposal is set away from these neighbours and there will be uninterrupted outlook from the living room down the garden and therefore taking into account the separation distance, height and depth of the proposed first-floor extension, on balance I consider the proposal is acceptable and that the impacts would not be so severe as to warrant refusal of planning permission in this case.

- 8.9 Representations have been received regarding the impact of new windows in the side elevation. There will be new high level windows in the main building facing the neighbour at number 82. These will serve bedroom 2 and the ensuite to bedroom 1. I consider that these should be obscure glazed up to a height of 1.7m above floor level and any opening shall be 1.7m above floor level to prevent overlooking (Condition 5). This can be secured by way of a condition. There will also be a high level fixed window in the ground floor extension. This high level window serves the dining room and being 1.7m high from floor level and non-opening I do not consider that this will allow any significant overlooking into the neighbouring property.
- 8.10 There will also be a new window in the rear elevation facing down the garden. There will be outlook into neighbouring gardens but due to the tight urban nature of the area there is already outlook from first-floor windows and this would not be significantly different. Due to the boundary treatment I do not consider that the windows at ground-floor level will have any impact in terms of loss of privacy.
- 8.11 Representations have been raised regarding noise from construction activity. I consider a standard working hours condition would overcome any construction noise outside the prescribed hours which could impact the neighbouring occupiers and I recommend a condition (4).
- 8.12 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.

Third Party Representations

- 8.13 The issues raised regarding loss of light, impact on the building and Conservation area through use of materials, design and overlooking and privacy have been addressed in the main body of the report above.
- 8.14 The issue raised relating to encroachment into the access area by windows is a civil matter and cannot be reasonably used to refuse the application on these grounds.

- 8.15 The comments regarding the dormer cannot be reasonably used to refuse the application because this has already been approved under the previous application and does not form part of this application.
- 8.16 With regards to the ground floor extension and additional windows, the plans show the ground floor element being slightly smaller than the approved scheme and addition of windows at ground floor level and these would not be reasonable to refuse as the adjoining boundary treatment could be raised to 2m.
- 8.17 The planning process does not restrict the number of times an applicant can put in planning applications or the time take for negotiations. The issue regarding the applicant or agent not consulting the neighbours is only for guidance and would be sensible but could not refuse an application on these grounds.
- 8.18 The issue about wider consultation has been carried out. Immediate neighbours were notified and a site notice was placed on street furniture. I have also visited the site and assessed the level of consultation carried out in relation to the scale of the proposed development. I am satisfied that an appropriate level of consultation has been carried out for these proposals and that there has not been any procedural error.
- 8.19 The issue of the building not being built in accordance with the approved plans is an Enforcement issue. I shall raise this with the Enforcement Team for an investigation to start, if any breaches are found there would be a formal process to follow. This aspect cannot be afforded any weight in the determination of the current application.

9.0 CONCLUSION

- 9.1 The amended application is supported as it will not have a harmful impact upon the Conservation Area or the adjoining occupiers.

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. The windows identified on drawing number apa.096/112 rev.P1 and apa.096/111 rev. P1 on the south elevation 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 any opening shall be 1.7m above internal floor level and shall be retained as such thereafter.

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

Application Number	15/0908/FUL	Agenda Item	
Date Received	27th May 2015	Officer	Mr Amit Patel
Target Date	22nd July 2015		
Ward	Queen Ediths		
Site	14 Worts Causeway Cambridge CB1 8RL		
Proposal	Demolition of existing dwelling and erection of 2 no. detached dwellings with new access via Alwyne Road		
Applicant	Mr Ian Purkiss 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 proposal would fit into the residential character of the area <input type="checkbox"/> The proposal would provide adequate amenity space for future occupants <input type="checkbox"/> The proposal would not raise significant highway safety issues
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 14 Worts Causeway is a corner plot which addresses Alwyne Road and Worts Causeway. The current building is a single-storey bungalow with extensions to the rear of the site. The site, due to its topography, is higher at the Worts Causeway end and falls away towards Alwyne Road.
- 1.2 The area is residential in character and the majority of the properties are a mixture of semi-detached and detached properties. The properties are generally set behind mature boundaries. There is not a uniform design to the properties within the street.
- 1.3 The site is outside the Conservation Area. The building is not listed or a Building of Local Interest. There are trees within the

site but none are protected by a Tree Preservation Order. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application is to demolish the existing bungalow and replace it with two detached properties.
- 2.2 The applicants have amended the design and the main changes are that the proposal is for a pair of semi-detached properties with car parking and bins and bike storage on site.
- 2.3 Both of the units would have front and rear gardens and the front boundaries would mirror those of surrounding properties with planting.

3.0 SITE HISTORY

Reference	Description	Outcome
C/88/0007	Alterations and erection of single storey extension to existing bungalow.	A/C

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12 4/4 5/1 8/2 8/6 8/10 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>Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Planning Obligation Strategy (March 2010)</p>

Material Considerations	<u>City Wide Guidance</u> Cambridge City Council (2011) - Open Space and Recreation Strategy Balanced and Mixed Communities – A Good Practice Guide (2006) Cambridgeshire Design Guide For Streets and Public Realm (2007) Cycle Parking Guide for New Residential Developments (2010)
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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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Comments dated 29th May 2015

- 6.1 Conditions relating to visibility splays, drainage, driveway materials and informative relating to works in the highway.

Additional Comments on revision

No additional comments

Environmental Health

Comments dated 29th May 2015

No objection in principle subject to conditions relating to construction hours, piling and dust

Head of Streets and Open Spaces (Landscape Team)

The proposal is supported subject to conditions relating to hard and soft landscaping and works and boundary treatment

Streets and Open Spaces (Trees)

No comments have been received. The comments will be recorded on the amendment sheet or verbally.

Development Control Forum (Meeting of 12th August 2015). See appendix 1.

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:

Comments relating to the first submission:

- ☐ 15 Almoners Avenue (X2)
- ☐ 2 Alwyne Road
- ☐ 3 Alwyne Road (x3)
- ☐ 6 Alwyne Road
- ☐ 9 Alwyne Road
- ☐ 11 Alwyne Road
- ☐ 12 Alwyne Road
- ☐ 14 Alwyne Road

- ☐ 15 Alwyne Road (x4)
- ☐ 2 Babraham Road (x2)
- ☐ 15 Bowers Croft
- ☐ 19 Bowers Croft
- ☐ 2B Cavendish Avenue
- ☐ 6 Worts Causeway
- ☐ 12 Worts Causeway (x2)
- ☐ 12A Worts Causeway (x3)
- ☐ 21 Bowers Croft (x2)
- ☐ 21 Worts Causeway
- ☐ 22 Worts Causeway
- ☐ 23 Worts Causeway
- ☐ 25 Worts Causeway (x2)
- ☐ 29 Worts Causeway
- ☐ 31 Worts Causeway (x3)
- ☐ Broadreach Field Way
- ☐ 18 Field Way
- ☐ 77 Beaumont Road
- ☐ 32 Selwyn Gardens

7.2 The representations can be summarised as follows:

- ☐ Out of character due to the wide frontage, use of materials and height
- ☐ Overdevelopment as the density and layout are not in keeping with the area
- ☐ Internal and external layout of the development is not defined
- ☐ Design is not appropriate for the area especially the height
- ☐ Loss of privacy
- ☐ Overshadowing
- ☐ Plot 2 does not following the building line
- ☐ Interlooking between the proposed dwellings appear to show that the site is inadequate for the development
- ☐ Internal head space is inadequate at roof level
- ☐ Highway safety with cars coming out from driveway close to the junction
- ☐ Parking and access will be a hazard for road users
- ☐ Car parking spaces is against Council policy for sustainability
- ☐ The impact on the trees needs to be assessed

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

Comments relating to the revised scheme

- ☐ Broad Reach, Field Way
- ☐ 2 Alwyne Road
- ☐ 3 Alwyne Road
- ☐ 5 Alwyne Road
- ☐ 7 Alwyne Road
- ☐ 11 Alwyne Road
- ☐ 15 Alwyne Road
- ☐ 15 Almoners Avenue
- ☐ 4 Worts Causeway
- ☐ 6 Worts Causeway
- ☐ 8 Worts Causeway
- ☐ 12 Worts Causeway
- ☐ 12a Worts Causeway
- ☐ 15 Worts Causeway
- ☐ 19 Worts Causeway
- ☐ 22 Worts Causeway
- ☐ 23 Worts Causeway
- ☐ 25 Worts Causeway
- ☐ 29 Worts Causeway
- ☐ Throgmorton House, Alwyne Road
- ☐ 15 Bowers Croft
- ☐ 21 Bowers Croft
- ☐ 2 Babraham Road

7.4 The representations can be summarised as follows:

- ☐ The proposal is out of keeping due to density and internal room sizes and layout
- ☐ Visual dominance from the neighbouring gardens
- ☐ Landscaping to the boundary hides the buildings but will not be in this instance
- ☐ The proposal is for profit only to the detriment of other residents
- ☐ The layout is not functional for the use
- ☐ The houses would be brought by buy to let landlords due to the size of the properties

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. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

Principle of Development

8.2 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in National Planning Policy Framework. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

8.3 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where:

- a) there is 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) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties;
- c) where they detract from the prevailing character and appearance of the area;
- d) where they adversely affect the setting of Listed Buildings;

- e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site;
 - f) where development prejudices the comprehensive development of the wider area, of which the site forms part.
- 8.4 The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f), nor are there any listed buildings in close proximity to the site in accordance with 3/10 (e). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.
- 8.5 There is no objection in broad principle to residential development, but the detailed elements of the proposal have to be assessed against the criteria of policies 3/4, 3/10 and 3/12 of Cambridge Local Plan 2006.

Context of site, design and external spaces

Response to context

- 8.6 The proposal is for the demolition of the existing bungalow and replacing it with two, two-storey semi-detached dwellings. Representations have been received regarding the proposal being out of character with the area due to the density, height, use of materials and layout of the scheme as well as the boundary treatment. This is a highly visible plot within the street scene of Worts Causeway and Alwyne Road.
- 8.7 Having visited the site and the surrounding area, I am of the view that the area is mixed in character, with bungalows, detached and semi-detached houses, and that this form of development would not appear out of place. There is no uniform design of dwellings with different materials being used in the area. I recommend a condition to control this (Condition 3). The proposed dwellings are arranged in a semi-detached pair with plot 2 set back to address the corner. The scale and massing of the proposal is generally in line with other existing dwellings facing Worts Causeway. I note that the proposal will be slightly higher than the adjoining semi-detached houses by 0.8m, however, the proportions of the roof and the building height are similar, and reflect the topography of the land rather than the

design of the buildings. I do not consider that the proposed height would be harmful.

- 8.8 I appreciate that the proposed plot sizes are smaller than others in the area but the layouts are far from being cramped; this is an efficient use of the land. The garden sizes are approximately 50m² and 60m² respectively, which is sufficient for the size of the houses being proposed. The National Planning Policy Framework encourages the sustainable and more efficient use of land and this proposal does just that.
- 8.9 The general characteristic of the road, due to the topography, has a heavily planted front boundary. The revised scheme seeks to re-create this and the landscape team has suggested conditions (7 to 8) to provide details of this and I consider this acceptable.

Movement and Access

- 8.10 The proposed scheme will have routes around the buildings and to the car parking area. The layout of which will allow cars to be kept off the street and be integrated within the development. The spaces shown are adequate for this type of development and appropriate. I note that the car parking will be positioned a distance away from the front entrance to plot 2 but this will be close to the rear access and would still allow a good relationship for entering the dwelling.

Layout

- 8.11 The proposed dwellings would face Worts Causeway, which accords with most other properties along Worts Causeway. There would be boundary treatment that would be erected to allow the separation from highway and private space as well as the splitting of the land to create individual private amenity space. This is welcomed and the boundary treatment is recommended to be conditioned.

Open Space and Landscape

- 8.12 The proposal will create two plots. Each plot has a front and rear garden area. The existing trees are not protected. Representations have been received that the existing trees have not been properly considered. The proposal is to introduce

new trees along the Worts Causeway boundary and retain the existing trees, which are along the boundary with Alwyne Close. I consider that this will add to the amenity value of the space created for future occupiers.

- 8.13 The landscaped area is functional and linked to the individual plots. These areas are accessed either from the front or the rear of the proposed buildings and therefore are well linked to the houses.

Elevations and Materials

- 8.14 The proposed buildings follow the established building lines of Worts Causeway and Alwyne Close. Plot 2 has been slightly set back which addressed the junction and therefore is acceptable. There will be bins and bike storage for each plot.
- 8.15 The proposal seeks to use modern materials such as render and vertical Cedar cladding boards on the elevations, the roof will be finished in natural slate and the windows and doors will be made from composite aluminum. Although the materials are modern in appearance this is not out of character, as other properties in and around the area have used modern materials for external finishing.
- 8.16 Taking all of the above into consideration I do not consider that the proposal is an overdevelopment or would be out of character with the area.
- 8.17 Subject to conditions, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.18 The existing bungalow is low level and the proposed building are two-storey in height with rooms in the roof. I consider that the occupiers of the two adjacent buildings of 15 Alwyne Close and 16 Worts Causeway are those most likely to notice the impact from the proposed development. The building as a whole will be to the north of 15 Alwyne Road and west of the adjoining property 16 Worts Causeway. The building at first-

floor will be 16m away from the boundary with 15 Alwyne Close and the ground floor will be set away by 11m.

Overshadowing/loss of light

- 8.19 Representations have been received regarding the proposal having a negative impact upon the neighbouring occupiers through overshadowing.
- 8.20 The main bulk of the building would align with the gable end of number 16 and would be set away from the boundary by 6.2m. Number 16 is due east of the site. Taking all of this into consideration, I do not consider that number 16 will suffer from any significant loss of light. No. 16 is south facing and any loss of light is likely to be restricted to the end of the day.
- 8.21 Number 15 Alwyne Close is due south of the proposed development and the separation distance from the first-floor element to the common boundary is 16m. Taking this into consideration, I do not consider that there will be any significant loss of light to this property.

Overlooking/loss of privacy

- 8.22 Representations have been received regarding overlooking and loss of privacy to the neighbours.
- 8.23 There are proposed windows facing the garden of no. 16. These windows are at first-floor level and are angled to give views towards the middle of the garden area of no. 16. This area is already partially overlooked by the attached dwelling at no 18 Worts Causeway. Given the separation distance of 11m between the proposed first floor windows and the area of garden of no. 16, I consider the impact to be acceptable.
- 8.24 There are windows at first-floor level, angled away from no. 15, towards Alwyne Close. There is also a separation distance of 16m from the windows to the boundary. I do not consider that there will be any significant impact upon this neighbour through overlooking.
- 8.25 There are velux windows in the roof. The applicants have provided a plan showing that the sill of the velux is at a level that would stop any direct overlooking downwards to the

neighbours (it is set at 1.6m from the finished floor level). I consider that this should be increased to 1.7m in line with the permitted development limits (condition 13); this will mitigate the concerns for overlooking to the neighbours. In addition to this, there will be some planting along the boundaries to mitigate overlooking and I consider this acceptable.

Enclosure/loss of outlook

- 8.26 Representations have been received regarding the proposal creating a loss of outlook. The building form would be visible from the gardens of the neighbouring occupiers. However, as there is a 16m separation distance between number 15 and the two-storey element and there is a 6m separation gap between the gable and common boundary with number 16 Worts Causeway, I consider that these distances, together with the main orientation of the adjacent properties, would not give rise to a significant sense of enclosure or loss of outlook from them.

Construction activities

- 8.27 The Environmental Health Team has commented that the proposal is acceptable subject to conditions (10 to 12). The area is residential in character and there is likelihood that construction activity could potentially generate noise and disturbance. Therefore conditions are recommended for controlling working hours, piling and dust.
- 8.28 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

Amenity for future occupiers of the site

- 8.29 The proposal is for two-four bed units. There are 3 large bedrooms and a box room for each property. Comments have been received that the internal layout and head height adds to the issue of the proposal not being acceptable. There are no internal space standards in the current Local Plan. Three rooms are shown on the first-floor with two rooms showing beds and space around which could accommodate storage. The larger rooms are approximately 3m by 3m and the smaller room measures 3m by 2.2m. The master bedroom in the roof is larger

and considering the sizes, I consider that this would create high quality living accommodation.

- 8.30 The two units would each have their own private amenity space. There is also space to the side and front of each plot. Each garden is south facing and the rear garden area is 10m or more in depth and over 5m wide at the narrowest point. This will give the future occupiers sufficient room to be able to enjoy this space for the size of the family.
- 8.31 Representations have been received that the first-floor window of plot 1 looking towards Alwyne Road will also give views into bedroom three of plot 2 at first-floor level. I consider that this part of the window be obscure glazed and can be controlled by condition to mitigate this impact (Condition 14).
- 8.32 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 and 3/12.

Refuse Arrangements

- 8.33 The plans show three bin spaces. The Environmental Health has raised no concern regarding the bin space shown and therefore I consider that this is acceptable.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.35 Comments have been raised regarding the potential highway safety and hazard from the car parking proposed, specifically the cars coming out of the car parking spaces close to junctions and the access being hazardous for other road users. The area is outside a control parking zone and the car parking space for plot one is an existing car parking space. Plot 2's car parking space is accessed from Alwyne Close, which is a dead end road. The highway authority has not raised any concerns regarding the issues raised but have recommended conditions, which I recommend (Condition 4).

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

Car and Cycle Parking

Car Parking

- 8.37 Representations have been raised regarding the introduction of car parking is not in line with the sustainability of Council Policy. However, the Cambridge Local Plan (2006) sets out that for developments of this nature car parking spaces for a four-bedroom unit, outside a controlled parking zone can have a maximum of two car parking spaces. The proposal provides one for each unit and is therefore within the standards set out.

Cycle Parking

- 8.38 The plans show 4 cycle parking spaces for each plot, which is to the rear of the site in secure and covered spaces. This standard requires 3 spaces for 4 bed units and this is an over provision and will help to encourage sustainable travel.
- 8.39 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.40 Representations have been received that internal head heights are not appropriate for the area. The section drawing shows the floor to ceiling height at 2.3m. This is acceptable and would not be a material consideration in planning terms.
- 8.41 The issue relating to profit is not a material consideration.
- 8.42 The manner in which a person uses routes around buildings is a personal choice and could not be reasonably controlled by planning. I therefore consider that this would be an unreasonable ground to refuse the application.
- 8.43 The proposal is for two 4 bed dwellings. I acknowledge that a house could be converted into a small (C4) House in Multiple Occupation without the need for formal planning permission for 6 or less people. I do not think it would be reasonable to refuse the application on these grounds.

Design and Context – including appropriate for character and context, scale and massing, out of character with street and materials	Covered in paragraphs 8.6 – 8.17
Amenity – including noise and disturbance, overbearing and overlooking, overdevelopment	Covered in 8.16 and 8.18 – 8.30
Traffic – including increased movements will impact on highway safety, increased parking, access	Covered in 8.33 and 8.35 – 8.36
Trees – including works to accommodate the building	Covered in 8.12
Other – including internal head height, profit maximization and use of routes and end use	Covered in 8.38 to 8.41.

Planning Obligations (s106 Agreement)

8.44 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (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.

8.45 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new ‘pooling’ restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.

- 8.46 Having discussed the proposal with the Urban Growth Manager, it is felt that there is insufficient evidence to demonstrate compliance with the CIL Regulations tests in relation to informal open space/play space/indoor sports facilities/outdoor sports facilities and community facilities.

9.0 CONCLUSION

- 9.1 The proposal is for the demolition of an existing bungalow and replacement with two 4 bed units. The proposal would provide front and rear gardens and green space to the side of each dwelling. The development would be finished in modern materials and the scale and massing would be similar to the surrounding buildings. The boundary treatment would be strengthened to make the proposal less intrusive and there would be no hazard to the public highway. Taking all of this into account I recommend APPROVAL for this proposal.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

4. The two 2.0 x 2.0 metres pedestrian visibility splays shown on drawing number PL(90)01 Rev P3 shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

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

5. The proposed drive ways shall be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway.

Reason: for the safe and effective operation of the highway. (Cambridge Local Plan (2006) policy 8/2).

6. The proposed drives be constructed using a bound material to prevent debris spreading onto the adopted public highway.

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

7. 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)

8. 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 3/12)

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

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

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

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

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

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

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

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

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

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

13. The development shall not be occupied until the proposed rear velux roof lights shall be installed so that the sill height shall be a minimum of 1.7m.

Reason: To protect the amenity of the neighbouring occupiers. (Cambridge Local Plan (2006) policies 3/10 and 3/12).

14. The windows identified as having obscured glass on drawing number PL(21)02-P3 and PL(21)01-P3 on the west elevation 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 dwelling and shall be fixed shut and shall be retained as such thereafter.

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

INFORMATIVE: The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

INFORMATIVE: Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

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DEVELOPMENT CONTROL FORUM

12 August 2015
10.00 - 10.55 am

Present

Planning Committee Members: Councillors Blencowe, Dryden, Holt, and C. Smart.

Officers:

City Development Manager – Chair: Lisa Lamb
Planning Officer: Amit Patel
Committee Manager: Claire Tunncliffe
Committee Manager: Sarah Steed

For Applicant:

Chris Green (Blues Property - Developer)
Dale Robson (Architect)
Nick Phillips (Architect)
Michael McKay

For Petitioners:

Jeremy Jones

FOR THE INFORMATION OF THE COUNCIL

15/7/DCF Declarations of Interest

No declarations of interest were declared.

15/8/DCF Induction by the Chair

The Chair outlined the role and purpose of the Development Control Forum. Those present were informed that no decisions would be taken at the meeting.

15/9/DCF Application and Petition Details 15/0908/FUL 14 Wort's Causeway, Cambridge CB1 8RL

Committee: Planning Committee
Date: 7th October 2015
Application No: 15/0908/FUL

Site Address: 14 Wort's Causeway, Cambridge CB1 8RL
Description: Demolition of existing dwelling and erection of 2 no. detached dwellings with new access via Alwyne Road
Applicant: Mr Ian Purkiss, Blues Property Worts Ltd
Agent: Mr Dale Robinson DPA Architects Ltd
Address: The Gallery, 96 King Street, Cambridge CB1 1LN
Lead Petitioner: Jeremy Jones
Address: 12a Wort's Causeway, Cambridge CB1 8RL
Case Officer: Amit Patel

This is a petition asking Cambridge City Council to hold a Development Control Forum in relation to the following Planning Application:

Text of Petition:

The undersigned all object to the proposal in the above application for the demolition and replacement of one single-storey dwelling with two three-storey, detached properties. We believe that such intensification represents over-development of such a site and entirely out of keeping with the level of density in the local area. We also believe the impact on the privacy of the residents at number 15 Alwyne Road from the current application is unacceptable. We are also concerned that the applicant has failed to reflect the substantial gradient on their submission, nor included any comparable indication of roofline levels between the proposed houses and neighbouring properties which has made true consideration of the visual impact of the bulk of the properties impossible for planning services and planning committee. We believe the design of the properties is not in keeping with existing housing stock in the local area and that the boundary treatments are damaging to the character of the area and represent substantial environmental loss. We also believe there are design issues with the layout and configuration of the building plot, both on the practicality of the space and the breaching of the existing building line.

Do you think there are changes that could be made to overcome your concerns?

We support the brownfield redevelopment of the site, and welcome the current dwelling's replacement with further family housing. We would like the opportunity to discuss the options available, but dependent upon the changes proposed, we feel we would be inclined to support an application that limits development to a single dwelling, is of a maximum height in keeping with the

neighbouring properties, and minimises and mitigates against overlooking of 15 Alwyne Road.

Case by the Applicants:

1. The Petitioner's objections were broken down into six categories, which consisted of the principle of development, the impact to 15 Alwyne Road, breach of the established building line, natural gradient of the application site, design being out of keeping with the local area and boundary treatments which damaged the character of the area.
2. Pre-application advice was sought from the Council in December 2014, it was agreed that the sub-division of the plot was acceptable.
3. The street frontage of the proposed development was similar to 1 and 18 Wort's Causeway.
4. Concerns had been raised regarding the impact on privacy to 15 Alwyne Road.
5. The properties were designed with a flexible use in mind and care had been taken in the design to limit overlooking.
6. The distance of plot 1 to 15 Alwyne Road was 13.4 metres and from plot 2 to 15 Alwyne was 15.4 metres, these distances were consistent with distances locally. 12A Wort's Causeway had a distance of 14.1 metres from the adjacent property and 2 Alwyne Road had a distance of 10.7 metres to the adjacent property.
7. The properties had varied building lines.
8. Site levels had not been properly surveyed however this had now been undertaken. Site levels were to remain relatively unchanged. The land profile sloped down from the public highway, the gradient was fairly level.
9. The design of existing dwellings along Alwyne Road were circa 1960-70s. The character was varied with modern refurbishments and development.
10. The National Planning Policy Framework stated that planning policies and decisions should not attempt to impose architectural style or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain developments forms or styles. It was however proper to seek to promote or reinforce local distinctiveness.
11. The existing landscaping would be enhanced.

Case by Petitioner:

12. The goal was to work with the applicant but not to the detriment of the community.

13. Recognised the limitations of the current property and supported the applicant to replace the building however the development needed to be appropriate to the context of the site itself.
14. The four reasons for objection were overdevelopment, the design being inconsistent with the National and Local Planning Policy, unacceptable environmental impact and unacceptable impact on neighbouring property amenity.
15. The Planning Practice Guidance on Design stated that key consideration for new development was that it responded appropriately to the existing layout of buildings to ensure adjacent buildings related to each other, spaces complement each other. Layout should take into account the building heights in the area, effectively the context.
16. The density to the north side of the road was 16,788.18 square metres with 19 properties. The density to the south side of the road was 12,022.01 square metres with 11 properties. The density of the site itself was 679 square metres with two properties proposed; this did not reflect or complement the existing density.
17. The gardens proposed were very small and plot two did not respect the building line.
18. Two houses put in the space for one was dominant in relation to the rest of the houses.
19. Wort's Causeway was characterised by wide frontages normally two storey dwellings but could be single storey.
20. The application had a narrow frontage and had to be tall to accommodate the space, the ridge height being 9 metres.
21. Town houses had a reasonable design but in the right location not in a suburban area. This application did not reflect local design and did not safeguard or enhance local design.
22. Many existing properties were behind substantial trees, which was in contrast to the proposed new development.
23. Reference was made to Policy 3.11 of the City's Local Plan and the fact that the application eradicated almost all of the green infrastructure on the site.
24. The amenity of local residents was adversely affected and reference was made to Policy 3.10 and 3.29 of the City's Local Plan in relation to impact on neighbourhood amenity.
25. The points of objection were summarised as overdevelopment, design being inconsistent with National and Local Planning Policy, unacceptable environmental impact and unacceptable impact on neighbouring property amenity.

Case Officers Comments:

26. Each dwelling had its own amenity space and car parking, the bins and bike storage were to the rear of the site.
27. Following site visits it was noted that other properties, albeit with extensions encroached into the corner of plots. The proposal was designed to address the corner with plot 1 being set back.
28. The design of the buildings was with north and south facing windows with a pitched roof. The external finishing's were in modern materials.
29. Comments were received from a number of consultees:
 - Highways: A condition was required for a visibility splay to have no fences or walls exceeding 600mm. Members were reminded that this did not grant permission for works in a highway.
 - Environmental Health: The proposal was acceptable subject to conditions which related to construction hours, piling and dust.
 - Landscape Team: The proposal was acceptable subject to conditions which related to hard and soft landscaping and boundary treatment.

