



## 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: Thursday, 24 December 2015*

**Date:** Wednesday, 6 January 2016  
**Time:** 10.00 am  
**Venue:** Committee Room 1 & 2 - Guildhall  
**Contact:** Toni Birkin

9.15 am to 9.55 am Member Only Briefing Committee Room One
--

## AGENDA

### 1 ORDER OF AGENDA

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

- **PART ONE**  
Major Planning Applications  
Start time: 10am
- **PART TWO**  
Minor/Other Planning Applications  
Start time: 12.30pm
- **PART THREE**  
General and Enforcement Items  
Start time: At conclusion of Part Two

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

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned. If the decision is to adjourn the Committee will agree the date and time of the continuation meeting which will be held no later than seven days from the original meeting.

## **2 APOLOGIES**

## **3 DECLARATIONS OF INTEREST**

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

## **4 MINUTES (Pages 7 - 18)**

To confirm the minutes of the meeting held on 4<sup>th</sup> November 2015.

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

### **Part 1: Major Planning Applications (10am)**

**5 14/1905/FUL 64 NEWMARKET ROAD (Pages 29 - 122)**

**6 15/1369/FUL REPORT - 149B HISTON ROAD (Pages 123 - 168)**

**7 15/0519/OUT REPORT - 295 - 301 HISTON ROAD (Pages 169 - 210)**

### **Part 2: Minor/Other Planning Applications 12.30 pm**

**8 15/1728/FUL REPORT - 11 LICHFIELD ROAD (Pages 211 - 230)**

**9 15/1308/FUL REPORT - 94 MILTON ROAD (Pages 231 - 240)**

**10 15/1466/FUL REPORT - 73-73A TENISON ROAD (Pages 241 - 254)**

- 11**      **15/1468/FUL REPORT - 17 NEWMARKET ROAD** (*Pages 255 - 266*)
- 12**      **15/1474/FUL REPORT - 19 NEWMARKET ROAD** (*Pages 267 - 278*)
- 13**      **15/1479/FUL REPORT - 29 NEWMARKET ROAD** (*Pages 279 - 288*)
- 14**      **15/1627/FUL REPORT - 2 DRAYTON ROAD** (*Pages 289 - 304*)
- 15**      **15/1710/FUL REPORT - 89 AND 91 DE FREVILLE AVENUE** (*Pages 305 - 330*)
- 16**      **15/1589/FUL REPORT - 23 BALDOCK WAY** (*Pages 331 - 362*)
- 17**      **15/1623/FUL REPORT - 64 GLEBE ROAD** (*Pages 363 - 402*)
- 18**      **15/1705/FUL REPORT - 86 MILL ROAD** (*Pages 403 - 412*)

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

## **Representations on Planning Applications**

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

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.

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

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

**Mod.Gov App** You can get committee agenda and reports for your tablet by using the mod.gov app

## PLANNING

4 November 2015  
10.00 am - 3.15 pm

### Present:

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

### Officers:

Head of Planning Services: Patsy Dell  
City Development Manager: Sarah Dyer  
Principal Planner: Lisa Lamb  
Principal Planner: Toby Williams  
Senior Planner: Catherine Linford  
Senior Planner: Angela Briggs  
Planner: Lorraine Casey  
Planner: Michael Hammond  
Planner: Sav Patel  
Planner: Elizabeth Thomas  
Legal Advisor: Victoria Watts  
Committee Manager: Toni Birkin  
Committee Manager: James Goddard

## FOR THE INFORMATION OF THE COUNCIL

### 15/202/PlanApologies

No apologies were received.

### 15/203/PlanDeclarations of Interest

Councillor Hipkin declared a personal and prejudicial interest in application 15/1200/FUL as he has relatives who live in close proximity to the application site. He was not present for the consideration of the item.

### 15/204/PlanMinutes

The minutes of the meeting of the 7<sup>th</sup> October 2015 were agreed and signed as a correct record.

Members noted a briefing note confirming that public speakers would no longer be named in minutes of the Planning Committee, Development Control Forum or Pre-application Member Briefings. In future the minutes would be limited to street name where the individual lived.

This would not apply to those speaking in a professional capacity or representing an organisation.

### **15/205/Plan15/1200/FUL - Gonville Hotel, Gonville Place**

The Committee received an application for full planning permission.

The application sought approval for the refurbishment of Gresham House to provide an additional 10 hotel bedrooms, extension to rear of Gresham House to provide an additional 21 hotel bedrooms, (subterranean) basement to Gresham House and provide a gym, dance studios and subterranean day spa facilities and a plant room, front extension to Gonville Hotel to provide a new dining area, and associated external works and landscaping. The Committee noted the updated information in the amendment sheet.

The Committee received representations in objection to the application from residents of Gresham Road and Gresham Place.

The representations covered the following issues:

- i. Residents whose properties front onto Gresham Road will be directly opposite the new building.
- ii. The area is a conservation area and has some listed building.
- iii. Properties are small with limited outdoor space.
- iv. Main windows will face onto Gresham Road.
- v. Scale and mass out of keeping with area.
- vi. Would be overlooked by hotel bedrooms.
- vii. Light from hotel would be intrusive.
- viii. Proposal would generate more traffic in a small street.
- ix. Turning vehicles would be dangerous as this was popular cycle route.
  - x. Road was a bottleneck
- xi. Cycles would be in danger from cars and in turn, would be dangerous to pedestrians.
- xii. Light and noise from planned location of the plant room would be intrusive.

Mr Brown, 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.

**15/206/Plan15/1020/FUL - 141 Ditton Walk**

The Committee received an application for full planning permission.

The application sought approval for the erection of 8No. 4 Bed semi-detached dwellings, 2 new 4 bedroom detached dwellings, 3 new 3 bedroom detached dwellings and 1 new 2 bedroom detached dwelling with associated car parking, access and landscaping (following expiry of planning permission 11/0596/FUL).

In response to Member's questions, the Planning Officer confirmed that the committee was being asked to delegate the final decision regarding completion of the S106 Agreement. Members suggested that there were two play area projects which could be identified as recipients of any S106 funding (Ditton Fields and Dudley Road).

The Committee:

**Resolved (by 7 votes to 0 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 recommended by the officers.

**15/207/Plan15/1522/FUL - Daedalus House, Station Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of Daedalus House and construction of a new 7 storey office building comprising of 9026 sqm (GEA) of office floorspace (class B1); cycle parking spaces; associated plant; hard and soft landscaping; a basement with 51 car parking spaces and 7 motorcycle bays; infrastructure works.

The Officer drew Members attention to amendment sheet and highlighted the changes to the disabled access route and cycle parking.

David Whittlington, 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 additional informative as detailed in the amendment sheet.

### **15/208/Plan15/1303/FUL - Stephen Perse Foundation Senior School**

The Committee received an application for full planning permission.

The application sought approval for Erection of teaching block and sports hall (with Multi-Use Games Area above) following demolition of administration and corridor block on Union Road together with external works and landscaping.

The Committee noted the amendment sheet.

The Committee expressed concerns about the impact of additional traffic in the area. It was suggested that a more robust travel plan was required

The Committee delegated authority to Officer's to draft and implement a stronger travel plan.

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 as detailed below.

DELEGATED AUTHORITY given to agree re-wording of condition no.25 (Travel Plan) which was subsequently altered to the following:

*"No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall comprise immediate, continuing and long-term*

*measures to promote arrangements to encourage the use of public transport, cycling and walking and in particular measures to encourage the use of alternative means of transport to the private car by pupils, staff and visitors. The travel plan shall also include details of a management plan to control the pick-up and drop-off of pupils from the site and shall include staff post code data to highlight those staff who could use alternative to the private car. Details of the cycle parking and where additional cycle parking will be located if there is obvious demand with details of how the demand will be monitored shall also be provided. The Travel Plan shall thereafter be implemented in accordance with the approved document.*

*Reason: In order to deliver sustainable transport objectives (Cambridge Local Plan 2006, policies 8/2, 8/3 and 8/4)”*

### **Change of Meeting Chair**

Councillor Dryden left the meeting to attend to Mayoral duties and Councillor Blencowe took the Chair.

### **15/209/Plan15/1302/FUL - Whichcote House, Springfield Road**

The Committee received an application for full planning permission.

The application sought approval for Demolition of existing building and construction of a replacement graduate student accommodation building including creation of new/altered pedestrian and vehicular accesses and landscaping including works to trees.

Mr Shrimplin, the applicant's agent 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.

### **15/210/Plan15/1163/FUL - 104 Wulfstan Way**

The Committee received an application for full planning permission.

The application sought approval to erect a detached two-storey 2-bedroom dwelling on the land to the rear of 104 and 104a Wulfstan Way.

The Applicant's Partner addressed the Committee in support of the application.

The Committee:

**Resolved (by 5 votes to 1)** to refuse the application for planning permission in accordance with the officer recommendation.

### **15/211/Plan15/1000/FUL - 61 Norfolk Street**

This item was withdrawn at the Applicant's request.

### **15/212/Plan15/1314/FUL - 40 Cambridge Place**

The Committee received an application for full planning permission.

The application sought approval for a two storey building to provide three one-bedroom flats on the ground floor and two one-bedroom flats on the first floor. The proposal also includes cycle and bin storage provision.

The Committee received a representation in objection to the application from a resident of Glisson Road.

The representation covered the following issues:

- i. Referred to scheme details on the Council website.
- ii. Expressed specific concerns regarding:
  - a. Loss of light.
  - b. Privacy.
  - c. Annexation of part of her land.
  - d. Accuracy of planning drawings.
  - e. Boundary treatment.

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.

### **15/213/Plan15/0926/FUL - Meadowcroft House, 16 Trumpington Road**

The Committee received an application for full planning permission.

The application sought approval for the conversion of the existing bin store into 1 new one-bedroom studio apartment, with the replacement of the existing roof and provision of additional parking space and cycle storage. The bin store would be relocated to the north of the site.

The Committee received a representation in objection to the application from a Trumpington Road resident.

The representation covered the following issues:

- i. Planning permission had previously been granted in 2004, with several conditions including provision of a bin store.
- ii. Arrangements in the current application for a bin store etc were different to those outlined in previous planning permission.
- iii. Expressed specific concerns regarding:
  - a. Change of bin store location. It was now near the amenity area.
  - b. Loss of view.
  - c. People's safety when accessing facilities.

Councillor Meftah (Trumpington Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. He had visited the site and met with residents.
- ii. Expressed specific concerns regarding:
  - a. The proposed flat was too close to the car park access ramp. Residents would be disturbed and have poor amenities.
  - b. The bin store would make the site unattractive.
  - c. The new building would take away some of the public amenity space for private use.
- iii. Please refuse the application.

The Committee:

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

**Resolved (by 6 votes to 0)** to refuse the application contrary to the officer recommendations for the following reasons:

- 1) The converted bin store building will be in close proximity to the ramp serving the underground car parking to spaces under the principal building, Meadowcroft House. The use of the ramp would expose the occupants of the proposed dwelling to noise and disturbance and fumes to the detriment of their residential amenity. In so doing the proposed development fails to provide satisfactory living accommodation contrary to Policy 5/2 of the Cambridge Local Plan 2006.
- 2) The proposed new dwelling by virtue of its small scale and associated surface level parking would relate poorly to the existing flats at Meadowcroft House and would detract from the visual appearance of the area contrary to Policy 3/10 of the Cambridge Local Plan 2006.

### **15/214/Plan15/1602/FUL - 40B Green End Road**

The Committee received an application for full planning permission.

The application sought approval for a mixed use development comprising ground floor retail (use Class A1), with a non-speculative student accommodation scheme of 26No. Bedrooms on the upper floors to be occupied by Abbey College, along with cycle parking, following demolition of existing buildings on site

The Committee received a representation in objection to the application from a Green End Road resident.

The representation covered the following specific concerns:

- i. Height of building.
- ii. Ugly design.
- iii. Loss of light and overshadowing.
- iv. Blocking of access to neighbour's amenities.
- v. Parking issues.
- vi. Bin storage arrangements.

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.

### **15/215/Plan15/1760/FUL - 23-25 Hills Road**

The Committee received an application for full planning permission.

The application sought approval for mixed use development comprising ground floor retail (use Class A1), with a non-speculative student accommodation scheme of 26No. bedrooms on the upper floors to be occupied by Abbey College, along with cycle parking, following demolition of existing buildings on site.

The Committee received a representation in objection to the application from a Cambridge Place resident.

The representation covered the following issues:

- i. There was no on-site service vehicle parking spaces.
- ii. Service vehicles would regularly need to access the site, if no spaces were available, they would be forced to park illegally in the road and would block the narrow entrance to Cambridge Place.
- iii. Referred to car parking standards and said the application did not adhere to these.
- iv. Raised safety concerns:
  - a. There were no on-street rubbish bin collection points.
  - b. A lack of outside amenity space in the proposal would lead to students congregating on the street.
- v. The site cannot operate sustainably as it does not meet emerging or Local Plan 2006 criteria.

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

The Committee:

**Resolved (by 5 votes to 2)** to reject the officer recommendation to approve the application.

**Resolved (by 5 votes to 0)** to refuse the application contrary to the officer recommendations for the following reason:

1. 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.

## **Change of Meeting Chair**

Councillor Dryden rejoined the Committee and took the Chair.

### **15/216/Plan15/1364/FUL - 50 Alice Bell Close**

The Committee received an application for change of use.

The application sought approval for change of use from a residential dwelling (use class C3) to a large 7-bedroom House in Multiple Occupation (Sui Generis), incorporating single storey rear extension and internal alterations

#### **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.

### **15/217/Plan15/0804/FUL - 2 Barrow Road**

The Committee received an application for full planning permission.

The application sought approval for a new dwelling to rear of site with access from Trumpington Road.

The Committee received a representation in objection to the application from a Trumpington Road resident.

The representation covered the following issues:

- i. Was happy to support the principle of developing the site, but took issue with the design of this application.
- ii. Raised specific concerns about:
  - a. Proximity of the development to her property.
  - b. Overlooking.
  - c. Privacy.
  - d. Lack of light.
  - e. Noise.

Mr Thompson (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.

**15/218/Plan15/0893/FUL - Land West of ARM 1, Peterhouse Technology Park**

The Officer's report sought Members' approval to change the requirement for fire hydrant provision to be secured by way of a condition rather than via the S106 agreement for ARM, Peterhouse Technology Park for the demolition of ARM2; the construction of new buildings for B1 use; two multistorey 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:

**Unanimously resolved** that the fire hydrants should be secured by way of a condition attached to the planning permission as set out below, rather than through a S106 legal agreement.

Condition wording: Prior to the commencement of each phase of the development a scheme for the provision of fire hydrants serving that phase shall be submitted and approved in writing by the local planning authority. The approved scheme shall be fully operational prior to the first occupation of that phase of development, or as agreed in writing with the local planning authority. No development shall take place otherwise than in accordance with the approved scheme.

Reason: To ensure the provision of adequate water supply infrastructure to protect the safe living and working environment for all users and visitors (Cambridge Local Plan 2006 saved policies 3/7, 3/12 and 8/18).

The meeting ended at 3.15 pm

**CHAIR**



## **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)

**PLANNING COMMITTEE**

**Date: 6<sup>th</sup> January 2016**

<b>Application Number</b>	14/1905/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	5th December 2014	<b>Officer</b>	Lisa Lamb
<b>Target Date</b>	6th March 2015		
<b>Ward</b>	Market		
<b>Site</b>	64 Newmarket Road Cambridge Cambridgeshire CB5 8DZ		
<b>Proposal</b>	Demolition of existing buildings and erection of a mixed used development comprising 84 dwellings, circa 152m <sup>2</sup> A1-A3 commercial space, and associated access, car and cycle parking, and public realm enhancement		
<b>Applicant</b>	Mr Stephen Walsh C/O Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed buildings are acceptable in terms of scale, massing and design and are in line with the aims of the Eastern Gate Development Framework.</p> <p>The application would secure mitigation measures to ensure that all impacts of the development are dealt with independently and through legal agreement with adjoining owners.</p> <p>The proposals accord with the relevant Local Plan Policies and the NPPF.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is located on the southwest side of the Elizabeth Way roundabout at the western end of the area known as Eastern Gate. The site fronts Severn Place to the

west, Sun Street/Newmarket Road to the north and East Road to the south.

- 1.2 To the east of the site lies the 3-storey pitched roof office block called Compass House, whilst to the south of the site lies the 5-storey Crown Court on the opposite side of East Road and 4 storey Grafton Shopping Centre and car park 'drum'.
- 1.3 The existing site accommodates four 2-storey pitched roof industrial and warehouse buildings dating from the mid-20th Century (Atrium Fitness Club and retail showroom) as well as a car park adjacent to Sun Street. The western site of the site, on the opposite side of Severn Place is occupied by four 2 storey semi-detached houses (Nos. 1-7 Severn Place).
- 1.4 A number consented and recently constructed residential developments are located immediately to the west of the site on the opposite side of Severn Place including Marino House (09/0292/FUL), and Florian House (12/0113/FUL) (constructed) and land adjacent to 5 Wellington Court (09/0819/FUL).
- 1.5 The site is located within the study area defined by the Eastern Gate Development Framework Supplementary Planning Document (Oct 2011). The vision for the Eastern Gate study area is articulated through a number of high level strategies (Chapter 3 'Strategies for Change') which consist of 4 key themes: Movement and Circulation; Open Space, Land Use and Activity; Built Form, Scale and Massing, and; Public Art.
- 1.6 The site lies outside of the Central conservation area but the boundary of the site borders the Central Conservation Area on the north side of Newmarket Road. The site lies within the Air Quality Management Area and outside of the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposals seek full planning permission for the demolition of the existing buildings and erection of a mixed used development comprising 84 dwellings, circa 152m<sup>2</sup> A1-A3 commercial space, and associated access, car and cycle parking, and public realm enhancement.