Members' Questions:

30. Why are two dwellings proposed and not one large dwelling on the site?
31. Was there a reason why the site had not been separated into separate plots?
32. What were the ridge heights and the window levels?
33. In relation to highways and access, would the hedge need to be cut down?
34. How many bedrooms would the houses have?
35. What was the advantage of two separate houses, could the properties be joined?
36. What were the parking arrangements for plot 1?
37. The boundary treatments were quite prominent, during construction if they were removed, would they be replaced?

Response to Members' Questions:

38. Pre-application advice from the Council was that the sub-division of the plot was acceptable as the applicant wanted to maximise their return from the site.
39. If the application was approved the dwellings would have their own plots at that stage. If the dwellings were moved to the left this would have required a loss of trees, if the dwellings were moved to the right this would have affected the access arrangements.

40. The ridge height was 8.6 metres with an eaves height of 5.8 metres. The properties were two and a half storey dwellings. The windows on the first floor were 900mm / 1100mm high.
41. In relation to the visibility splay, a condition would be imposed to prevent any fence or wall exceeding 600mm in height.
42. The properties had four bedrooms, a master bedroom in the roof space and then three bedrooms on the first floor.
43. The joining of the two properties could be considered, however two detached houses was preferred by the Applicant.
44. Plot 1 had two existing parking spaces in a tandem position.
45. The Landscape Team raised no comments during the consultation; however following objections from the Petitioner, a landscape proposal was produced. The north and west boundaries were to be retained and further hedgerows would be planted to soften the boundaries.

Summing up by the Applicants:

46. Felt the application addressed concerns most notably the principle of development.
47. The Sub-division of the plots was in accordance with the City Local Plan policies 3.10 and 5.1.
48. The views of the Council had been taken into account.
49. The design enhanced the setting and would provide high quality contemporary housing.

Summing up by the Petitioner:

50. The size of the plot was 29 metres squared; the more that the properties encroached into the depth of the site the more the garden size would be reduced.
51. If the applicant wanted to keep the existing dwelling and refurbish it, this would be acceptable.
52. The applicant stated that the area had a mix of semi and detached dwellings, there were only two semi-detached dwellings and these were next door.
53. The development was entirely out of keeping with the local area.
54. The main issues of objection were summarised as overdevelopment, the development was inconsistent with the National Planning Policy Framework and local requirements, unacceptable environmental impact, unacceptable impact on neighbouring property amenity.
55. The substantial overlooking issue remained for 15 Alwyne Road.

56. The proposed development had the wrong design and was in the wrong location.

The meeting ended at 10.55 am

CHAIR

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PLANNING COMMITTEE

7th October 2015

Application Number	15/0796/FUL	Agenda Item	
Date Received	8th July 2015	Officer	Miss Catherine Linford
Target Date	2nd September 2015		
Ward	Market		
Site	Parkers Piece Parkside Cambridge		
Proposal	Installation of a temporary real-ice ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children's rides & food concessions; and a Christmas market with stalls & concessions, to one quadrangle of Parkers Piece.		
Applicant	Mr Richard Elmer Units A35/36 New Covent Garden Market London SW8 5EE		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed temporary use would not harm the nature, or use of Parker's Piece, and is acceptable in principle; and 2. Subject to conditions the proposed use would not have a detrimental impact on neighbouring residents.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The proposed Ice Rink, associated attractions and ancillary amenities would be located on the southeastern sector of Parker's Piece, adjacent to Gonville Place.
- 1.2 Parker's Piece is allocated as protected open space in the Cambridge Local Plan (2006) and is surrounded by a mix of uses which include hotels, restaurants and residential, as well as Parkside Pool, the Fire Station and the Police Station. The site falls within City of Cambridge Conservation Area No.1

(Central). Although no trees on Parkers Piece are covered by Tree Preservation Orders they are protected by Conservation Area legislation

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for an ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children's rides and food concessions; and a Christmas market with stalls and concessions.
- 2.2 Planning permission is sought for a temporary period from 1st November to 31st January inclusive, for five years. The hours of operation/opening would be 11am to 9pm on Mondays-Fridays, and 10am to 9pm on Saturdays, Sundays and Bank Holidays.
- 2.3 This application is not for a 'Major' development, but is brought to Committee as the consultation included properties in both the East and West Central Areas of the City.

3.0 SITE HISTORY

Reference	Description	Outcome
07/0573/FUL	Installation and operation of 'Hiflyer' tethered balloon (to rise to 155.75 metres) with viewing platform, winch retrieval, ancillary cabling and access works (temporary period of 5 years operating 12 months of the year).	REF
07/1065/ADV	Banner advertisements and advertising boards.	A/C
07/1067/FUL	Temporary ice rink from November 2007 to January 2008 and from November 2008 to January 2009, to include viewing platform, and marquee structures for changing facilities and a café	A/C
09/0480/FUL	Erection of temporary ice rink including 2 marquees, a box office hut, Christmas market, advertising, decorations and associated fairground rides.	A/C

09/0481/ADV	Erection of 5 hanging signs, 3 hoarding signs and 3 other signs (all signs non illuminated) to temporary ice rink.	A/C
10/0590/FUL	Temporary ice rink including 2 marquees, box office hut, advertising, decorations and associated fairground rides.	A/C
14/0906/FUL	The proposal is to install a temporary real-ice ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children's rides & food concessions; and a Christmas market with stalls & concessions. The event is to run annually from the 1st November through until the 31st January, for three years running from 01/11/14 through until 31/01/2017 inclusive.	A/C
14/0907/ADV	7x Fascia signs, 5x hoardings and 4 x banners	

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 4/2 4/11 4/13 4/15 6/4 8/2 8/4 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
Material Considerations	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Parkers Piece Conservation Plan (2001)

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 73: Community, sports and leisure facilities

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 Please require the applicant to provide a dimensioned site layout for comment, providing clearances between structures and the public rights of way across Parkers Piece. In the alternative the Highway Authority recommends that the proposal be REFUSED planning permission as there is insufficient information upon which to provide informed comment upon the impact upon the busy pedestrian and cycle routes.

Update

- 6.2 Dimensions are included on the submitted plans and the Highways Engineer has confirmed that the distances are acceptable to the Highway Authority.

Head of Refuse and Environment

- 6.3 The new location for the ice rink/entertainment is in closer proximity to noise sensitive premises than the 14/0906/FUL permission. Additional entertainment is also proposed which is likely to increase sound levels from the site. It is recommended from an environmental health perspective that the application site is located centrally again within Parkers piece.

Update

- 6.4 Considering that the rides are in a central location on Parkers Piece the Environmental Health Officer is satisfied that the boundary condition regarding music/vocals on the previous permission (14/0906/FUL) can be complied with. Further information is required regarding the shielding of plant.

Urban Design and Conservation Team

- 6.5 It is considered that there are no material Conservation issues with this proposal.

Access Officer

- 6.6 In previous years the applications for ice rinks have been very inclusive promising flat access onto the ice, aids to help disabled people skate, chance to bring wheelchairs onto the ice, sessions to support specific disabilities, etc. They also promise good footways and kiosks with dropped counters. I would like to see such promises for the next four years and conditions set to meet this and thus meet the desires of the Local Plan

Head of Streets and Open Spaces (Landscape Team)

- 6.7 The Landscape Officer has made the following comments:
- ☐ Clearer demarcation between publically accessible areas and non-public/back of house areas needs to be identified on the plans.
 - ☐ Identification of the access points as public or non-public is required.
 - ☐ The access off the Gonville Place footway is not be used as a public access as it will likely intensify the use of the informal desire line between the Queen Anne carpark and the site. Pedestrians should continue to be encouraged to cross Gonville Place at the controlled crossing and enter the site from the internal points near the centre of the park.
 - ☐ The solid steel hoarding is not supported for the entirety of the site. We feel it could justifiably be used against the non-public back of house areas to aid in screening; however, we would encourage the use of the public art against these hoardings to make the structure more appealing and less of an impermeable 'barricade'. The remaining boundaries must remain as a permeable barrier which allows filtered visibility through them.

Environment Agency

- 6.8 No objection, subject to the bunding of generators and any stores for oils, fuels or chemicals.

Sport England

- 6.9 No objection, subject to a condition requiring the grass to be reinstated once the ice rink and associated structures have been removed.
- 6.10 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- ☐ 31 Parkside
- ☐ 9 Regents Terrace
- ☐ Whitlocks, High Street, Trumpington
- ☐ 47 Petersfield Mansions

- 7.2 The representations can be summarised as follows:

- ☐ Fumes from diesel generators from the fairground rides
- ☐ Damage to the grass
- ☐ The fencing would restrict free movement across Parkers Piece and make the main entrance of the event off the Gonville Place Footway obstruct the freeflow of people using this entrance point for other users
- ☐ Noise from the music, especially the 'beat'
- ☐ The ice rink is acceptable but not the fairground

- 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. Visual impact/impact on Conservation Area
3. Residential/public amenity
4. Car and cycle parking
5. Refuse arrangements
6. Third party representations

8.2 The proposed development is located in the centre of Parker's Piece, which is protected open space, as designated by the Cambridge Local Plan 2006 policy 4/2. The policy states that development will not be permitted that would be harmful to or result in the loss of open space of environmental and recreational importance unless the open space uses can be satisfactorily replaced elsewhere and the site is not important for environmental reasons.

8.3 Appendix B of the Cambridge Local Plan sets out the Criteria to Assess Open Space. In the most recent assessment Parker's Piece met criteria a, b, d and e. This highlights that Parker's Piece is important in that: it makes a major contribution to the setting, character, structure and environmental quality of the City and the local area (criteria a and b); and that it meets the criteria for major contribution to the recreational resources of the City and local area (criteria d and e). In my opinion, to comply with policy 4/2, none of the above should be harmed or prejudiced by this development.

8.4 I consider that the Ice Rink and associated attractions will not harm the contribution Parker's Piece makes to the environmental quality of the City. I have assessed its visual impact in further detail below, but the open space, because of its size, will still remain a predominantly 'green space'. In terms of recreational use, Parker's Piece is used for both formal playing pitches and informal play. The siting of the temporary ice rink and ancillary development will not impact on the formal pitches, but will take up an area used for informal play and recreation. In my opinion the Ice Rink replaces the existing informal recreational aspect of a portion of the overall Piece with

another, and therefore there is no net loss in recreational facilities. In fact the provision of the Ice Rink will enhance the recreational potential providing a City wide provision at a time of year that the grassed area would see limited use. This view has been supported by Sport England. I therefore consider that the proposal does not lead to the permanent loss of open space of environmental or recreational importance, and is therefore consistent with policy 4/2 of the Cambridge Local Plan 2006.

- 8.5 Policy 6/4 of the Cambridge Local Plan 2006 supports development that would maintain, strengthen and diversify the range of visitor attractions provided that they relate well to the cultural heritage of the city. It should however be noted that the Cambridge Local Plan states that the main purpose of any tourist development should be to assist in the interpretation of the City, not to attract significantly more visitors to Cambridge. I consider that this proposal will strengthen and diversify the range of visitor attractions for the City, but will not in itself generate significantly more visitors to Cambridge, from outside the sub-region, during the Christmas period when more visitors are already coming into the City given its sub-regional importance.
- 8.6 In conclusion I consider that the use is consistent with Local Plan Policies 4/2, 6/4 and does not harm the nature, or use of Parker's Piece, and is acceptable in principle subject to evaluation of the main issues below.

Visual impact/impact on the Conservation Area

- 8.7 Parker's Piece derives its character and special quality from its simplicity as an unobstructed area of open space, with grass maintained to a high standard, enclosed by forest scale trees and some high quality buildings. This is a layout that has evolved around the grazing and recreational uses that it has supported since 1612.
- 8.8 Parker's Piece is essentially uncluttered and free of any large-scale structures, and is mainly used throughout the year as parkland. However, concerts and large events are also regularly held on Parker's Piece. Its paths are a very important part of the foot and cycle network.

- 8.9 The impact on the Conservation Area in my opinion is limited; the temporary nature of the proposal means that any visual impact caused by the event and associated fencing is reversible and will not permanently harm the integrity of the Conservation Area in the long term. Parker's Piece is used for events such as this at several times during the year, and that is part of its character and wider use. There will be no negative impact on the grade II listed Lamp Standard, and therefore I consider that there is no conflict with Local Plan policy 4/10 or 4/11.
- 8.10 In the previous application, the City Council's landscaping team requested that a condition be imposed to ensure that the area of Parker's Piece to be used is returned to an acceptable standard along with a method statement detailing how the ground will be de-compacted, turfed and temporarily fenced to ensure the new grass has time to properly establish. I consider that it is necessary to impose this condition again (6).
- 8.11 In my opinion, the proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policy P1/3 and Cambridge Local Plan (2006) policies 3/7, 3/11, 4/10 and 4/11.

Residential/Public Amenity

- 8.12 Parker's Piece has a number of residential properties in close proximity to its outer boundaries, and therefore the potential impact on these properties has to be assessed.

Noise

- 8.13 The ice rink has operated for a number of years and Environmental Health has not received any complaints. However, the ice rink is now proposed in a different location and would be closer to the boundary of Parkers Piece than agreed in the past. The proposed fairground has also increased in scale with the addition of a circus. In principle, this is acceptable as long as noise levels are adequately controlled. It is proposed that music for the fairground is controlled centrally, and therefore I recommend a condition requiring the noise level from amplification to be restricted so that it does not exceed a rating level of 3dB above the background noise level. This is identical to the restriction placed on the attraction in the previous application (14/0906/FUL) and the Environmental

Health Officer is satisfied that the condition can be complied with (5).

- 8.14 No complaints have been received due to the noise from the facilities in recent years, but one of the representations received does state that the noise was excessive last year. The closest residential property to the site is 1 Gresham Place, which is screened from Gonville Place by heavy planting. 1 Gresham Place is situated 27m from the site and 37m from the closest attraction (the circus). Due to the separation distance between the site and the closest neighbour, which includes a busy road, it is my opinion that the harm caused by the proposal would not be significant, especially as the site would close at 9pm. Concern has been raised regarding customers shouting and screaming on the larger rides (the Avalanche and Dodgems). This cannot be controlled but considering that the larger rides are well away from 1 Gresham Road (60m) and over 40m from the residential properties at the Fire Station, it is my view that this relationship is acceptable and would not have a significant detrimental impact on residential amenity.
- 8.15 Plant will be required and in order to ensure that noise from the equipment does not have a detrimental impact on neighbouring properties the impact of this is being investigated. This will be reported on the Amendment Sheet. Concern has been raised regarding fumes from diesel generators. Whilst odour may be experienced when standing close to a generator, the Environmental Health Officer is satisfied that this would not be experienced by the occupiers of neighbouring properties.
- 8.16 This temporary use may create a significant amount of activity in this specific area and local residents may see increased footfall in the area above the additional Christmas shoppers, residents and commuters. Given that Parker's Piece, at this time of year, would not normally expect to see activity this late into the evening, I consider that the opening hours suggested by the applicant are a good balance between extended use into the evening, and safeguarding the interests of neighbours and the impact on surrounding land uses. I recommend that the opening hours are controlled by condition (3), along with the hours for setting up and dismantling (4).

Lighting

- 8.17 It is proposed that the lighting for the ice rink, fairground, Christmas market and food concessions are controlled centrally. Glare from external lights could impact on amenity and cause a nuisance. To ensure that the level of illumination for the use is appropriate to the area and its proximity to residential properties, and to minimise light pollution, it is recommended that a lighting plan is submitted by condition (7).

Refuse Arrangements

- 8.18 I am of the opinion that subject to a condition requiring details of a waste management strategy, and its subsequent implementation, then this issue could be tightly controlled to mitigate any adverse impacts from litter and waste on Parkers Piece (8).
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7 and 4/13.

Car and Cycle Parking

- 8.20 The Highway Authority has been consulted as part of the formal application process. They have explained that they require a plan that shows the distance between the site and the pathways to ensure that the public rights of way are not affected. The submitted layout includes dimensions and shows that the site would be 10m from the pathways. Considering that in previous years the site has been situated 3m from the pathways it is my view that the proposal would not have a detrimental impact on the public rights of way. I am awaiting a further response from the Highway Engineer which will be reported on the Amendment Sheet.
- 8.21 The applicant has stated that 50 cycle parking spaces would be provided as has been the case in previous years. No details have been submitted and I therefore recommend a condition requiring details of the cycle stands and their precise position, to ensure that they are suitable (9).
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

Issue raised	Response
Fumes from diesel generators from the fairground rides	Addressed in paragraph 8.15
Damage to the grass	Addressed in paragraph 8.10
Noise from the music, especially the 'beat'	Addressed in paragraphs 8.13-8.14
The fencing would restricts free movement across Parkers Piece and making the main entrance of the event off the Gonville Place Footway would obstruct freeflow of people using this entrance point for other users	The entrance to the event would be from within Parkers Piece.

9.0 CONCLUSION

- 9.1 In my opinion, the proposed temporary use would not harm the nature, or use of Parker's Piece, and is acceptable in principle; and subject to conditions controlling noise and lighting, the proposal would not have a significant detrimental impact on the occupiers of neighbouring properties. The application is therefore recommended for approval subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted is for a temporary period only, and shall only be erected, installed and operated on site between 01 November in one year and 31 January in the following year, in the years 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020 and at no other time. Before the end of each period, the development and all ancillary equipment, materials and services shall have been removed from the site.

Reason: The ice rink and ancillary development are acceptable only for a limited time in each 12 month period because their retention for a longer period would erode the wider potential for recreational use of the land at other times of the year. The limitation to a 5 year period is to allow the Local Planning Authority the ability to review fully the potential impact of the use on the site and whether the use is sustainable without long term harm to what is a very important open space in the City. (Cambridge Local Plan policies 3/4, 3/7, 3/11, 4/2, 4/11, 4/13 and 6/4)

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 ice rink shall only be open to members of the public from 11:00 hours to 21:00 hours on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays ; and from 10:00 hours to 21:00 hours on Saturdays, Sundays and Bank Holidays.

Reason: In the interests of the residential amenity of nearby occupiers and the general amenity of the site. (Cambridge Local Plan 2006 policy 4/13)

4. There shall be no erection or dismantling of stages or other temporary structures, or unloading/loading of equipment, or deliveries/collections or other operational servicing in connection with the proposed use between 2300 hours and 0700 hours on any day, unless otherwise agreed in writing by the Local Planning Authority, or outside the period set out in condition 1.

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

5. When measured at any boundary of Parkers Piece, the Noise from plant (including generators, chillers and motors) and amplified music and voices from the amusements, shall not exceed a rating level of 3dB above the background noise level, in accordance with BS4142:1997.

Reason: To protect the amenity of any adjoining or nearby residential/sensitive properties. (Cambridge Local Plan policy 4/13)

6. Prior to the commencement of development, a scheme detailing the method of protection and reinstatement of the grassed area underneath and around the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable of works, the precise location of all protection measures and their specific type, measures to reinstate and repair the turf once the development is removed, the grass mix, and a method statement detailing how the ground will be decompacted, turfed, and temporarily fenced to protect the new turf. The development shall be carried out in accordance with the approved details and time scales, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To mitigate against excessive permanent damage to the grassed areas of Parkers Piece and to ensure that all repairs are to an acceptable standard. (Cambridgeshire and Peterborough Structure Plan policy P1/3 and Cambridge Local Plan policies 3/7, 3/11, 4/2 and 4/11)

7. Details of all proposed floodlighting or external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11, 4/13 and 4/15)

8. Prior to the commencement of development, full details of the on-site storage facilities for trade waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, paladins 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. (East of England Plan 2008 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

9. No development shall commence until details of facilities for the secure parking of 50 number bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. Such details shall include the precise location of the provision. The approved facilities shall be provided in accordance with the approved details before use of the development commences, and retained throughout the duration of the development to the satisfaction of the Local Planning Authority.

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

PLANNING COMMITTEE

7th October 2015

Application Number	15/0596/FUL	Agenda Item	
Date Received	2nd April 2015	Officer	Mr Sav Patel
Target Date	28th May 2015		
Ward	Cherry Hinton		
Site	Land Rear Of 268 Queen Ediths Way Cambridge CB1 8NL		
Proposal	Erection of 3No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping		
Applicant	Dudley Developments		

SUMMARY	<p>The development is contrary to the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would have an adverse urbanising impact on the rural qualities of the site and fundamentally change its character to the detriment of the wider landscape. - The modern design and bulky form of the proposed dwellings would contrast unsympathetically with this edge of city context and rural character. - The proposed development would have a detrimental impact on the residential amenity of adjoining residents and provide a poor level of amenity for future occupiers.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located in the south-eastern corner of the City, on the southern side of Queen Edith's Way, close to the junction with Lime Kiln Road, which inclines from Queen Edith's

Way. The site was a former chalk pit, which has been partly back-filled at the southern end of the site from spoil and fill from the construction of Addenbrooke's Hospital.

- 1.2 Queen Edith's Way is characterised as a suburban residential area consisting mainly of two storey detached and semi-detached dwellings with deep rear gardens and a good level of spacing between. The application site is located to the side (north-east) and rear (south) of No.268, which is a two storey detached dwellinghouse set back from the road. The site also adjoins the rear gardens of nos.252 to 266 Queen Edith's Way, which are two storey semi-detached dwellings with deep gardens. The garden depths of the dwellings that adjoin the site range from 71 metres (no.252) to 16 metres (no.268).
- 1.3 To the east is Lime Kiln Road which is a narrow rural road with limited footpaths and dense green verges on either side. There is no development along Lime Kiln Road. It is very much an exit and entry route into and out of the City from the south. The application site plays an important role in people's perception of having left the city and entering the countryside beyond.
- 1.4 The application site boundaries are defined by established tree and dense shrub planting which limits views into the site from Lime Kiln Road and Queen Edith's Way, particularly during summer months. Within the site, it is generally unmaintained and left to nature. Recently some of the trees within the site have been removed. There is also a wide opening at the south end of the site from the top of Lime Kiln Road which allows uninterrupted views into the site. Access is restricted into the site from here by a metal fence.
- 1.5 The application site is not designated within any site constraint or formally allocated. However, part of the designated Green Belt runs along the southern boundary. To the south of the application site is a caravan park, which is located within the Green Belt and designated as an area of Protected Open Space (POS), and also within a 'Site of Special Scientific Interest' (SSSI). To the east is Lime Kiln Road and to the east of this is Cherry Hinton Pit, which is designated as a SSSI, Local Nature Reserve (LNR), POS and is also within the Green Belt. To the north of Cherry Hinton Pit (and north-west of the application site) is an area of land known as Lime Kiln Close (also known as East Pit) which is designated as an area of POS, LNR, and is

within the Green Belt.

- 1.6 The site contains several individually protected trees made up of two group tree protection areas. The group protection areas are located along the eastern boundary with Lime Kiln Road and at the southern end of the site. There are eight individually protected trees, which are located in the northern and southern sections of the site.

2.0 THE PROPOSAL

- 2.1 The planning application as amended seeks planning permission for residential development on the site consisting of three, 3 storey, 5bed, detached dwellings including internal access road which would be created from Queen Edith's Way to the east of no.268 Queen Edith's Way.
- 2.2 Each dwelling has been designed with a two storey element connected to the main three storey element. The layout of the accommodation within the proposed dwellings provides the main living space at upper ground floor level with the bedrooms split between lower and ground floor. Plots 1 and 2 would have undercroft parking for one vehicle and two vehicles for plot 3. All three units would provide a study/bedroom, games/bedroom with en-suite and utility room.
- 2.3 Each property would have access to a private garden area to the rear, adjacent to the rear boundaries of the dwellings in Queen Edith's Way. The land to the south of plot 3 would, whilst in the applicant's ownership, be sectioned off from the site.
- 2.4 The proposal has been amended during the course of the application from its original iteration following concerns from officers on impact on residential amenity and landscaping. The amendments consist of the following:
- Rotating plots 1 and 2 anti-clockwise by 10 degrees;
 - Set back first floor by 2 metres;
 - Incorporate louvre panels to first floor windows;
 - Narrowed access road;
 - Bin collection point near site entrance;
- 2.5 The amended plans and additional information have been carefully considered and assessed by consultees and their

comments are set out in Section 6 of the report. Neighbours were also reconsulted.

- 2.6 This planning application follows a previous application (14/1382/FUL) for seven detached dwellings) which was refused at Planning Committee on 4 February 2015. The previous scheme proposed seven 3 storey dwellings on a larger site area. I set out below the refusal reasons:

2.7 Refusal reason 1:

The introduction of development on this edge of city site, which has an important role in providing a buffer and transition between the urban environment and designated protected sites to the east and south, would, by virtue of its incongruous scale, intrusive and unsympathetic design and angled layout of the buildings, have a significantly detrimental impact on the character and appearance of the site, and setting of the city. The proposed design would also appear out of character with the existing built form along Queen Edith's Way and in doing so introduce an alien form of development adjacent to Lime Kiln Road. For these reasons the proposed development conflicts with policies 3/2, 3/4, and 3/12 of the Cambridge Local Plan (2006), and government guidance contained in the National Planning Policy Framework 2012.

Refusal reason 2:

- 2.8 *The proposed development would result in the loss of five trees which are protected by Tree Preservation Orders and several others trees along the eastern and southern boundary which are group protected. As a group these trees make a significant contribution to the character of this edge of city site. Given the limited size of the amenity space associated with the houses it is likely that future residents will be pressured into having to remove/reduce the size of these and other trees. The removal of trees from the site would expose the development to both the surrounding area and the dwellings to the west in Queen Edith's Way. In so doing, the development would have a detrimental effect on the character of the site and the contribution it makes to the wider setting of the city and would adversely affect the residential amenity of occupiers in Queen Edith's Way. The development would be contrary to policies 3/4, 3/7 and 4/4 of the Cambridge Local Plan (2006) and Government Guidance in*

section 11 of the National Planning Policy Framework 2012.

Refusal reason 3

- 2.9 *The proposed development would due to the angled layout of dwellings and scale of development, create the effect of a walled barrier which would enclose the rear gardens of dwellings in Queen Edith's Way and have an adverse effect on outlook from these dwellings. The rear elevation of the proposed dwellings would also contain windows which would directly overlook the rear gardens of the existing dwellings such that it would have an adverse impact on the residential amenity of the existing residents in terms of overlooking and loss of privacy. The proposed development would create an adverse sense of enclosure on the existing residents and cause loss of privacy to gardens that are not currently overlooked. For these reasons, the proposed development conflicts with policies 3/4 and 3/7 of the Cambridge Local Plan (2006).*

Refusal reason 4:

- 2.10 *The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 8/3 and 10/1 Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.*

- 2.11 The application is accompanied by the following supporting information:

1. Design and Access Statement;
2. Planning Statement;
3. Transport Statement;
4. Tree Survey and Arboricultural Impact Assessment;
5. Heritage Asset Assessment;
6. Environmental Desk Study;
7. Daylight and Sunlight Assessment;
8. Ecology Report;
9. Flood Risk and Surface Water Drainage Assessment;
10. Landscape Masterplan and Planting Plan;
11. Site Waste Management Plan; and

12. Utilities Assessment.

- 2.12 Councillor Ashton has called in this application so that it can be heard by Planning Committee on the grounds that it raises amenity and character issues as highlighted in the previous reason for refusal.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1382/FUL	Erection of a residential development consisting of 1 x 5 Bedroom House and 6 x 4 Bedroom Houses, along with internal access road, car and cycle parking and hard and soft landscaping.	REFUSED

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

Ministerial Statement (1 December 2014) by Brandon Lewis
Minister of State for Housing and Planning (Department of Communities and Local Government)

5.2 Cambridge Local Plan 2006

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

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
	<p><u>City Wide Guidance</u></p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</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.