- 2.2 The proposed scheme seeks to demolish all of the existing building on the site and construct a series of 8 residential blocks fronting Severn Place. Blocks A-G (private) form a series of adjoining blocks with staggered footprints and heights and are located on the east side of Severn Place with a full basement level below.
- 2.3 Block H (affordable) forms a separate block on the west side of Severn Place and occupies the site of the existing 2 pairs of semi-detached houses (Nos. 1-7 Newmarket Road).
- 2.4 There are two ground floor commercial units proposed within Block A and G fronting Sun Street/Newmarket Road to the north and East Road to the south.
- 2.5 The proposed 84 units results in a site density of 168dph based on a site area of 0.498 hectares. The dwelling mix is as follows:
- 27 x 1 Bed Units
  - 45 x 2 Bed Units
  - 12 x 3 bed Units
- 2.6 There are two ground floor commercial units, one at Sun Street which would be 35 sqm and the other at East Road which would be 116.7 sqm.
- 2.7 The development is split into blocks (A-G) on the eastern side of the development and these vary in height with the lowest block heights being at the Sun Street/Newmarket Road and rising through the site to East Road. Block H is physically separate to the other blocks on the western side of the site and is the affordable housing block.

<b>Block</b>	<b>Height (storey)</b>	<b>Height (metres)</b>	<b>Unit Mix</b>
A	2/3 storey	11.575	1x3B5P, 2x2B4P (3 units total)
B	2/3 storey	10.225	3x2B4P Maisonette (3 units total)
C	5 storey	17.675	2 x 1B2P, 6x2B4P, 1x3B6P (9 units total)
D	6 storey	21.325	1x1B2P, 7x2B4P, 1x3B6P, 1x3B6P Maisonette (10 units total)
E	4 storey	14.45	1x1B2P, 5x2B4P, 1x3B6P (7 units total)

			total)
F	5 storey	17.675	10x1B2P, 5x2B4P (15 units total)
G	8 storey	27.815	5x1B2P, 5x2B4P, 6x3B6P (16 units total)
H	5 storey	17.825	8x1B2P, 8x2B3P, 4x2B4P, 1x3B5P (21 units total)

### Parking

- Blocks A-G have basement car parking below which is accessed from Sun Street.
- Block H - detached block to the west of the site (5 residential floors internally – some parking at ground floor level)
- Overall there would be 51 Parking spaces and 158 Cycle Spaces provided to serve the development.

2.8 The removal of the existing buildings on the site has also created the opportunity to reconnect Severn Place with Sun Street providing a cycle/pedestrian route between East Road and Sun Street/Newmarket Road avoiding the busy Elizabeth Way roundabout. This area includes landscaping and paved courtyard/circulation spaces. The pedestrian route varies in width from 6.2m at its narrowest point, to 12.8m.

2.9 The application is accompanied by the following information:

- Plans
- Planning Statement
- Design and Access Statement
- Transport Assessment
- Noise Assessment
- Tree Survey
- Overshadowing Study
- Ecological report
- FRA
- Waste Strategy
- Sustainability Statement
- Landscape proposals
- Viability Assessment (Confidential)

2.10 Since the original submission the following amendments have been made to the scheme:



- Re-location and amendments to type of cycle spaces to meet cycle officer's specification;
- Re-location and re-orientation of bins to ensure all are accessible and removable individually;
- In order to increase the visibility of the apartment entrance at GF level in Block H and to meet the recommendations of Cambridge Constabulary Architectural Liaison Officer, the porch size was reduced and the entrance door moved south and closer to East Road;
- Low level external landscaping features have been added to the ground floor plan adjacent to Block H of the development on either side of the vehicular entrance (see drawing 2348\_A\_GA\_00\_0101). This serves to remove the point of conflict from the building egress point;
- The design of ground floor external doors has been amended in the revised ground floor plan (see ABA drawing 2348\_A\_GA\_00\_0101) and now the doors open inwards (as opposed to outwards) which would eliminate the risk of pedestrians and cyclists in the shared space within Severn Place colliding with outward opening doors;
- Proposed cycleway on East Road frontage has been amended to a shared surface. The shared surface with no delineation would, by mixing cyclists and pedestrians in a common space, act to encourage cyclists to select a suitable speed for the environment amongst pedestrian users. This should also be less daunting for vulnerable users such as the visually impaired who would now be free to use all the space within the site, without risk of straying into a dedicated cycle route where cycles may be travelling at higher speed;

2.11 The following additional information/clarification has been provided:

- Updated site location plans to clarify the extent of land ownership
- Theoretical zone of visual influence plans
- Updated CGI of the proposals to include the recently constructed flats
- The Applicant has confirmed that they are agreeable to voluntary relinquishing the rights of the site to visitor permits;
- The Applicant has confirmed agreement to carry out enhancement works to the Orchid restaurant's extract system (subject to planning permission for these works and for this application being granted).

2.12 The Council has also secured an independent review of the viability assessment submitted with the application by BPS Chartered Surveyors and this review forms part of the application information and this information is public.

### 3.0 SITE HISTORY

There is a long and complex planning history to the site relating to its commercial uses, the most relevant planning history relating to applications for residential development of the site are outline below:

Reference	Description	Outcome
07/0081/FUL	Erection of 3 storey mixed use development, ground floor A1 and residential units above (4no. 1 bed flats).	PERM dated 04.05.2010
06/1115/FUL	Erection of five storey mixed use development, ground floor A1, A2, A3, A4 or A5 use, and residential units above (8 No. 1 bed flats)	REFU 07.12.2006
C/01/0744	Erection of a 3-storey mixed use development (ground floor retail and residential on the first and second floors)	APC dated 13.05.2002

### 4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes
	DC Forum (meeting of)	No
	Design & Conservation Panel	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 3/3 3/4 3/5 3/6 3/7 3/8 3/10 3/11 3/12 3/13 3/15  4/4 4/11 4/13 4/14 4/15 4/16  5/1 5/6 5/9 /5/10 5/14  6/5 6/6 6/8  7/1 7/2 7/3  8/1 8/2 8/3 8/4 8/5 8/6 8/9 8/10 8/16 8/18  10/1

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95  Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Affordable Housing (January 2008)

	<p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p> <p>Eastern Gate Supplementary Planning Document (October 2011)</p>
	<p><u>City Wide Guidance</u></p> <p>Central Conservation Area Appraisal (2011).</p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cambridge Sub-Region Culture and Arts Strategy (2006)</p> <p>Cambridgeshire Quality Charter for Growth (2008)</p> <p>Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan</p>

	<p>(2006) (2012)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p> <p>Modelling the Costs of Affordable Housing (2006)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:</p> <p>Newmarket Road Suburbs and Approaches Study (October 2011)</p>

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

Initial comments dated 22.01.2015

- 6.1 CCC submits a holding objection to the planning application – subject to further clarification being provided.

Additional comment No 1

- 6.2 Holding objection maintained: additional comments provided.
- 6.3 The principle of the new pedestrian cycle link between East Road and Newmarket Road is supported. The introduction of bollards at the southern end of Severn Place is not. The bollards located beyond the current extend of Severn Place and the egress towards Sun Street car park is acceptable in principle. The location and type of bollards needs to be agreed with the County Council.
- 6.4 The permissive right of way for cyclists and pedestrians with through access for service vehicles for the remaining length between the existing public limit of Severn Place and Sun Street car park is acceptable in principle. Appropriate parking regulations will need to be introduced.
- 6.5 Further clarification is required in respect of how the occupancy figures have been calculated from Appendix D. Clarification is also required as to whether the 5 Parking spaces in Block H will be used by the occupants of Block H or Marino Place. If used by residents of Block H then parking for this block is split between two locations, further information is required to explain how this will be managed.
- 6.6 The provision of car parking at a rate of 0.61 spaces per dwelling is agreed as appropriate based on the 2011 Census car occupancy figures for Market Ward.

- 6.7 The analysis of the existing conditions and travel characteristics is broadly acceptable. The speed limit on Newmarket Road should be cited as 20 and not 20mph. Clarification is required as to the survey data supplied in Appendix D concerning whether it was taken in term time and whether the correct location on Newmarket Road has been assessed. Data in tables 4.3 and 4.2 cannot be agreed until further clarification regarding the TRICS data is received.
- 6.8 TA needs to identify distribution of pedestrian and cycle trips generated by the proposed development and to assess the ability of the local pedestrian and cycle networks to accommodate these trips. Tables 7.3 and 7.4 need further clarification.
- 6.9 Travel Plan Framework – request a condition to secure submission of residential travel plan framework.

Additional Comment No 2

- 6.10 The vehicular access to the western block provides no visibility on egress between drivers and pedestrians and cyclists. This could be overcome by provision of landscaping features or street furniture to move the point of conflict away from the building egress point. Several doors are shown as opening outwards.
- 6.11 The applicant should be required to show the extent of the public highway. The cycle lanes lack differentiation from the surrounding landscape surfacing and would be confusing to those unfamiliar with the layout. The cycle land should be in a different surface finish.
- 6.12 During pre-application discussions the developer has been asked to confirm whether they would voluntarily relinquish right of the site visitor permits as well and responded positively, confirmation of this is absent within the submitted documentation.

Additional Comment No 3 (dated 2/09/15).

- 6.13 The Transport Assessment Team can remove its holding objection subject to securing suitable conditions in respect of a residential travel plan and construction management.

## **Head of Refuse and Environment**

### Initial comments

- 6.14 Based on the current information refusal of this application is recommended due to waste and recycling concerns as outlined in detail below.

### Construction/demolition pollution

- 6.15 Pollution from the demolition and construction phases has the potential to affect the amenity of surrounding properties if not controlled. In the interests of amenity, I therefore recommend a demolition, construction environmental management plan (DCEMP) condition. The discussed WSP assessment below provides general good practice and recommendations concerning demolition/construction noise/vibration. A full report will be required.

### Noise

- 6.16 WSP have provided a noise impact assessment dated 27/11/14. Each aspect within the report is discussed below.

### Traffic

- 6.17 The monitoring period for the Newmarket road façade (MP1) occurred between 25/9/13 1200hrs and 26/9/13 at 0700hrs and obtained a daytime LAeq of 61 dB. The monitoring period did not include the busy morning period of 0700-1000hrs. However, 61 dB at 15m from Newmarket road is representative of the traffic noise climate reported in previous noise assessments on other Newmarket road sites. Section 5.2.8 of the WSP assessment advises on glazing performance. The proposals are reasonable Section 5.2.12 advises that Newmarket Road and East road facade habitable rooms will be provided with MVHR. The installed MVHR units will be required to provide comfort/summer.



## Ventilation

- 6.18 Where windows are required to be kept closed to achieve acceptable noise levels inside, a ventilation system is required to provide sufficient comfort ventilation to enable occupants adequate ventilation rates without the need to open windows due to external noise. During warmer weather the ventilation system needs to be able to cope with the need for increased ventilation. This necessitates an increase control for the occupier which may result in elevated noise levels. Acoustic treatment of the extract system needs to be taken into consideration in these cases. It is important to note this is not a request for air conditioning. It is a requirement of adequate ventilation without opening windows due to the local noise climate. It is important to note that Part F requirements for ventilation are separate to the amenity requirements for comfort ventilation. Purge ventilation is generally used for the rapid removal of pollutants such as when painting or in the case of burning food and in many cases is achieved by opening windows. Ventilation strategy reports that have been assessed in previous planning applications to appease amenity requirements recommend 4 air changes per hour within living rooms and at least 2 within bedrooms to achieve comfort ventilation during warmer weather. This is not to be confused with Part F requirements for purge ventilation, as discussed above.

## External amenity areas

- 6.19 Section 5.3 of the WSP report advises on external amenity areas and predicted noise levels. It is understood that winter gardens will be provided for units on the East road and Newmarket road facades. This is acceptable.

## Site Plant noise

- 6.20 Section 8 of the WSP assessment details noise emission limits for plant. The limits within table 8.1 are acceptable. As residential units are present on site, to protect amenity the plant noise limit will also have to be achieved as measured at habitable room windows. Full details of the plant on site will be required in accordance with the plant condition.

## Nearby commercial plant

- 6.21 The site description within section 2.1.2 of the WSP assessment advises that the nearby noise sources include building plant noise. It is required that this is investigated further to assess the impact of nearby commercial plant on the development site. It is requested that a noise assessment be carried out to assess nearby plant in accordance with the principles of BS4142:2014 Methods for rating and assessing industrial and commercial sound or similar. Recommendations in the report to protect the amenity of the proposed residential units from noise associated with the plant should form part of a noise insulation scheme to be submitted for approval and this should be conditioned. If the commercial plant noise precludes the opening of windows to achieve standards including WHO night noise guidelines and BS8233:2014 internal noise levels, mechanical ventilation will be required. It would also be recommended that non-openable windows are incorporated into the facades overlooking the plant. If windows can be opened, even with the provision of mechanical ventilation, future occupants are entitled to instigate statutory nuisance complaint investigations. It would be unacceptable to permit a development which would allow harm to future amenity of its occupants.
- However, should the recommendations include mitigation works to the existing plant which is not in control of the applicant; this may need to be secured by way of a section 106 agreement. The control of noise is preferable more easily achieved at source.

## Conclusion

- 6.22 It is recommended that plans are produced indicating the noise affected units/balconies and which will be installed with the MVHR systems and upgraded glazing. Full specification, noise and air change calculations are required for the proposed MVHR systems. I recommend the noise insulation scheme condition to request a full building envelope and ventilation scheme is provided to achieve the above recommendations.

### Commercial units A1 A3

- 6.23 The application specifies uses classes A1 A3. This includes shops, hairdressers, profession/financial services and restaurants and cafes.

### Opening hours and deliveries

- 6.24 Opening and delivery hours should be restricted to reasonable hours to protect local amenity. I have suggested hours to be controlled by conditions.

### Plant noise

- 6.25 Plant noise limits are discussed above within the noise section and will be conditioned via the aforementioned plant noise insulation condition.

### Odour

- 6.26 A3 use class includes restaurants and cafes. Odour from the cooking process at the application site has the potential to adversely affect the amenity if not controlled with a carefully designed extract system with various layers of filtration depending on the type/frequency of cooking and proximity to receptors. It is recommended that details are provided in accordance with Annex B and C of DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems. Use class A1 includes dry cleaners and hairdressers which may also require odour/fume filtration/extraction I recommend that conditions and informatives to control this be attached to any permission granted.

### Contaminated Land

- 6.27 The proposed scheme is for a mixed use development, residential with retail space, with associated facilities (including landscaped areas). The planning application includes a basement car park. Intrusive investigations undertaken at the nearby former Marino House as part of a residential development (ref: 12/0113/FUL) identified increased carbon dioxide concentrations (up to 6.1% v/v); gas mitigation measures were incorporated beneath the buildings.

## Phase I Desktop Study

- 6.28 A review of historic maps recorded multiple former and existing industrial units on and off the site including a Bus Depot, a Car Workshop, Engineering Works, Gas Works and Dry Cleaners. Possible presence of a boiler and a storage tank was also noted during the site walkover. Records from the County Council Petroleum Officer also indicated the former presence of petrol tanks offsite in 1939 and 1940. A site-specific conceptual model was constructed in the report. We consider it acceptable. The report confirms that an intrusive investigation should be undertaken, including ground gas monitoring, to assess the possible contamination issues on the site. The scope of works, which would normally form part a) of the contaminated land condition, was not presented.

## Additional Comments

- 6.29 It is noted that the application includes a basement. The applicant should be made aware of the possible implications to the design of the basements if the intrusive investigation confirms the presence of ground gases and the need for gas mitigation measures.

## Conclusions

- 6.30 The Phase I report has recognised the potential contamination issues on the site and recommends that an intrusive investigation is required to assess the ground conditions. All these issues can be dealt through the contaminated land condition which should be attached to the application if planning permission for the development is granted.

## Air Quality

- 6.31 The application is for 84 residential units, 2 commercial units and basement/off street parking with 51 cars (26 more than currently provided). The traffic model indicates some increases in local traffic an additional 328 daily on parts of Newmarket Road and an additional 110 daily on parts of East Road, presumably near the site access points. These figures seem reasonable. An Air Quality Assessment, Severn Place redevelopment 64-66 Newmarket Road, dated 27<sup>th</sup> November

2014 and produced by WSP has been provided in support of this application.

### Operational Phase

- 6.32 The site is in the Air Quality Management Area. The modelling reported in the air quality assessment predicts a small increase in annual mean concentrations, 0.1 microgrammes per cubic metre, of Nitrogen Dioxide at roadside locations in the vicinity of the application site. The modelling did not predict a measureable increase in Particulate Matter. The proposed development itself is set back from both Newmarket Road and East Road, so the impact of levels of nitrogen dioxide on potential residents at the site are not of concern.
- 6.33 However, there is a small impact on air quality in the Air Quality Management Area, which is contrary to Local Plan Policy 4/14. The cumulative impact of small increases in emissions from new developments and intensification of use in central Cambridge has a negative impact on public health; mitigation is required to offset or reduce this impact. No mitigation is proposed in the Air Quality Assessment, although I note that the number of car parking spaces is less than maximum permitted
- 6.34 The Transport Assessment has one relevant mitigation proposal a Residential Travel Plan. A Residential Travel Plan delivered by a proactive Travel Plan Manager is proposed to reduce car travel and increase travel choices for the development; this should be secured via planning condition and be in place prior to first occupation. The Residential Travel Plan recommends Car Club Scheme is considered. This is an ideal site for a car club it is recommend that an allocated parking space is provided for a car club vehicle and that this should be secured by condition.
- 6.35 It is recommended that an appropriate level of S106 funding is secured towards local infrastructure improvements that will have a positive impact on air quality and public health.

### Waste Strategy

- 6.36 On page 18 of the Waste Strategy the document, point 4.5.4 states "In order to allow each waste container to be individually accessed and removed by residents, a clear space will be

provided between and around containers and walls." This needs clarifying as residents cannot remove these bins. It should be possible to remove any individual bin without removing any other bin(s).

- 6.37 Rationale for using 660 litre bins for recyclables and 360 bins for compostables is not understood. Recommend using 1100 litre bins for recyclables as then fewer will be needed. The 360 litre bins do not appear to be correct within the plans in terms of size and orientation.
- 6.38 More detail is required regarding access for the vehicles and tracking is required for the site.
- 6.39 The sizes of the bins for block A and B look different from the bins drawn for block B. The sizes require checking.
- 6.40 The plan does not include a designated area for the collection of the basement bins. This needs to be added and a check made that there is sufficient space for all refuse bins one week and then all recyclables and compostable waste the following week. Provision needs to be made for the larger space required. It is recommended the outstanding waste details are provided prior to determination of this application. If this is not achievable then refusal of this application is recommended until the waste concerns can be addressed.

Revised Comments dated 27/08/15

#### Waste strategy

Original comments from waste strategy, and revised comments in bold:

- 6.42 On page 18 of the Waste Strategy the document, point 4.5.4 states "In order to allow each waste container to be individually accessed and removed by residents, a clear space will be provided between and around containers and walls." This needs clarifying as residents cannot remove these bins. It should be possible to remove any individual bin without removing any other bin(s).

### **Bins moved around to address this**

- 6.43 The rationale for using 660 litre bins for recyclables and 360 bins for compostables is not clear. Recommend using 1100 litre bins for recyclables as then fewer will be needed. The 360 litre bins do not appear to be correct within the plans in terms of size and orientation.

### **1100 litre bins added. Acceptable**

- 6.44 More detail is required regarding access for the vehicles and tracking is required for the site.

### **Tracking doc supplied and agreed**

- 6.45 The sizes of the bins for block A and B look different from the bins drawn for block B. The sizes require checking.

### **Bin size is acceptable**

- 6.46 The plan does not include a designated area for the collection of the basement bins. This needs to be added and a check made that there is sufficient space for all refuse bins one week and then all recyclables and compostable waste the following week. Provision needs to be made for the larger space required.

### **There is a new plan with a designated area for bins – to be brought up from the basement by concierge**

### Commercial noise

- 6.47 There are still have concerns regarding the commercial noise presence in the area. The planning agent has been contacted and agreed to contact the acousticians WSP to identify/clarify the surrounding commercial noise sources and to recommend mitigation, if necessary. To date this information has not been received and the deadline for comments has expired. Therefore, advice remains as per memo 9/1/15 comments.
- 6.48 The presence of commercial sound sources that cannot be adequately mitigated may require non habitable rooms to be relocated on the noise affected façade. This is the purpose for the request for commercial noise assessment/clarification prior to determination of this application in the event the floor plans

require change and/or agreements need to be made between the applicant and local businesses for acoustic mitigation.

#### Revised comments dated 09/11/15

- 6.49 I refer to my previous memo dated 27<sup>th</sup> August 2015. Concerns regarding the Orchid restaurant next door were stated. Since that memo, extensive discussions with the applicant/consultants have occurred including a site visit with the planning officer. See comments below.

#### Commercial noise

- 6.50 The submitted WSP Plant noise assessment dated 11 September 2015 was assessed and discussed in length with its author Toby Lewis. It was agreed via email dated 2<sup>nd</sup> October 2015 from Toby Lewis that the noise affected rooms in close proximity to the plant on the roof of Orchid restaurant; 70 Newmarket Road would have non openable windows overlooking the plant (east façade). These rooms were C201, C301 and C401. This is acceptable.
- 6.51 However, if new extraction equipment is to be installed to abate the odour concerns discussed below, sound levels may change and require re-assessment.

#### Odour

- 6.52 The site was visited the site with the planning officer on 9<sup>th</sup> October 2015 to establish the level of odour abatement at the Orchid restaurant and the potential harm to amenity of future occupiers of the proposed development. The site visit did not establish any level of odour abatement other than high level discharge and standard grease filters within the cooking canopy. Whilst this very low standard of odour abatement may be currently operating without complaint due to the existing distance to receptors and height of discharge, the proposed application site will place residential windows/balconies at a greater height than the current discharge and in a close proximity. This is highly likely to expose the future residents to unacceptable levels of cooking odour, with the restaurant operating its current kitchen extraction system.



6.53 In the email from Toby Lewis stated above, it was confirmed that the applicant would be willing to enter a s106 obligation/agreement to improve/upgrade the current kitchen extraction/odour abatement system at the Orchid restaurant to protect amenity of the future occupants of the proposed development. This is very dependent on the acceptance and cooperation of the Orchid Restaurant. It is likely that a written legal agreement will be required between the applicant and restaurant ensuring that the abatement system will receive an acceptable upgrade to its kitchen extract system. It will be the planning department's decision to ensure the agreement is deliverable, enforceable and meets all the necessary planning tests. Until an agreement or similar mechanism is in place to guarantee and secure these off site works (preferably prior to commencement of any approved development), in the absence of this support cannot be offered for this application.

6.54 It is recommended that the upgrade of the kitchen extraction/odour abatement system at the Orchid restaurant is in accordance with DEFRA document: Guidance on the control of odour and noise from commercial kitchen exhaust systems. It is recommended to aid odour dispersion that the extraction termination is not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen. If this cannot be complied with then the termination point shall discharge no less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Lower discharges will require an exceptionally high level of odour control.

## **Urban Design and Conservation Team**

### Initial comments

6.55 The submitted scheme is broadly acceptable in design and conservation terms and the proposed linked blocks will help create a high quality, contemporary development. However assurance that the proposed north-south link can be delivered on highway land is required, as we understand that the Sun Street car park and Severn Place lie outside of the ownership of the site.

6.56 A number of amendments and further clarification is required as outlined below before we are able to fully support the

application.

- Introduce spandrel panels/transparent glazing to the bottom section of the full height bedroom, bathroom and en-suite windows on the east elevation if not already proposed;
- Provide further details of the cycle parking provision for the maisonettes within Block B;
- The 7 cycle parking spaces associated with Block D are located to the rear of Block E. These spaces are less convenient and do not relate to the units in which they serve. The Sheffield stands should be located at the rear of Block D;
- Provide further details of the cycle storage associated with Block F which is located to the north of Block H in respect of enclosure and access. Locating the cycle parking for the ground floor units of Block F in horizontal lockers in front of the units would improve access for intended users;
- Provide details of the waste management strategy;
- Clarify the boundary treatment surrounding the garden associated with Unit H001;
- No rear doors are shown on the east elevation of Unit B001 at ground floor level, this appears to be a drawing error and so should be corrected and re-submitted. .

Revised comments dated 9 July 2015

- 6.56 The following is response to the boundary to the amenity space for unit H001 within Block H:
- 6.57 Thank you for clarifying the height of the proposed boundary treatment surrounding the garden associated with Unit H001. As noted in your email the proposed boundary comprises of a 600mm brick retaining wall, with a 1100mm high metal railing above with a planted zone between the cycle path and amenity space. This arrangement is acceptable in design terms, the height of the boundary (1700mm high from within the amenity space and 1330mm high from the road), together with the proposed planting will prevent direct overlooking of this amenity space and will go some way to reduce the impact of traffic noise from East Road.
- 6.58 The detailed design of the railings will be conditioned should the application be approved.

Final Urban Design comments dated 30/10/2015

6.59 The Urban Design Team previously provided commented on draft amendments in our response dated 10<sup>th</sup> June 2015. The 14/1905/FUL Consultation Response Statement (July 2015) has been submitted and provides a response to the representations made to the previous draft comments. The comments below are based on the submitted information contained within Appendix B of the Consultation Response.

<b>Urban Design Team original comments (dated 5<sup>th</sup> January 2015)</b>	<b>Consultation Response (July 2015)</b>	<b>Urban Design Team comments relating to proposed amendments</b>
<p><b>A</b> Introduce spandrel panels/transparent glazing to the bottom section of the full height bedroom, bathroom and en-suite windows on the east elevation if not already proposed;</p>	<p>Translucent glazing is proposed to all en-suite windows (up to a clear fan-light) and secondary return windows to bedrooms on the East facing elevation.</p> <p>Primary bedroom windows will retain full-height clear glazing to ensure wheelchair users can enjoy a view. The detail design of the railings will ensure they provide adequate privacy by being more opaque up to 800mm Above Finished Floor Level (AFFL) and more open between 800mm-1100mm AFFL.</p>	<p>The proposed translucent glazing (up to fan-light window) to the en-suites is acceptable in design terms.</p> <p>Windows on the return faces of the east elevation are proposed to be translucent. This approach is acceptable in design terms.</p> <p>Primary bedroom windows with inward opening doors are proposed with full height clear glazing. The indicative design of the railings shows wider balustrades up to a height of 800mm AFFL. This approach is acceptable and improves privacy to these bedrooms. The detailed design of the</p>

			balustrades should be conditioned should the application be approved.
<b>B</b>	Provide further details of the cycle parking provision for the maisonettes within Block B;	A low wall in front of Block B to allow 2 cycles to be locked to the wall using a wall bar will be provided. This allows the covered decked area facing Severn Place to be used as amenity space for tables chairs etc if the cycle spaces are not in use. (Sheffield Stands would prohibit this) Cycle parking will therefore be on-plot, secure, sheltered, well-lit and easily accessible to ensure maximum uptake by residents	This arrangement is acceptable in design terms.
<b>C</b>	The 7 cycle parking spaces associated with Block D are located to the rear of Block E. These spaces are less convenient and do not relate to the units in which they serve. The Sheffield stands should be located at the rear of Block D;	We have taken more of the cycle spaces into the building footprint (+2 spaces between the cycle and refuse stores in each of blocks C, D and E) and provided 4 Sheffield Stands (8 spaces) under an extended roof canopy to the rear for Block D. This solution has been agreed with CCC's Cycling and Walking Officer (Clare Rankin) via email.	This arrangement is acceptable in design terms.
<b>D</b>	Provide further details of the cycle storage associated with Block F which is	10 Sheffield Stands are provided in this location (20 cycle spaces) which is secured with a locked gate, which could open	This arrangement is acceptable in design terms. Boundary treatments and gates should be conditioned

	<p>located to the north of Block H in respect of enclosure and access. Locating the cycle parking for the ground floor units of Block F in horizontal lockers in front of the units would improve access for intended users;</p>	<p>automatically with a residents fob key. The area will therefore be secured, well-lit, overlooked and sheltered by the balconies above.</p> <p>“As long as the balconies provide shelter for the bikes and there is a minimum of 1m aisle width from the back of the bikes to the wall then I think this is a good compromise solution – certainly better than having two-tier racks” - Response from Cycle Officer (CCC’s Cycling and Walking Officer (Clare Rankin)</p>	<p>should the application be approved.</p>
<b>E</b>	<p>Provide details of the waste management strategy;</p>	<p>In order to ensure all the bins are accessible and removable individually we have relocated some of the bins within the refuse stores. Compost and recycle-able waste align opposite walls. Also we have relocated and increased in width (to 1500mm) the external doors in blocks C, D and E to improve the accessibility to the bins for refuse collection.</p> <p>We have reviewed and corrected the size and orientation of the 660L and 360L bins and the number of bins in</p>	<p>This arrangement is acceptable in design terms.</p> <p>The submitted waste vehicle tracking diagram confirms that the route through the site does not compromise the proposed basement collection point. Bins are located clear of the existing highway and within the ownership boundary now occupied by the Kitchen Showroom.</p> <p>The submitted plans show that waste taken from the</p>

		general and specifically within blocks A and B.	basement storage in Block G will be taken to the waste collection point by concierge and returned to the basement following collection.
<b>F</b>	Clarify the boundary treatment surrounding the garden associated with Unit H001;	Revised drawing submitted showing planted buffer with low retaining wall and steel railings to units H001's amenity space.	<p>The proposed boundary surrounding the garden associated with Unit H001 comprises of a 600mm brick retaining wall, with a 1100mm high metal railing above with a planted zone between the cycle path and amenity space (as agreed via email on the 9<sup>th</sup> July 2015).</p> <p>The proposed arrangement of the boundary is acceptable in design terms, the height of the boundary (1700mm high from within the amenity space and 1330mm high from the road), together with the proposed planting will prevent direct overlooking of this amenity space.</p> <p>The detailed design of the railings will be conditioned should the application be approved.</p>
<b>G</b>	No rear doors are	The submitted drawing	The amended

<p>shown on the east elevation of Unit B001 at ground floor level, this appears to be a drawing error and so should be corrected and re-submitted.</p>	<p>(2348_A_GA_00_0101) accurately elected the ground floor plan when cut at 1.5m AFFL. We have amended the cut-plane locally to show the rear, raised ground floor of the maisonettes (as below) and will re-submit this drawing to the Planning Portal.</p>	<p>drawings now show these rear doors and is acceptable in design terms.</p>
--	--	--

### Conclusion

- 6.59 The submitted Consultation Response Statement (July 2015) has addressed previous comments raised in relation to the draft amendments reviewed in July 2015. The application is therefore acceptable in design terms. The changes proposed within the Consultation Response Statement have been carried through to the submitted Current Planning Drawing Set (01/10/15). Suggested conditions are requested.

### Comments relating to Theoretical Zone of Visual Influence dated 30/1/2015

- 6.60 A Theoretical Zone of Visual Influence (ZTV) has been submitted (requested by Toby Williams at the meeting of the 12<sup>th</sup> August 2015) to determine the visibility of Blocks D (6 storeys) and G (8 storeys) from Midsummer Common. The ZTV have been produced using 3D data available in Google Earth Pro (3D trees and buildings) and a 3D model of the proposed scheme. Each of the ZTV's (one for Block D and G) have been produced from views looking towards the Common from the parapet of Blocks D and G. The red line, drawn in the perspective views, indicates the fixed roof line, beyond which Midsummer Common is seen and defines the forward edge of the ZTV from the Common irrespective of season.
- 6.61 The submitted ZTV perspective views and plans for Blocks D and G show that the visibility from Midsummer Common would be limited to the northwest corner of the Common, to the north and east of Victorian Road. Block G would be more visible over a larger portion of the Common given its increased height over that of Block D. The trees along the south eastern edge of the

common would significantly reduce the visibility of both Blocks when in leaf. The visibility of the Blocks to the west of Victoria Road would be negligible given the existing mature trees either side of Victoria Road.

### Conclusion

- 6.62 The visibility of Blocks D and G from Midsummer Common is acceptable in design terms. We previously noted (see comments dated 5<sup>th</sup> January 2014) that the proposed scale of development was acceptable, the stepping of building heights responds to the different characters of East Road and Sun Street/Newmarket Road and also helps to articulate the roofline and break down the overall length and mass of the blocks.

### **Senior Sustainability Officer (Design and Construction)**

- 6.63 In accordance with the requirements of Policy 3/1 of the Local Plan, the applicant has submitted a Sustainability Statement and Checklist to demonstrate how the principles of sustainable design and construction have been integrated into the scheme. Further information is also provided within the Design and Access Statement. A variety of measures are proposed including: Green roofs are to be provided over a significant area of roofspace. These will have multiple benefits, including surface water attenuation, biodiversity enhancement and helping to reduce internal cooling loads. The combined use of photovoltaic panels with green/brown roofs beneath is also supported as the living roofs will help to create a more stable microclimate around the panels, helping them to work more efficiently.
- 6.64 The targeting of level 4 of the Code for Sustainable Homes for all units.  
The screening of balconies with opaque brick piers to help reduce solar gain, as well as creating privacy and helping to reduce noise; Use of responsibly sourced materials including local sourcing of materials where possible to minimise transportation related carbon emissions
- 6.65 The specification of water efficient appliances and sanitary ware to achieve potable water use of 105 litres/head/day. All of these measures are supported.



## Renewable Energy Provision

6.66 Policy 8/16 of the Local Plan 2006 requires major developments to provide at least 10% of their energy requirements through the use of on-site renewables, with the contribution calculated in terms of carbon reduction. As part of the Sustainability Statement, the applicant has included a Thermal Design and Sustainability report, which outlines the range of technologies that have been considered and the carbon calculations to demonstrate compliance with the 10% requirement. It also outlines the hierarchical approach to reducing energy demand and associated carbon emissions, an approach which is supported. In terms of meeting the requirements of Policy 8/16, the preferred technologies are the use of photovoltaic panels and gas fired Combined Heat and Power (CHP), which has been sized to meet base thermal loads with the provision of a thermal store. Electricity generated by the CHP is to be used within communal areas and within the basement car park. The CHP unit is to be located in the basement of block F. While CHP is a low carbon as opposed to renewable technology, its use in meeting the requirements of policy 8/16 is supported in the Councils Sustainable Design and Construction SPD. Calculations have been submitted that show a predicted carbon reduction of 23,994.34 Kg/CO<sub>2</sub>/annum attributable to the CHP, with a reduction of 6,242.43 Kg/CO<sub>2</sub>/annum associated with the use of photovoltaic panels. Combined these technologies lead to a level of carbon reduction that slightly exceeds the 10% requirement, and as such their use is supported. One area where clarification would be welcomed is in relation to whether the CHP will be connected to all blocks. From looking at the plans for Block H, there is no reference to a heat interface unit or plant room that would enable these units to connect to the CHP, so clarification would be welcomed, although this does not impact on my support for the approach being taken in relation to renewable/low carbon energy provision.

### Conclusion

6.67 To conclude, the approach being taken to sustainable design and construction and meeting the requirements of Policy 8/16 in relation to renewable energy provision is supported.

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

- 6.68 No objection to the proposals subject to conditions relating to tree protection measures.

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

### Proposed Landscape Scheme

- 6.69 The illustrative landscape plan for the scheme is considered a very interesting and dynamic streetscape. Detailed plans, to scale, are however required to fully assess the proposals. Furthermore, a large proportion of the proposed public realm improvements are on Highway Land, including Severn Place, the Sun Street car park and southern end of the development on East Road. Whilst the landscape proposals are generally supported, the deliverability of this scheme, in terms of land ownership, is questionable. Confirmation is required that this is possible and supported by the Highway Authority.
- 6.70 The creation of a pedestrian and cycle friendly link between East Road and Newmarket Road is welcomed and in line with the aspirations of the Eastern Gate Development Framework SPD. This new route provides a great connection to Midsummer Common though the Brunswick Site. The question is how will this be facilitated over Newmarket Road? A direct crossing point between these two sites would be the ideal. The verified views demonstrate that the proposed development is not visible from Midsummer Common. It would however be very interesting to see a view from the Brunswick Site of the proposed development, to illustrate the visual and physical connection across Newmarket Road.
- 6.71 The enhancement of the Sun Street car park is welcomed, subject to the retention of the Plane Trees, as per the City Council Tree Officer's advice.
- 6.72 The proposed paving pattern/layout is considered a creative solution to calm traffic through the lane. Furthermore the proposed Porphyry pavers we considered a high quality solution for this area of public realm.
- 6.73 The proposed planters and pots are considered an appropriate solution to greening the street and defining thresholds between

public and private space. The inclusion of trees along this laneway will provide some much needed softening within a very hard environment. However, they should only be planted if sufficient room is provided above and below ground from the tree to mature properly. An automated irrigation system should also be provided. Replacement of the trees/shrubs within planters should be provided for in the Management Plan.