- 5.5 For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The junction access is the same as that applied for in the 2014 application and is therefore acceptable subject to the same conditions. The access road specification is not up to adoptable standard and nor serves enough dwellings to justify requirements and so will remain as a private access.

Environmental Health

- 6.2 No objections in principle subject to the conditions on contaminated land, construction hours, construction collection/delivery hours and piling.

Urban Design and Conservation Team

First comments:

- 6.3 The reduction in unit numbers (compared to the previous revised scheme 14/1382/FUL), stepped height and increased gaps between units is generally acceptable in design terms.

- 6.4 The retention of existing trees (group TPO G1) located adjacent to the southern boundary and the proposed infilling of gaps with new tree planting and lengths of 'Elveden' instant hedging is supported and has the potential to filter views of the proposed units from Limekiln Road.

Scale and Massing

- 6.5 All of the units have flat roofs and step down in scale from 3-storeys to 2-storeys. The units have been set into the sloping ground so that they appear as 2 and 3 storey houses from the front (east) elevation facing the access road and 1 and 2 storey houses from the rear (west) elevation.
- 6.6 Despite the more broken form and steeped angle of units (compared to the previous application), the arrangement and close proximity of Plots 1 and 2 creates a more continuous built edge when viewed obliquely from the rear gardens of Nos. 262-266 Queen Edith's Way.
- 6.7 The units are separated by a 2m gap at ground and 1st floor levels and a 7m gap at 2nd floor level. Plot 3 is located parallel to the access road further south of the site to the rear of 260-262 Queen Edith's Way and is separated from Plot 2 by a 7m gap (as measured from the closest points between units).

Impact on rear gardens in Queen Ediths Way

- 6.8 Whilst the separation distance between existing and proposed units (between 22m and 53m) is unlikely to result in the loss of privacy between units there is a concern that the large picture windows to the rear elevations at 2nd floor level have the potential to cause overlooking of amenity spaces associated with properties in Queen Edith's Way.
- 6.9 The SketchUp views are crude and do not give an accurate impression of the impact of the scheme. All of the trees shown in the views are generic and appear to be of the same species, scale and height. It is not clear if the trees shown are based on the tree locations plotted in the tree survey or site plan, the accuracy and reliability of these views is therefore questionable.
- 6.10 Accurate visual representations showing the potential visual

impact of the scheme from the rear gardens of properties in Queen Edith's Way are needed. The basic SketchUp views which show generic trees all of which are the same species, scale and height do not give an accurate impression of the impact of the scheme.

Impact on Lime Klin Road

- 6.11 The proposed site forms part of the rear garden associated with No. 268 Queen Edith's Way, it also plays a role in buffering the transition between the built up edge of Queen Edith's Way and the wider countryside due to the level of existing tree planting on the boundaries of the site.
- 6.12 The submitted scheme proposes to remove 7 trees from the eastern site boundary adjacent to Limekiln Road. The submitted Planting Plan proposes to infill the gaps with new tree planting (total 9) and lengths of 'Elveden' instant hedging. The 4 trees (contained within the group TPO G1) located adjacent to the southern boundary which were proposed to be removed as part of the previous application (14/1382/FUL) are now shown as retained. The proposal to locate development away from the southern site boundary and retain the tree group G1 reduces the prominence of the scheme from views looking north along Limekiln Road.

Materials

- 6.13 The proposed elevations and materials form a departure from the 1950s semi-detached houses on Queen Edith's Way. The proposed contrast is considered acceptable in design terms given that the site is somewhat detached from the Queen Edith's Way frontage. Materials should be conditioned should the application be approved and a sample of the proposed weathered off-white coloured facing brick provided on site.

Amenity space and gardens

- 6.14 The rear gardens of the proposed units are relatively shallow (Plot 1 is 6.5m increasing to 10m, Plot 2 is 6m increasing to 11m and Plot 3 is 9m increasing to 11m). However the width of the gardens are approximately 13m – 22m. The pressure to prune or fell the non TPO trees in the future is therefore reduced. The supporting Daylight and Sunlight assessment

(see comments below) also confirms that the proposed rear gardens will receive adequate daylight when the trees are factored into the calculations.

- 6.15 The submitted scheme limits proposed development to the north of the site and retains the area of open land to the south. It is not clear what function this space will have or how it will be accessed and maintained.

Shadow impacts

- 6.16 A Daylight and Sunlight assessment (by Twenty 16 Design dated March 2015) accompanies the application and gives predicted likely levels of daylight and sunlight to the dwellings and amenity spaces.

Sunlight within amenity spaces

- 6.17 The Annual Probable Sunlight Hours (APSH) test indicates that all three of the proposed gardens will receive 2 hours of sunlight over at least half of the garden on the 21st March and are therefore acceptable in design terms.

Internal daylight

- 6.18 Average Daylight Factor (ADF) tests have been provided for the habitable rooms within each of the dwellings both with and without the existing trees. The results indicate that all habitable rooms meet the recommend British Standard levels of ADF for particular room types (2% for kitchens, 1.5% for living rooms, 1% for bedrooms) both with and without the existing trees modelled. The level of daylight to the proposed dwellings is therefore acceptable in design terms.

Car parking, cycle and refuse storage

- 6.19 The proposed units each include an integral garage within the lower 2-storey elements. The single garages for Plots 1 and 2 both measure 4.85m wide x 6m deep whilst the tandem garage proposed for Plot 3 measures 6.7m wide x 7m deep. The proposed garages are generous and easily accommodate car parking, cycle and refuse storage. The garages exceed the minimum garage dimensions contained within Figure L.1 (page 392, appendix L: Car and Cycle Parking Standards) of the Draft

Cambridge Local Plan 2014: Proposed Submission and are therefore acceptable in design terms.

6.20 Amendments and further clarification of information is needed before we could support the submitted application:

- ☐ The proposed reflective glass will increase the prominence of the proposed units and should be replaced with standard glazing.
- ☐ The function, access and maintenance of the area to the south of the site needs to be confirmed.
- ☐ Clarify the visibility of the PV panels from street level and from the rear gardens of houses in Queen Edith's Way. Site sections need to show the proposed angle and height of the panels. It maybe that the height of the parapet could be increased to screen the PV panels.

6.21 Subject to the above, conditions on sample of materials and solar panels details are recommended.

Second comments on the proposed amendments

6.22 Amended drawings show that the rear elevations of Plots 1 & 2 have been setback 2m at first floor level.

6.23 Fixed zinc louvers (angled at 45 degrees) are generally supported in design terms; the setback at first floor level increase the distance of the visible elements of the building from the rear elevation of the houses on Queen Edith's Way. The louvered panels direct views towards the south and minimise potential overlooking into adjacent gardens.

6.24 Materials condition required to ascertain the design of the zinc louvered panels. It will be important that these panels be retained and not removed by future occupants. The application is supported in design terms.

Head of Streets and Open Spaces (Tree Team)

6.25 The size of the rear gardens are limited and in order to make them useable additional trees will need to be removed from the gardens. Crown reduction to facilitate the development is not appropriate. Replacement tree planting with more appropriate species would be better rather than pruning. Detail of the replacement planting should be included in the landscape

conditions. Whilst the loss of trees along western boundary is not ideal, the reduction in the developed area and retention of all trees to the south would mitigate the loss.

- 6.26 The trees that make up the group along Lime Klin Road are of mixed quality and would not be a reasonable constraint to development. The group as a whole is a significant feature of Lime Klin Road and complements the open space opposite. However with appropriate management plan this group can be enhanced.
- 6.27 Loss of trees at the front is not ideal but they are not a reasonable constraint to development.
- 6.28 Concerned regarding the extent of the tree loss to accommodate development. If there are no other reasons for objection the losses alone are not sufficient to justify refusal. This is subject to conditions relating to tree protection measures, implementation of arboricultural method statement with tree protection plan and long term management plan.

Head of Streets and Open Spaces (Landscape Team)

- 6.29 Not supportive of the proposals due to the lack of coordination/clarity of the submitted drawings and concerns about the impact on existing character and trees. The principle of development is supported but parameters and details must be right in order to be successful.
- 6.30 Trees and layout
- Overall loss of 14 trees including 3 with Tree Preservation Orders.
 - Proposal including 15 replacement trees – however concerned with some of the proposed placement.
 - Private spaces for each unit is very different in character due to existing boundary trees and vegetation
 - Unit 3: amenity space is large but dominated by trees and there are concerns with the future retention of these trees as they increase in size and dominance.
 - Unit 2: reasonable size garden with most open and usable area compared to other units. However, concerns with the future retention of the boundary trees.
 - Unit 1: comparatively cramped amenity space dominated

by existing vegetation.

- Recommend a review of the design/shape of the buildings to increase depth of amenity space to increase usability and overall quality of space for these large family homes.
- Clarification how the retained piece of land within the ownership boundary to the south of the development site is to be treated
- Clarification on who will be responsibility for maintenance and management of the access road and planting along Lime Kiln Road

6.31 Landscaping Planting

- Concerned with proposal to use Instant Hedging along Lime Kiln Road. While the instant impact is a desirable trait, the requirement for a continuous planting trench is problematic for areas containing existing trees, vegetation and roots. A notch planted approach with individual hedge plants may be a more suitable alternative as it will allow flexibility in location of new plants which can avoid roots and other vegetation.
- Recommend smaller growing alternative to *Acer campestre* near the access road entrance.
- Remove *Ilex* from the planting mixes as this native will self-seed within the buffer strip over time.
- Reduce percentages of *Lonicera pileata* within retaining wall buffer mix and diversify mix with additional species. The buffer planting should be predominantly native species with any non-natives included for their ecological value and used adjacent to the gabion edge and not upslope.
- Avoid large growing and thorny plants adjacent to pedestrian paths to doors etc. (*Cornus alba* 'Sibirica', *Rubus tricolor*)
- *Matteuccia struthiopteris* is a very vigorous and will create a large patch in a short time. It also loses its attractiveness through the summer and is very water hungry. Recommend not using it in private front gardens.
- Avoid the use of large growing shrubs in front of windows.
- Unclear how the *Parthenocissus* vines will be grown and where. There is a discrepancy between the planting plans and the architectural elevations. *Parthenocissus* is not a twining vine and will not succeed particularly well when placed against a screen. It would be better suited to climb

directly up a wall. If the screen is what is required, then an alternative, twining species should be utilised.

6.32 Access Road:

- There is a concern about access and servicing and how this will be conducted.
- Details are needed of the built up construction areas and sections through the road which illustrate edging and treatment to the built-up edge.
- Do not support the meandering path through the woodland.

6.33 Gabions

- Concerned about the design of the gabion walls. Generally gabions require both digging down and behind the wall in order to batter and backfill the structure. More detail is needed of construction method, extents of excavations and whether this will impact on the retained landscape features of the embankment. Levels at top of bottom the wall at relevant points along the wall will also be needed.

Second comments on amendments:

- 6.34 The concerns have been adequately dealt with through the revisions and can be supported the amended landscape proposals. However, the overall landscape design concept has been diminished by the need for post-design amendments. It would have been preferable to see an earlier and more fundamental change which addressed the concerns without compromising the design and quality of the structures.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.35 The proposal to discharge the surface water via infiltration is supported, however for this to be a viable solution infiltration test will be required. Recommend surface water drainage condition.

Head of Street and Open Space (Nature Conservation)

- 6.36 No comments received to date. I will update members on the amendments sheet or orally at the committee.

Natural England

- 6.37 No objection. The advice provided in the previous response applies to this application. The proposed amendments to the original application are unlikely to have a significant impact on the natural environment that the original proposal.
- 6.38 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:

Object:

- 232 Queen Ediths Way
- 234 Queen Ediths Way
- 242 Queen Ediths Way
- 244 Queen Ediths Way
- 252 Queen Ediths Way
- 254 Queen Ediths Way
- 256 Queen Ediths Way
- 258 Queen Ediths Way
- 260 Queen Ediths Way
- 262 Queen Ediths Way
- 266 Queen Ediths Way
- 273 Queen Ediths Way
- 12 Birds Close, Ickleton
- 23 Kelsey Crescent
- 119 Coleridge Road
- 6 Finches Close
- 13 Royston Road
- Letter from Barton Willmore on behalf of 256 to 266, 232 to 252, 239 and 273 Queen Edith's Way.

Support:

- 268 Queen Ediths Way
- 60 High Street, Stetchworth
- Flat 24, Chamberlin Court, Westfield Lane
- 21 The Meadows, Romsey
- 5 Pen-y-Graig Road, Ystradowen, Swansea
- 13 King Street, Rampton
- 23 Laceys Lane, Exning
- 28 Missleton Court, Cambridge

7.2 Julian Huppert (former MP) has also made representations, which are reflected in the third party comments.

7.3 The representations can be summarised as follows:

Objections:

7.4 Principle:

- The interpretation of 'white land' does not promote development
- The proposal is contrary to policy 3/2 (Setting of the City) – degradation of the urban edge
- Sites such as this should be preserved
- There is no need for additional housing in Cambridge
- Development on garden land is resisted by the NPPF
- The proposal is contrary to policies 3/4 and 3/7 of the Local Plan

7.5 Residential amenity:

- Reliant on trees to block views into existing gardens;
- Noise and light pollution;
- Pressure on future residents to remodel/remove with the zinc baffles across the windows;
- Any future alterations to the properties are likely to increase viewing opportunities;
- The proposal would cause overshadowing over private garden;
- The proposal would benefit three households but would have a detrimental impact on a lot more;
- Impact on outlook from rear of existing properties;
- Introduction of street lighting and very large windows will impact neighbours and wildlife in this area;

- Small and shaded gardens for new houses will put pressure on tree removal;
- Residents make full use of the length of the garden;
- The proposal would still appear as a wall barrier;

7.6 Character and loss of trees;

- Adverse urbanising impact on the rural qualities and character of the site to the detriment of the wider landscape;
- The proposal is out of place and out of character;
- Loss of a valuable green space and habitat;
- Need to preserve important connecting green spaces which provide a buffer between the urban and rural setting;
- The proposal will change the nature of the local environments in terms of views from local gardens and from Lime Kiln Road;
- The site is unsuitable for development;
- Concerns with the loss of trees and pressure on future residents to remove replacement trees due to constrained outdoor space;

7.7 Design, scale, layout

- Intrusive form of development;
- Detached, flat roof housing is out of keeping;
- Unattractive housing would be visible from Lime Kiln Road;
- Design not in keeping with surrounding properties and at 3 storey high;
- Proposed homes are out of scale;
- Small gardens not in keeping with surrounding properties;
- Zinc cladding would appear out of keeping;
- Development would be cramped and overbearing due to density and massing;
- Proposed dwellings are inappropriately oversized a dominant shape and plots 1 and 2 appear as a massed entity;
- Constraints of the site do not fit the nature of the proposed development;
- Gabion wall make the site unsafe for the trees;
- No details of the solar panels;
- Inaccurate and misleading CGIs;

7.8 Impact on wildlife;

- The rural edge will be eroded to the detriment of the rural

- landscape and local nature reserve;
- The proposed development would detract from this attractive green corridor;
- Will not address housing shortage in Cambridge;
- Future development of the paddock to the south;
- Concerned about the increasing trend to develop every available green space in the city;
- No safeguards for future housing development in this location;
- Unattractive boundary fence;
- Site is unsuitable for development due to its narrowness and the darkness caused by trees on and off site;
- The roots of off site trees will be damaged beyond repair;
- Detrimental impact on the biodiversity;
- Replacement trees are inferior and out of keeping;
- Sapling trees grown in last 18 months not taken into account;
- Development of this site would result in the loss of this distinctive edge to the city;
- This unique edge of city gateway to the countryside must be preserved;
- Discrepancies over the amount of tree loss in planning documents;

7.9 Ecology, Landscape and Trees:

- Unacceptable impact on the wildlife and environment of this site
- The site's trees and hedges provides habitat for a number of animals even though some of the trees have been removed by the applicant;
- Proposed boundary fence would prevent movement of wildlife;
- The development would have an adverse impact on nature conservation locally and not mitigation measures have been proposed to contribute to enhancement of biodiversity;
- Significant loss of trees within the site and impact on trees and root system close to the site boundaries from excavation;
- The ecology report does not address the effects from light spillage on the nature reserve;

7.10 Highway safety

- Introduction of an additional junction in a hazardous location;
- Access road will have a negative impact on congested junction between Lime Kiln Road and Queen Ediths Way;
- At peak traffic times there is considerable congestion;
- Increase traffic congestion - pedestrian and cyclist safety concerns;
- No footpath within the site will put pedestrians at risk from vehicles manoeuvring within the site;

7.11 Public consultation:

- Lack of public consultation from the developer with affected neighbours;
- No public consultation carried out on amended scheme;

Support:

- The proposal is attractive, thought though and enhances the locality;
- Loss of trees would be mitigated by replacement planting;
- Less houses, set well back from neighbouring properties and aligned to minimise overlooking and shielded by generous planting;
- Traffic movement from three houses would be negligible;
- Entire site is within the development envelope;
- The was previous a well maintained garden;
- Boundary vegetation adjacent to Lime Kiln Road has been neglected. This would be addressed by the proposed development;
- Only trees in poor health and straggly are to be felled;
- The proposal would be an improvement of this area;
- No overshadowing or overlooking neighbours' houses;
- The proposed houses appear tasteful and thoughtfully designed with a sense of space and regard for the setting;
- Provide much needed suitable and large family housing;
- The site is within a central location and close to school, shops and public transport
- The design sensitively preserves the wooded character of the site;

7.12 The representations to the amendments can be summarised as follows:

- Rotating the plots would make vehicles exit from properties more difficult;
- Amendments do not materially change the concerns raised regarding scale, massing and design of the building leaving to overlooking and loss amenity;
- Setting back of the upper floor could create a balcony space result in even more overlooking;
- Adjustments have not addressed overlooking issue;
- Adjustments would result in poor living environment for future residents;
- Proposed increase in garden by 1 or 2 metres is not enough to improve amenity of current residents or future residents;
- Alterations make no difference to problems of dominance, enclosure and overlooking;
- The proposal would provide family housing in a mature, sympathetic setting
- Shortage of family housing within the City and large number of new developments being built are for smaller apartments with limited amenity space
- Proposed amendments address the concerns with overlooking;

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

8.0 ASSESSMENT

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

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

Principle of Development

- 8.2 The site is located on the edge of the city boundary with the Green Belt to the east and south, and Site of Special Scientific Interest and Local Nature Reserve to the east on the other side of Lime Kiln Road. The site itself is undesignated and has been left to nature as it has become overgrown and unmaintained. The site is located in an important location between the urban and rural edge. It is an important buffer between the two environments and allows the gradual transition from rural to urban and urban to rural. It is therefore important that any development maintains this sense of place, openness and rural character. Therefore, as the site is located within the city boundary and bound on the western side by housing, officers are of the view that, as it has not been designated for any particular use, the principle of some form of high quality, sensitive and sympathetic residential development would be acceptable.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006)

Context of site, design and external spaces

Response to context

- 8.4 The application site is an undeveloped parcel of semi-rural land that, in this context, forms an important visual green buffer between the residential development along Queen Edith's Way, edge of the city and protected countryside beyond. To the south and east of the site is the Green Belt, the Cherry Hinton Pits is designated as a SSSI and a Local Nature Reserve. Whilst the application site is not designated, it plays an important role in buffering development from these sensitive designations and help to transition the urban environment into the rural landscape. The character of the site is therefore a significant factor of the site's special qualities.
- 8.5 The site has many trees; several of which are protected, dense shrub planting along the boundaries and a unique topography which provides an important corridor and habitat for a variety of wildlife. The trees that bound the site are important. Whilst many of them may not be of high quality in term of health, as a

group they are greater than the sum of its parts. The trees and shrub on the eastern boundary help to create the feel of a rural corridor along Lime Kiln Road which is important particularly when entering and leaving the site.

- 8.6 It is this context that any development on this site would need to be assessed against.
- 8.7 The proposed development has maintained the three-storey rectangular and flat roof form with large glazed windows, not unlike the refused scheme. The main three storey element now has a two storey flat roof annex attached to it. The floor area of the three dwellings has increased by between 74sqm and 96sqm. The increase in the floor area has resulted in proposed dwellings taking up circa 75% of the site that was previously proposed for seven units.
- 8.8 Whilst the proposed development has reduced in the amount of dwellings on the site, I do not believe this has addressed my original concern with the impact the development would have on the character and setting of this site. The increase in mass and footprint of the proposed dwellings would appear dominant and overly urbanise the rural landscape setting when viewed from the rear of the properties in Queen Edith's Way and from Lime Kiln Road.
- 8.9 The site is located on the south-eastern edge of the city. Therefore policy 3/2 (Setting of the City) is an important consideration. The policy states that development will only be permitted on the urban edge if it conserves or enhances the setting and special character of Cambridge and the biodiversity, connectivity and amenity of the urban edge is improved.
- 8.10 Whilst officers are of the view that some form of development is acceptable on this site, the proposed development, in my view, fails to comply with 3/2, as it would not conserve or enhance the setting and special character of the city edge. The development would introduce a form of development that would appear incongruous and significantly alter the setting and character of this edge of city location. Whilst the applicant has reduced the number of dwellings, the design and form of the proposed development would appear incongruous. Also, whilst the applicant is proposing to carry out replacement planting, this would not only take time to mature but would also not effectively

screen the development. The loss of trees and vegetation along the south, east and western boundaries would further open up views into the site, emphasising its change from semi-rural land to a hard and uncompromising form of development.

- 8.11 Whilst officers are of the view that the principle of some form of residential development on this site would be acceptable, the proposed form is not considered to be appropriate and would not successfully or sensitively assimilate into the site. The proposed development fails to respond to the existing landscape and context such that it would appear alien and intrusive. The proposal would therefore conflict with policies 3/2 and 3/4 (Responding to Context) which requires development to demonstrate that has responded to context and taken key characteristics of the surroundings.

Design

- 8.12 Whilst the Urban Design Team is supportive of the proposal in terms of design, having visited the site and neighbours gardens, I do not consider the design or scale to be appropriate or respectful of the site's qualities or its contextual relationship with the surrounding landscape. Whilst a modern approach can sometimes successfully contrast, the approach taken here does not, because the bulkiness of the dwellings and their appearance would not, in my view, mean that they would assimilate successfully. The proposed blocky design, use of zinc cladding, introduction of zinc louvered screens and large glazed windows is more akin to an urban city centre environment than this semi-rural context. The design also fails to draw any inspiration to its green, woodland setting. As a result it would appear alien, out of place and contrived from surrounding vantage points, particularly at night but also in winter months. The proposal therefore has failed, to overcome the concerns with the previously refused scheme. The site, in my view, is being made to fit the proposed development rather than the other way around.
- 8.13 The proposed amendment to set back the 'first floor' by 2 metres and introduces zinc louvered screens on the rear elevation which would appear contrived and undermine the original design concept, particular as this aspect would be visible from the properties in Queen Edith's Way. In my view,

the character and setting of the site would be significantly and adversely eroded as a result of the development proposed.

- 8.14 In terms of layout, the applicant has amended the layout of plots 1 and 2 following concerns from officers regarding overlooking impact on existing residents in Queen Edith's Way. Plots 1 and 2 have been rotated 10-15 degrees anti-clockwise and louvered screened introduced. Plots 1 and 2 have also been moved 2 metres away from the western boundary giving additional amenity space. The layout of plot 3 has been unaltered.
- 8.15 The rotation of plots 1 and 2 has minimal impact on the proposal overall.

Open Space and Landscape

- 8.16 The proposed dwellings and roadway would dominate the surface area of the site which would diminish the site's rural qualities. The only area of open space would be located in the rear gardens of the plots and an area to the west of the access. Other than this the site would be dominated by hard-standing and the footprint of the proposed dwellings, which has increased compared to the previous scheme that was refused. The site's green and rural character would be eroded by the proposed development. The general character of the area is of modest semi-detached dwellings on generous plots. The proposed development contradicts this entirely with large detached dwellings on modest plots. Each plot has the potential to be used as a five bed dwelling. Whilst the city council does not have space standard for private gardens, the proposal in my view would provide very modest gardens for the type of housing proposed.
- 8.17 The Landscape and Tree Officer had raised concerns with the limited size of outside space and the removal of trees in order to make these spaces usable. However, amendments to the layout of plots 1 & 2, has increased the area of usable garden space. The increase of between 2.5 and 1.2 metres is not considered significant enough to address my concerns with the proposal.
- 8.18 The proposal also includes the removal of 15 trees, 3 of which have tree preservation orders (TPO) from the site. The Tree Officer has expressed concerns with the extent of tree loss in

order to achieve the proposed development on the site. However, she does not consider the tree loss could sustain a refusal on its own, particularly as the trees to the south of the application are now being retained. In my view the loss of established trees that define the northern, western and eastern boundaries of the site would result in opening up of the site thus increasing views of the proposed development. I therefore do not consider the loss of the trees to be acceptable as the proposed scheme is not of sufficient quality to justify such loss. The proposed level of tree removal would conflict with policy 4/4 (Trees), which does not permit development which would involve the felling, significant surgery or potential root damage to trees of amenity or other value unless the public benefits outweighs the current and future amenity value of the trees. I do not consider the public benefits from the proposed development would outweigh the significant damage and detrimental impact to the site that would arise from the loss of the existing trees and the potential impact on the root system of those that are being retained.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.20 Currently the residents in the dwellings in Queen Edith's Way which back onto the site have a pleasant outlook from their rear gardens which is reasonable to expect in such a location. The proposed development would result in large detached bulky buildings very close to the rear boundaries which would materially change the context and outlook for existing residents. The proposal would also introduce windows in the rear elevation of each proposed dwelling that would allow views over the existing rear gardens. The existing rear gardens are currently not overlooked from this location and whilst they are long, many of them are well used, particularly at the rear ends. It is clear that the development will be very apparent from the existing rear gardens of the Queen Edith's Way dwellings. The impact from overlooking (actual and perceived) would have a detrimental impact on the residential amenity of the existing residents. Whilst boundary planting can help to mitigate overlooking in built up areas this is not a full proof solution

especially for this site where no overlooking from buildings exists. I am of the view that the potential harm caused from overlooking and sense of enclosure from the proximity and bulkiness of the buildings would be significant and adversely affect the residential amenity of the adjoining neighbours. In order to address such concerns, the applicant was advised to face windows in a north-south direction to avoid any overlooking of the rear gardens.

- 8.21 However, the applicant instead amended the scheme by rotated plots 1 and 2 anti-clockwise by 10-15 degrees and move the dwellings between 2.5 and 1.2 metres away from the western boundary, step the first floor back by two metres from the rear elevation and introduced zinc louvre screens to narrow the viewing angle over the rear gardens. Plot 3 has not been altered in any way.
- 8.22 These amendments have been assessed by officers. Whilst the Urban Design team has raised no concerns from a design perspective, I still have concerns as the proposal would still enable overlooking and create a sense of being overlooked from the rear gardens albeit through a narrow viewing angle. The proposal would also result in a form of development that would appear intrusive from the rear gardens, particularly no.266 which is the nearest. The third storey of plot 1 would be 9.4 metres from the rear boundary of no.266 and 8.5 metres wide. The 'ground floor' element would be 7.4 metres from the rear boundary at 13.6 metres in width. The overall height of the ground and first floor would be 6 metres. The applicant argues that the 'ground floor' element would not be entirely visible behind the 1.8 metres boundary fence. However, the combination of the width and height of the proposed dwellings would result in a poor and dominant relationship with the existing houses and their gardens, particularly no.266.
- 8.23 Plot 3 has not been altered in the same manner as plots 1 and 2 and so has large glazed windows which would face the rear boundary and overlook the rear gardens of no.256 to 262 Queen Edith's Way. The garden depths at the location are between 45 and 64 metres and there is a mature tree in the rear of no.260 which would screen views. I nevertheless have concerns with the overlooking of the rear gardens, particularly as the proposal would introduce a form of development that would face back towards the properties in Queen Edith's Way.