- 6.74 The proposed green roofs are a welcomed addition to the proposed scheme in terms of increasing amenity and ecological values, as well as reducing rainwater runoff.
- 6.75 Details of the proposed boundary fences/walls, street furniture and lighting are requested as conditions.

### Amenity

- 6.76 The proposed amenity spaces for each of the units are considered of a functional size. The communal gardens are a welcomed addition to the amenity provision on site. Furthermore the cast shadow analysis indicates that at least half of the amenity spaces to the rear of Blocks A-G and the roof terraces are likely to receive the recommended minimum of 2 hours continuous sunlight on the 21<sup>st</sup> March, in accordance with the BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice, 2011 Second Edition.

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

- 6.77 The principle of providing a section of cycleway to improve the cycle route from Wellington St to East Road and remove the pinch point on the corner is very much welcomed. However, more detail is needed as is further design amendments to improve the proposed link.
- 6.78 The cycle parking is at ground level which is welcomed but the change in approach has resulted in the parking being fitted in as an after-thought with rather ad-hoc provision some of which is poorly related to the dwellings they serve.
- 6.79 Access to the cycle parking requires negotiating at least 2 doors. The doors to the outside area and to the cycle parking should open automatically to reduce the difficulty of access.

- 6.80 The cycle parking for block D is not acceptable. 6 of the spaces are difficult to use double decker racks, 2 spaces are in a locker which is inconveniently located away from the foyer entrance and 7 of the spaces are at the back of block E. All of the cycle parking should be convenient to access and easy to use.
- 6.81 Locating some of the cycle parking for block F in the proposed location could be acceptable if it is secured with a locked door, preferably which opens automatically with a fob key. However, I would agree with Urban Design comments that lockers should be provided at the front of block F for the ground floor dwellings.
- 6.82 Having part of the cycle parking for block C outside and part inside is not ideal and further consideration should be given to amalgamating the spaces into one area within the building.
- 6.83 2 or 3 racks for visitor and staff parking should be provided at the front of block A.

**Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.84 The application is fully supported. There is a significant amount of green roof coverage and the proposals reduce the amount of surface water discharge from the site compared to the existing. The proposals also separate out a combined sewer into foul and surface water sewers which reduces the risk of pollution to the environment.

**Anglian Water**

- 6.85 No objection and request a condition relating to construction of hard surfaces should planning permission be granted.

**Cambridgeshire Constabulary (Architectural Liaison Officer)**

Initial comments

- 6.86 The site is within the busy Market Ward that the level of crime is the highest in the City. Pedal cycle crime being particularly high. Pre planning discussions took place with the architects with a view to the development overall achieving the security

standards outlined by Secured by Design (SBD) in terms of doors/windows/glazing/access control and mail delivery. There is mention on page 7 of the guide of the 2010 guide; this has now been superseded by the 2014 guide. One area to highlight is mail delivery. SBD does not allow trades buttons. However this could be acceptable if accompanied with an access code. During the consultation it was outlined that some of the entrance doors were recessed, this is not normally advised within the SBD guidance. The recesses and the angle of view would be wide enough to ensure a caller was in view from other flats within Severn Place. It is unclear whether the entrance door to the ground floor affordable flat of Block H would be wide enough there were good open views of the door from East Road. A scheme at CB1 allowed visitor parking within the basement car park. Logistically this has been a problem in terms of visitors gaining the necessary permission.

- 6.87 This development does not allow visitor parking as a matter of course. Provided that this development meets the physical security standards outlined within the Secured by Design new Homes 2104 document there are no objections to what is proposed. Once planning is approved that the applicants should engage with the Architectural Liaison Officer at an early stage.

Revised comments dated 20/08/15:

- 6.88 The points raised in respect of crime prevention have been adequately addressed.

### **Cambridgeshire County Council (Education)**

- 6.89 No response received.

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

- 6.90 Our records indicate that the site lies in an area of high archaeological potential. It is considered likely that important archaeological remains survive on the site relating to multi-period occupation and industry. This includes 12th-13th century middens associated with Barnwell Priory excavated at Cambridge Regional College (Historic Environment Record reference ECB3333) and a fishpond (MCB5624). Residual Neolithic worked flint and Post-Medieval quarry pits were also investigated. Between East Road and Newmarket Road a

number of breweries were established in the 19th century, which include Star Brewery (MCB16525), Auckland Brewery (MCB17310), Shakespeare Brewery (MCB17308), Priory Brewery (MCB17304). Britannia Ironworks, the last surviving 19th century foundry/smithy buildings in Cambridge (MCB16546) was located to the south of East Road and associated terrace housing of Britannia Place to the immediate south east of the application area, north of which was a 19th century Brush Works.

We are anticipating considerable truncation of the archaeological record in this area but consider this to be of significance in relation to the historic industrial usage of the site.

- 6.91 No objection to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition.

### **Cambridgeshire Fire and Rescue Service**

- 6.92 Should the Planning Authority be minded to grant approval the Fire Authority would request adequate provision is made for fire hydrants which may be by way of a S106 agreement or planning conditions.

### **Housing Officer**

#### Affordable Housing Mix

- 6.93 40% Affordable Housing (AH) has not been achieved on site. 25% AH is proposed with 21 Affordable Housing units planned, from a total of 84 dwellings. This is not in accordance with Cambridge City Council's Affordable Housing Supplementary Planning Document, January 2008 (AHSPD). The viability assessment has proven a reduced requirement of Affordable Housing, therefore this application is considered acceptable
- 6.94 The application indicates 14 (66.6%) social rented units, and 7 (33.3%) shared ownership units. Although below the 75% / 25% split required within the AHSPD the viability assessment has defined this change in levels and is therefore seen as acceptable.

6.95 There are 3 houses planned on site, with the remaining 81 units being flats. Therefore it is considered acceptable that 100% of the Affordable Housing is provided as flats.

6.96 Within the Planning Statement a schedule of current household sizes on Homelink, the Choice Based Lettings system, is cited as evidence for the need for smaller units. However, this is a snapshot in time and the Strategic Housing Market Assessment is a far more inclusive assessment of need, accounting for population growth, household changes and changes in population demographics. None of which are taken account of in the Homelink numbers.

6.97 The percentages of size of dwellings are shown in Table 1. The AH mix does not meet the AHSPD guidance on mix of size of dwellings. However, the AH does largely mirror the market housing. If there was one less 1 bed unit and one less 2 bed unit, and two more 3 bed units this mix would be wholly supported. As the mix stands it is considered acceptable.

Unit Size	Total Number of Units	Affordable Housing		Market Housing	
		Number	Percentage	Number	Percentage
<b>1 Bed</b>	27	8	38%	19	30%
<b>2 Bed</b>	45	12	57%	33	52%
<b>3 Bed</b>	12	1	5%	11	17%
	84	21	100%	63	99% due to rounding

Table 1: Size of unit by tenure

#### Affordable Housing Siting

6.98 The cluster size of block H at 21 units is in accordance with the AHSPD guidance. To clarify a statement made in the Design and Access Statement, section 4.5 Design development

following Pre-App advice, point 7, it was proposed by the architects to officers that Block H would be the AH block. The siting of the AH is considered acceptable. If the viability assessment proved that more Affordable Housing could be provided on site this should be delivered in the row of blocks A to G.

### Design

- 6.99 Good sized balconies have been provided for every AH dwelling, which is supported.
- 6.100 The AHSPD requires the AH not to be distinguishable from the private housing in design terms. The design of the flats is considered tenure blind, with a design justification for using a glazed brick on the AH block (Block H).
- 6.101 There is one core for the whole of Block H, which serves 21 units. The AHSPD recommends no more than 12 AH dwellings have access from a common stairwell. It has previously been recommended to the applicants to seek the advice from a Registered Provider of AH to ensure the effective management of this scheme, and in particular this element.
- 6.102 The application is not clear whether or not the AH tenants/owners will have access to the roof top communal gardens. Access for all tenures would be strongly advised to ensure the scheme is truly tenure blind.
- 6.103 The proposal for all dwellings to meet level 4 of the Code for Sustainable Homes is welcomed. Especially as this will be applied across all dwellings, which will aid tenure blindness.
- 6.104 It is also welcomed that all units will be designed to the Lifetime Homes standard and that 15% of dwellings will be designed to wheelchair accessible housing standards. Again, this is especially welcomed as it will be delivered across all tenures.

### Summary

- The Affordable Housing element of this application is supported by Housing Development subject to the viability assessment proving the need for a reduced level of Affordable Housing. If



the viability assessment does not prove a reduced amount of Affordable Housing is required this application is not supported.

- The AH dwelling size mix is considered acceptable.
- The tenure split between rented and intermediate housing has not been provided therefore this cannot be commented upon.
- The design of the AH and private units is considered tenure build.

## **Recreation Services Manager**

### **OUTDOOR SPORTS - £40,574**

6.105 The following outdoor facilities would experience pressure arising from the proposed development:

- Abbey Sports Centre
- Logans Meadow
- Chesterton Rec
- Chesterton Outdoor Bowls
- Chesterton Secondary School
- Cantabrigian Rowing

6.106 The development will be a mix of properties mainly 1 & 2 bedroom accommodations and likely to be students or young professionals. Analysis of sporting need has been based on this and the Sport England Market segmentation categories of the current population characteristics.

The dominant sporting demand from this new set of accommodations will be for use of the adult football pitches for games, training and recreational use, along with tennis and cycling which are also sporting preferences in these groups

6.107 If some of the anticipated population is expected to be from Anglia Ruskin University then the university does have it's own sports ground but that is at the top North end of the City at Howe's place off Huntingdon Road which is directly on the City Boundary and falls in South Cambs by a matter of feet. This site is also going through the planning process to upgrade the site and provide new artificial pitches, pavilion and community space, therefore it is likely that any leagues games will be played at this site rather than at the Abbey Coldhams common or the Chesterton pitches.

6.108 The site will generate a need for recreational football activities both for training and general kick-about. Residents and other local players are more likely to use Jesus Green or Chesterton Rec along with other local green spaces for recreation games and training rather than travel to designated areas such as Coldhams Common or Howe's place.

6.109 Tennis is also a popular sport amongst these categories of proposed residents and the local areas near this development are well served for Tennis with 6 courts at Jesus Green and 4 courts at Christ's Pieces all within a 5 minute cycle ride from the development, and all are free public use

Project Identified for S106 contribution for outdoor recreation:

6.110 Chesterton Playing Fields - all prices currently estimated

- 3x Cricket Nets and an Artificial Wicket - £42,000
- or
- Long Jump/ Triple Jump Pit
- 100m Sprint track
- Outdoor exercise equipment hub and trim trail – £42,000

INDOOR SPORTS - £35,864

6.111 The following indoor facilities would experience pressure arising from the proposed development:

- Abbey Sports Centre & Gym
- Cambridge Parkside Pools & Gym
- Chesterton Community School Sports Centre
- Chesterton Indoor Bowls Club
- Kelsey Kerridge Sports Centre
- Private Gyms – DW's, Nuffield Health & YMCA

6.112 The development will be a mix of properties mainly 1 & 2 bedroom accommodations and likely to be students or young professionals. Analysis of sporting need has been based on this and the Sport England Market segmentation categories of the current population characteristics. There are three main segments occupying the surrounding residential properties all of them in the younger market categories. The dominant sporting demand from this new set of accommodations will be for use of gyms and exercise class based facilities, particularly those with swimming pools.

- 6.113 The facility being developed is an old fitness gym and studio (The Atrium) and since its closure has put more localised demand on the existing facilities, so with new and additional demands from the new residents on local facilities already nearing capacity, it will be fitting to see the contributions going into sports facilities for extra provision of gym and group exercise classes.
- 6.114 There is also a large student population from Anglia Ruskin University (ARU) living in and around the vicinity along with lecture halls and rooms at the neighbouring site in Compass House, so again can be envisaged that a lot of the potential residents from the development will have some form of ties with the university. ARU already has a partnership arrangement with Kelsey Kerridge sports centre and have recently (Jan – May 2015) invested small capital amounts into improving some areas for use by their student based sports clubs. This current working relationship would mean that with the close proximity of the main Anglia Ruskin Campus being 5 minutes' walk away from both Parkside and Kelsey Kerridge, these will probably be the two most used centres by any potential residents.
- 6.115 Chesterton Gym and Pool is also very close but is on a non-direct route heading out of the main city centre, and Abbey Pool and Gyms are also very close to the proposed development and are more easily accessible off one of the main arterial roads in and out of the City.
- 6.116 It is therefore anticipated that residents would be attending more activities within these four sites and therefore the demand on these centres will be growing especially for indoor sports hall team games at Kelsey Kerridge, along with additional demands for gym and exercise class based activities at all the sites.

Project Identified for S106 contribution for indoor recreation:

- 6.117 Kelsey Kerridge – all prices currently estimated
- Function or aerobics space provision from unused area - £35,000

**Community Funding and Engagement Officer**  
**Community Facilities: £50,000.**

6.118 The following facilities are likely to experience increased demand arising from the development and are in close proximity to the site.

1. Memorial Unitarian Church Emmanuel Rd, CB1 1JW
2. Michael House Centre St Michael's church, Trinity Street, CB2 1SU
3. St Andrew's Street Baptist Church & the Stone Yard 43 St Andrew's Street CB2 3AR

6.119 The Memorial Unitarian Church is currently open approximately 80% of the time for community uses and turns down bookings once a week due to capacity issues. The Michael House Centre, St Michael's Church is open 100% of the time for community uses and turns down bookings on a monthly basis due to capacity issues. St Andrew's Street Baptist Church & the Stone Yard are open approximately 50% of the time for community uses and turn down bookings once a month due to capacity issues.

6.120 The facilities are in need of the following works to improve capacity and to be in a position to offer better community facilities.

- Heating and toilet facilities
- Storage/flooring & painting & decorating
- Replace kitchen & painting and decorating

6.121 The estimated cost of delivering these specific projects to provide improvements is a total of £50,000

### **Design and Conservation Panel (Meetings of 15 January 2014 and 11 June 2014)**

The conclusions of the Panel meeting of 15 January 2014 were as follows:

The Panel appreciated the opportunity to view a model of the scheme. The Panel's comments are as follows:

- Response to immediate and wider context.** The architect's site and context assessment was accepted. In addition, the proposal to develop a series of individual buildings of differing heights to create a varied skyline and roof-scape and the general site massing principles are not contested. However, it

was felt that an insufficient case had been made to justify the eight storey G building and seven storey D building within the site's immediate and wider context of the City's historic core. Within the site's immediate context the G block would be a new marker building and exceed the height of the County Court (on the opposite side of East Road) building by three storeys. Although various distant verified views had been generated and examined by officers, concerns were expressed that blocks of 7 and 8 storeys would be setting an unwelcome precedent for high rise buildings in Cambridge.

- **Movement and access.** The removal of existing buildings on the site and the creation of a pedestrian and cycle link from Severn Place through to Newmarket Road and thereby avoiding Elizabeth Way and the introduction of basement parking are supported in principle. However, it was felt that further development and detail was needed to assess the extent to which a safe and dynamic streetscape in the form of a shared surface along Severn Place could be realised, and that the basement car-parking accessed via a ramp from Sun Street could be delivered. Would the car-park access appear as an unwelcome dark hole in the Newmarket Road elevation?
- **Configuration of buildings.** The Panel noted the innovative way in which issues of overlooking and overshadowing had been resolved. However, it was felt that further development was necessary in relation to: a) the overshadowing by C and D blocks of Compass House, b) a general concern at the impact on the living spaces at street level and c) on the quality of some communal garden spaces.
- **Materials and aspects of detailed design.** The Panel were comfortable with the proposal to utilise brick as a primary material with subtle differences in colour shade and texture between blocks.  
In the next stage of design development it is hoped that each block will be enriched by the detailing of windows, openings and the public and private spaces.

## **Conclusion**

**Conceptually, the Panel acknowledge that the proposed scheme is aspirational, well designed and contemporary. Such a scheme would set the quality bar higher for development in the area. However, there are some concerns about certain elements and on the deliverability of the scheme. A more convincing case for the height of**

**the proposed D and G blocks needs to be made, or their height reduced. In addition, an effective collaboration with adjoining landowners and public agencies is necessary so as to be able to incorporate key parcels of land needed to realise the scheme's full potential.**

**VERDICT:AMBER (6), GREEN (3) RED (1) – due to height of Blocks D and G**

The conclusions of the Panel meeting of 11 June 2014 were as follows:

The Panel were most appreciative of the detailed assessment of the tall buildings context in Cambridge and the alternative design approaches explored to evidence the case for the proposed heights of Blocks D and G. The Panel were generally sympathetic towards the case for Block G to be of 8 storeys provided that its visible mass could be reduced. However, despite the presentation of alternative strategies to reduce the building mass of Block D some doubts remained as to its visual impact and prominence.

**Conclusion.**

**The Panel accepted the principle of an 8 storey Block G (subject to modifications designed to reduce its mass) and that by a majority vote it was concluded that Block D should be reduced to 6 storeys.**

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

## **7.0 REPRESENTATIONS**

7.1 Councillor Gillespie provided the following comments in respect of the proposals:

- The consultation in respect of the site has been inadequate several people nearby have not been contacted about it.
- The height of the development is out of character, it is a ridiculous proposal and should be roughly 50% of the size that has been proposed maximum. The traffic that it will add to Newmarket Road is also alarming, this is a road

that frequently has tailbacks all the way along it back to East Road roundabout.

- I live a minutes wall away from the sit and I don't believe Auckland Road residents were asked for their comments on it.