- 8.24 The applicant has produced some CGIs in order to demonstrate the visual perspective of the proposal from the rear gardens. However, the CGIs produced are not taken from the most sensitive parts of the gardens. I have visited many of the neighbours' gardens in order to appreciate what impact the proposed development would have on neighbours.
- 8.25 The rear gardens of the properties in Queen Edith's Way have a shallow incline to the rear boundary. The incline varies in places but is approximately 2 metres. Therefore the proposed development would be located on higher ground than the existing dwellings. This would increase the appearance and scale of the proposed dwellings on existing residents.
- 8.26 The proposed development would therefore have a significantly detrimental impact on the residential amenity of the existing residents. The proposed development would still cause overlooking of private gardens from a location that currently does not and create a barrier of development close to the rear boundaries of the properties in Queen Edith's Way.
- 8.27 In my opinion the proposal fails to adequately respect the residential amenity of its neighbours and would not provide a high quality living environment for future residents. The proposal is therefore contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.28 The applicant has provided a daylight and sunlight assessment which demonstrates that the gardens would receive a minimum of 2 hours of daylight during the 21st March. This complies with BRE guidance.
- 8.29 I nevertheless have concerns with the residential amenity of future residents. The shadow assessment which has been undertaken at noon on 21st March, 21st June, 21st Sept and 21st Dec shows that in March, September and December the rear patio area of plots 1 and 2 would be in the shade. Plot 1 would be completely in the shade on 21 December at noon. Whilst the proposal complies with BRE guidance, the quality of living environment for future residents of large detached 5bed dwelling is likely to be below that which would be expected.

Furthermore, there are concerns that with replacement planting of trees and existing trees, there will be pressure on future residents to cut back or even remove the trees which would open up the rear boundary. Overall due to the existing land form and existing and proposed boundary planting, the proposed development would not provide a high quality environment for future occupiers. The scheme would retain none of the spacious qualities of the site or its surroundings.

- 8.30 The introduction of louvre screens to plots 1 and 2 would result in inter-overlooking between plots. The louvre screen on Plot 2 would direct views over the rear garden of Plot 3 at a distance of between 7 and 12 metres, which would have a detrimental impact on the residential amenity of any future occupier. Also, the louvre panels on Plot 1 would direct views onto the side wall of Plot 2 and over the rear garden at a distance of 12 metres. The introduction of contrived louvre screens has resulted in a new overlooking issue being created.
- 8.31 In my opinion the proposal fails to adequately respect the residential amenity of future occupiers and would not provide a high quality living environment for future residents. The proposal is therefore contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Refuse Arrangements

- 8.32 Each proposed dwelling would have a dedicated bin store which accommodates the requisite numbers of waste receptacles. However, due to the reduction in the width of the internal road as a result of shifting plots 1 and 2 by 2.5 metres and 1.2 metres (respectively) from the western boundary, has resulted in refuse lorries not being able to enter site along the internal access road. This has resulted in the introduction of a bin collection point close to the main site entrance. The applicant proposes to use a management company who will be in charge of managing the communal areas to transfer the bins to the collection point. Whilst this is not an ideal solution to support three dwellings, I am satisfied with the proposed refused arrangements.
- 8.33 However, if there was no management company, it would result in future residents having to take their bins to the collection point for collection. The drag distance for plot 1 would be

approximately 37 metres, the drag distance for plot 2 would be approximately 56 metres, and for plot 3 would be approximately 88 metres. The entrance into the site is also slope down into the site from Queen Ediths Way. According to the Cambridgeshire County Council's Waste Design Guide 2012, states that collection points should be convenient for users to access and residents should not have to move waste more than 30 metres to any designated storage area within the site.

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

Highway Safety

- 8.35 The Highway Authority has raised no concerns with the highway safety.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car Parking

- 8.37 Each proposed dwelling would be provided with at least two car parking spaces. The Council's Car Parking Standards seeks 2 spaces for a dwelling with 3 or more beds. Therefore the proposal is compliant with the standards.

Cycle Parking

- 8.38 The Council's Cycle Parking Standards seek 3 spaces for 4bed dwellings and 4 spaces for 5bed dwellings. Provision has been made for cycle parking for each dwelling. In view of all three units would provide 4 cycle parking spaces within the garages. I am therefore satisfied with the cycle parking arrangements.
- 8.39 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.40 Significant local concerns have been received from the neighbour consultation process. Most of these have been

addressed in my report. Those outstanding are addressed below:

Objections	Response
No need for additional housing	There is a need for housing but, the Council has 5year housing land supply. The need does not outweigh the harm to the setting of the City.
Development on garden land is resisted by the NPPF	Para 53 of the NPPF states LPAs should consider policies to resist inappropriate development of residential gardens, but this is not 'garden' land.
Lack of public consultation	No formal public consultation was carried out but I understand some neighbours have been notified by the applicant.
'White land' does not promote development	This is an outdated term. Any development on non-allocated sites still needs to adhere to the relevant policies in the adopted Local Plan.
Could set precedent for development on adjoining land	Each planning application is considered on its own merits.
Damage to public highway	Any damage to a public highway is a County Highway matter.
Site not within easy walk of the city centre	The site is not within easy walking distance of the city centre. However, the site is close enough to the local centre in Cherry Hinton. There are also cycle lanes and bus stops close to the site to enable access into the city centre.
Impact on site from artificial light	Without this information it is difficult to determine what impact the lighting from the proposed development would have on the nocturnal wildlife. However, Natural England has not raised any objections to the proposal.
Impact on surface water drainage as a result of excavation of trees	The proposal would be to discharge surface water via infiltration which is supported by our drainage officer who has also recommended a detailed

	surface water condition.
Concerns from contaminates from land fill being washed into surrounding drains	As above.
Increase in pets could harm bird and small mammals on the site	This is not a material planning consideration.

9.0 CONCLUSION

- 9.1 The proposed development is for three 3 storey detached dwellings with vehicular and pedestrian access on an area of land rear of 268 Queen Edith's Way. The application site is naturalised green space that forms part of the rural setting of the City and which is bound by established and mature trees and vegetation. The site provides an important transition from the adjacent SSSI, Local Nature Reserve and Green Belt to the residential development on Queen Edith's Way. Therefore, whilst officers have agreed that the principle of residential development would be acceptable on this site, the proposed development is unacceptable as it would significantly change and harm the character of this edge of city land and how it relates to the wider landscape because it is an unsympathetic form of development.
- 9.2 The proposed development would also result in the significant loss of trees including trees with TPOs that play an important role in the appearance and character of this site. The trees have significant amenity value which should be protected.
- 9.3 The proposed development would also introduce a form of development that would create overlooking of the existing and future private gardens. Furthermore, the proposal would result in a poor outlook and sense of enclosure on the existing residents. There are also significant concerns with the impact on the residential amenity of future occupiers in terms of inter-overlooking and due to the size of the gardens for the proposed dwellings, which is likely to be pressure on pruning and felling of boundary trees, which would further open views over the existing rear gardens.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development would, by virtue of its unsympathetic scale, bulky design and loss of trees, have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context. The proposed development would result in an alien form of development that would appear incongruous from the rear gardens of the properties in Queen Edith's Way and unduly diminish the rural character of this green edge from Lime Kiln Road. The proposal fails to sympathetically respond to the site context. For these reasons the proposed development conflicts with policies 3/2, 3/4, 3/12 and 4/4 of the Cambridge Local Plan (2006) and government guidance contained in the National Planning Policy Framework 2012.
2. The proposed development would, due to its angled layout, three storey scale and proximity to the western boundary, introduce a form of development that would cause overlooking, the perception of being overlooked and introduce an dominant and bulky form of development close to the rear gardens of the existing dwellings in Queen Edith's Way. As such, the proposal would have a significantly detrimental impact on the residential amenity of adjacent residents in terms of loss of privacy and enclosure. The proposal would also, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

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PLANNING COMMITTEE

07th October 2015

Application Number	15/1111/FUL	Agenda Item	
Date Received	10th June 2015	Officer	Mr Toby Williams
Target Date	5th August 2015		
Ward	Cherry Hinton		
Site	Land At 58 Fishers Lane Cambridge CB1 9HR		
Proposal	Proposed erection of eight new dwellings with eight parking spaces and cycle storage (Resubmission of application 14/2027/FUL)		
Applicant	Keystone Residential Limited C/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>-The proposed development has adequately addressed the previous reason for refusal given by Committee. The layout of the scheme is considered acceptable.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated on the south side of Fisher's Lane within Cherry Hinton. Opposite and north of the site is the residential development of Wenvoe Close. The site is located due north of the consented Colville Road City Council housing site (application ref: 13/1129/FUL). To the east are the two storey houses of nos. 54-58 Fisher's lane fronting the road with the 1.5 storey nos. 50-52 located behind. To the west is the two-storey Cherry Hinton Medical Centre and public right of way (footpath) linking Fisher's Lane to Colville Road.
- 1.2 There is vehicular access to the site from Fisher's Lane and the majority of the site is open (with hoarding around), formerly used for car parking.
- 1.3 The former Royal British Legion Hall (the Hall) stood on the site and is still listed as an 'asset of community value' in Nov 2013

on the Council's register. It was a single storey building which was effectively a Nissen hut. However, it was demolished the week beginning 23 February 2015 following the approval of a prior notification application for its demolition granted on 19 February 2015.

- 1.4 The site is not within a Conservation Area and there are no listed buildings adjacent. It is outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application seeks permission for the proposed residential development of 8 semi-detached dwellings with 8 car parking spaces and covered cycle storage facilities. They would be arranged as semi-detached properties, four of the properties onto Fishers Lane and four to the rear, with a central access point leading to a landscaped car parking court in the middle of the site. They would all be 3 bedroom properties. They would be constructed from a gault brick with pitched roofs (accommodating rear dormer windows) consisting of grey roof tiles.

- 2.2 The proposed development is an amended resubmission of application 14/2027/FUL and has sought to address the previous reasons for refusal given by Committee. The quantity of dwellings is the same but the layout, particularly the arrangement of car parking spaces and garden depths, has altered. The main changes are as follows:

- ☐ Garden depths for plots 1-4 (at the front of the site) have increased from approx. 5.95m to 7m.
- ☐ Garden depths for plots 5-8 (at the rear of the site) have increased and these properties now have a staggered building line. For example, plot 5's garden has increased from 7.8m to 9.35m.
- ☐ Landscaped areas have been introduced either side of the vehicular entrance.
- ☐ The parking layout has been revised with additional planting separation so that parking spaces relate more closely to the plots.

- Communal cycle stores have been removed from the parking court and placed under sedum covered structures within the rear gardens of the plots.
- Wider side paths to plots 1, 4, 5 and 8 have been provided to make it easier to access the rear gardens, including for bikes and bins.

2.3 The application is accompanied by the following supporting information:

1. Design and access statement
2. Landscape design statement
3. Surface water drainage agreement
4. Planning statement
5. Transport statement
6. Site investigations

3.0 SITE HISTORY

Reference	Description	Outcome
14/2027/FUL	Proposed residential development to erect 8 semi-detached dwellings with 8 car parking spaces and covered cycle storage facilities at Fishers Lane, Cherry Hinton.	Refused (appeal in progress)
06/0495/OUT	Outline application for residential development of 12 two-storey flats.	Refused
15/0139/DEMDT	Prior notification of the demolition of existing dilapidated nissen hut building.	A/C
C/80/0706	Use of existing British Legion Hall for the holding of Saturday Markets	W/d

3.1 The 2014 application was refused at the April Planning Committee of this year, contrary to the officer recommendation of approval. It was refused for the following reason:

‘By virtue of the siting of the proposed units and layout of external space, the proposed development would result

in the provision of poor quality amenity space for future occupants, which would be confined and restricted. It would also result in a poor outlook from the front of the proposed units to car parking spaces and cycle storage at close proximity. As such, the proposal represents an overdevelopment of the site and would be contrary to Cambridge Local Plan (2006) policies 3/7, 3/11 and 3/12.'

- 3.2 The officer assessment sets out why it is considered that this reason for refusal has been overcome.

4.0 PUBLICITY

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

5.0 POLICY

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

- 5.2 Relevant Development Plan policies

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

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance 2015</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> <p>Planning Obligation Strategy (March 2010)</p>
	<p><u>City Wide Guidance</u></p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</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 19th July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No Objection: The visibility splay to the east is less than the standard set down in Manual for Streets but there is already an existing access to the site which carried a similar level of use. Therefore, overall, the improved width of access and layout is considered acceptable and the proposal should have no significant impact on the public highway, should it gain the benefit of planning permission. Proposed conditions and informatives include: no unbound material at the access point, no gates, detailed access plans, drainage measures, visibility splays, manoeuvring areas, cross-overs, the access width and traffic management during construction.

Refuse and Environment

- 6.2 No Objection: Recommend conditions/informatives relating to: construction/collection during construction/piling/contamination/waste new houses/waste vehicle movements/road construction.

Urban Design and Conservation team

- 6.3 Objection: The submitted revised scheme is considered to have made improvements to the proposed amenity space provision and arrangement of cycle and refuse storage. But the urban design team are still not satisfied with the arrangement of units with Plots 5-8 facing the 'back' of Plots 1-4, which are considered to be a concern and fail to secure the rear boundaries of gardens resulting in a disjointed and ambiguous space. These issues cannot be resolved without fundamental changes to the site layout. The submitted scheme contravenes Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Landscape Team

- 6.4 Objection: The resubmission is unacceptable as the proposal is still an overdevelopment of the site. There is not enough space to create cohesive, useable and pleasant spaces to dwell. The rear gardens are constrained, bins on the patio will be unpleasant for amenity, parking is visually dominant. The proposed changes do not go far enough.

Sustainable Drainage Officer

- 6.5 Not able to comment on the proposed development as additional infiltration testing to BRE 365 and calculations to support viability and size of the soakaway is required. *(Further information has been sent to the drainage officer. Any further response will be reported on the amendment sheet or orally at the meeting.)*

Archaeology

- 6.6 No objection: Recommended condition to secure the implementation of a programme of archaeology works.
- 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 Cllr Ashton has called in the application of the grounds that:

- overdevelopment and traffic concerns

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

Whitlocks, High Street, Trumpington

- 7.3 Object on the grounds of added traffic congestion along Queen Edith's Way/Cherry Hinton high street corridor and that highways improvements are required from the proposal.

Cherry Hinton & Brookfields Medical Centre

- 7.4 Object on the grounds of close proximity of proposed plot 5 to the medical centre will lead to an unacceptable loss of light. Raises 'right to light' issues and that the applicants should have provided a shadow assessment.
- 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 representation received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of Development
2. Layout and Amenity for Future Occupants
3. Refuse arrangements
4. Highway safety
5. Car and cycle parking
6. Third Party Representation
7. Planning Obligation Strategy

Principle of Development

- 8.2 The previous application 14/2027/FUL considered in some detail the policy implications regarding the demolition of the former Hall as a community facility against policy 5/11, NPPF guidance and case law. Members accepted that adopted policy 5/11 could not be applied. It would not be reasonable for Members to revisit those conclusions in the assessment of this application.
- 8.3 The application site could be considered a windfall site under policy 5/1. It would provide housing on a brownfield site. In my view, there is no reason why residential development would not be acceptable.

Layout and Amenity for Future Occupants

- 8.4 In determining the previous planning application, Members of the Committee were mindful of the unresolved objections from

Urban Design and Landscaping Officers. The consultees' objections were reflected in the reason for refusal:

'By virtue of the siting of the proposed units and layout of external space, the proposed development would result in the provision of poor quality amenity space for future occupants, which would be confined and restricted. It would also result in a poor outlook from the front of the proposed units to car parking spaces and cycle storage at close proximity. As such, the proposal represents an overdevelopment of the site and would be contrary to Cambridge Local Plan (2006) policies 3/7, 3/11 and 3/12.'

8.5 In particular, the harm identified by Members of the Planning Committee amounted to:

1. Poor Quality amenity space for future occupants, being confined and restricted (particularly plots 5-8).
2. Poor outlook to the front of the proposed units facing into the car parking court (plots 5-8).

8.6 The Council has submitted a statement of case in relation to the current appeal which explains the harm identified at bullet point 1 above. This sets out that the previous scheme showed the rear gardens to plots 5-8 would have a direct outlook towards the Colville Road City Council housing development site. Due to the limited depth of plots 5-8 and the fact that the proposed 3 bedroom houses would be likely to be occupied by families, future occupants would have felt hemmed-in and confined. More substantial garden depths or an alternative orientation/layout of garden spaces would alleviate this issue and this has been put to the Inspector.

8.7 The revised scheme has improved the garden depths to plots 5-8 by staggering the building footprints. The garden depths are 9.2m, 7.5m, 6.7m and 7.2m respectively, whereas they previously ranged from between 5.3m and 7m. The Urban Design and Conservation Team state that 'the increased depth is welcomed and has the potential to improve the overall quality and usability of the amenity spaces.' Notwithstanding that the officer recommendation on the previous scheme considered the garden depths to be acceptable, the increased garden depths

for these plots is welcome. Members should note that the Council does not have a garden depth standard in adopted policy.

- 8.8 The Council has submitted a statement of case in relation to the current appeal which explains the harm identified at bullet point 2. This identifies that the previous scheme had a poor outlook from the rearmost plots 5-8 into the central car parking court. Planting beds were narrow and car parking spaces awkwardly located in front of plots that had no association with them, together with communal cycle parking sheds within the space. This gave rise to a poor level of amenity and outlook for future occupants.
- 8.9 The revised scheme has improved the layout of the court by revising the parking so that the spaces relate more closely to the plots and by introducing more planting within it and to either side of the access, softening its feel. The communal cycle stores have also been removed from the parking court and placed under sedum covered structures within the rear gardens. The Urban Design and Conservation Team state that 'this arrangement improves the outlook and relationship of the southernmost parking spaces to Plots 5-8. The parking spaces for Plots 1-4 remain poorly related to their intended units given their location and lack of direct access.' In my view, notwithstanding that the officer recommendation on the previous scheme considered the layout acceptable, the revised layout has improved upon this.
- 8.10 Despite noting these improvements, the Urban Design and Conservation Team still object to the scheme on the basis that it is a front-to-back layout and that the rear boundaries of plots 1-4 are not secure and the parking court is a disjointed and ambiguous space.
- 8.11 My view is that these issues cannot be resolved without fundamental changes to the site layout and that Committee would find it difficult to justify a reason for refusal on these grounds. This is because the use of car parking courts in this manner is not without precedence and the design of this court and arrangement of houses is acceptable.
- 8.12 The current layout has plots 5-8 overlooking the courtyard space, so I consider it to be secure. The rear boundaries of

plots 1-4 are defined by brick walls, which would be an attractive yet robust form of boundary treatment. The additional landscaping has softened the space. The parking spaces relate to the individual units. The surface to the court could be treated with paving blocks or an alternative high quality material.

- 8.13 In considering alternative layout options, I do not think it would be desirable to have parking for plots directly off Fisher's Lane and neither would it be desirable to orientate the dwellings to front the pathway to the west. This would block more of the outlook from the medical centre but also orientate gardens west-east as opposed to a more desirable southerly aspect as presently proposed. For these reasons, I do not consider the continued objection from the Urban Design and Conservation team to retain a force of weight that could be used as a reason for refusal.
- 8.14 I previously concluded that this is a modest housing scheme that would sit comfortably on the site and would work well for its occupants. All of the properties have ample, south facing gardens. The scale, being 2.5 storeys, is entirely in keeping with its surroundings. A gault brick material is considered an acceptable facing material.
- 8.15 The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

- 8.16 It is not considered that any of the front four plots would give rise to amenity impacts for adjacent residents. Nearby houses are sufficiently far enough away and the proposed houses are modest in scale and should not give rise to unacceptable impacts in terms of loss of light, enclosure or overlooking.
- 8.17 The rear four plots are set in from the eastern and western edges of the site by 2.2 and 1.6m respectively. No. 50 Fisher's Lane to the east was already enclosed by the footprint and form of the former Hall. The footprint of plot 8 adjacent to no. 50 is further away from the boundary than the Hall was and does not extend as deeply. I consider the relationship acceptable even though the new house would be taller.

- 8.18 Plot 5 to the west would partly enclose outlook from the medical centre, being 5.5m away. Plot 5 is set back from the intervening footway equidistant to that of the medical centre but is not as long. The new house would only partly enclose the medical centre and the pathway. The applicants have not submitted shadow studies and I consider it is likely that early morning sun from the east would be partially blocked by plot 5, but I do not consider this impact would be significant. I am also mindful that this was not a previous reason for refusal on the appealed scheme and the similarity of that scheme to this. Despite the objection, I consider the relationship of built form with the medical centre, in terms of enclosure and sunlight, to be acceptable.
- 8.19 In my view, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and that it is considered compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Refuse Arrangements

- 8.20 Space is provided within the individual plots for three bins for the each house. Space is also laid out for a pick-up point for bins closer to Fisher's Lane for the rearmost plots 5-8. I agree with the recommended conditions from the Environmental Health officer.
- 8.21 The proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.22 There are no highway safety issues raised by the highway authority who refer to an 'improved width of access and layout'. The advice is made on the basis that the amount of parking from existing to proposed is reduced. I accept this advice and recommend conditions accordingly.
- 8.23 The proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.24 The scheme provides one car parking space per dwelling and 24 cycle parking spaces, all of which would be located within the rear gardens of the properties. The provision accords with the adopted standards. The proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Drainage

- 8.25 The drainage officer has been provided with additional information regarding infiltration testing. I will report any further comments on the amendment sheet or orally at the meeting.

Third Party representations

- 8.26 The following objection matters have been raised and I address each matter in turn.

☐ Added traffic congestion

- 8.27 I do not consider the proposed development to adversely affect the highway network as the proposed development is for a relatively minor development. The Highways Officer does not raise an objection.

☐ Close proximity of the proposed dwellings neighbouring the medical centre and loss of light to windows of the medical centre (concerning the impact on height and light).

- 8.28 This impact has been covered in paragraphs 8.18-8.19. Right to light issues are not material planning issues.

Planning Obligations

- 8.29 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (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.

8.30 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements.

8.31 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.

8.32 I have consulted the service managers who are responsible for the delivery of projects to offset the impact of development. I set out a summary of the S106 position in the categories of community facilities and informal open space provision below:

Community facilities contribution

8.33 The Cherry Hinton Residents Association (CHRA) has an identified need of £250,000 to deliver substantial and sustainable community benefit, particularly to groups with greatest social need.

8.34 CHRA project needs the expansion of the current Library footprint to incorporate modular meeting rooms, toilet facilities, storage, kitchens, a new courtyard, and cafeteria.

8.35 In 2012 Cherry Hinton Residents Association (CHRA) undertook an online and paper-based survey across the ward to assess whether more and better facilities were needed. Of the survey responses (84) 98% thought additional community space was needed. People's top preferences were to see a community café (87%); space to have social interaction with others (44%); a new youth club (57%); additional community meeting space for local groups (55%); for adult education classes (37%); and for space to the provision of support groups/advice sessions such as finance, employment, welfare, etc. (37%). Finally, when residents were asked where their preferred location for a community hub was, the highest proportion (39%) was for an extension to Cherry Hinton Library.

- 8.36 Room bookings for the pilot CHUB facility now stand at about 500 bookings per year and are increasing. Meanwhile, since the pilot was launched, Library annual loans have more than doubled from 25,000 to 62,000. By comparison, the county-wide situation shows a slight decrease in usage and loan activity over a similar period.
- 8.37 As a multi-stakeholder project, the initiative is expected to deliver substantial and sustainable community benefit, particularly to groups with greatest social need. The facility will be of great benefit too in delivering City Council services either directly or via Council partners. Furthermore, the evidence base built via use of the pilot project gives reassurance that the S106 grant will deliver good value for money.
- 8.38 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects and provides a formula for calculating this. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit.
- 8.39 As a proportion of the overall project cost, I have used this formulae to calculate that a reasonable contribution from the development would be:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	8	£15,056
4-bed	1882		
Total			£15,056

- 8.40 My view is that the evidence within Cherry Hinton is that there is demand already being placed on community facilities and that the occupation of this scheme would increase this. A specific project has been identified at the local Library and it is likely that residents of the proposed scheme would benefit from its potential expansion as a community facility. Subject to the completion of a S106 planning obligation to secure the sought requirements, I am satisfied that the proposal accords with

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

Open space contribution

- 8.41 I am awaiting further information regarding a possible project at Cherry Hinton Hall regarding landscape and access improvements. However, I have not been provided with any evidence of shortfall of informal open space provision in this part of the City to justify why a contribution would be necessary. I will update the amendment sheet if further information is forthcoming which justifies a requirement for a contribution towards this project.

9.0 CONCLUSION

- 9.1 The development would provide additional family housing on a brownfield site in a sustainable location. The scale and design of the units is acceptable. The impact on adjacent neighbours is acceptable. Highway safety would not be compromised. The layout has been amended to overcome previous reasons for refusal.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement and the following conditions:

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

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

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

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

3. 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. 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

11. 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.

12. 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.

13. 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.

14. 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.

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

Reason: In the interests of highway safety.

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

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

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

Reason: In the interests of highway safety.

18. 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

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

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

20. 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)

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

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

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

22. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside or within 5m 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. Cambridge Local Plan 2006 policies 3/12 and 4/13

23. 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. Cambridge Local Plan 2006 policies 3/12 and 4/13

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

Reason: to secure the preservation of the archaeological interest of the area either by record or in situ as appropriate. Cambridge Local Plan Policy 4/9

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee DATE: 7 Oct 2015

WARD: All

PLANNING ENFORCEMENT REPORT ON SCHEME OF DELEGATIONS

SUMMARY	<p>Cambridge City Council Constitution sets out the delegations to the Director of Environment in respect of planning and development control.</p> <p>Section A4 of the Constitution confers delegated authority to the Head of Legal Services to serve planning enforcement notices to remedy breaches of planning control following the refusal of retrospective planning permission.</p> <p>The current Constitution incorrectly refers to the service of notices under Section 171 of the Town and Country Planning Act 1990, the section of the act that refers to the service of notices is 172.</p>
RECOMMENDATION	<p>That members authorise a change in the wording of section A4 of the Constitution so that it reads:</p> <p>‘To serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission (subject to prior consultation with the Head of Legal Services).</p>

1 INTRODUCTION

- 1.1 The Council’s Constitution sets out the scheme of delegations in respect of planning and development control. Section A4 of the Constitution confers delegated authority to the Head of Legal Services to serve planning enforcement notices to remedy breaches of planning control following the refusal of retrospective planning permission.

- 1.2 The constitution incorrectly refers to serving enforcement notices under Section 171 of the Town and Country Planning Act 1990.
- 1.3 Section 172 of the Town and Country Planning Act 1990 actually relates to the issue of enforcement notices, it provides:
- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
- (a) that there has been a breach of planning control; and .
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—
- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3)The service of the notice shall take place—
- (a) not more than twenty-eight days after its date of issue; and
- (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.
- 1.4 The current Constitution incorrectly refers to Section 171 of the Act and therefore it needs amending to confer the correct delegation to officers to serve notices in cases where a retrospective planning application has been refused.