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

Ascham Road (2 letters)  
Cavendish Road  
Cambridge Cycling Campaign

12A Brooke House, Kingsley Walk  
33 Brooke House, Kingsley Walk (2 letters)  
11 Darwin House, Kingsley Walk (2 letters)  
12 Darwin House, Kingsley Walk  
15 Darwin House, Kingsley Walk  
37 Keyes House, Kingsley Walk  
34 Marlowe House, Kingsley Walk (2 letters)  
39 Marlowe House, Kingsley Walk  
42 Marlowe House, Kingsley Walk  
43. Marlow House, Kingsley Walk  
3 Newton Court, Kingsley Walk  
50 Newton Court, Kingsley Walk  
9 Sherbourne Court  
52 St Andrews Road  
Green Pea Property Management on behalf of numerous owners of Byron House, Wellington Street  
Cintra Ltd 8 Wellington Street

7.3 The representations can be summarised as follows:

#### General Comments

- Support for the provision of a pedestrian/cycle link
- No objection to the redevelopment of the site as a matter of principle.
- Public art on Marino House has been ignored and will be hidden by the new development.
- The 3D plans do not give a true impression of the site as Florian House has been missed off and a mature tree shown in its place – this is misleading.

- A site visit should be undertaken by Officers and Members before a decision is made in respect of the proposals.
- The third party comments have generally been ignored.
- The consultations were not carried out widely enough

### Design & character of area

- Block H due to its scale and design would be unacceptable and harmful to the character of the area.
- The opportunity is missed to link Wellington Street with the new pedestrian route of Severn Place. The scheme turns its back on this area which has become more residentially based in the past few years.
- The proposed height of block G (8 stories) is too high and will be over-bearing. Currently the Crown Court building is visible and block G will occlude this view.
- Block G is angular and will appear at odds with the Crown Court Buildings.
- All other buildings in the vicinity of the site are smaller scale, 5 stories down to 2 storey.
- The design appears ugly and close to the worst of the Marke.
- Block D is too high at 6 stories.
- The finish to block H (Glazed brick) being different to the rest of the development seems incongruous.
- The fenestration detailing to block H with vertical proportions is inappropriate.
- The different treatment of block H will stigmatise the occupants.
- The whole scheme is too high and overdevelopment which is out of character with the surrounding area.
- The height should be capped at 4 floors and should be uniform throughout the development.
- The gates to the underground car park seem very industrial and will not help to re-invigorate the area. Something more visually pleasing should be designed.
- Overcrowding the area is very tightly packed already and is already over-developed.
- Shared community/meeting space should be provided on the ground floor.
- Cambridge has maintained its unique city environment and the scale of buildings do not dwarf church steeples or university/college buildings. This development should not be so high.
- There are tall buildings in Cambridge but this is not an appropriate location for another one.



- The floor heights are out of scale with the surrounding residential properties and the overall height of the building should be assessed rather than just the number of floors. This is particularly the case with the top floors of blocks D & G

### Traffic/Parking Issues

- Traffic congestion - the development will increase vehicle movements on Newmarket Road which is already very congested.
- Traffic already queues to the Grafton Quarter car park and additional vehicle movements will exacerbate this.
- There is uncertainty as to whether the reinstatement of the north/south link could be realised because of Severn Place and Sun Street being County Council Highway Authority land.
- Parking issues - there are current 8 parking spaces in Sun Street between the proposed development and Newmarket Road. It is not clear whether these are to be retained. If they are to be lost this will put pressure on parking. Additional parking requirement arising from the new occupants
- There are not enough visitor parking spaces proposed.
- Retail space at ground floor level will lead to more parking and traffic problems.
- Concern about lack of consideration for southbound cycling traffic both in the application and by the County and City Council's on assessing it.
- The junction between Severn Place with East Road makes no provision for cycles to proceed south-west along East Road or to St Matthews's Street. There are limited pedestrian facilities at the junction, but it is not remotely suitable for use by cyclists. There is, plenty of space at the junction to insert a cycle route. There should be some requirement placed on the developer to provide for such movements presumably by modifying the signal installation at the very least. Otherwise the cycle facility between Newmarket Road and East Road will be utterly useless as far as southbound cyclists are concerned.
- There is a small parcel of land which is currently used as a private car park for January's, it is not clear if this land forms part of the proposals.
- 1 parking space per flat should be provided.
- Car sharing and zip cars are needed with a development offering this level of parking.

- Increased traffic volumes will put pedestrians and cyclists at risk. What will happen when the currently vacant Compass House is re-occupied?

### Amenity

- Noise and air pollution – arising from the demolition and construction phase of the development.
- The scheme will introduce overlooking (Particularly Kingsley Walk) where there is currently none.
- Block H due to its bulky design and unsympathetic scale would have a significant detrimental impact on the amenity areas (front balconies) of Byron House. It would also create shading throughout the year to the primary and sole windows to the apartments fronting Wellington Street in Byron House.
- Loss of daylight/sunlight to Marino House, Florian House and Byron House.
- Noise and disturbance to existing residents through vehicle movements and general residential and commercial occupation of the site.
- The scale of the buildings and unbroken mass would be overbearing and oppressive and create an intimidating outlook onto the existing occupants. The Newmarket Road existing residents have been considered but this is not the case for the Severn Place residents.

### Housing mix/type

- The proportion of affordable housing is too low.
- Too many apartments in new developments are unoccupied and serve as only investments.

7.4 Two copies of a petition containing 19 Signatures in total from the manager/owners of the following properties; Flats 2, 3,4 ,9, 10, 12 Byron House, flats 1-8 Florian House, Flats 1-4, 74 Newmarket Road, Jess Polish Supermarket 72 Newmarket Road, Navadhanya Indian Restaurant 73 Newmarket Road, EC English 57-61 Burleigh St, EC English Kite House Adam and Eve St, Urban Hairdresser 42 Burleigh St, World Study Solutions 43 Burleigh Street Charlie's Café 44 Burleigh St.

The petition raises the following issues:

- The scheme should be refused as the amount of construction for such a narrow street is excessive and too ambitious.

- The developer is seeking financial benefit and is not considering the future well-being of existing residents and future inhabitants.
- Reference is made to the Accordia development, but Accordia differs significantly from this scheme distance between the blocks are greater, the style of height, massing, volume and density is not like Accordia.
- NPPF core principles have not been met
  - Emphasise enhancing and improving the places in which people live their lives
  - Seek to secure a high-quality of design and good standard of amenity for occupants
  - Manage development to make full use of public transport, walking and cycling.
- The development would increase footfall in the area circa 306 people, including excluding guests and visitors.
- In the event of fire there will be too many people using escaping in one area. Access/escape for a catastrophic fire or explosion should be in place.
- Such high density of people could lead to public unrest and need for police intervention.
- The design is monolithic with no gaps to provide respite. The other buildings will become totally obscured and insignificant. The buildings are not welcoming to the new pedestrianised area.
- The materials are inappropriate.
- There is a lack of natural surveillance.
- The affordable block will not have any access to ground floor spaces for them to enjoy.
- Marino House and Florian house will be in the shade for much of the day. Lounge areas are of the east façade and have no other windows, the impact on these windows will be significant. There will be no views of the sky to these properties as the buildings opposite them will obscure this view due to their height.
- Overlooking
- The road surface seems to consist of a variety of treatments – how will this be maintained and at who's expense?
- Loss of free parking on Severn place and how will parking for the shops be managed?
- How will waste lorries access the existing and new development? There are no designated parking places or passing places for vehicles of this nature.
- How will increased cycle traffic egress onto East Road safely?

- The scale model shows how the existing 3 blocks will be dwarfed by the excessive overdevelopment.
- Block G which is the tallest and most prominent block reflects the Marque tower on the corner of Hills Road/Cherry Hinton Road. A prominent landmark building should be interesting and elegant.
- The solar panels have been specified but have not been shown on the drawings and this will add a further 1-2m in height and will require a guard rail to the perimeter for maintenance. These will be visible and so should be shown.
- The public art on Merino House will not be as visible when block H partially blocks the view. This used public funds and views of it should be protected.
- Careful consideration should be given to the proposed blue brick to Block H which is totally out of keeping with anything else in the vicinity. With such a strong colour this will not compliment or harmonise with the other buildings on East Road or to the rear of this block down Severn place.
- The increase in commercial and residential activity will result in the loss of parking bays on Newmarket Road.
- The 3D drawing does not accurately reflect the current buildings on site and is excessively out of date. This should be updated before the application is determined.
- Officers and Committee members should visit the site before a decision is made.

7.5 The petition did not request a Development Control Forum to be held.

7.6 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 . EIA
- 3 . Viability
- 4 . Affordable Housing
- 5 . Context of site, design and external spaces

- 6 . Public Art
- 7 . Renewable energy and sustainability
- 8 . Disabled access
- 9 . Residential amenity
- 10 . Refuse arrangements
- 11 . Highway safety
- 12 . Car and cycle parking
- 13 . Landscaping
- 14 . Third party representations
- 15 . Planning Obligation Strategy

### **Principle of Development**

- 8.2 The application site is not within a protected industrial commercial or retail area and the most recent use of the majority of the site was a 'The Atrium' gym, the majority of the site is currently vacant. Consequently the proposals fall to be assessed for acceptability as a matter of principle under Policies 5/1 and 5/5 (Housing Provision).
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/5 and the details of the proposals will be assessed under the relevant section headings to the report below.

### **Environmental Impact Assessment**

- 8.4 Having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the opinion of the local planning authority is that the development, when looked at in the context of its surroundings, cumulatively with other uses/proposals, its existing use and the accompanying documentation to be submitted with an application, it is not likely to result in significant environmental effects. Officers are of the opinion that the documentation provided as part of a formal planning application is sufficient to enable us to assess the sensitive impacts arising from this development. The development is also below the threshold where an ES would be required.

### **Viability**

- 8.5 The applicant's submitted a viability assessment with the application which concluded that the site was unviable by a

substantial figure and consequently reduced the level of affordable housing offered within the scheme.

- 8.6 In line with Affordable Housing SPD which sets out at paragraphs 41 – 45 the circumstances under which a lower level of affordable housing may be justified an independent review of the viability assessment (paid for by the applicants') has been conducted by BPS Chartered Surveyors.
- 8.7 The independent review of the viability assessment by BPS Chartered Surveyors concluded that the site is unviable and that a lower level of affordable housing is justified at this site.
- 8.8 In the light of these conclusions by a specialist adviser, I am of the opinion that the viability of the site can be used in this instance to justify a lower level of affordable housing. (see specific discussion below).

### **Affordable Housing**

- 8.9 The council's affordable housing target for a scheme of this size is 40% as required by policy and as set out in the Affordable Housing SPD (2008). It is proposed that 21 of the 84 residential units are affordable. This equates to a provision of 25%. All 21 of the affordable units would be accommodated in Block H.
- 8.10 The mix of affordable units comprises 21 units with the following tenure mix
- 7 shared ownership (33% of affordable housing units) and:
  - 14 social rented (66% of affordable housing units).
- 8.11 All of the units are provided in Block H and the size of the units are as follows:
- 8x1Bedroom 2 Person units,
  - 8x2Bedroom 3 Person units
  - 4x2Bbedroom 4 Person units,
  - 1x3Bedroom 5 Person units
- 8.12 The affordable Housing SPD sets out that there should be a mix of housing types and tenures, in this case all of the affordable units will a mix of shared ownership and social rented which is considered acceptable and there is also mix of housing sizes. I consider that the type and tenure of the proposed affordable

housing is acceptable. The Housing Officer is supportive of the scheme and concurs with my conclusions.

- 8.13 Some concern has been raised with regard to the separation of the affordable units (in block H) from the rest of the development and also concerns have been raised about the external treatment of this block. I am of the opinion that the clustering of the affordable units like this is in line with the advice in the current adopted affordable Housing SPD (para 23). The materials are a glazed brick and this is an expensive choice of material, which will make a bold statement at the Nelson Close end of the site. Again, this is in line with the aspirations of the Affordable Housing SPD Design section (paragraphs 25 – 28). I am satisfied that the siting and design of the affordable units are compliant with the Affordable Housing SPD, the general issues of design and context will be picked up in detail in the relevant section to this report.
- 8.14 I am also mindful that the Affordable Housing SPD sets out at paragraphs 41 – 45 the circumstances under which a lower level of affordable housing may be justified. I am of the opinion that these proposals have followed the required steps set out in the SPD and an independent review of the viability assessment has concluded that a lower level of affordable housing is justified at this site and consequently the current proposals comply with the requirements of the SPD.
- 8.15 Given the background information submitted in relation to the viability of the site and the conclusions of the independent review of this by BPS Chartered Surveyors, I am of the opinion that the number and mix of the affordable units would in this case, be justified at the lower provision offered with the scheme. I am also of the opinion that it will not be possible, under the circumstances, to secure additional affordable housing as part of the current proposals. That said, the affordable housing offered can be secured as usual through a S106 legal agreement and a 'clawback' clause inserted so that should the site appreciate in value, or the build costs fall so that a profit is made, then the Council can recoup monies on lieu of affordable housing provision.
- 8.16 Agreement has also been sought from the applicants to ensure that there is written confirmation that they wish to proceed with the development of the site notwithstanding the viability issues

identified. In addition to this, agreement in relation to entering into an unconditional contract with a registered provider to deliver the affordable housing is sought. If agreement to these provisions is secured then I am of the opinion that the Council stands the best possible opportunity of securing the affordable housing offered with the scheme, notwithstanding the viability issues of the site. Subject to these agreements, a S106 agreement to secure the affordable units and a 'clawback' clause to recoup any profit should the site become viable between grant of planning permission and completion of works I am satisfied that the affordable units offered at the site can be secured.

8.17 The Housing Officer is supportive of the scheme and is satisfied with the level and type of provision and tenure split. The Housing Officer has clearly stated that if the viability assessment proving the need for a reduced level of affordable housing is key to the support for the scheme, and I am satisfied that the review of the viability assessment by BPS Chartered Surveyors has demonstrated this. The detail of the Affordable housing scheme can be secured through a Section 106 Agreement.

8.18 In my opinion, if the offered level of affordable housing is taken in isolation there is a clear conflict with policy 5/5. However, in the light of NPPF guidance, the Affordable Housing SPD and the conclusions of the independent review of the viability of the site together with an overall and balanced view the wider benefits of re-using the site, providing additional housing and the creation of a new pedestrian thoroughfare, I am of the opinion that on balance, the proposal is compliant with Cambridge Local Plan (2006) policy 5/5 and the Affordable Housing SPD (2008)

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

8.19 The development comprises 84 dwellings, A1-A3 commercial space, and associated access, car and cycle parking and public realm enhancement.

8.20 A series of 8 residential blocks fronting Severn Place are proposed. Blocks A -G are arranged on north-south axis from Sun Street to East Road. These are all private blocks arranged in a series of staggered footprints and heights. They are located



on the eastern side of Severn Place with a full car parking basement level below. On the western side of Severn Place is Block H, the affordable block, which would sit opposite Block G facing East Road.

- 8.21 Pedestrian and cycle access for most of the blocks would be from Severn Place into a series of vertical circulation cores. These would also provide access and a visual connection to the rear of Blocks C, D and E to a series of communal and semi-private garden areas. Block A, at the northern extreme of the site facing onto Sun Street, incorporates a commercial unit on its corner, a pedestrian access point and a vehicular access point into the underground basement car park. The basement level stretches the length of the eastern block arrangement and provides access upwards into the different cores. Parking is provided for Block H (affordable block) within this basement and is secured via a condition.
- 8.22 The scheme seeks to provide an extended and newly paved and landscaped public realm to Severn Place, which would be a significant improvement on its existing look and feel. It would extend to Sun Street/Newmarket Road thereby providing a new through-route in this part of the City which accords with the aspirations of the Eastern Gate SPD. It would be wider than at present, ranging from 6.2m to 12.8m, being approximately 11.1m wide across from Marino House. It would be a pedestrian and cycle friendly environment, with bollards positioned at either end. The scheme provides double height access points, generous recessed balconies/habitable rooms, porches, raised ground floor planters and roof top gardens facing onto Severn Place. Activity, surveillance and vibrancy to Severn Place would be created. Together with a new through-route to Newmarket Road, the public realm would be improved. This would be of significant benefit to existing and future residents.
- 8.23 The scheme would consist mainly of brick facades. Blocks A to G are not only staggered in footprint and height but are also proposed to be constructed in different brick types which are individually specified in the Design and Access Statement. This would reinforce the difference between the blocks and provide variation in texture, colour and ultimately greater visual interest to the scheme. Block H is proposed to be constructed from a blue glazed brick (variety Das Baksteen) which reflects the use of glazed tiling used on the nearby Co-Operative Society

building. My personal view is that this would provide a high quality and distinctive façade.

8.24 Windows have concrete sills and are metal lined to provide deep reveals. Winter gardens to mitigate noise issues from East Road are shown and a series of roof-top gardens are proposed across the tops of Blocks A - G. Balconies are deeply recessed and are typically 5-7sqm. Block G, the tallest block at 8 storeys, is terminated at its top with a loggia, providing visual depth to the façade. My view is that the facades are well articulated and would provide a dynamic form and appearance to the development.

8.25 In terms of the overall design, I note that the Council's Urban Design and Conservation Team have reviewed the scheme together with its amendments and find it to be acceptable. Setting aside height as an issue, I also note that the Design and Conservation Panel also accept the design response to the immediate and wider context, including the concept of proposed individual buildings of differing heights and materials. The Panel describe the scheme as 'aspirational, well-designed and contemporary'. I do not disagree with this assessment. In my opinion, subject to conditions to seek to secure the detail proposed, the scheme would be of a high quality and would respond successfully to its immediate surroundings.

### *Height*

8.26 The proposed scheme is varied in height from lower 2/3 storey buildings adjacent to Sun Street on the northern portion of the site (Block A) to 8 storeys on the East Road side, on the southern portion of the site (Block G). Between Blocks A – G, the height is staggered. Block H (the affordable block), which sits opposite Block G, is 5 storeys.

8.27 When the application was first reported to the Design and Conservation Panel, prior to the formal application being made, the Panel concluded that 'an insufficient case had been made to justify the eight storey G building and seven storey D building within the site's immediate and wider context...' . The Panel noted that Block G exceeded the height of the County by three storeys. The Panel was concerned that an 'unwelcome precedent' would be set and required a more convincing case for the height of Blocks D and G to be made.

- 8.28 The scheme was subsequently amended and reported back to the Design and Conservation Panel. The focus of the Panel discussion was a detailed assessment of the height of the proposal in relation to Blocks D and G. Following this, the Panel expressed a view that they were generally sympathetic towards the case for Block G to be of 8 storeys provided that its visible mass could be reduced. They remained concerned regarding the visual impact and prominence of Block D seeking a reduction from 7 to 6 storeys.
- 8.29 The applicants response was to narrow the form of Block G to make it more slender and to take a storey off Block D to reduce its height to 6 storeys, in line with the Panel's advice. The current planning application was submitted on this basis.
- 8.30 The Council's Urban Design and Conservation Team have also considered the issue of height very carefully. They advise that the proposed scale and massing has been informed using verified views and 3D modelling in order to assess the visual impact from both long and short distance views and that the application is accompanied by a skyline assessment in relation to adopted policy 3/13 (Tall Buildings and the Skyline).
- 8.31 The proposed site lies within an area of differing building heights and scales ranging from 2 and 3 storey residential, retail and office accommodation on Newmarket Road to larger 4 and 5 storey buildings on East Road (Grafton Centre and the Crown Court building). The Urban Design and Conservation Team state that variation in scale between the 8 individual blocks has been developed to reflect their immediate surrounding context. Blocks A and B are 2 and 3 storeys and reflect the smaller more domestic scaled buildings on Sun Street/Newmarket Road. Blocks G and H (8 and 5 storeys respectively) front East Road and respond to the height of nearby larger scale buildings (including the Crown Court, Grafton Centre, ARU young Street Campus). The 8 storey height of Block G and the 8 storey Parkside Place development at the southern end of East Road, in effect, will form bookends of similar height to the buildings along East Road.
- 8.32 The Urban Design and Conservation Team advise that Block G forms an appropriate landmark building on East Road and can support a "gateway" style proposal. They advise that it would

not be out of character with this built up, commercial part of the city and would also not compromise the function of any future development on the site of Compass House. They advise that the proposed scale of development is acceptable and that the stepping of building heights responds to the different characters of East Road and Sun Street/Newmarket Road.

- 8.33 In order to support this conclusion, the application is accompanied by a series of verified views which are set out in the Design and Access Statement. This shows that the scheme is visible from a range of different viewpoints. In particular, the top floor accommodation of Blocks D and G are visible from long distance views from Midsummer Common (view 18). This view shows the top storey of Block D and the top 1<sup>st</sup> storeys of Block G to be visible.
- 8.34 The verified views show that the scheme is hidden by existing buildings and trees in closer views from Midsummer Common and hidden behind existing buildings from views taken along Maids Causeway. It is visible from the Elizabeth Way Roundabout/Tyre Depot and opposite No. 42 Newmarket Road.
- 8.35 Further to the verified views set out in the Design and Access Statement, a Theoretical Zone of Visual Influence (ZTV) was requested and submitted as additional information to determine the visibility of Blocks D and G from Midsummer Common. Views from Blocks D and G have also been produced looking towards the Common from roof level.
- 8.36 The further information shows that the visibility of the scheme from Midsummer Common would be limited to the northwest corner of the Common and to the north and east of Victoria Road. Block G would be more visible over a larger portion of the Common given its increased height over that of Block D. The trees along the south eastern edge of the common would significantly reduce the visibility of both blocks when in leaf. The visibility of the blocks to the west of Victoria Road would be negligible given the existing mature trees either side of Victoria Road.
- 8.37 The Urban Design and Conservation Team conclude that the visual impact of Blocks D and G is acceptable. Given the detailed level of assessment and limited visual impact highlighted, I share this view. Even though the skyline is

partially broken, I do not consider the longer distance views of the tops of Blocks D and G to be harmful to the character or appearance of the Conservation Area. There is minimal visual impact closer to the site due to the built-up nature of the surroundings. When visible, particularly Block G, the impact of the scheme in terms of height, combined with the high quality design, is appropriate to its context.

### *Overall*

8.38 This is a high quality scheme that is well thought out in terms of its design and layout. My view is that it accords with policies 3/4, 3/7, 3/11 and 3/12 of the adopted Local Plan. More specifically, the staggered footprint and height of the scheme - culminating in an 8 storey block at its southern end - combined with the high quality design and significant public realm improvements, mean that it would enhance the character and appearance of the Conservation Area and its immediate surroundings. The proposal therefore also accords with policies 3/13 and 4/11 and with the Eastern Gate Development Framework SPD (2011).

### **Disabled access**

8.39 The new public realm will provide level access to all of the dwellings, with slopes not exceeding 1:40. 7 disabled car parking bays of a total 46 spaces are provided within the basement area around each core. This level of provision exceeds the local plan requirement of 5%.

8.40 Policy 5/9 of the Local Plan requires the development to provide 15% of its units as designed to be suitable for people with disabilities to meet long-term housing needs. The proposed scheme accords with this policy, providing 15% of the units as wheelchair accessible. Communal lifts are provided to all the blocks apart from Block A, which is two storeys in height. The Design and Access Statement confirms that all of the dwellings will be designed to Lifetime Home standards.

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

## **Public Art**

- 8.42 The applicants have submitted a Public Art Strategy. Its aspiration is the delivery of public art on site. Artist's brief and proposals for engagement with local stakeholders are included. I note the third party comments in relation to the public art already in situ at Merino House and I am of the opinion that the new public art need not conflict with the existing installation and there may be scope to build on this with the new installation. I note also that the third party representations raise concerns about the existing public Art being obscured. Having visited the site to assess this issue, there is a bike storage shelter immediately adjacent to the south of Marino house, which already partially obscures the artwork at the lower level. This bike store will remain in-situ and I am satisfied that the upper parts of the existing artwork will remain visible as is currently the case. I am satisfied that this can be adequately controlled via conditions.
- 8.43 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

## **Renewable energy and sustainability**

- 8.44 The proposals incorporate photovoltaic panels and CHP to power the communal areas (eg lighting to the car parks and stairwells). The sustainability statement outlines that the proposals would achieve just over the 10% renewable energy requirement. The Senior Sustainability Officer has supported the proposals and I concur with this view.
- 8.45 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

## **Residential Amenity**

Impact on amenity of existing neighbouring occupiers

Overlooking

- 8.46 The proposed blocks A – G would create a new ‘street’ and would front onto existing residential blocks to the west of the application site.
- 8.47 Blocks A & B have been designed so as their main outlook/amenity space is at third floor level to the west elevation with brown roofs to the east, which has the effect of ‘setting back’ the development from the properties to the east and restricting outlook to the lower levels. The second floor also has no outlook to the east. This means that the only outlook afforded to the east is from the ground and first floor levels. Given that the residential units to the east are sited above ground floor commercial units, I am satisfied regarding the relationship to the properties to the east of the site in terms of overlooking.
- 8.48 With regard to the impacts of Blocks A&B in relation to the properties on Dukes Court, the Blocks would be sited with a separation distance of approximately 15m. In addition to this, the new Blocks has been designed to ‘step back’ the main building and to incorporate amenity spaces to the western elevation with strong boundary treatments to these areas. This will reduce the impact of window to window overlooking and I am satisfied that this arrangement, with the separation distances to the amenity spaces is acceptable.
- 8.49 Block C is set at an oblique angle to Florian House and significantly to the north of Marino house and I am satisfied that there would not be any significant adverse impacts arising from block C in terms of overlooking.
- 8.50 Blocks D &-E would impact on Marino House and Florian House as they are sited directly opposite these blocks at a distance of between 20m and 14m. Blocks D & E both contain units with habitable rooms and balcony/amenity areas which would look onto the existing apartment blocks. I am of the opinion that whilst this relationship will have an impact on the existing apartments, there is still sufficient separation distance between the blocks for the town centre location.
- 8.51 Blocks F and G are sited to the south of Marino House and are directly opposite Block H, I do not consider that there are any impacts arising from this block in relation to existing properties.

8.52 Block H is sited to the south west of the site and, Marino House and Byron House would be the most affected properties, and to a lesser extent properties on Wellington Court. With regard to Marino House, there are no windows on the southern elevation to the apartment block which serve principal rooms, I am satisfied therefore that the windows serving the main habitable rooms to Block H and the balcony/amenity areas would not create an unacceptable sense of overlooking or loss of privacy to the occupants of Marino House. Byron House is sited at a distance of 18m to the north-west of Block H at an oblique angle and again I am satisfied that the relationship between these units would be acceptable.

8.53 Given the location and current use of Compass House (office building) I am satisfied with regard to the impacts on this property arising from the proposals.

#### Dominance/sense of enclosure

8.54 Blocks A and B would be 11.7 and 10.2m in height respectively. These blocks are sited to the northern end (Newmarket Rd/Sun Street) of the development. I am satisfied that these building heights would relate well to the properties above the commercial units fronting onto Newmarket Road/Sun Street and also to those at Dukes Court.

8.55 Block C is sited opposite Wellington Passage and would be 17.6m in height. This block is sited approximately 12m from Florian House at an oblique angle with block D being directly opposite Florian House. Florian House is a modern block of 8 apartments and is approximately 15m high to its highest point. Block C would be approximately 2.6m higher than the existing apartment block and I consider this scale to be acceptable.

8.56 Block D is 21.3m high and would be set away from Florian House and Merino House by approximately 20m. Merino House also is a modern block of 11 one bedroom studios and is approximately 14m to its highest point, this block is physically attached to Marino House. Block D would exceed the height of the existing apartments by 7m, although with a separation distance of 20m I am satisfied that it would not appear overbearing or overly dominant. In addition to this, I note that there are balconies to Merino House which actually obscure the view upwards from the lower properties and so I do not consider



that these will be significantly adversely affected. In addition to this, the existing buildings are closer to the existing apartment buildings, and whilst I accept that these are a smaller scale, I consider that the increased separation at distance at ground floor is beneficial in public realm terms.

- 8.57 Block E is 14.5m high and would be set at a distance of approximately 10m from Merino House and is to the south of Florian House. Given that this Block would be of a similar scale to the existing apartment blocks I am satisfied that this relationship would be acceptable. I also consider that the staggered building heights would give some 'relief' when viewed from these existing apartments.
- 8.58 Blocks F and G would be 17.6 and 27.8m high respectively however, these blocks are set to the south of both Florian House and Merino House and block G fronts onto East Road. I am satisfied that there would not be any undue overbearing impact from these blocks on any existing residents given the proposed layout.
- 8.59 Block H would be 17.8m high and is set at a distance of approximately 13m from the southern elevation of Merino House and at an oblique angle to Byron House and at a distance of 18m at its closest point. Considering that Block H would be just under 4 m higher than Merino House when coupled with the separation distance between the blocks I do not consider that this Block will be unduly dominant or create an unacceptable sense of enclosure.
- 8.60 I have considered the impacts on the properties at Wellington Court and I am of the opinion that these properties are set sufficiently far away and to some extent are screened by the existing apartments at the site so as the proposed buildings (particularly the highest blocks D, H & G) will not have an adverse effect in terms of dominance or enclosure.
- 8.61 Compass House is to the east of the site and again, I am satisfied that the impacts of the development would be acceptable in relation to this property given the separation distance and its position on a busy arterial road and roundabout.

## Loss of daylight/sunlight

- 8.62 An overshadowing study has been provided as part of the submitted skyline assessment (criterion 4: Amenity and Microclimate page 104 of the submitted D&A Statement) and forms a summary of the overshadowing study undertaken by WSP which accompanies the application. The content of this study has been reviewed by the Urban Design and Conservation Team who have provided the following detailed comments
- 8.63 *The results are presented as shadow plots for the equinox (21<sup>st</sup> March), halfway between the equinox and mid-summer (7<sup>th</sup> August) and halfway between the equinox and mid-winter (7<sup>th</sup> November) at 9:00am, 11:00am, 1:00pm, 3:00pm, 5:00pm and 7:00pm. The buildings assessed for overshadowing impacts were Compass House (office accommodation), Marino House (11 one-bed studios) and dwellings on Wellington Street.*
- 8.64 *The results of the shadow study for the equinox (21<sup>st</sup> March) indicate the proposed scheme will result in additional overshadowing of the east elevation of Marino House and dwellings within Wellington Street at 9:00am (but does not cast shadows by 11:00am). The south facing façade of Marino House is in shadow in the morning until 3:00pm (due to the location of Block H), however the south elevation of Marino House does not contain any principal windows (windows limited to en-suite bathrooms and as such are less sensitive). Additional overshadowing of Compass House occurs from 3:00pm onwards but is limited to the car parks to the northeast and southeast. Compass House is in full shadow at 5:00pm in the existing and is not overly increased by the proposal.*
- 8.65 *The results for the halfway point between the equinox and mid-summer (7<sup>th</sup> August) are similar to the equinox results above. The proposal results in overshadowing of the east façade of Marino House until 9:00am (but free from overshadowing by 11:00am). The south façade of Marino House remains in shadow until 3:00pm. Overshadowing of Compass House occurs from 3:00pm onwards but this is predominantly limited to the western 'wing'. The results show that dwellings within Wellington Street are not affected by the proposed development during this period.*

- 8.66 *The results from the halfway point between the equinox and mid-winter (7<sup>th</sup> November) indicate the east facing façade of Marino House is in shade until 9:00am in the existing. Overshadowing of the south façade of Marino House increases by the proposed development between 11:00am and 1:00pm (and is already in full shadow from 3:00pm onwards due to the arrangement of existing buildings). Overshadowing to Compass House increases marginally in the afternoon from 1:00pm onwards, but is already in full shadow from 3:00pm onwards in the existing condition. Overshadowing to the dwellings within Wellington Street is marginally increased at 9:00am by the proposed scheme. From 9:00am onwards these dwellings are in shadows cast by the Grafton Centre car park 'drum'.*
- 8.67 *In conclusion, the submitted shadow studies indicate the proposed scheme will result in limited overshadowing of the east façade of Marino House in the morning but more significant overshadowing to the south elevation. However given the windows on the south elevation serve en-suite bathrooms the overshadowing impact is less significant. Overshadowing of Compass House is predominantly limited to the car parks and western 'wing'. Overshadowing of dwellings in Wellington Street is marginally increased by the proposal in the morning. The level of overshadowing resulting from the proposed scheme is acceptable.*

Impacts on Florian house (consented scheme 12/0113/FUL)

- 8.68 The submitted shadow analysis included in the *Skyline Assessment* (Criterion 4: Amenity and Microclimate page 104 of the D&A Statement) and *Overshadowing Study* produced by WSP indicate the overshadowing impacts to the residential development located immediately to the north of Marino House and south of Wellington Passage (application ref: 12/0113/FUL). The results are presented as shadow plots for the equinox (21<sup>st</sup> March), halfway between the equinox and mid-summer (7<sup>th</sup> August) and halfway between the equinox and mid-winter (7<sup>th</sup> November) at 9:00am, 11:00am, 1:00pm, 3:00pm, 5:00pm and 7:00pm.
- 8.69 *The results of the shadow study for the equinox (21<sup>st</sup> March) indicate that overshadowing to the east façade of the 12/0113/FUL flat block will be limited to the early hours (9AM) but is free from overshadowing by 11AM. The shadow plots for*

*the afternoon (1PM, 3PM and 5PM) show that the east elevation of the flat block is overshadowed from the block itself.*

8.70 *The results for the halfway point between the equinox and mid-summer (7<sup>th</sup> August) are similar to the equinox results above. The proposal will result in overshadowing of the east façade of the 12/0113/FUL development at 9AM (but free from overshadowing by 11AM). The shadow plots for the afternoon (1PM, 3PM, 5PM and 7PM) show that the east elevation of the flat block is overshadowed from the block itself.*

8.71 *The results for the halfway point between the equinox and mid-winter (7<sup>th</sup> November) indicate the east elevation of the flat block is in shadow at 9AM in the existing and proposed, but is free from shadow at 11AM. The shadow plots for the afternoon (1PM and 3PM) show that the east elevation of the flat block is overshadowed from the block itself.*

8.72 *In conclusion the proposed scheme would result in minor additional overshadowing impacts to the east elevation of the 12/0113/FUL development in the morning, but will be free from overshadowing by 11AM. Due to the minor nature of overshadowing a full BRE assessment would not be required nor has it been requested. Accommodation within the 12/0113/FUL development is arranged so that habitable rooms (living, kitchen and dining rooms) are located towards the rear (west) side of the block. Windows on the east elevation facing Severn Place are limited to the communal hallway and bedrooms and are therefore less sensitive to overshadowing impacts.*

8.73 Having reviewed the comments from the Councils Urban Design and Conservation Team I concur with the conclusions, that whilst there would be some impacts, these would be acceptable and would not be so significant as to justify a refusal of planning permission.

Noise and Disturbance (from residential and commercial uses proposed)

8.74 The proposed residential units would be sited directly opposite Florian House, Merino House and properties on Dukes Court. Currently the area to the east of these existing units is largely vacant and vehicular traffic can enter the site from Nelson

Close/East Road onto Severn Place. The previous uses were retail and leisure and although the site is currently vacant, these uses could re-commence without the need for planning permission. I am of the opinion that a residential use, in terms of noise and disturbance would be more compatible with the existing residential uses to the west of the site.

- 8.75 In addition to this, the proposals would mean that Severn Place would be closed to vehicular traffic and a new through route created for pedestrians and cycles from Newmarket Road to Nelson Close/East Road (which is currently not possible). I consider that this would reduce vehicular noise and disturbance in the immediate vicinity of the surrounding residents and would create an active pedestrian and cycle route which would enhance the living conditions.
- 8.76 The scheme also incorporates two ground floor commercial units (A1/A3 uses), one at the Sun Street end of the development which would be 35 sqm and the other at East Road end of the site which would be 116.7 sqm.
- 8.77 Given the central location of the development and also coupled with the fact that these would be 'new build' commercial units, I am satisfied that it would be possible to suitably extract the units so as not to cause a nose/odour issue for the existing residents. Signage and any lighting would require planning permission and/or advert consent in their own right and would be assessed separately. I have noted the Environmental Health Officer's comments relating to opening hours of the units and again, I am satisfied that this can be controlled by suitably worded conditions.