2 RECOMMENDATION

- 2.1 That members authorise a change in the wording of section A4 of the Constitution so that it reads:

‘To serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission (subject to prior consultation with the Head of Legal Services).

BACKGROUND PAPER: Cambridge City Council’s Constitution.

The contact officer for queries on the report is Debs Jeakins tel 457163.

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee DATE: 7 Oct 2015

WARD: Coleridge

PLANNING ENFORCEMENT REPORT FOR BREACH OF PLANNING CONTROL

Address: 136 Perne Road, Cambridge

**Details of breach of planning control: material change of use of the
land for stationing of mobile home**

SUMMARY	<p>On 11 September 2014 East Area Committee authorised the service of an enforcement notice for the creation of a separate residential planning unit and the stationing of a mobile home for permanent residential use at 136 Perne Road.</p> <p>On appeal the Inspector found the enforcement notice to be flawed and invited the City Council to withdraw the notice and reissue it under s. 171B (4)(b) TCPA 1990.</p>
RECOMMENDATION	<p>That planning committee note the use of urgency powers to withdraw the said enforcement notice and authorise the service of an enforcement notice in the terms advised by the Planning Inspectorate.</p>

1 BACKGROUND

- 1.1 On 11 September 2014 the East Area Committee authorised the service of an enforcement notice in respect of the creation of a separate residential planning unit and the stationing of a mobile home for permanent residential use at 136 Perne Road, Cambridge.

Appendix A contains a copy of the report to East Area Committee with the background to the investigation.

- 1.2 The enforcement notice was served on 2 October 2014. A copy of which is attached in Appendix B.
- 1.3 An appeal against the service of the enforcement notice was lodged with the planning Inspectorate and the appeal was due to be determined by a Public Inquiry scheduled for 21 July 2015.
- 1.4 On 8 July 2015 the Inspector appointed to determine the appeal wrote to the City Council advising that the enforcement notice it had served was flawed. The enforcement notice alleged the material change of use of a mobile home to a separate residential unit. The reasons for issuing the notice referred to the four year time bar on enforcement action. The Inspector advised that he considered that the occupation of the mobile home as a residential self-contained unit did not constitute the material change of use to a dwellinghouse (i.e. a 'building') subject to the four year rule. Instead the stationing of the mobile home concerns the 'use of land' for which a ten year time bar on enforcement action applies.

The Inspector explained that the notice could not be corrected at the public inquiry without potentially causing injustice to the Appellant who may have prepared his case thinking that the four year time bar on enforcement action being taken applied, instead of the ten year period. The Inspector invited the City Council to withdraw the enforcement notice and reissue it in the correct form, he also suggested appropriate wording for the enforcement notice. A copy of the Inspector's letter can be found in Appendix C.

- 1.5 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 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.

However, where there has been a change of use of the land, no action enforcement action can be taken after the end of a period of ten years beginning with the date of the breach.

- 1.6 The statement of reasons on the original notice advised that the breach of planning control would become immune from enforcement action after four years. The Inspector's view is that the separate residential use of the mobile home would only become immune from enforcement action after a continuous ten

year period and so if the Appellant was not aware of this before the appeal this could cause injustice to him.

- 1.7 On 16 July 2015 the Council's urgency powers were used to withdraw the enforcement notice and officers notified the Planning Inspectorate and the Appellant.
- 1.8 Since the withdrawal of the notice, officers have confirmed that the separate residential use of the mobile which constitutes a breach of planning control continues. Therefore it is considered expedient to serve a notice for the breach of planning control.
- 1.9 The Appellant has been advised that officers intend to seek your authority to draft and serve a new enforcement notice and that Members will be considering this report at the October Planning Committee meeting.
- 1.9 Officers have noted the Human Rights Act 1998 and the Equality Act 2010 and consider that the service of a new notice to regularise the technical error in the drafting of the original 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.

2 RECOMMENDATION

2.1 That the planning committee:

(i) note the use of urgency powers

(ii) confirm the authorisation to draft and serve an enforcement notice in respect of the breach of planning control described in this report and as more fully set out in the East Area Committee Report of the 11 September 2014 adopting the following wording suggested by the Inspector: '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'

(iii) confirm the reference to the ten year limitation period for taking enforcement action in the statement of reasons.

APPENDICES

Appendix A Committee report from 11 September 2014

Appendix B Enforcement Notice 2 October 2014

Appendix C Letter from Planning Inspectorate 8 July 2015

The contact officer for queries on the report is Debs Jeakins tel 457163.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\136 Perne Road\Committee Report 2 Sept 15.docx

REPORT OF: Head of Planning Services

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

WARD: Coleridge

PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT

136 Perne Road, Cambridge

The creation of a separate residential planning unit and the stationing of a mobile home for permanent residential use

SUMMARY	<p>A planning enforcement investigation has identified a breach of planning control, namely without planning permission the material change of use of a mobile home to create a separate residential unit.</p> <p>The development is not acceptable because it is contrary to policies in the Cambridge Local Plan and the stationing of the caravan has a detrimental effect on the amenity of the area.</p>
RECOMMENDATION	<p>That an enforcement notice be authorised to address the outstanding breach of planning control.</p>

1 INTRODUCTION

- 1.1 This report seeks delegated authority to serve an Enforcement Notice to address the unauthorised development at 136 Perne Road, namely, "Without planning permission the material change of use of a mobile home to a separate residential unit." (See Appendix A for site plan).

2 PLANNING HISTORY

See Appendix B.

3 BACKGROUND / TIMELINE OF ENFORCEMENT INVESTIGATION

- 3.1 136 Perne Road, Cambridge is a two storey semi-detached 1930s property set back from the highway with a front, side and rear garden area. The property abuts the Perne Road/Birdwood Road/Radegund Road Roundabout. On the opposite side of Perne Road is John Conder Court, a residential block of flats, and to the south west of the site on the opposite side of the roundabout there is a parade of commercial units.
- 3.2 The property lies within Flood Zone 2 and is in Conservation Area No.1 (Central). The building is neither listed nor of local interest.
- 3.3 There is an extant enforcement notice on the site that prevents the planning unit being used for the sale of motor vehicles.
- 3.4 In November 2013 Officers became aware that a mobile home that had been brought on to the site was being let separately from the main house and was being used as an independent residential unit.
- 3.5 Officers advised the owner of the property that this unauthorised development was not acceptable in planning terms and a Planning Contravention Notice was served as the first step to resolving the breach of planning control.
- 3.6 The Planning Contravention Notice was returned on 8 January 2014 and confirmed that the mobile home was being used as a separate residential unit. There is no permitted development right to site this mobile home within the curtilage of a C3 dwellinghouse and use it as separate residential accommodation.
- 3.7 Development has taken place without the requisite planning permission and negotiations to try and resolve the breach of planning control have been unsuccessful.
- 3.8 Section 171 B(2) of the 1990 Act provides:

“Where there has been any breach of planning control consisting in the change of any building to use as a single dwellinghouse no enforcement action may be taken after the end of the period of four

years beginning with the date on which the operations were substantially completed.”

As the breach falls within this period officers consider that the matter should be addressed.

4 ASSESSMENT AGAINST PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS

4.1 The National Planning Policy Framework states:

‘Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

4.2 National Planning Policy Guidance states:

Para 17b-003: ‘There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.’

4.3 Enforcement is a discretionary power and the Committee should take into account the planning history, the details of the breaches of planning control and the other relevant facts set out in this report.

4.4 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Investigation Service Policy and the City Council’s Enforcement Concordat.

4.5 Consideration should be given to the Human Rights Act 2000 and to the Equalities Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for

private family life) and Article 14 (prohibition of discrimination) as being relevant considerations. The Council must also have regard to its public sector equality duty (PSED) under S.149 of the Equalities Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing, minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Officers do not consider that the recommendation in this report would have a disproportionate impact on any protected characteristic.

- 4.6 Officers consider that the service of an enforcement notice with a reasonable period for compliance would be lawful, fair, proportionate, non-discriminatory, and necessary in the public interest to achieve the objective of upholding national and local planning policies and that human rights and equalities considerations do not outweigh the reasons for proceeding with planning enforcement in this instance.

5 RECOMMENDATION

- 5.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of a breach of planning control, namely without planning permission the creation of a separate residential planning unit and the stationing of a mobile home for permanent residential use at land to the rear of 136 Perne Road, specifying the steps to

comply and the period for compliance set out in paragraphs 5.2 and 5.3, for the reasons contained in paragraph 5.4.

- (ii) to authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- (iii) to delegate authority to the Head of Planning Services (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of non-compliance with the enforcement notice.

5.2 Steps to Comply

- i) Cease the use of the mobile home as a separate residential unit
- ii) Remove the mobile home from the site.

5.3 Period for Compliance:

- i) and ii) 8 months from the date the notice comes into effect.

5.4 Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last four years. The applicant has undertaken development without the benefit of planning permission.

The creation of a separate residential building without planning permission is contrary to policies 3/1, 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006, and to government guidance in Paragraphs 53, 58, 61, 64, 131 and 135 of the National Planning Policy Framework 2012.

Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

Consideration has been given to the Human Rights Act 2000 and to the Equalities Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as

being relevant considerations. The Council has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

The Council consider that the service of an enforcement notice with a reasonable period for compliance is lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to protect the character of local street scenes

APPENDICES

Appendix A Site plan of the property

Appendix B Property history

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

Report file: N:\Development Control\Planning\Enforcement\ Committee Reports\136 Perne Road report 2014

Cambridge City Council

ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE

Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991

IMPORTANT NOTICE – THIS COMMUNICATION AFFECTS YOUR PROPERTY

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at 136 Perne Road, Cambridge, Cambridgeshire, CB1 3NX (shown edged red on the attached plan).

3. **THE ALLEGED BREACH OF PLANNING CONTROL**

Without planning permission the material change of use of a mobile home to a separate residential unit

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control has occurred within the last four years. The applicant has undertaken development without the benefit of planning permission.

The creation of a separate residential building without planning permission is contrary to policies 3/1, 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006, and to government guidance in Paragraphs 53, 58, 61, 64, 131 and 135 of the National Planning Policy Framework 2012.

Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

Consideration has been given to the Human Rights Act 2000 and to the Equalities Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as being relevant considerations. The Council has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

The Council consider that the service of an enforcement notice with a reasonable period for compliance is lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to protect the character of local street scenes

5. **WHAT YOU ARE REQUIRED TO DO**

You must:

- (1) Cease the use of the mobile home as a separate residential unit
- (2) Remove the mobile home from the site

6. **TIME FOR COMPLIANCE**

The periods for compliance with the steps set out in paragraph 5 are:

- (1) Eight months from the date this notice takes effect.
- (2) Eight months from the date this notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 31st October 2014 unless an appeal is made against it beforehand.

Date of issue: 2nd October 2014

Signed



(Authorised Officer)

On behalf of: Cambridge City Council

Dated: 2nd October 2014

ANNEX

CAMBRIDGE CITY COUNCIL has issued an enforcement notice relating to land at 136 Perne Road, Cambridge, Cambridgeshire, CB1 3NX and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

In exceptional circumstances you may give notice of appeal by letter or e-mail. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
PO Box 326
Bristol
BS99 7XF

Direct line: 0303 444 5000
Email: enquiries@pins.gsi.gov.uk

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may have been constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £385. You should pay the fee to Cambridge City Council.

If you decide to appeal, you should state in writing the grounds(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Persons served with a copy of this enforcement notice are as follows:

The Tenants of the caravan
The Tenants of the house
Mr Paul Sanderson

This page is intentionally left blank



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

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning
TO: Planning Committee
WARD: Petersfield Ward

Report to seek members' approval of the highway project that has been identified by the County Highway Authority to link the East Area Corridor Transport Payment (ECATP) raised from the proposed Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building, Citylife House, Sturton Street.

1. INTRODUCTION

- 1.1 On 4th March 2015 Planning Committee considered an application (14/1252/FUL) for the change of the existing building to a Class D1 dance school/studio including limited alterations to the external envelope of the building. The Committee resolved to approve the application subject to conditions and completion of a S106 agreement for ECATP contribution (£31,831).
- 1.2 As no highway project was identified at the stage of the application, I seek Committee's approval to secure the contribution to an identified project.
- 1.3 On the basis the Council can no longer pool contributions from developments without having identified a local project to secure it against, I seek members' approval for the following:
- 1.4 The County Highways Authority (CHA) has identified the "Project 3 'Remodelling St Matthew's Street Junction'" as the project to secure the ECATP contribution (£31,831) through a S106 agreement.

2. RECOMMENDATIONS

- 2.1 Agree the project that the County Highway Authority has identified in para 1.4 for the ECATP contribution to be spend on and for the contribution to be paid prior to occupation.
- 2.2 Agree to insert a clause in the agreement to require the applicant or title in successor to confirm in writing to the Council once work has been completed and when the building is occupied.

3. CONCLUSIONS

- 3.0 I recommend that the Committee agrees to the recommendation in paragraph 2.1 and 2.2 of this report.

4. IMPLICATIONS

- (a) **Financial Implications** – None
- (b) **Staffing Implications** – None
- (c) **Equal Opportunities Implications** – None
- (d) **Environmental Implications** – None
Climate Change Impact: Nil
- (e) **Procurement** – None
- (f) **Consultation and Communication** - None
- (g) **Community Safety** - None

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

Planning application 14/1252/FUL
Report for 14/1252/FUL to 4th March 2015 Planning Committee

To inspect these documents contact Sav Patel on extension 7167

The author and contact officer for queries on the report is Sav Patel on extension 7167.

Report file:

Date originated: 22 September 2015
Date of last revision: 22 September 2015

Planning Committee

REPORT OF: Head of Planning Services

TO: Planning Committee

07/10/2015

WARDS: All

CONSULTATION ON REVIEW OF CAMBRIDGE FRINGES JOINT DEVELOPMENT CONTROL COMMITTEE TERMS OF REFERENCE TO DETERMINE CITY DEAL INFRASTRUCTURE SCHEMES

1 INTRODUCTION

- 1.1 In late 2014, as part of the setting up of the Greater Cambridge City Deal Executive Board and agreeing its Terms of Reference, Cambridgeshire County Council (CCC), Cambridge City Council and South Cambridgeshire District Council (SCDC) agreed to delegate exercise of their functions to the Board where these functions relate to achieving the City Deal objectives. This entails the three Councils making any necessary changes to their schemes of delegation across a number of functions, one of which relates to the planning process and the granting of planning consent.
- 1.2. City Deal infrastructure schemes that are not located within the highway will require planning consent in order to be delivered. Legal advice obtained indicates that, where possible, planning decisions should be made across relevant geographical areas, in this case City and SCDC.
- 1.3 It is therefore considered that the most appropriate way to implement this principle is to modify the remit of the Cambridge Fringes Joint Development Committee (JDCC), which includes members from all three partner authorities, to include planning permission for City Deal infrastructure schemes. This will require changes to the existing Terms of Reference for the Committee.
- 1.4. Consultation is therefore being carried out with the three regulatory committees affected by the proposed changes as the first steps in this process; the JDCC, City Planning Committee and SCDC Planning Committee. The JDCC considered a report on the proposed changes on 18 September 2015 and supported the proposals in

principle. The City Council's Planning Committee are now being consulted on the basis that some of the City Deal Infrastructure Schemes would otherwise fall within the remit of the City Council's Planning Committee where elements are located wholly or partly the City Council boundary.

- 1.5. The final agreed version of the JDCC Terms of Reference will need to be formally approved through the three Councils in due course, once consultation with City Council and SCDC Planning Committees and other procedural approval processes have been completed. The timetable for this is set out in Section 3 of the report.

2. RECOMMENDATIONS

- 2.1 To support the principle of the proposed changes to the JDCC Terms of Reference, subject to:
 - a) Consultation with SCDC Planning Committee;
 - b) Endorsement by Cambridgeshire County Council Constitution and Ethics Committee;
 - c) Formal approval through the three Councils.

3. BACKGROUND

- 3.1. In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements and particularly the delivery of the City Deal infrastructure investment programme to a very tight timescale, clarification of delegations from the City Council, CCC and SCDC to the City Deal Executive Board is required. This affects a number of functions, of which the planning process/ the granting of planning consent is one.
- 3.2. City Deal infrastructure schemes that have works that extend beyond the highway boundary or are not within the highway will require planning consent in order to be delivered. For this purpose a City Deal infrastructure scheme is defined as "one arising from the Greater Cambridge City Deal which has all of the following characteristics:
 - i) Has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme.
 - ii) is or has been funded in whole or in part by the County Council under the auspices of the Greater Cambridge City Deal or allocated from the Greater Cambridge City Deal Executive Board by participating Authorities."

- 3.3. Planning consent for transport schemes promoted by the County Council is considered by its own Planning Committee. However, the County Council has already delegated decisions on County Council applications to the Cambridge Fringes and Northstowe Joint Development Control Committees where applications fall within their respective remits.
- 3.4. Accommodating the decision-making process on planning applications for City Deal infrastructure schemes within the remit of the Cambridge Fringes JDCC will ensure that the decisions are made jointly across the relevant geographical areas, namely Cambridge City Council and SCDC, reflecting local circumstances, ambitions and constraints. The Committee also includes Members from all three partner authorities. This would mean that the schemes would be considered strategically, subject to a single planning process, rather than potentially up to three.
- 3.5. To achieve this, modifications to the existing JDCC Terms of Reference are required (these are indicated as changes in bold type to the existing document in Appendix 2). The Committee would retain its geographical remit, except in the case of City Deal infrastructure schemes when its geographical remit would extend to the whole of Cambridge City and SCDC.
- 3.6. The JDCC considered a report on the proposed changes on 18 September and agreed to support the proposals in principle. The City Council's Planning Committee are now being consulted on the basis that some of the City Deal Infrastructure Schemes would otherwise fall within the remit of the City Council's Planning Committee where elements are located wholly or partly the City Council boundary. This process will then be followed with SCDC Planning Committee, where the same issues apply, followed by the County Council's Constitution and Ethics Committee. Formal approval of the amended JDCC Terms of Reference would then take place through the three Councils. The current timetable for completion of the procedural process is set out below:
- 22 October –City Full Council
 - 4 November –SCDC Planning Committee
 - 17 November –County Council Constitution and Ethics Committee
 - 26 November –SCDC Full Council
 - 15 December –County Full Council

4. CONSULTATIONS

- 4.1. Consultation has been carried out with the Leaders, relevant portfolio holders, Planning Committee Chairs and chief officers within each of the three Councils, as well as the JDCC on 18 September. Further consultation is scheduled to take place with SCDC Planning Committee as set out in Section 3 of this report.
- 4.2. Any further legal advice required will be sought as part of this ongoing process.
- 4.3. Each individual City Deal infrastructure scheme will be subject to the appropriate level of stakeholder and public consultation, both in the lead up to and as part of the planning process.

5. OPTIONS

- 5.1. Careful consideration has been given to the optimum way to have an effective planning process for the City Deal infrastructure schemes, as well as ensuring that the associated planning decisions are made across relevant geographical areas. From both a procedural and legal perspective, this approach is considered to present the best option. It provides a single planning process, using an existing established Committee that contains member representation from all three authorities. The alternative option would be make decisions through individual planning committees within each of the three authorities but this would result in increased administration implications and potential delays through having to take decisions on individual City Deal infrastructure schemes through more than one Committee in many instances.

6. CONCLUSIONS

- 6.1. For the reasons set out in this report, it is recommended that the principle of modifying the JDCC Terms of Reference to accommodate City Deal infrastructure projects, be supported; subject to consultation with SCDC Planning Committee; endorsement of the County Council's Constitution and Ethics Committee; and formal approvals through the three Councils in due course.

7. IMPLICATIONS

a) Financial Implications

Under Annex 3 of the Standing Orders for the JDCC, any associated costs arising from decisions made by the Committee, including associated appeals, are borne jointly by the Councils with voting rights on the specific items that give rise to the costs. For City Deal Infrastructure projects it is proposed that all three Councils would have voting rights on all of these, so any costs arising from Committee decisions and associated appeals would be shared by all three authorities.

b) **Staffing Implications**

There are no additional staffing implications arising from these proposed changes. The administration arrangements for the JDCC would continue as existing.

c) **Equality and Poverty Implications**

An Equality Impact Assessment (EQIA) has not been carried out in respect of these proposed changes. However, where relevant and at the appropriate time, EQIAs would be carried out in respect of individual City Deal infrastructure schemes.

d) **Environmental Implications**

There are no direct environmental implications arising from the proposed changes to the Terms of Reference and therefore this proposal has a NIL climate change rating. However, there will be direct and indirect environmental implications arising from each City Deal infrastructure scheme that will be assessed individually and cumulatively as appropriate.

e) **Procurement**

There are no direct procurement implications arising from these proposed changes. Procurement implications arising from City Deal infrastructure schemes will be addressed separately.

f) **Community Safety**

There are no direct community safety implications arising from these proposed changes. Community safety implications arising from City Deal infrastructure schemes will be addressed separately.

LIST OF APPENDICES

1. Officer briefing note dated September 2015 –Greater Cambridge City Deal –Executive Board Delegations
2. Proposed draft amended JDCC Terms of Reference (Bold changes)

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

None

The author and contact officer for queries on the report is Sharon Brown on 01223 457294.

Report file:

Date originated: 25 September 2015

Date of last revision: 25 September 2015

Appendix 1

GREATER CAMBRIDGE CITY DEAL

EXECUTIVE BOARD DELEGATIONS – BRIEFING NOTE

Why are we proposing to clarify delegations?

The Executive Board Terms of Reference, which were agreed by all three Councils in late 2014, includes the following wording in paragraph 4.3, which sets out the scope of the responsibilities delegated to the Greater Cambridge City Deal Executive Board:

“The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary to enable the Board to pursue and achieve the objectives of the Greater Cambridge City Deal and to undertake any actions necessary, incidental or ancillary to achieving those objectives, and, accordingly, the three Councils shall make the necessary changes to their respective schemes of delegation. The Executive Board may further delegate to officers of the three Councils.”

In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements, and particularly the delivery of the infrastructure investment programme on a very tight timescale, it is considered necessary to clarify the delegations that have been made. It is envisaged that this clarification will avoid confusion around the scope and extent of the delegated authority.

Officers have considered the functions that are intended to be covered in this wording, and have made recommendations in each case for how clarification can best be provided. These functions are:

- Compulsory Purchase Orders (CPOs)
- Grant of Planning Consent
- Side Roads Orders (SROs)
- Traffic Regulation Orders (TROs)
- Transport and Works Act Orders (TWAOs)

Definition of ‘City Deal infrastructure schemes’

In order to delineate the boundaries of the City Deal Board delegated authority it is necessary to define what is considered to constitute a ‘City Deal infrastructure

scheme'. This definition will then be used to determine which body holds the responsibility for making the decision(s) concerned. The following is suggested to be the most appropriate definition to use:

"A City Deal infrastructure scheme is one arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- i. Has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme.*
- ii. Is, or has been funded in whole or in part by funds received by the County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating Authorities."*

Compulsory Purchase Orders

A CPO is a legal instrument that allows certain bodies (including the partner Councils) to purchase land without the owner's consent. It can be enforced if it is considered necessary in order to deliver public benefit, and can be particularly pertinent for transport infrastructure schemes. It is normal practice to seek CPOs on a contingency basis in parallel with negotiations with landowners to avoid delays to projects. Some City Deal infrastructure schemes will require the use of CPO powers in order to deliver the wider benefits that are expected to be associated with those schemes.

For the purposes of the City Deal, it is the County Council's CPO powers that are most important. Outside of the City Deal arrangements, the County Council's CPO powers are vested in the Economy & Environment Committee, which takes responsibility for promoting and exercising CPOs. The final decision to grant a CPO rests with the Secretary of State.

The decision made by the County Council to delegate responsibilities to the Executive Board is considered to include the power to promote and exercise CPO powers for City Deal infrastructure schemes in Cambridge City and South Cambridgeshire. To ensure that there is clarity around the processes involved in delivering the City Deal infrastructure programme, it is recommended that the County Council's CPO powers are confirmed as being delegated to the Executive Board.

Planning consent

City Deal infrastructure schemes that are not within the highway will require planning consent in order to be delivered. Planning consent for transport schemes promoted by the County Council is considered by the County Council's Planning Committee,

however the County Council has already delegated decisions on County Council applications to the Cambridge Fringes and Northstowe Joint Development Control Committees where applications fall within their respective remits.

Legal advice suggests that planning decisions should where possible be made across the relevant geography – in this case Cambridge City and South Cambridgeshire. By doing so, it is possible to ensure that planning decisions most accurately reflect local circumstances, ambitions and constraints. It is therefore recommended that the most appropriate way to implement this principle would be to modify the remit of the Cambridge Fringes Joint Development Control Committee, which includes Members from all three partner Councils, to include planning permission for City Deal infrastructure schemes. This would mean that these schemes can be subject to one single planning process, rather than potentially up to three. This would mean that this Committee retains its geographical coverage, except in the case of City Deal infrastructure schemes when its geographical coverage extends to the whole area of Cambridge City and South Cambridgeshire. Short of creating a new Committee, this is considered to be the most appropriate available option.

Side Roads Orders

An SRO is an instrument established under the Highways Act 1980 that allows a Highway Authority (in the local context this refers to the County Council) to alter roads or other highways affected by a major transport infrastructure scheme. This deals with roads that are not specifically along the alignment of the scheme, but are impacted by and/or impact upon the scheme. It is likely to be the case that SROs are required for several City Deal infrastructure schemes. As with CPOs, the County Council acts as the promoter for SROs but the decision to grant these rests with the Secretary of State.

Outside of the City Deal arrangements, the responsibility for promoting SROs rests with the County Council's Economy & Environment Committee. The delegation made to the Executive Board though means that this responsibility, where it relates to a City Deal infrastructure scheme, has been delegated to the Executive Board. It is recommended that this is explicitly confirmed by the County Council.

Traffic Regulation Orders

TROs, established under the Road Traffic Regulation Act 1984, are legal instruments relating to the use of highways. They are designed to regulate, restrict or prohibit the use of roads by vehicles or pedestrians (as appropriate). There is a statutory requirement to undertake a public consultation where a TRO is needed, with the

outcome of that consultation being considered by Members when the decision is made on whether or not to grant a TRO.

General speaking, any major transport infrastructure scheme that includes the public highway will require at least one TRO. This is expected to be the case for most, if not all, City Deal infrastructure schemes.

Outside of the City Deal arrangements, decisions relating to TROs are made by either the County Council's Highways & Community Infrastructure Committee or the Cambridge Joint Area Committee. These Committees decide upon objections to TROs following public consultations. The Cambridge Joint Area Committee considers these when they are referred by the relevant Member or officer under the County Council's Scheme of Delegation – otherwise the Highways & Community Infrastructure Committee is the decision maker.

The delegations made to the Executive Board are considered to include the power to make decisions regarding TROs when they relate to City Deal infrastructure schemes, including considering the outcomes of public consultations. However, to ensure that the processes around the delivery of the City Deal infrastructure programme are clear, it is recommended that the County Council confirms explicitly that this delegation has been made.

Transport and Works Act Orders

The Transport and Works Act 1992 established TWAOs as the default means of authorising the creation of a new railway, tramway or guided busway scheme, except for "nationally significant rail schemes in England". TWAOs can include within them TROs, CPOs and deemed planning consent. The County Council has the power to promote a TWAO, whilst the decision to grant a TWAO rests with the Secretary of State. As the prioritised City Deal infrastructure schemes are being developed at the moment, it is unclear if the final proposals for those schemes would require the granting of a TWAO.