#### Loss existing of parking provision

- 8.78 Third party representations have been received relating to the loss of existing on street car parking particularly in relation to Merino House and Florian House. From my site inspection it appeared to me that this is 'informal' on street parking which is unrestricted and cost free, it is also available on an 'ad hoc' basis with no guarantee of a parking space being available. I am of the opinion that access to free and unrestricted parking such this is unusual for a town centre location of this nature and that the loss of this, whilst it would have an impact on the occupants of these properties, it would not amount to a loss of

any allocated or assured parking for the residents of the surrounding area. When the loss of parking is balanced against the provision of the pedestrian/cycle thoroughfare and the introduction of a residential use to replace the existing leisure/retail uses (and re-use of the largely vacant site) I consider that this impact would be acceptable.

8.79 The proposals will have an impact on the amenity of the existing residents to the area. The question though, is not whether there would be *any* impacts but rather *whether these impacts would be acceptable*. Having considered the issues outlined above, I am of the opinion that given the location of the properties, the context of the existing potential leisure and retail uses re-commencing and the creation of a pedestrian through route, and removal of the parking/vehicular traffic, that on balance, the impacts would be acceptable in this case.

8.80 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

##### Overlooking

8.81 The relationship between the new units themselves has been designed so as to minimise the overlooking between the new units and I am satisfied that this relationship is acceptable. I also consider that the separation distances are appropriate for the context.

##### Daylight/sunlight

8.82 A Daylight/sunlight analysis has been submitted in support of the application and the Council's Urban Design and Conservation Team have commented the cast shadow analysis indicates that at least half of the amenity spaces to the rear of Blocks A-G and the roof terraces are likely to receive the recommended minimum of 2 hours continuous sunlight on the 21<sup>st</sup> March, in accordance with the BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice, 2011 Second Edition. I consider that as the analysis demonstrates

that the proposals would comply with the BRE guidance that the scheme is acceptable in this regard.

### Amenity Space

- 8.83 The Council's Urban and Conservation Design Team have commented that the proposed amenity spaces for each of the units are considered of a functional size. The communal gardens are a welcomed addition to the amenity provision on site. I concur with this view and consider that given the size of the units proposed and their central location that there is adequate access to sufficient amenity space for all of the units. The amended proposals have also strengthened the boundary treatments to ensure maximum screening from the surrounding traffic noise.

### Noise and disturbance (existing residential and proposed commercial at ground floor level)

- 8.84 The proposed residential units would be sited directly opposite Florian House, Merino House and properties on Dukes Court. The area to the front of the properties would become a pedestrian/cycle through route from Sun Street/Newmarket Road to Nelson Close/East Road. I am of the opinion the residential occupation of the site would be compatible with the existing residential uses.
- 8.85 I am mindful that the site occupies a busy location and that there is likely to be noise arising from traffic movements in the area. However, given the central location of the units I consider that this would be acceptable and would not be unduly harmful to the overall level of amenity enjoyed by the future occupiers of the site.
- 8.86 The scheme also incorporates two ground floor commercial units (A1/A3 uses), one at the Sun Street end of the development which would be 35 sqm and the other at East Road end of the site which would be 116.7 sqm.
- 8.87 Considering the central location of the development and also coupled with the fact that these would be 'new build' commercial units, I am satisfied that it would be possible to design suitable fume extraction units so as not to cause a nose/odour issue for the new or existing residents should these

be required. Signage and any lighting would require planning permission and/or advert consent in their own right and would be assessed separately. I have noted the Environmental Health Officer's comments relating to opening hours of the units and again, I am satisfied that this can be controlled by suitably worded conditions.

Noise and disturbance and odour (existing commercial uses)

- 8.88 There are existing commercial uses to the north east of the application site which front onto Sun Street/Newmarket Road. One of these units is a restaurant (the Orchid) which currently has an extract system at high level and has been in operation/use for some time.
- 8.89 The proposals would introduce a significant number of sensitive receptors into the area and the restaurant currently extracts in a way that the impacts arising from noise and odour would be not acceptable with so many new residential units in close proximity to the site, and sited at a higher level. Clearly when the extraction equipment was installed, it responded to the context of the site at that time, and it would not be reasonable to serve an abatement order on the Orchid Restaurant after granting planning permission for a significant number of sensitive new receptors, knowing that the extraction system currently in place would not adequately mitigate impacts for the new residents. The Council's Environmental Health Officer has raised concerns that a significant number of properties would be adversely affected and that the impacts arising from noise and odour should be mitigated at source, rather than relying on mechanical extraction for the new units which would affect the amenity of the new occupiers and would not address the use of outside spaces. I concur with this view.
- 8.90 In order to mitigate the impacts at source (eg to improve the extraction system in terms of odour abatement and reduce the noise), this would require the existing system to be assessed and any improvements to be carried out at the Orchid restaurant prior to works commencing on the application proposals. There are two potential ways to achieve this:
- To enter into a S106 agreement with the owners of the Orchid restaurant to undertake works required prior to commencement



of the development (subject to securing planning permission for the works as appropriate).

- To apply for planning permission for the works and to implement this prior to commencement of the development.
- Both of these options will require a report to be produced and for the mitigation to be agreed by the LPA.

8.91 I am of the opinion that either of these options would satisfactorily mitigate the impacts of the existing commercial use and would adequately treat the noise and odour at source prior to the commencement of the development to ensure that the living conditions of the new occupants are acceptable.

8.92 The applicants have indicated their agreement to pursue either the S106 or planning permission to address the issues and which course is appropriate will depend on the owners of the Orchid restaurant and the findings of the reports into the existing extraction at the site.

8.93 The applicant's have agreed to waive the right to visitor parking permits for the new occupants of the flats and this will have an impact on the new residents of the scheme. However, I am of the opinion that any future occupants will be aware of this restriction prior to occupation and also given the town centre location of the site, that the impacts arising from this will be acceptable.

8.94 In my opinion subject to conditions and either a S106 agreement to secure works to the Orchid restaurant or the works being implemented on site (prior to commencement of works for this scheme) I am satisfied that the impacts relating to noise and odour from existing businesses can be adequately mitigated at source. Subject to this, I am of the opinion that the proposal would provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

8.95 The refuse arrangements have been subject to amendment since the scheme was originally submitted and the latest comments from the Waste Manager indicate that the initial concerns relating to the bin sizes, manoeuvrability of the bins

and vehicle tracking data indicate that all of these concerns have been addressed. On this basis, I consider that there is adequate provision made for bin storage and collection at the site and the proposals would therefore, be acceptable in this regard.

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

### **Highway Safety**

8.97 The proposals would incorporate a new vehicular access to the northern end of the site which would provide an 'in' and 'out' access to the basement car parking. Following clarification since the original submission of the application the vehicular access is now considered safe and functional by the Highway Authority and I concur with this view.

8.98 The Highway Authority have also reviewed the Transport Assessment and have accepted both the baseline data and anticipate trip generation and impact on the highway. This is also deemed to be acceptable and again, notwithstanding the concerns raised in the third party representations, I concur with this conclusion.

8.99 There is no objection to the principle of the creation of a pedestrian/cycle thoroughfare through the site and conditions relating to the surface treatments (cycle lanes) and the standard of construction (to adoptable standards) can be adequately controlled by conditions.

8.100 The third party representations have raised concerns about conflict between cyclists and vehicles in using the access to parking and also in relation to cyclists wishing to travel south-west along East Road or to St Matthews's Street from the junction between Severn Place with East Road. However, this issue has not been raised as a concern by either the Highway Authority, or the Walking and Cycling Officer and as such there are no grounds to resist the proposals on this basis.

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

## **Car and Cycle Parking**

8.102 The car parking provision at the site is 51 spaces in total. 46 of these are provided at basement level under blocks A-G and a further 5 spaces are provided in the undercroft to Block H. The spaces are allocated as 13 for the affordable units and the remaining 38 for the other private units. I consider that this split can be secured and implemented by way of a suitably worded condition.

8.103 The Highway Authority have accepted this parking ratio of 1:60 as acceptable for the central location. I concur with this view and consider that the level of parking provision is appropriate. The parking standards set out maximum provision levels and I am satisfied that given the central location of the development that the level of parking is acceptable.

8.104 The overall level of cycle parking for the site is 157 spaces, these are allocated as 129 residents spaces and 28 additional visitor/customer spaces.

8.105 The level of cycling provision has been accepted by the Walking and Cycling Officer as acceptable and I agree that in terms of quantum the proposals are acceptable. The proposed arrangement of the cycle parking has been amended since the original submission of the scheme and is now considered acceptable by the Walking and Cycling Officer. I concur with this view and consider that provision can be adequately secured by way of a condition.

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

## **Landscaping**

8.107 A landscape strategy has been submitted with the scheme and the general approach of this is supported by the landscape officer, as is the inclusion of brown roofs. I agree with the conclusions of the landscape officer and consider that the details of these elements can be adequately controlled via conditions.

## Third Party Representations

8.108 The third party representations have been addressed in the main body of the report and/or in the table below:

Issue	Response or paragraph reference
Design issues <input type="checkbox"/> Scale and Bulk - height <input type="checkbox"/> Materials <input type="checkbox"/> Density <input type="checkbox"/> Design	8.19 – 8.38
Increased vehicle movements/congestion	8.97 – 8.101
Parking provision	8.102 – 8.106
Loss of existing parking	8.78
Cycle provision & cyclists safety	8.102 – 8.106, 8.100
Highway Safety	8.97 – 8.101
Affordable housing provision is too low	8.9 – 8.18 & S106 agreement
Amenity issues (noise & disturbance, overlooking, daylight etc)	8.46 – 8.80
New developments dominated by investment properties	This is not a planning matter and cannot be afforded weight in the determination of the application.
Existing public art obscured	8.42, 8.43
Noise and disturbance in construction phase	Controlled by condition.
Increased use of area and associated noise and disturbance to existing occupants	8.74
Fire escape route	No objection from Fire Authority.
Overcrowding and antisocial behaviour and lack of natural surveillance	Police matter if materialises, there is nothing inherent in the design to indicate that this will occur. The police liaison officer has not raised any concerns relating to this issue after assessing whether the scheme is 'secure by

	design'..
Consultations not carried out widely enough	The application was advertised by way of a press and site notice and the owners/occupiers of the properties with a boundary that adjoins the application site were directly notified. The statutory requirements for consultation have been met.
The public consultation organised by the developers was poorly attended and poorly advertised.	This cannot be given significant weight in the determination of the application, the minimum requirements for public consultation by the developer have been met.
3d Plans are misleading and do not show Florian House	Revised plans submitted to update this.
Site visit should be undertaken by Officers and Members prior to a decision being made	The site has been visited by Planning Officers as is standard practice for all applications. There is no formal requirement for members to attend site.
Third party comments have been ignored	The third party comments are summarised in the report and have been addressed.
Shared/community space should be provided on the ground floor	There is no policy basis on which to require this.
Can the pedestrian link be realised – it is on highways land?	It is intended that the link will be adopted.
Developer is seeking financial benefit and is not considering the future well-being of existing residents.	Financial gain cannot be considered as part of the assessment and the development is assessed in terms of its impacts on existing residents. (paras 8.46 – 8.80)
How will waste lorries access the site	Swept path analysis submitted and deemed acceptable.

## **Planning Obligation Strategy**

### **Planning Obligations**

- 8.109 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

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

#### Open Space

- 8.110 The development is required to make provision for open space and the request for specific projects to improve outdoor and indoor facilities is set out at paragraphs 6.113 – 6.125 via a financial contributions. I am satisfied that the projects and sums requested would meet the CIL tests and that the detail of this provision can be secured through a Section 106 Agreement.

#### Community Development

- 8.111 The development is required to make provision for community facilities and the request for specific projects to improve the provision of community facilities is set out at paragraphs 6.126 – 6.129 via a financial contribution of £50,000 above. The detail of the scheme can be secured through a Section 106 Agreement. I am satisfied that this request meets the CIL tests.

## Education

8.112 I am in the process of liaising with service managers to establish whether there are deficiencies in the provision of education provision in the local area. If this can be established then there would be grounds for seeking commuted payments to secure improvements to these facilities. This process will take some time to resolve therefore I would request delegated authority from Committee to conclude discussions with service managers and to negotiate with the applicants and either:

a) Secure commuted payments towards appropriate projects to mitigate the impacts of the development on local infrastructure

Or

b) Accept that it is not appropriate to seek commuted payments towards some or all of the local infrastructure categories in this case because such contributions would not be compliant with the CIL Regulations.

## Affordable Housing

8.113 The development is required to make provision for affordable housing and I have assessed the proposals for affordable housing in paragraphs 8.11 to 8.19 above. The detail of the Affordable Housing Scheme can be secured through a Section 106 Agreement.

8.114 Subject to the completion of a S106 planning obligation to secure the requirements of the Affordable Housing SPD (2008), I am satisfied that given the submission of the viability assessment and its subsequent independent review by BPS Chartered Surveyors that the level of provision is appropriate for the scheme. In my opinion it would not be possible to secure additional affordable housing provision through the current scheme and therefore, the proposal accords with Cambridge Local Plan (2006) policies 5/5 and 10/1 and the Affordable Housing SPD (2008).

Other S106 requirements/or confirmation required before completing the S106

8.115 The following issues will need confirmation and/or inclusion in the S106 agreement.

- A negatively worded clause to ensure that the development does not commence until the developers have a freehold interest in the land at 1-7 Severn Place to ensure that the scheme and affordable element can be delivered.
- The noise and odour issue relating to the Orchid Restaurant will either need to be resolved before the grant of planning permission or a tri-party agreement entered into to secure the required works via the S106 agreement with an appropriate trigger point for the works to be completed (eg before commencement of the development)
- The inclusion of a 'clawback clause' within the S106 in the event that the scheme becomes profitable.
- Relinquish the visitor parking permits and to meet the costs of doing so.
- Residential Travel Plan

#### Planning Obligations Conclusion

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

#### Other Matters

##### Land Ownership

8.117 Currently the site is only partially assembled in the applicant's ownership. Two semi-detached properties to the south east of the site (1-7 Severn Place) currently lie outside of the applicant's ownership and will need to be acquired by the applicants to deliver the scheme.

8.118 It is accepted that land ownership cannot be given significant weight in the determination of the application and is essentially a civil matter that the Council cannot compel the applicants to purchase the site. Planning permission also relates to the land and not the individual applying for permission which is how site which have not been fully assembled can be the subject of a planning application.



8.119 However, as this is a major application and as all of the affordable units are located in block H which would occupy the area which currently outside of the applicant's ownership it is considered a negatively worded clause in the S106 agreement to prevent commencement of development until the developer has a freehold interest on the land and can realise the development is appropriate. It would not be reasonable, in my opinion to complete a S106 agreement and issue planning permission without such a clause to ensure that the site has been acquired and the scheme is capable of being delivered in its entirety, including the affordable housing element (see also S106 requirements section above).

## 9.0 CONCLUSION

9.1 In the light of the preceding discussion it is concluded that this is a challenging site and that there are still issues that need to be resolved before the development of the site can be realised. The viability issues with the site and been independently reviewed and verified and I accept these findings. The impacts of the development and the benefits of the scheme are balanced, and I am of the opinion having weighed all of the factors that the proposals would be acceptable subject to conditions and S106 obligations being secured. Consequently the application is recommended for approval.

## 10.0 RECOMMENDATION

1) **APPROVE** subject to completion of the s106 Agreement, and imposition of the following conditions:

1. Start Date

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

-Detailed history of the site uses and surrounding area (including any use of radioactive materials)

-General environmental setting.

-Site investigation strategy based on the information identified in the desk study.

(b) A report setting out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

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

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:

(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

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

5. Implementation of remediation.

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

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

6. Completion report:

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

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.

(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

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

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

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:

- a) Include details of the volumes and types of material proposed to be imported or reused on site
- b) Include details of the proposed source(s) of the imported or reused material
- c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
- d) Include the results of the chemical testing which must show the material is suitable for use on the development
- e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved document.

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

8. Unexpected Contamination:

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

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

9. Prior to the commencement of development, a site wide Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:
- a) Demolition, construction and phasing programme.
  - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
  - c) Construction/Demolition hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
  - d) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
  - e) Soil Management Strategy.
  - f) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
  - g) Maximum noise mitigation levels for construction equipment, plant and vehicles.
  - h) Vibration method, monitoring and recording statements in accordance with the provisions of BS 5228-2: 2009.
  - i) Maximum vibration levels.
  - j) Dust management and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition - supplementary planning guidance 2014
  - k) Prohibition of the burning of waste on site during demolition/construction.

- l) Site lighting.
- m) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- n) Screening and hoarding details.
- o) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- p) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- q) External safety and information signing and notices.
- r) Consideration of sensitive receptors.
- s) Prior notice and agreement procedures for works outside agreed limits.
- t) Complaints procedures, including complaints response procedures.
- u) Membership of the Considerate Contractors Scheme.

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

10. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be retained as such.

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

11. Noise assessment and mitigation - plant near new development

Part A

Prior to the commencement of refurbishment/ development works a noise report that includes the provisions of British Standard (BS) 4142:2014, Methods for rating and assessing industrial and commercial sound, which considers the impact of noise upon the proposed development shall be submitted in writing for consideration by the local planning authority.

#### Part B

Following the submission of a noise report and prior to the commencement of refurbishment/ development works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise from the neighbouring industrial use shall be submitted to and approved in writing by the local planning authority.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall thereafter be retained as such.

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

#### 12. Opening hours for commercial units

The opening hours to members of the public for the proposed commercial units shall only be between 07.00 hrs and 23.00 hrs Monday to Saturday and between 08.00 hrs and 22:00 hrs Sundays and Bank Holidays. The commercial units shall not be open to members of the public outside of these permitted times.

Reason: In order to safeguard residential amenity (Cambridge Local Plan policy 4/13)

#### 13. Deliveries to Commercial Units

Collections and deliveries to the commercial units shall only be between the hours of 07.00 hrs and 21.00 hrs Monday - Saturday and 09.00hrs and 13.00 hrs on Sundays and Bank Holidays. The commercial units shall not be open for collections or deliveries outside of these permitted times.

Reason: In order to safeguard residential amenity (Cambridge Local Plan policy 4/13)

14. Renewables

Prior to the installation of the gas fired combined heat and power system, further information shall be submitted to and approved in writing by the local planning authority in relation to its technical specification, including emissions standards. The proposed on-site renewable and low carbon technologies shall then be fully installed prior to the occupation of any approved building and remain fully operational and maintained as such. The development shall be carried out in accordance with the submitted Sustainability Statement and Checklist dated 5 December 2014.