The delegation made to the Executive Board is considered to include the responsibility for promoting TWAOs for City Deal infrastructure schemes. It is recommended that the County Council explicitly confirms that this delegation has been made.

TERMS OF REFERENCE FOR JOINT DEVELOPMENT CONTROL COMMITTEE CAMBRIDGE FRINGES

1. Parties:

Cambridge City Council
Cambridgeshire County Council
South Cambridgeshire District Council
(‘the Councils’)

2. Status:

The Joint Development Control Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council
4 Members appointed by Cambridgeshire County Council
6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

- 4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.
- 4.2 The Committee shall discharge the functions in respect of major developments¹ and related applications falling wholly or substantially within the areas shown edged in blue on the plans forming Appendix 3 and ancillary developments relating to such Major Developments

¹ A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 March 2010 or as subsequently amended or replaced and means development including any one or more of the following:

- (a) the mining and working of minerals
- (b) waste development;
- (c) the provision of dwelling-houses where
 - (i) the number of dwelling-houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

referred to it by the relevant Head of Planning of the Council issuing the consent for the Major Development in question **and**

a) In respect of “City Deal Infrastructure schemes” referred to it by the relevant Head of Planning of the Council issuing the consent for the City Deal Infrastructure scheme in question. A “City Deal Infrastructure scheme” is defined as a project arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal Infrastructure scheme; and
- is, or has been funded in whole or in part by funds received by Cambridgeshire County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating authorities.

4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972.

4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including all of the NIAB site; Glebe Farm; **City Deal infrastructure schemes**. Only the City and County members shall be entitled to vote on Clay Farm-Showground and Bell School.

5. Standing Orders

5.1 The Committee shall be governed by the Standing Orders set out in Appendix 2, as amended from time to time.

6. Administration

6.1 The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.

6.2 Cambridge City Council’s staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet. Decision notices shall be signed by the Director of Joint Planning.

- 6.3 Costs shall be shared in accordance with the Cost Sharing Protocol set out in Annex C to the Standing Orders.

DRAFT

Appendix 1

FUNCTIONS OF THE COMMITTEE

1. The exercise of each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments and related applications and requests, Reserved Matters applications and **City Deal infrastructure schemes** including but not limited to:

- i) the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
- ii) the power to approve authorise and direct the respective Councils to negotiate and enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990.

2. The review, change, amendment or modification of the scheme of delegation to Officers.

-

Minor/Other Applications

104 Wulfstan Way

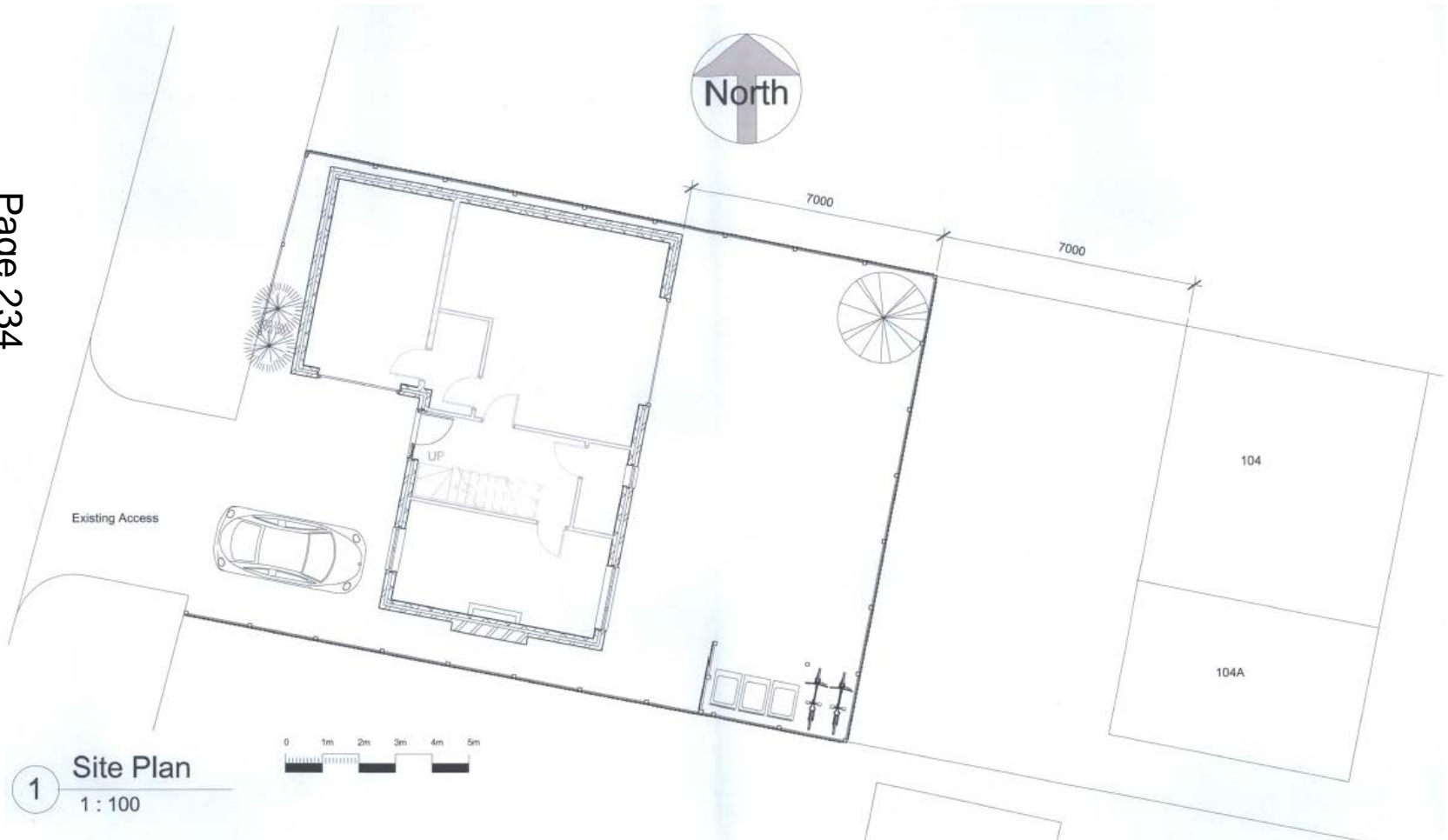
15/1163/FUL

Site Location Plan

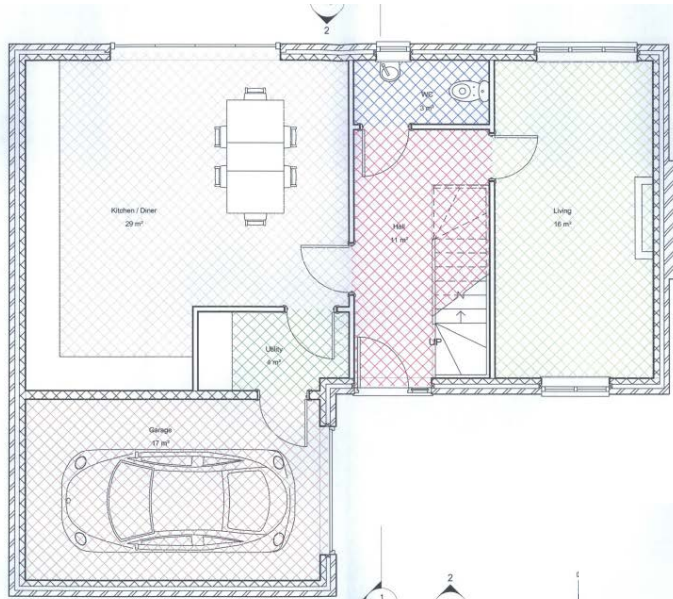


Site Layout

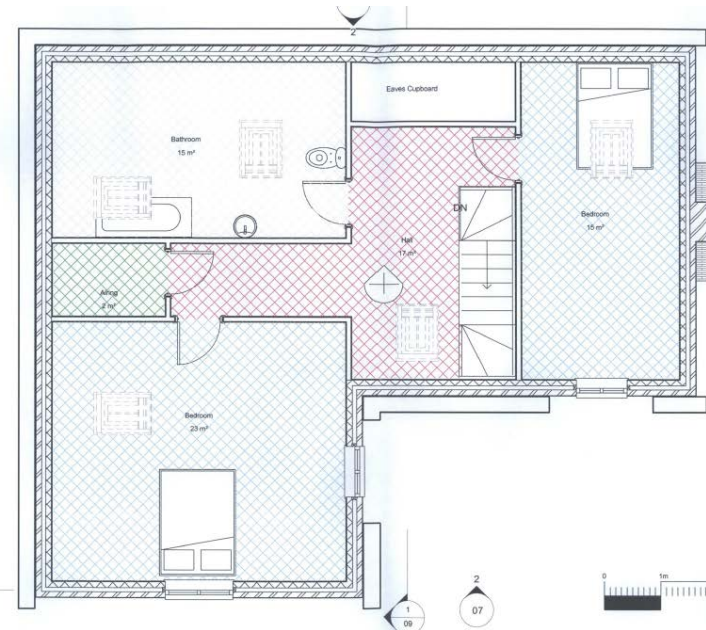
Page 234



Floor Plans



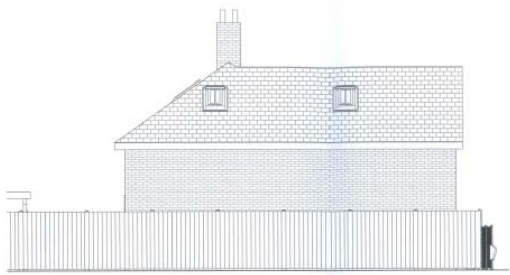
Page 235
Ground Floor



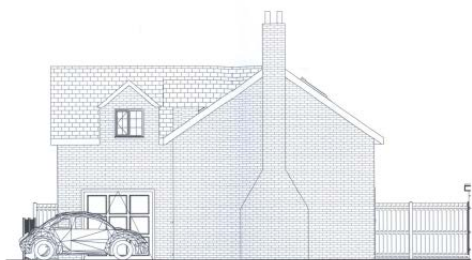
1 First Floor
1 : 50



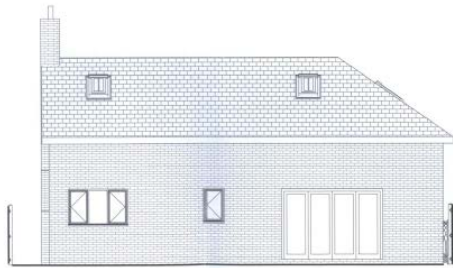
Elevations



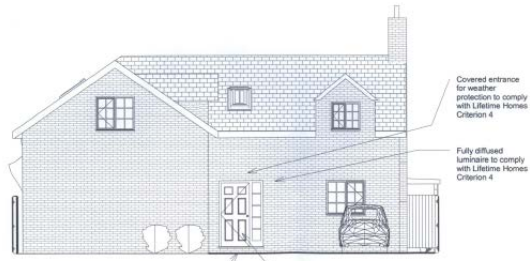
1 Proposed North
1 : 100



1 Proposed South
1 : 100



2 Proposed East
1 : 100

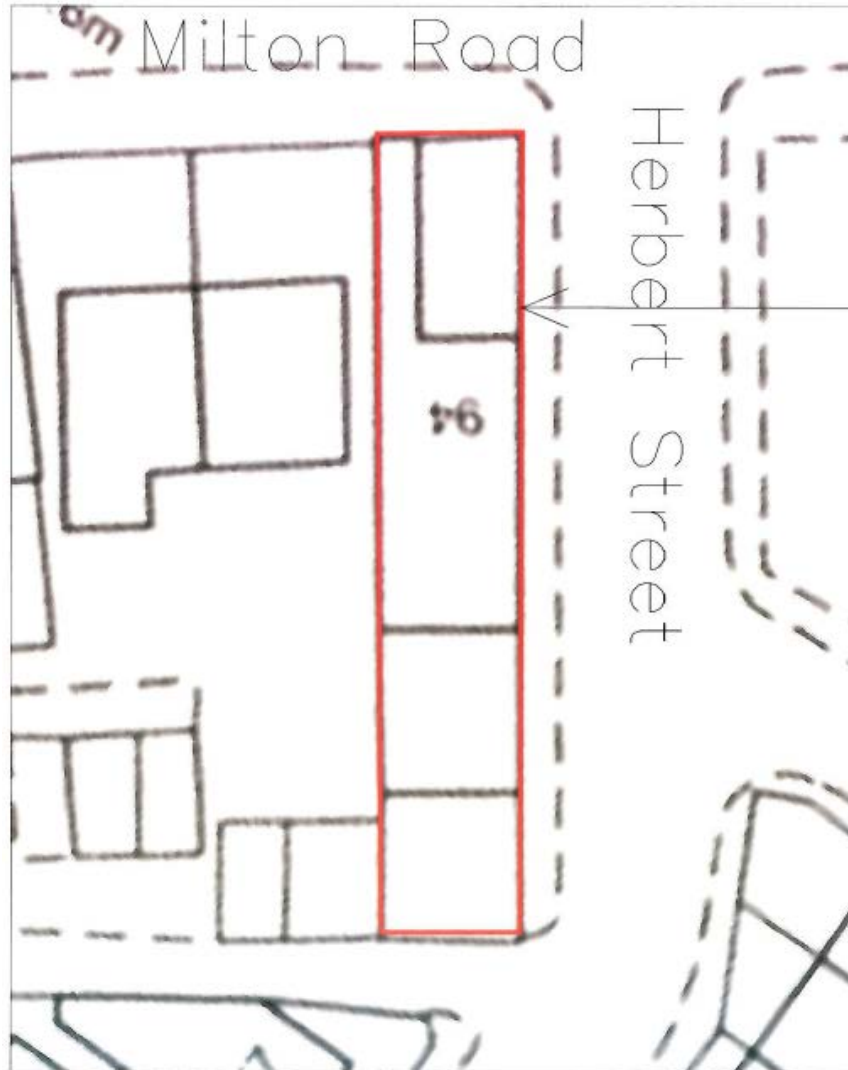


2 Proposed West
1 : 100

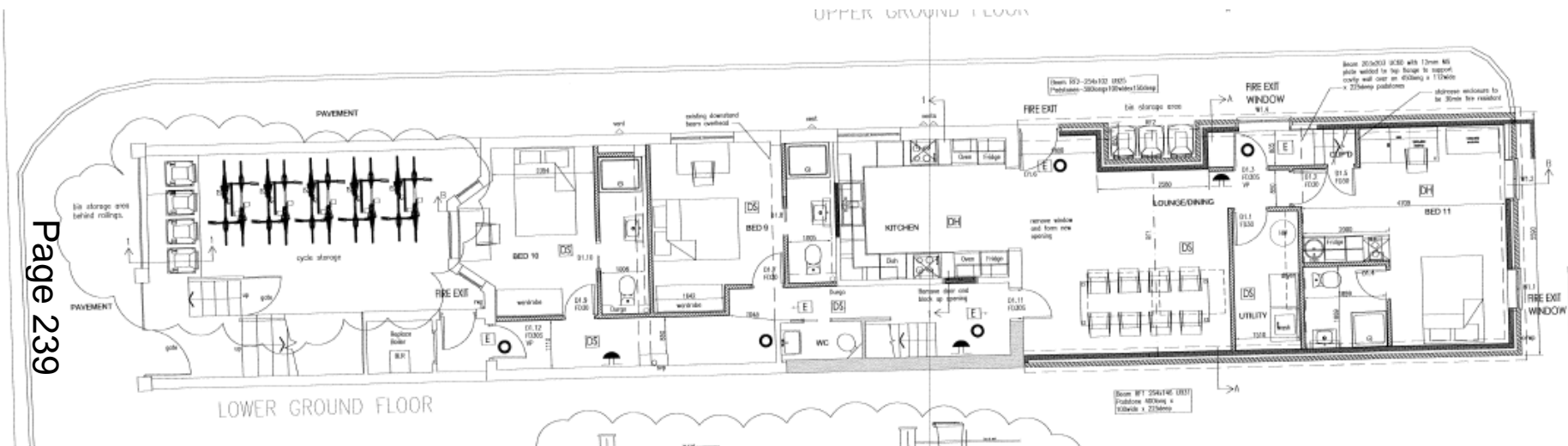
94 Milton Road

15/1308/FUL

Site Location Plan

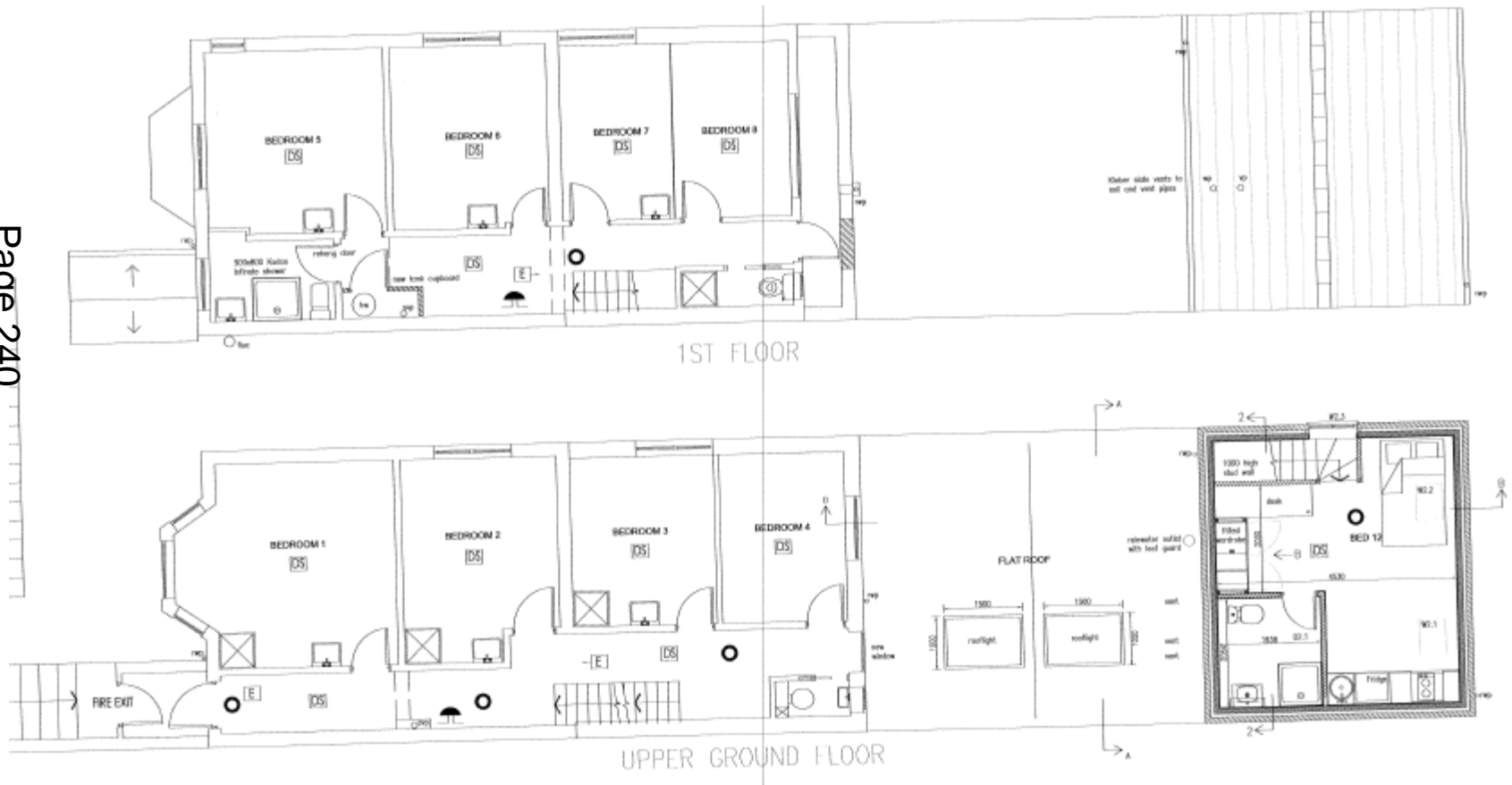


Page 239



Upper Ground Floor/First Floor

Page 240



84 Cavendish Road

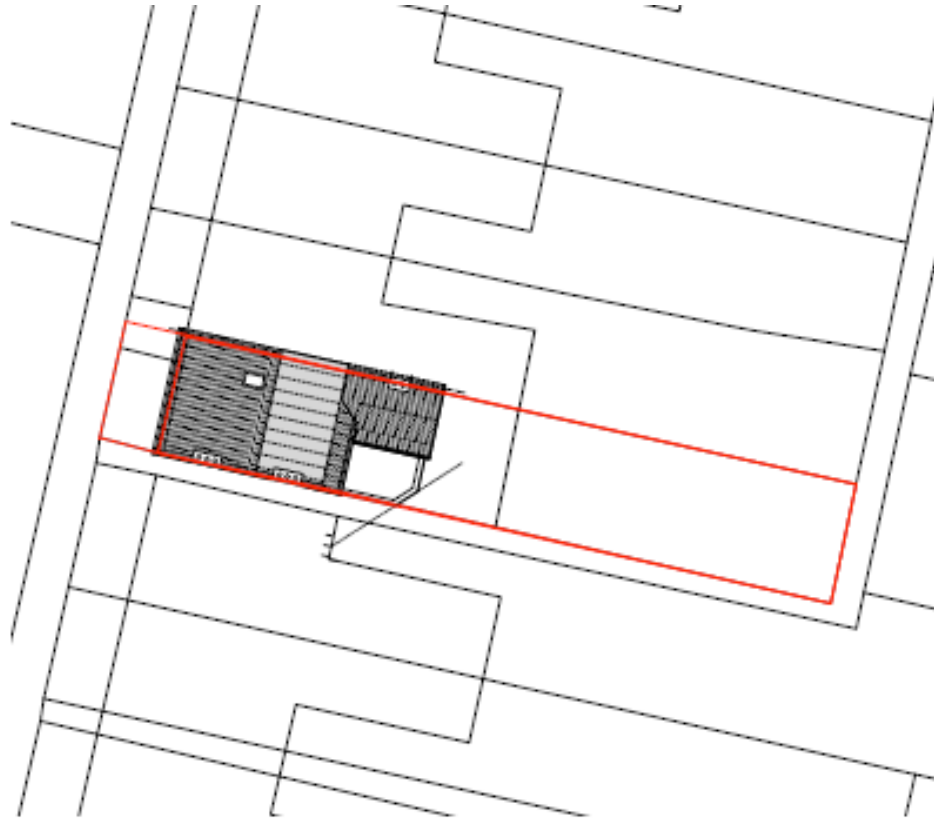
15/0585/FUL

Location and Site Plan

Page 242



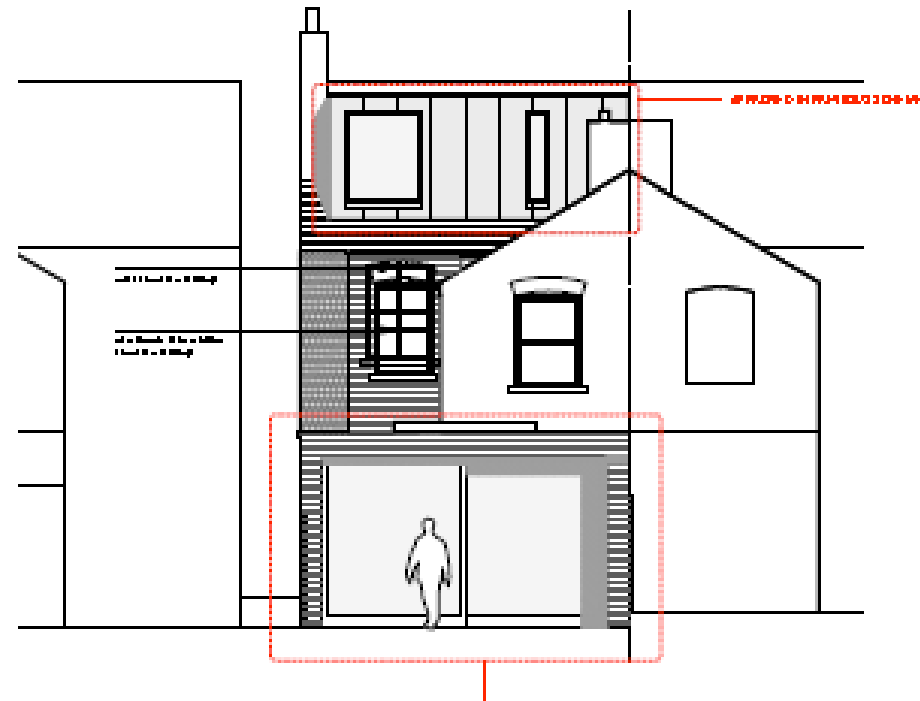
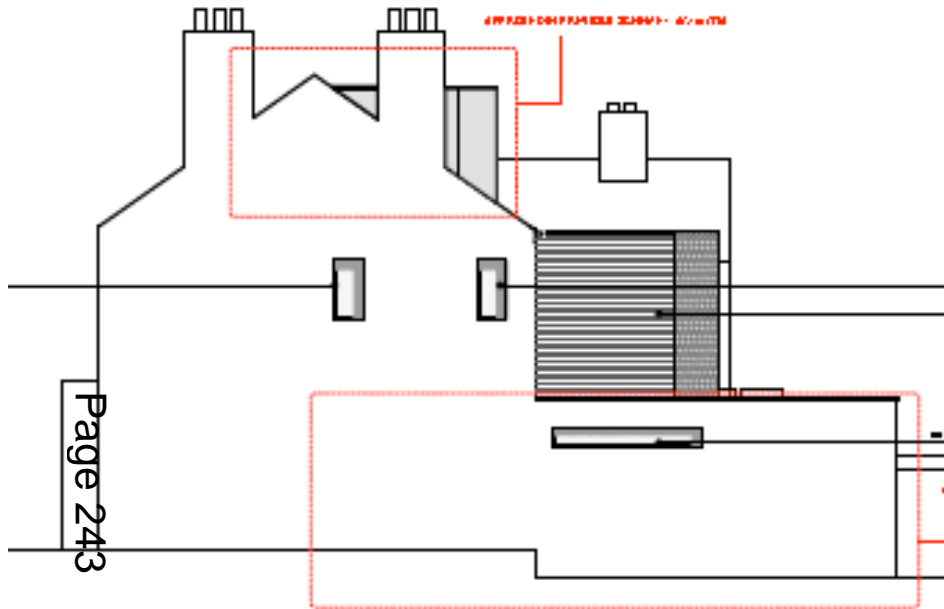
LOCATION PLAN
1:1250 6.1



SITE PLAN
1:250 6.1

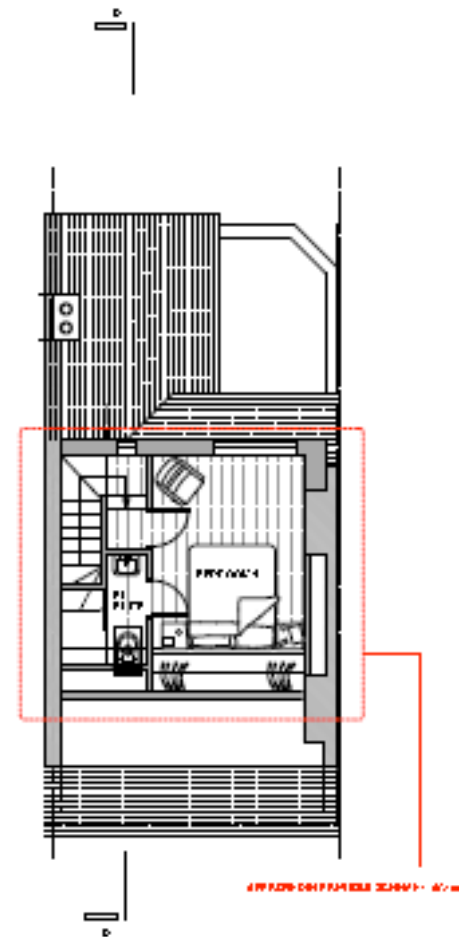
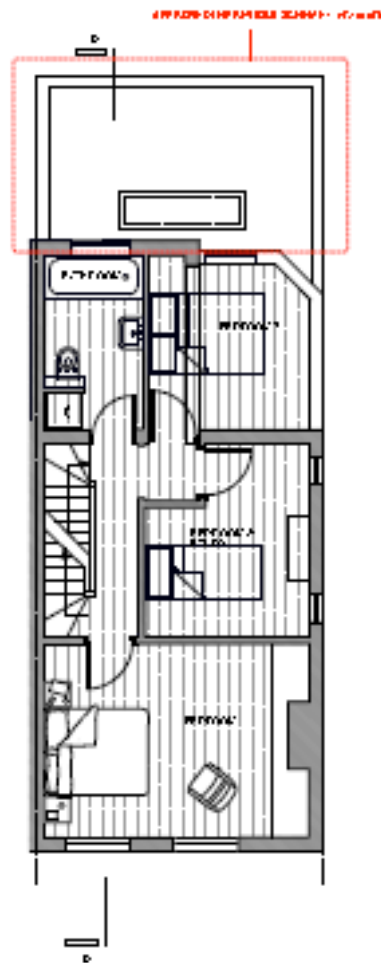
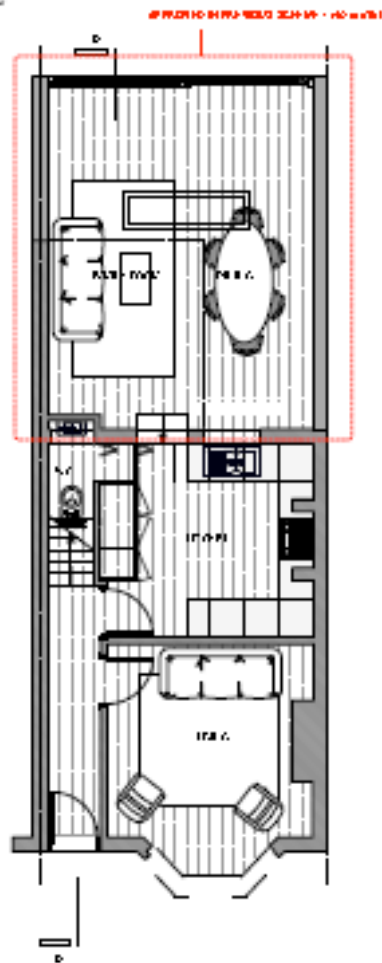


Proposed Elevations South and East



Proposed Floor Plans

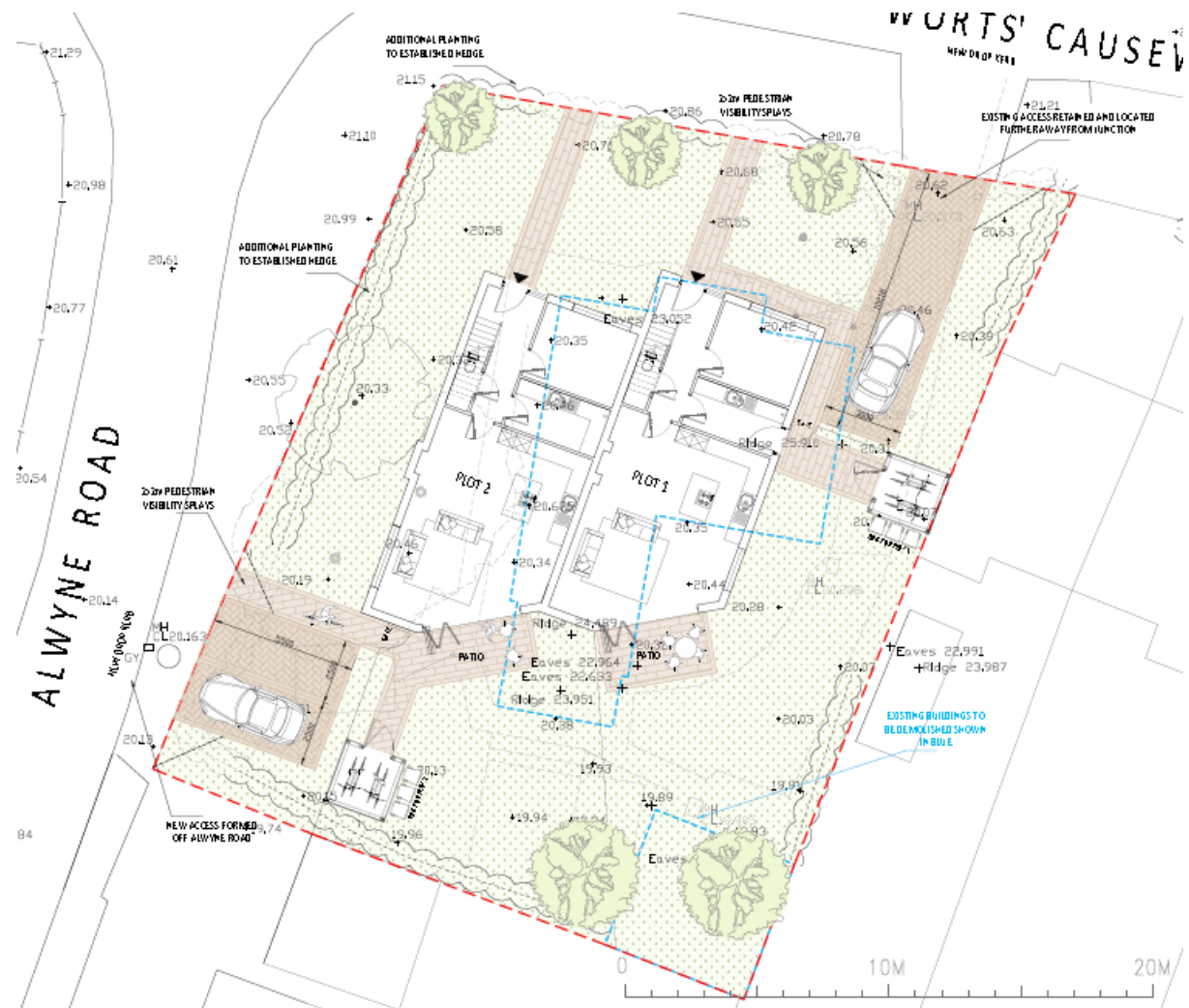
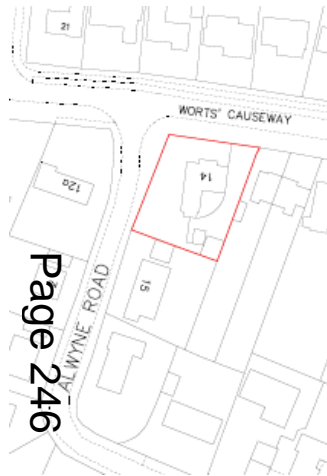
Page 244



14 Worts Causeway

15/0908/FUL

Page 246



Proposed Elevations



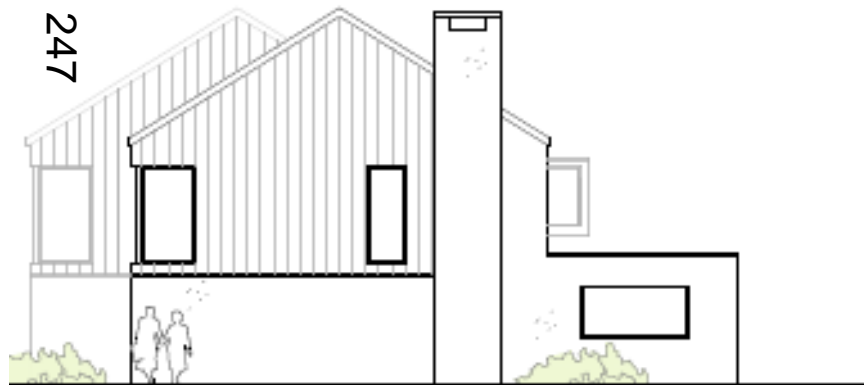
PLOT 1
FRONT ELEVATION

PLOT 2



PLOT 2
REAR ELEVATION

PLOT 1



SIDE ELEVATION



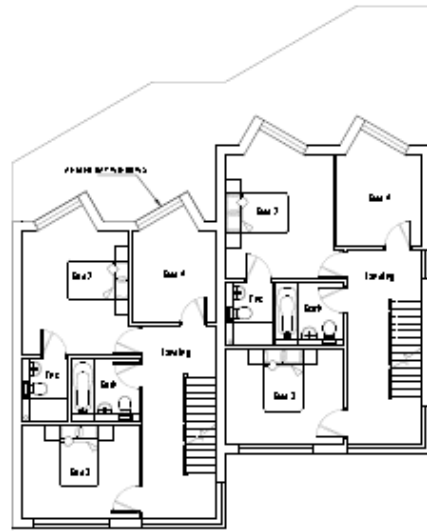
SIDE ELEVATION

Proposed Floor Plans

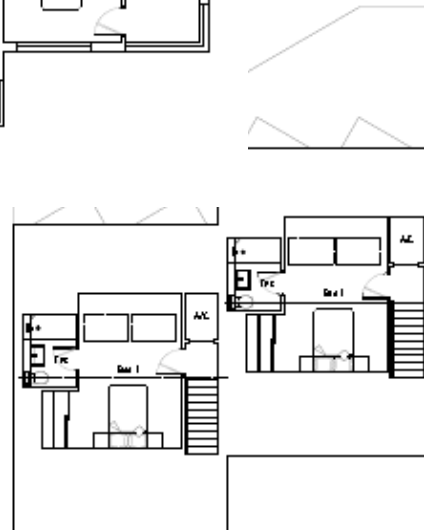


PLOT 1
GROUND FLOOR PLAN

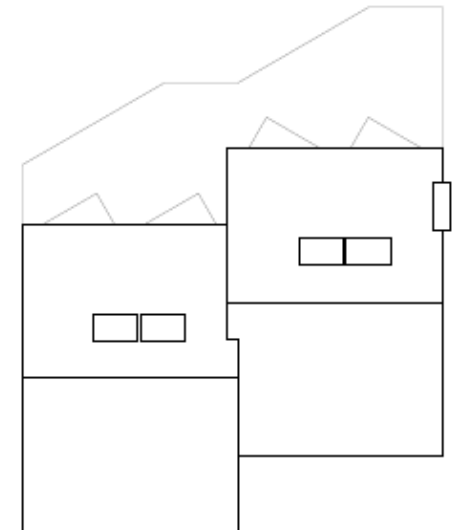
PLOT 2



FIRST FLOOR PLAN

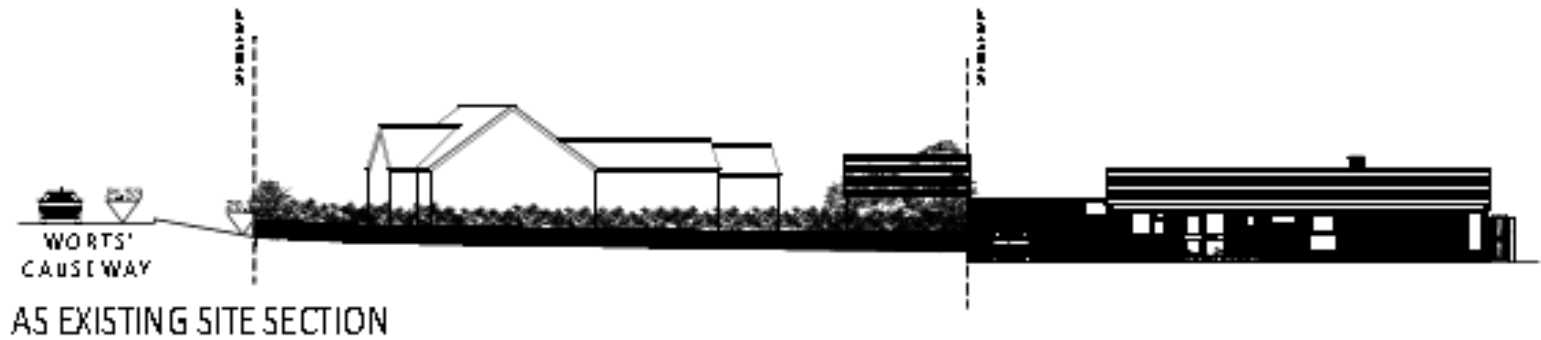


SECOND FLOOR PLAN



ROOF PLAN

Proposed Street Scene



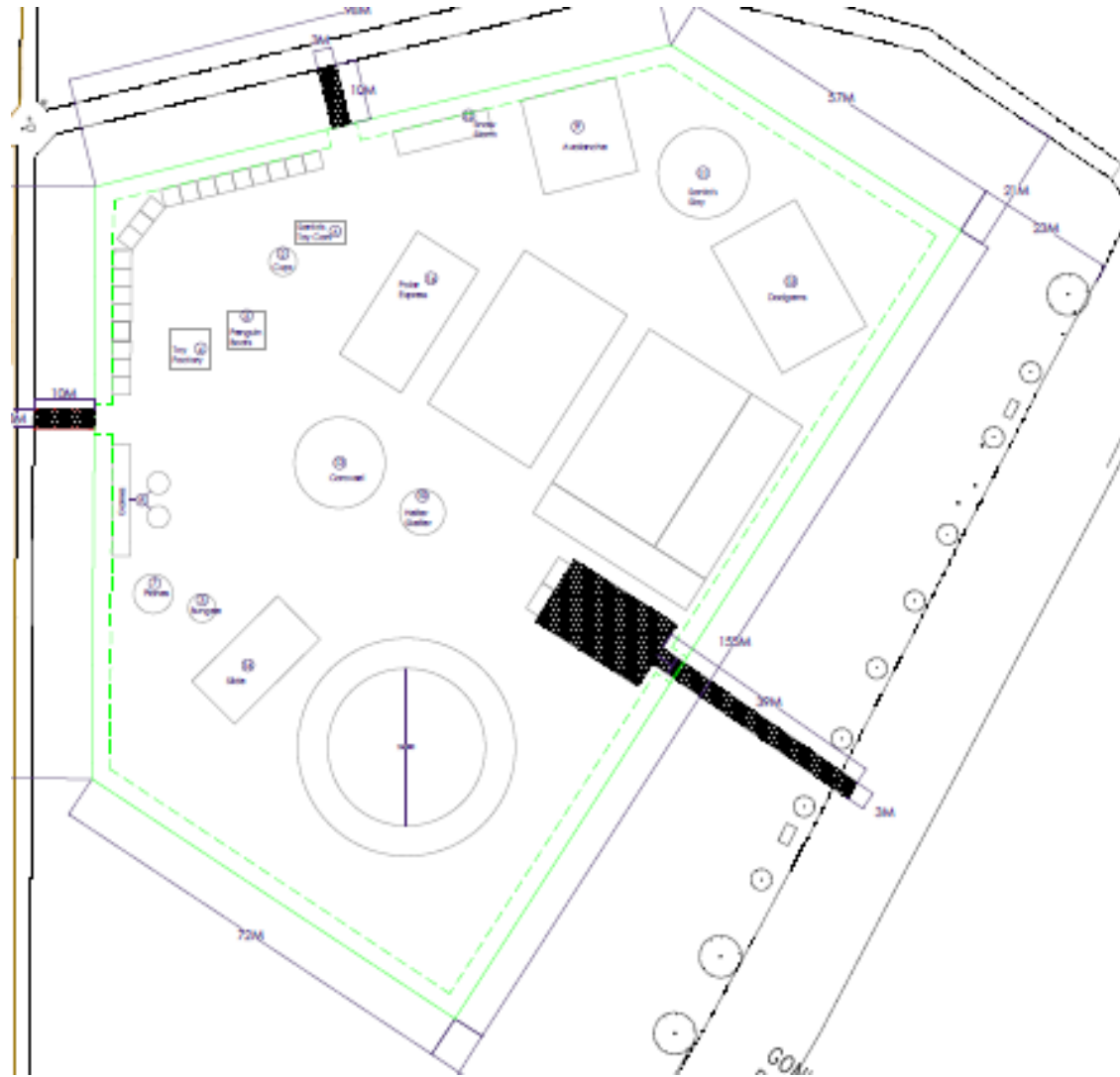
Parker's Piece

15/0796/FUL

Page 251



Site layout



Land r/o 268 Queen Ediths Way

15/0596/FUL

Site Location Plan

Page 254



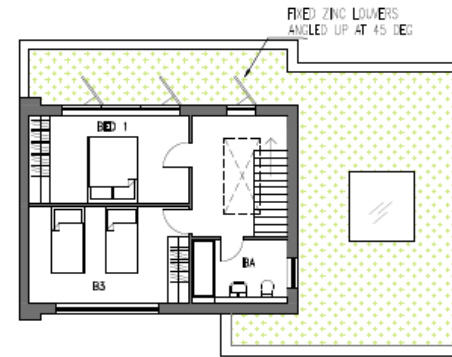
Site Plan



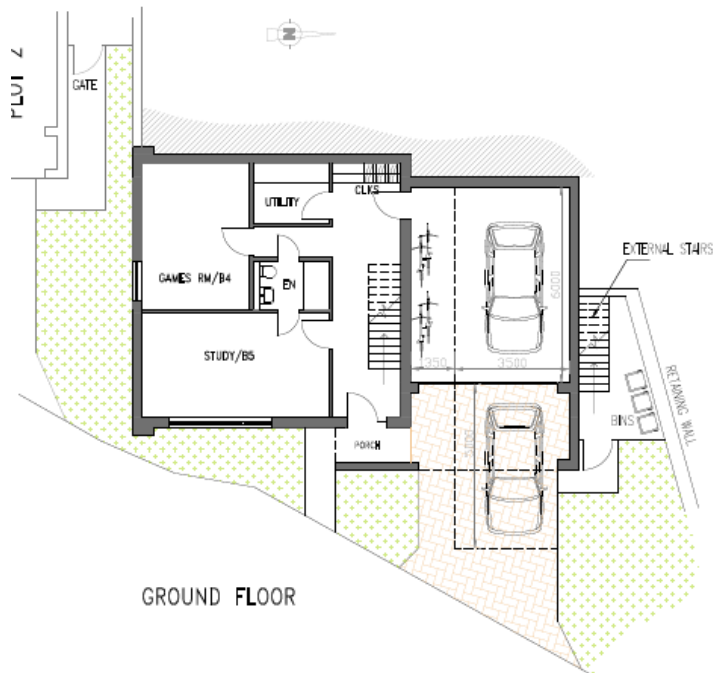
Plot 1 - Plans



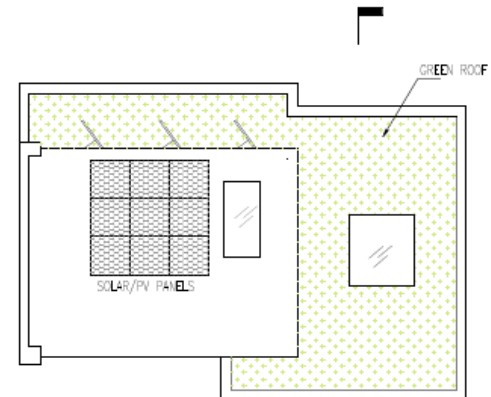
UPPER GROUND FLOOR



FIRST FLOOR

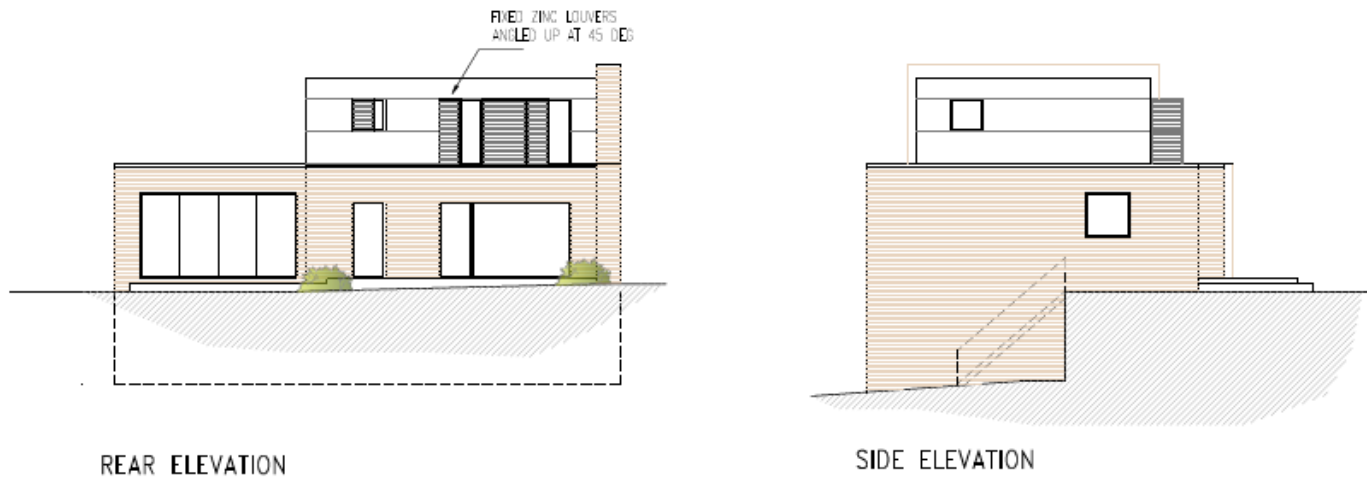
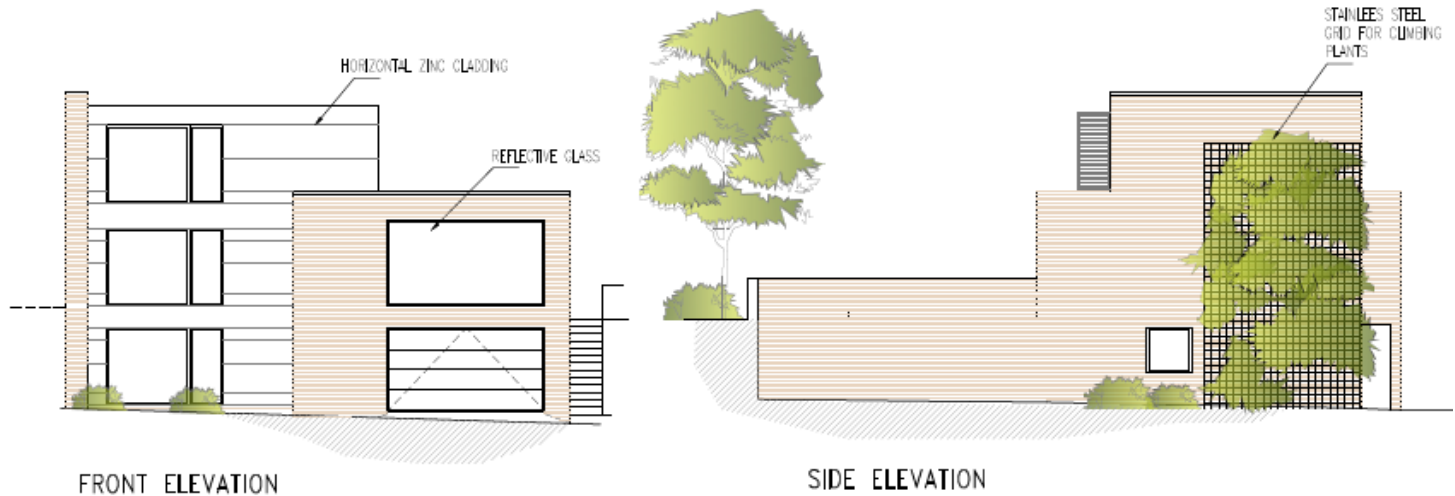


GROUND FLOOR



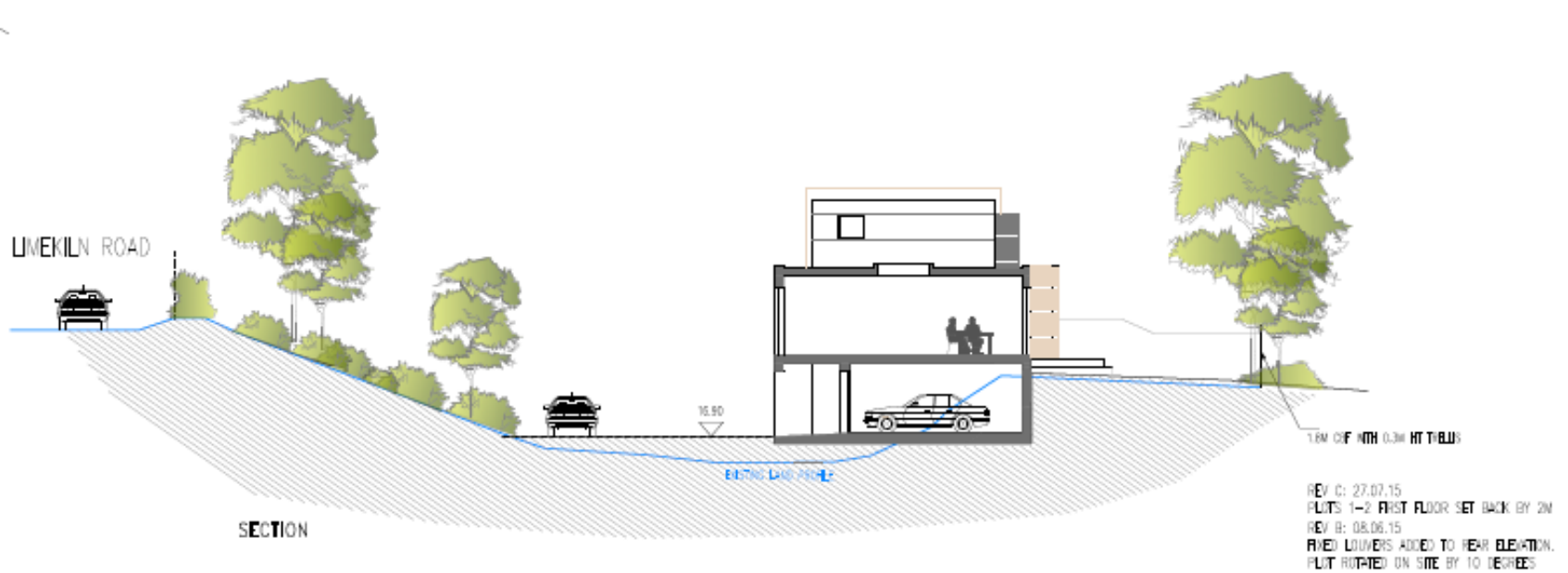
FIRST FLOOR

Plot 1 - Elevations

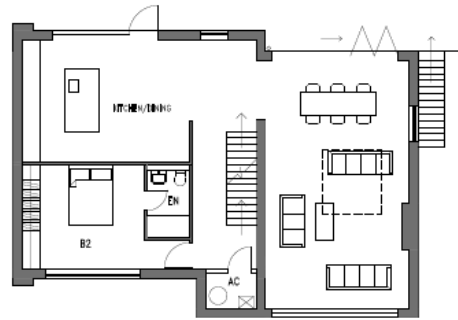


Plot 1- Section

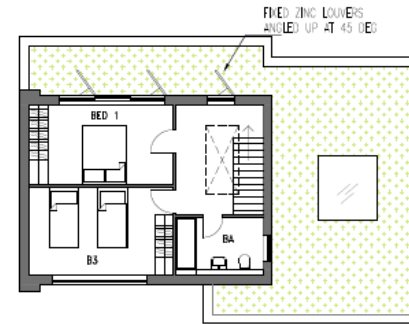
Page 258



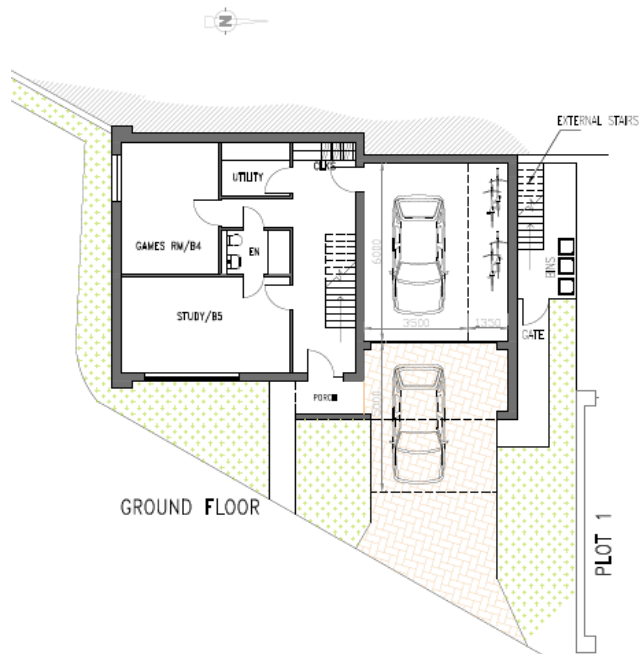
Plot 2 - Plans



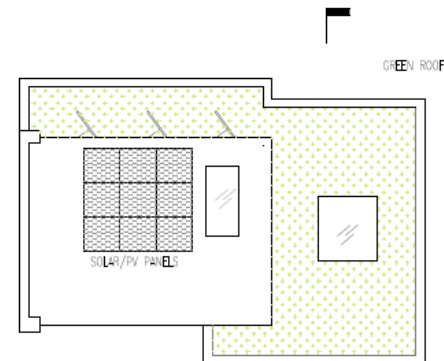
UPPER GROUND FLOOR



FIRST FLOOR



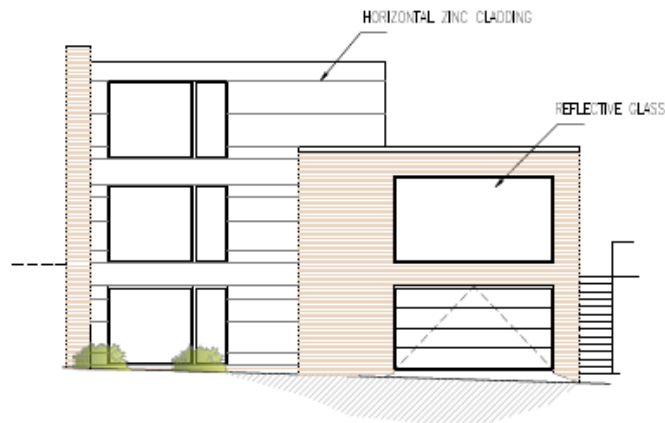
GROUND FLOOR



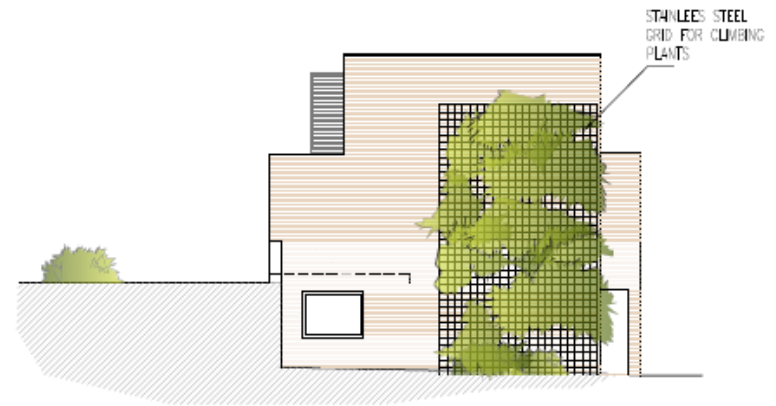
FIRST FLOOR

Plot 2- Elevations

Page 260



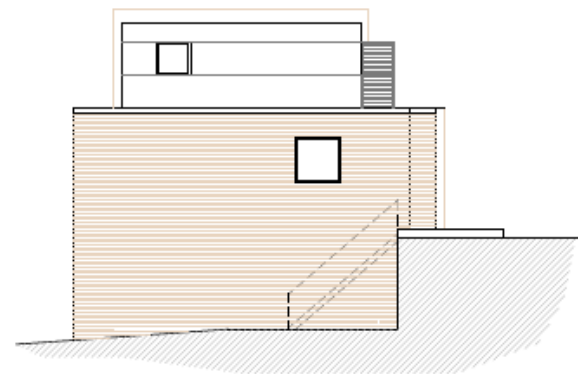
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Page 261



Plot 3 - Plans

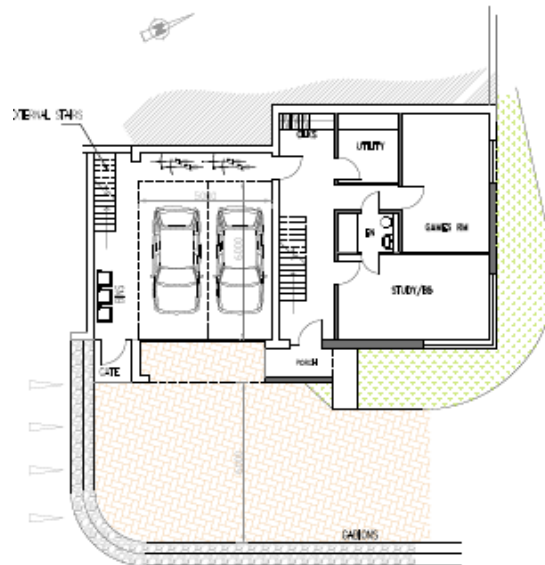
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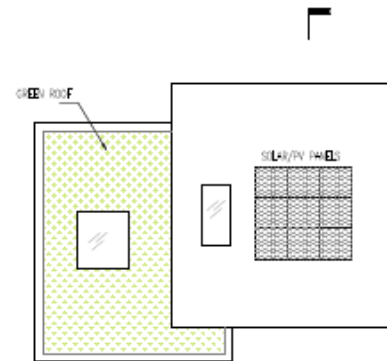
UPPER GROUND FLOOR



FIRST FLOOR



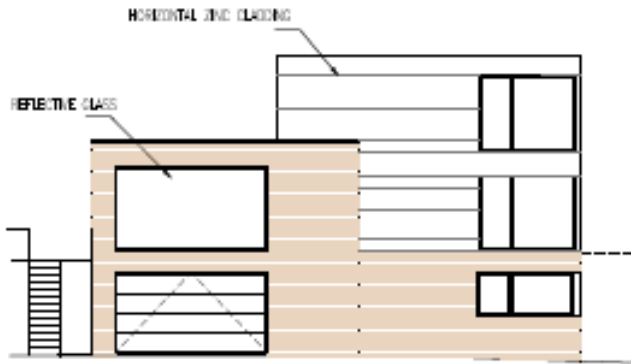
GROUND FLOOR



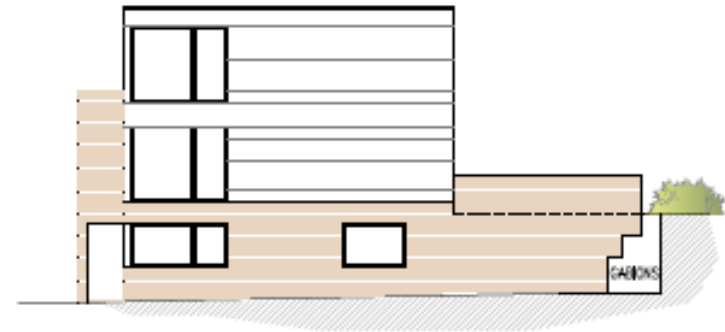
ROOF PLAN



Plot 3 - Elevations



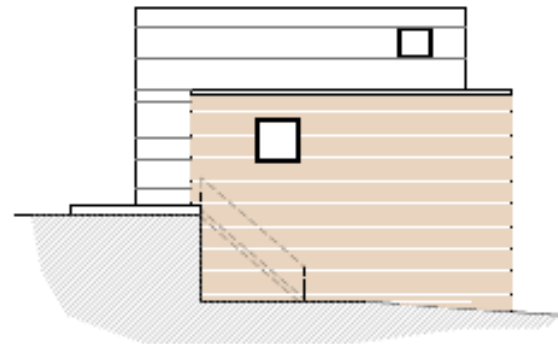
FRONT ELEVATION



SIDE ELEVATION



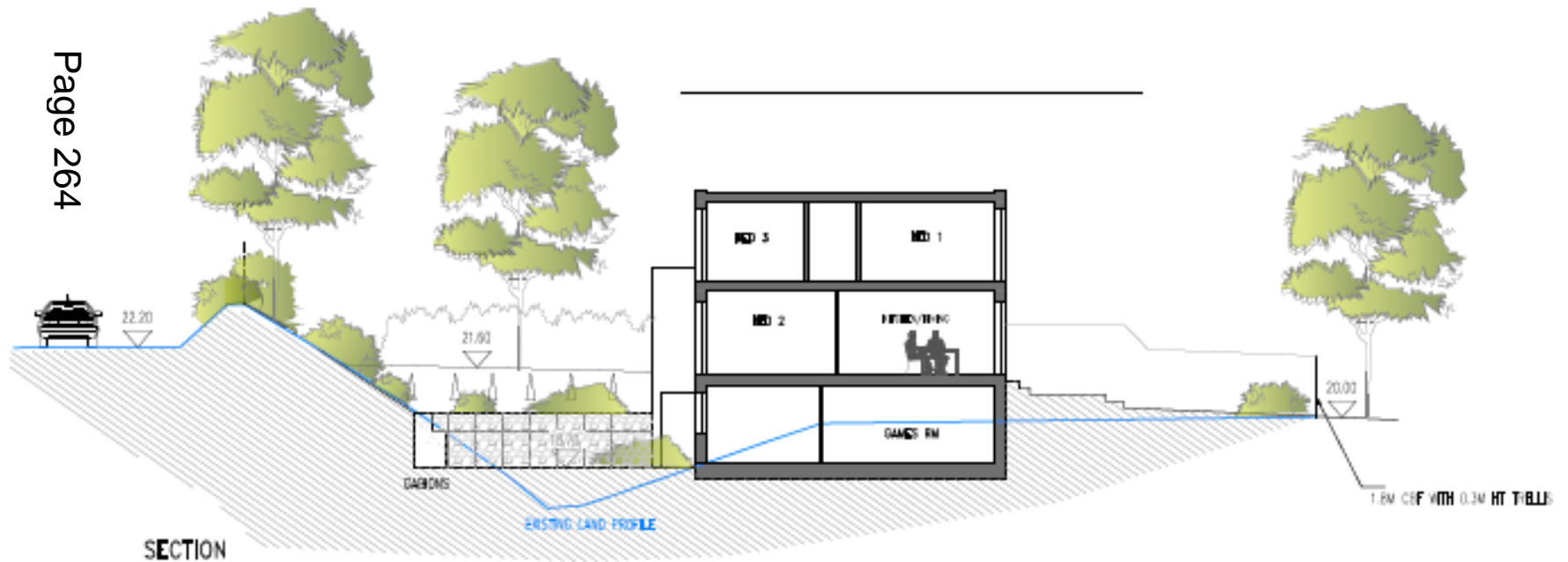
REAR ELEVATION



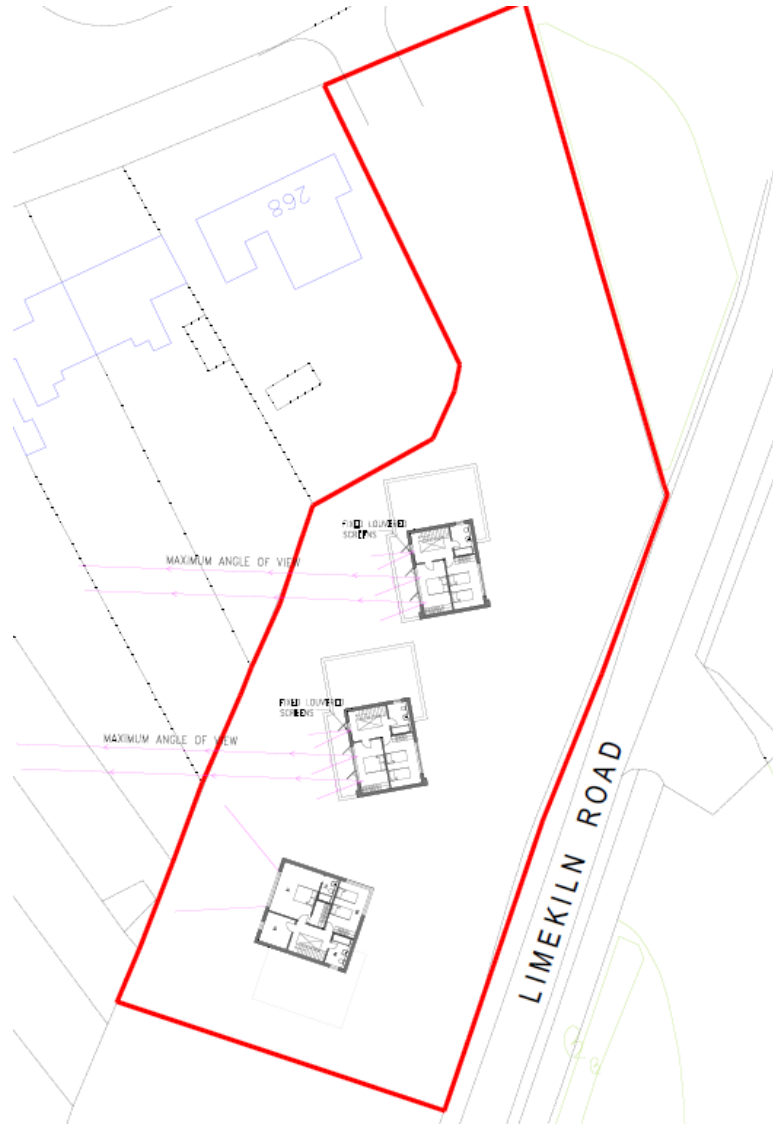
SIDE ELEVATION

Plot 3 - Section

Page 264



Angle of View



Site Sections

Page 266



SITE SECTION A-A
VIEW FROM UMBELN ROAD



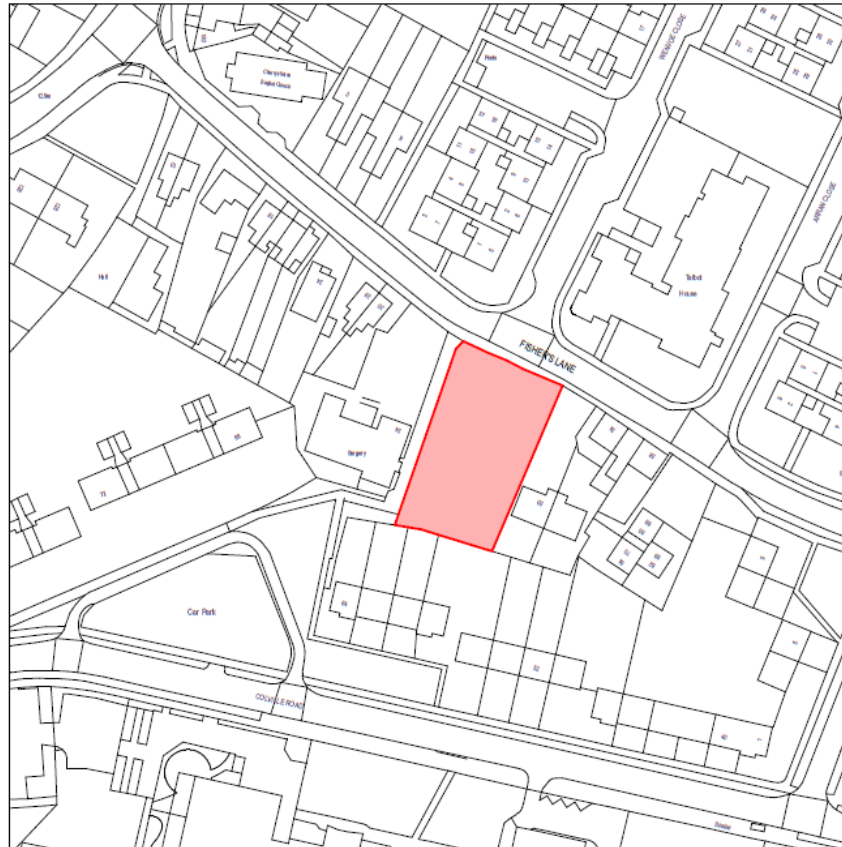
SITE SECTION B-B
VIEW FROM GARDENS OF QUEEN EDITH'S WAY

Land at 58 Fishers Lane

15/1111/FUL

Location Plan

Page 268



Location Plan

Scale 1:1250

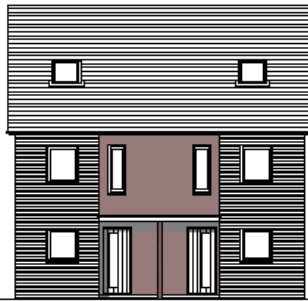


Site Plan

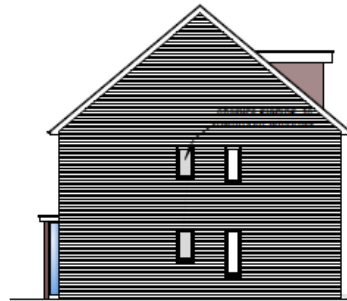


Plots 1 to 4 – Plans/Elevations

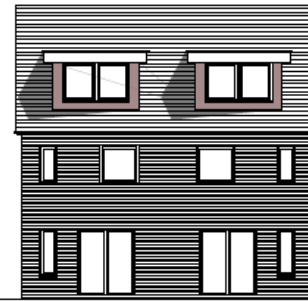
Page 270



Front Elevation



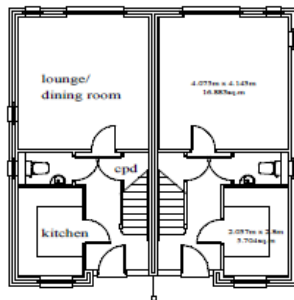
Side Elevation



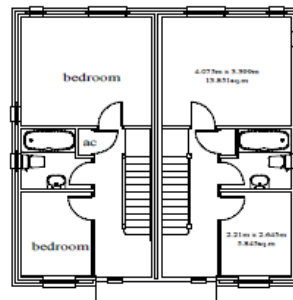
Rear Elevation



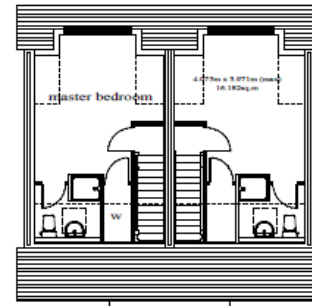
Side Elevation



Ground Floor Plan



First Floor Plan



Second Floor Plan

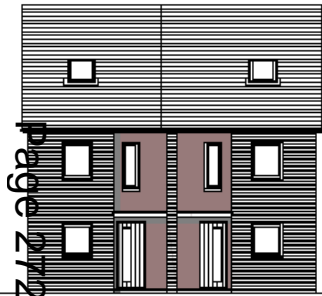
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Plots 1 to 4- Street Elevation



Street Scene - Fishers Lane (North)

Plots 5 to 8 – Plans/Elevations



Front Elevation



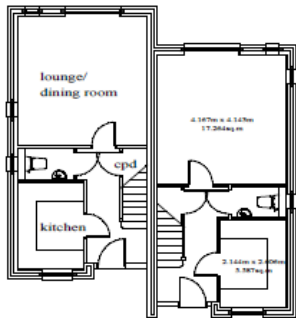
Side Elevation



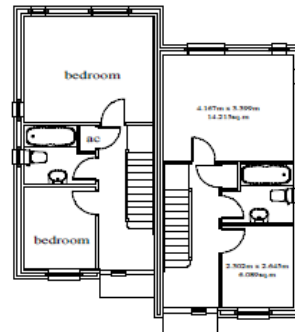
Rear Elevation



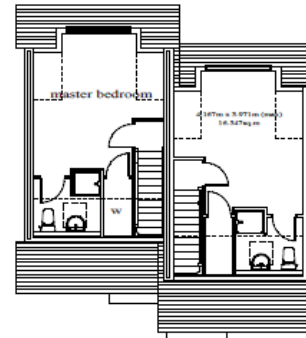
Side Elevation



Ground Floor Plan



First Floor Plan



Second Floor Plan

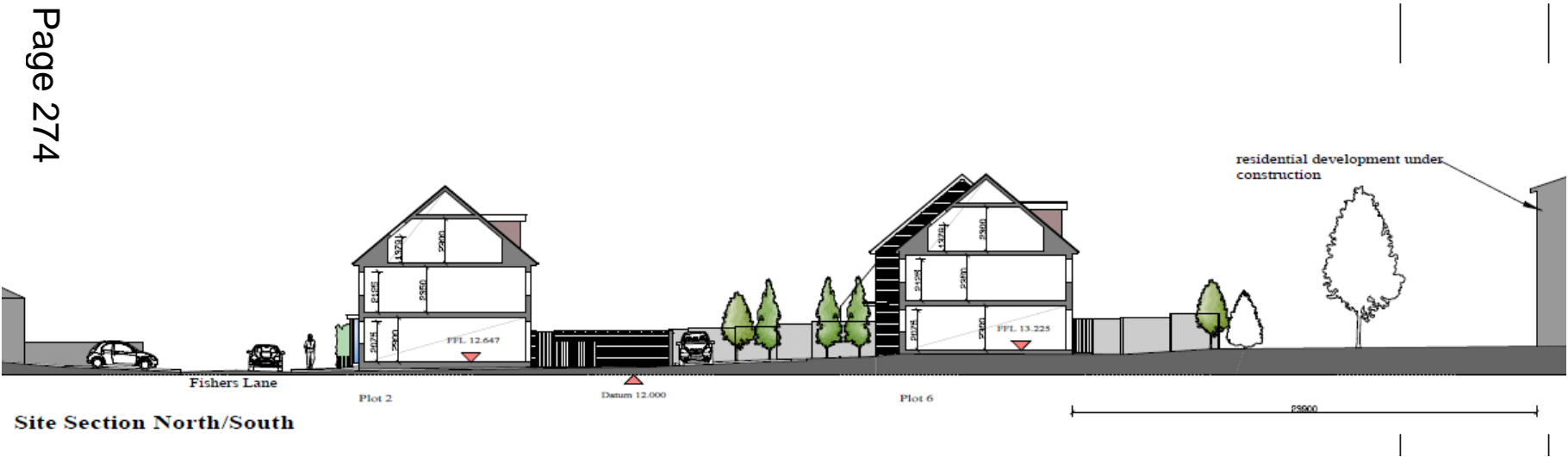
Plots 5 to 8 – Street Elevation

Page 273



Street Scene (Plots 5 to 8)

Site Section

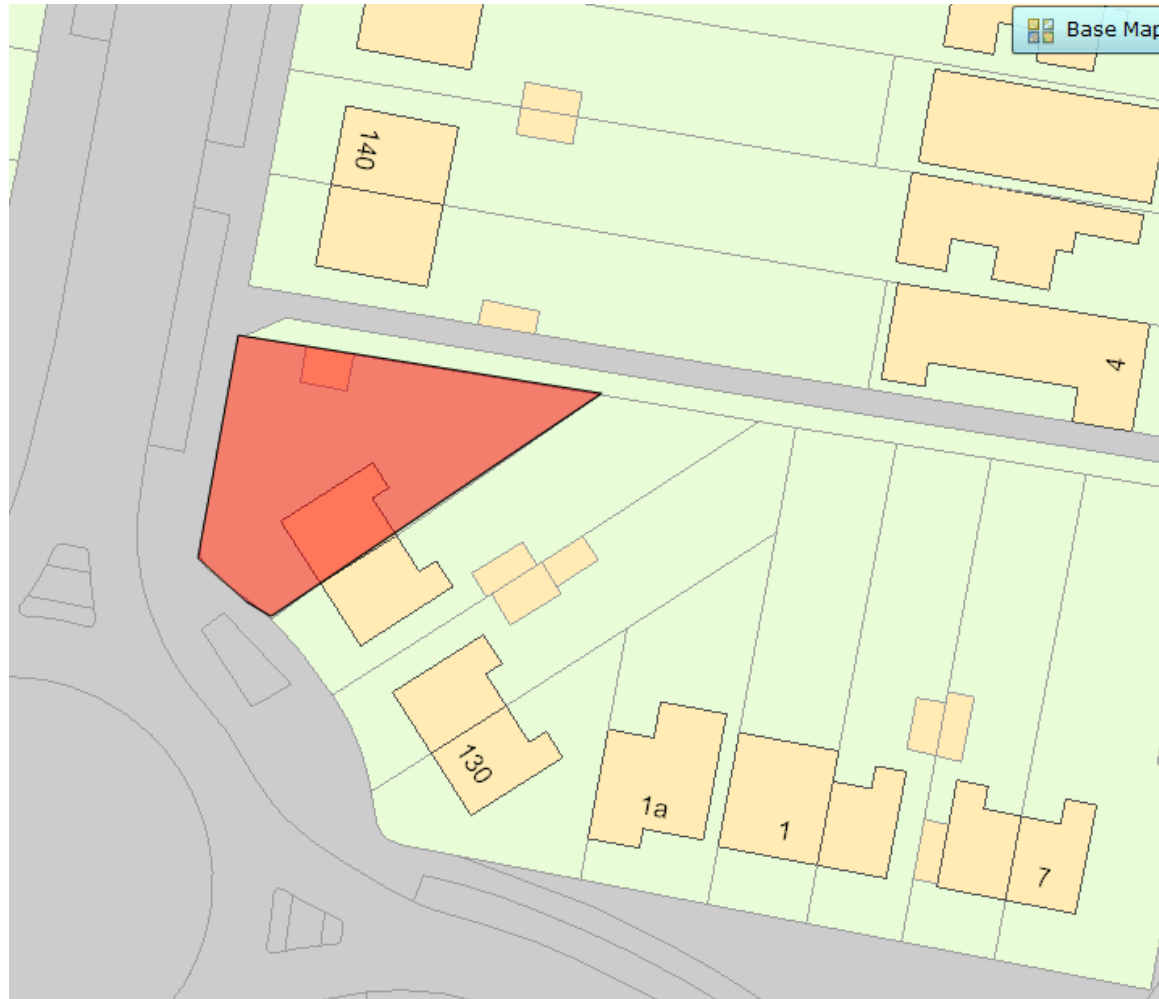


Enforcement Items

136 Perne Road

CE/5892

Site Location Plan



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