Reason: In the interests of sustainability, reducing carbon dioxide emissions and to protect human health (Cambridge Local Plan 2006 policies 3/1, 4/14 and 8/16)

15. Archaeology

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

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences (Cambridge Local Plan 2006 policy 4/9).

16. Fire Hydrants

No development shall commence until a scheme for the provision and location of fire hydrants to serve the development has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved scheme.



Reason: To ensure the provision of adequate water supply infrastructure to protect the safe living and working environment for all users and visitors (Cambridge Local Plan 2006 policies 3/7, 3/12, 8/18 and 9/3).

#### 17. Sample Panels

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

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

#### 18. Non-masonry walling systems

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

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

#### 19. Windows and doors

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

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

## 20. Boundary Treatment

The development shall not be occupied until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

## 21. Cycle Parking

The development shall not be occupied until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

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

## 22. Surface Water Strategy

The drainage works shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy of 20 November 2014.

Reason: To prevent environmental and amenity problems arising from flooding (NPPF 2012).

23. Within six months of the commencement of development, a Public Art Delivery Plan shall be submitted to and approved in writing by the local planning authority and shall include the following:

- Details of the Public Art and artist commission;
- Details of how the Public Art will be delivered, including a Timetable for delivery;
- Details of the location of the proposed Public Art on the application site;
- The proposed consultation to be undertaken with the local community;

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

Reason: To accord with the provisions of Cambridge City Council Public Art SPD (2010) and policies 3/4 and 3/7 of the Cambridge Local Plan 2006.

24. Prior to the occupation of the development, a Public Art Maintenance Plan shall be submitted to and approved in writing by the local planning authority and shall include the following:

- Details of how the Public Art will be maintained;
- How the Public Art would be decommissioned if not permanent;
- How repairs would be carried out;
- How the Public Art would be replaced in the event that it is destroyed;

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

Reason: To accord with the provisions of Cambridge City Council Public Art SPD (2010) and policies 3/4 and 3/7 of the Cambridge Local Plan 2006.

25. The building shall not be occupied until the area identified on the approved plans for car parking has been drained and surfaced in accordance with details submitted to and approved by the local planning authority in writing and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To avoid obstruction of the surrounding streets and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

26. Prior to the commencement of occupation, full details of the storage facilities for the separation of waste for recycling and composting within the individual flats shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority .

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

27. Prior to the commencement of the use hereby permitted, the on-site storage facilities for commercial waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be set up and provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

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

28. 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)

29. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details and thereafter retained as such.

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

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

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

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

Reason: To ensure that the trees in the vicinity of the site are adequately protected in accordance with Policy 4/4 of the Cambridge Local Plan 2006.

31. The following details in respect of the new pedestrian and cycle through route shall be submitted to and approved in writing prior to surfacing works commencing on the of the route:

- details of all surfacing materials (to be to an adoptable standard)
- Street furniture (including but not limited to bins, lights, benches, planters etc)

Works shall then be completed in accordance with the approved plans prior to the first occupation of the development and shall thereafter be retained as such.

Reason: to ensure that the development has a satisfactory visual appearance and to ensure that the street can be completed to an adoptable standard in accordance with Policies 3/7, 3/4, 3/11 and 8/4.

32. 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)

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

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

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

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

35. The Construction Management Plan should be submitted and agreed prior to commencement of development and should include, travel plan measures for construction workers.

Reason: In the interests of Highway safety and neighbour amenity (Cambridge Local Plan Policies 3/4, 3/7, 8/3 )

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

**INFORMATIVE:** No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.

**INFORMATIVE:** The Council's document 'Developers Guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Council's website on <http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-and-nuisance/land-pollution.en>. Hard copies can also be provided upon request .



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

**Delegated Authority to negotiate and complete S106 requirements as detailed above**

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

This page is intentionally left blank

# Agenda Item 6

**PLANNING COMMITTEE**

**Date: 6<sup>th</sup> January 2016**

<b>Application Number</b>	15/1369/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	29th July 2015	<b>Officer</b>	Mr Rob Parkinson
<b>Target Date</b>	28th October 2015		
<b>Ward</b>	Arbury		
<b>Site</b>	149B Histon Road Cambridge Cambridgeshire CB4 3JD		
<b>Proposal</b>	Erection of 23 residential units (use class C3) to be arranged in two blocks comprising a mix of studio and 1 & 2 bed flats including 40% affordable housing, two car parking spaces, cycle parking and associated hard and soft landscaping.		
<b>Applicant</b>	C/O Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. It will provide housing in line with the adopted policy allocation and does not prejudice the emerging allocation proposed within the 2014 housing allocation incorporating the same site.</li> <li>2. The designs are a high quality and appropriate response to the site, and do not prevent delivery of housing in the remaining land of the same adopted allocation site.</li> <li>3. The proposals provide appropriate amenity for future residents and facilities for disabled persons, and do not cause a detrimental impact on neighbouring residents or businesses.</li> </ol>
RECOMMENDATION	APPROVAL

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

- 1.1 The site is a single-storey dual pitch roof industrial building comprising two commercial units with a forecourt parking area, sited to the west of Masters House (a block of student flats) and the Aldi and Iceland supermarkets and petrol filling station off the access drive next to 3 Long View Terrace on the west side of Histon Road. The neighbouring site to the south is land used by ATS tyres and their depot and delivery building behind their Histon Road workshop; there is no connection to the application site from here.
- 1.2 Neighbouring uses to the west include the site of the former bungalow at 149 Histon Road, since demolished and now the construction site of a new development of 15 flats. To the north are the two-storey detached houses of Nursery Walk, a cul-de-sac accessed from Richmond Road. Further south still is industrial land behind the Murketts Ltd Vauxhall showroom and repairs centre, and beyond that the Histon Road recreation ground.
- 1.3 The site is part of a larger 1.47ha allocation for residential development as housing allocation 5.07 in the Cambridge Local Plan (2006). The site is not within a Conservation Area and there are no listed buildings nor buildings of local interest in the immediate area. The site falls outside the controlled parking zone.
- 1.4 A Tree Preservation Order applies to the whole site and the surrounding allocation site, although the trees formerly on this site have been removed without prior consent; the applicant has said this was a genuine error and offered a replacement planting plan, which the Council Tree Officer has accepted as an appropriate scheme for replacements in this unfortunate circumstance. The replacement planting has not been provided as yet.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought to demolish the existing industrial building comprising two commercial units and to redevelop the site with 23 dwellings within two blocks of flats, comprising 14 market housing flats (Block A, to the west) and

9. affordable housing flats (Block B, to the east). Landscaping is also proposed along with a shared access using the widened existing drive alongside the north elevation of the current building.

2.2 The application is supported by a range of documents comprising:

- Plans, elevations and sections
- Planning Statement
- Design Report
- Site Waste Management Plan
- Surface Water Drainage Strategy
- Sustainability Checklist and Report
- Environmental Desk Study Report
- Drainage Strategy with amended report
- Environmental Report
- Landscaping plans
- Tree planting scheme
- Transport Statement
- Utilities Statements
- Noise assessment report
- Ecology appraisal
- Bat survey

### 3.0 SITE HISTORY

There is no relevant history at this application site, but there is planning history on the site at 149 Histon Road to the west which is set out below.

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/0756/FUL	Erection of 6 terrace dwellings along with car and cycle parking and hard and soft landscaping following the demolition of all buildings on site.	REFUSED 24.08.2012  APPEAL DISMISSED
13/0028/FUL	Erection of 15 dwellings (following the demolition of all buildings on site) comprising 6 x studio apartments and 9 x 1 bed flats, along with cycle parking and hard and soft landscaping.	REFUSED 12.04.2013  APPEAL DISMISSED 26.02.2014

14/1254/FUL	Erection of 15 dwellings (following the demolition of all buildings on site) comprising 6 x studio apartments and 9 x 1 bed flats, along with cycle parking and hard and soft landscaping.	APPROVED 02.04.2015
15/1286/FUL	Minor material amendment to application 14/1254/FUL for the proposed conversion of units 12 and 13 to create a 2 X bed unit and the proposed redesign of the ground floor to create an additional unit along with the introduction of external bin and cycle storage.	APPROVED IN PRINCIPLE, awaiting completion of s.106 agreement.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/6 3/7 3/8 3/11 3/12 4/3 4/4 4/13 4/15 5/1 5/5 5/9 5/10 5/14 8/2 8/3 8/4 8/6 8/9 8/10 8/11 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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Affordable Housing (January 2008)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)  Cambridge and Milton Surface Water Management Plan (2011)  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)
--	---------------------

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

### 6.0 CONSULTATIONS

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

- 6.1 The parking levels are within the adopted 2006 local plan standard maximum threshold but national policy guidance discourages maximum thresholds and instead promotes on-site parking levels similar to those found in the surrounding area, which would involve 60% of households (14 dwellings) being able to have access to a car.
- 6.2 Although the on-street parking of (perhaps) 14 cars on the existing highway network is unlikely to result in significant adverse effect on the local highway safety, there could potentially be an impact on residential amenity.

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

- 6.3 The development is acceptable subject to conditions to: (i) address site contamination remediation, including using sampling which has not been possible as yet, (ii) provide noise protection to future residents, (iii) provide noise, vibration and



dust strategy details for protection to existing residents during demolition and construction, and (iv) agreeing plant details, especially in respect of the heat recovery and mechanical ventilation units.

- 6.4 The noise assessment report was assessed and has been found acceptable; the location is suitable for residential development as the noise environment can be mitigated against sufficiently, and the activities of residents and the construction will not lead to unacceptable long-term noise for neighbours.
- 6.5 The initial proposals were not clear about the quantum of refuse storage proposed, but amendments have revised this to an appropriate standard.

### **Urban Design and Conservation Team**

Application as submitted

- 6.6 There is potential for this scheme to bypass the policy allocation's expectations for providing on-site public open space and affordable housing or coordinated development between the adjoining sites.
- 6.7 The scale, massing and form is acceptable and avoids an impact with residents at Nursery Walk. Roof mounted PV panels should avoid railings for maintenance and should be screened from view by a set-back. The contemporary materials palette is acceptable and complements the proposals at the adjacent consented scheme to the west. Revisions should look to relieve the mass from Block B's northern elevation, e.g. with recess panels or cladding, and determine finer details by condition.
- 6.8 Further tree planting and screening is needed along the southern boundary to protect resident's amenity from the outlook over the industrial yard. The wider site landscaping needs to be revised to provide private garden spaces, but the balconies provide a successful, generous and useable space. Location of bin and bike stores are acceptable.

Application as amended

- 6.9 The amended proposals address the initial concerns, and they demonstrate an acceptable relationship with the neighbouring site to allow delivery of the housing allocation. To secure appropriate amenity for Block A Flat 5, its amended position on the east side of Block A should be reversed and moved back to the original west-facing side of block A to ensure the occupants have some appropriate landscaped amenity garden space. Other consequential changes to the function of Block A are minor. These revisions should be possible prior to the planning committee meeting and will be presented at that time.

#### **Senior Sustainability Officer (Design and Construction)**

- 6.10 The sustainability strategy and renewable energy proposals are acceptable subject to the final energy demands and on-site energy details by condition.

#### **Access Officer**

- 6.11 The amended plans with the proposed four wheelchair accessible rooms are acceptable as two flats can be adapted internally to provide hoist connections between bathroom and bedroom.

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

- 6.12 The previous removal of TPO trees along the southern boundary is unfortunate but can be mitigated by the proposed plan for replacement planting along the boundary. However this does not on its own provide the necessary biodiversity, biomass, green infrastructure or planting enhancements required of a considered landscaping scheme.

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

Application as submitted

- 6.13 More boundary planting is needed to the southern boundary; further details are needed for seating, communal areas and boundary treatments. Disabled and visitor parking needs amendments.

Application as amended

- 6.14 Amended proposals are a good progression and further minor revisions needed to the planting scheme can be resolved by conditions.

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

- 6.15 The application as submitted required visitor cycle parking and wider access paths. These have since been [provided and the scheme is now suitable.

**Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.16 The proposals are to limit the discharge to 5 l/s, provide 66.31 cubic metres of attenuation and utilise permeable paving. Although there was insufficient information submitted to adequately explain the surface water drainage system, the surface water drainage strategy does enable support of the proposal with the imposition of a condition to confirm details and provision.

The Oct.'15 additional information containing surface water storage capacity is acceptable if the final details of the scheme are agreed by conditions.

**Head of Streets and Open Spaces (Nature Conservation Officer)**

- 6.17 The initial proposals did not include a bat survey or habitat survey.

Updated comments are awaited.

**Environment Agency**

- 6.18 No objections.

### **Housing Development Officer**

- 6.19 The numbers of affordable houses, mix of units, clustering and amended tenure proposals are all within policy guidance and is supported.

### **Cambridgeshire Constabulary (Architectural Liaison Officer)**

- 6.20 Restricted visitor parking makes visitor cars vulnerable if parked off-site, and few visitor spaces are available off-site. Lighting was originally missing, but should be provided.

### **Cambridgeshire County Council (Education)**

- 6.21 Comments are awaited.

### **Local Lead Flood Authority**

- 6.22 Objected to the original proposals because flood information was lacking in respect of 1 in 100 year + climate change flood events and there was no sustainable drainage strategy, nor evidence that peak discharge would be less than the existing site. There was no evidence that flood waters could be contained on site, nor of evacuation routes, nor that flood risk wouldn't be increased.

Updated comments are awaited.

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

- 6.23 No objection and no required conditions.

### **Design and Conservation Panel**

- 6.24 The proposals were not subject to Panel review.

### **Disability Consultative Panel**

- 6.25 Disappointed in the original proposal. Main doors needed to be automated. Only two designated accessible units originally was a concern, when policy requires 4 to be provided. Homes should be adaptable to account for age and infirmity, including providing room for a hoist to work between rooms.

## **Cambridge City Council Community Funding Team**

6.26 There are specific projects required for enhancing community facilities in the local area to meet the additional demands placed on them from this development. These projects are at St Augustine's Church & Community Centre, Richmond Rd, and St Lukes Church & Community Centre, Victoria Road. The planning obligation contributions from this development would allow both projects can be fulfilled or substantially completed with the benefit of contributions from other schemes. There is no other funding earmarked for these new potential projects at present which would prevent these contribution being 'pooled' for later use.

## **Cambridge City Council Recreation Services Manager,**

6.27 Confirmation of the expenditure of sports and recreation facility money from s106 planning obligation contributions is awaited, and will be updated at the planning applications committee meeting.

## **Cambridge City Council Streets & Open Spaces Manager**

6.28 Confirmation of the expenditure of informal open space and childrens' and teenagers' play facility money s106 planning obligation contributions is awaited, and will be updated at the planning applications committee meeting.

6.29 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:

- 85 Histon Road.
- Windsor Road Residents Association.
- Adjoining neighbour at the ATS Tyres industrial unit within the Willowpoint development.

7.2 The representations can be summarised as follows:

- The design is inappropriate; it is neither innovative nor reflective of local distinctiveness, and to reference recent developments is improper.
- Car-free development is unrealistic and public transport, cycling and walking is not adequate for the needs of many occupants.
- The overall reduction in number of parking spaces in the area, added to other local developments and transport initiatives which include removal of car parking, results in an unacceptable effect on local parking provision.
- Should not affect the ability of the land to the south to be developed.
- The proposal should not be dependent on expecting the land to the south to provide a link into the application site.
- Scale should not restrict development to the south being of a similar scale.

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. Affordable Housing
3. Context of site, design and external spaces
4. Public Art
5. Renewable energy and sustainability
6. Disabled access
7. Residential amenity
8. Refuse arrangements
9. Highway safety, access and car and cycle parking
10. Planning Obligation Strategy

### **Principle of Development**

8.2 The main considerations to the principle of redevelopment are: the loss of the existing uses; the density and mix of dwelling types proposed; the subdivision of a wider housing allocation

site in both existing and proposed local plan policy; and, the resulting consequences for affordable housing delivery.

*Loss of employment uses*

- 8.3 The loss of the industrial building comprising two commercial units and parking area is acceptable given that the site is part of an entirely-residential allocation within the existing 2006 Local Plan (policy 5/1 allocation site 5.07: “Willowcroft”). Policy 5/1 paragraph 5.3 states:

*“5.3 A number of sites identified for residential development are currently occupied by other land uses such as industry. Housing is the preferred use if these sites come forward for development, which constitutes a change from their primary lawful use.”*

- 8.4 The in-principle loss of industrial land continues to be endorsed in the emerging 2014 Local Plan draft policy R2 which also proposes an entirely residential-led redevelopment.

*Density of development*

- 8.5 The proposals seek to develop only part of an entirely residential scheme identified by adopted policy allocation 5.07. Although the adopted policy does not specify the number of dwellings to be provided through the allocation, the whole allocation site area of 1.47ha is almost the same area as that proposed in the emerging policy R2, which expects 78 dwellings across a proposed 1.59 ha site, or 49 dwellings per hectare (dph); such figures were derived following a modelling exercise looking at site characteristics, access and expected on-site facilities.
- 8.6 The various calculations of relevant densities are shown in the table below:

	Site area	Number of Dwellings	Density (Dwellings / ha)
This application alone:	0.14 ha	23	164 dph
The adjoining site at 149 Histon Road:	0.11 ha	15	136 dph

This application and the adjoining site:	0.14 + 0.11 ha = 0.25 ha	15 + 23 = 38	152 dph
Adopted allocation 5.07:	1.47 ha	78 expected but not specified	53 dph
Proposed allocation R2:	1.59 ha	78 specified in draft policy	49 dph
Remaining land within allocation R2:	1.34 ha	40 dwellings net	30 dph

8.7 If the scheme were to be delivered in line with the density expected in policy, on a proportionate area basis the pro-rata development on this site is more than three times the density expected by the policy allocation, but this is not inconsistent with the high density of the adjoining approved and implemented scheme at 149 Histon Road to the west. In combination with the site to the west, the two proposals would result in 38 dwellings, providing 49% of the expected housing numbers across only 17% of the allocation site, and all of these units would be flats, the majority only 1-bed.

8.8 However, within this part of the allocation site the high density is not, *per se*, considered problematic. The layout, scale and density of development is compatible with the approved and implemented scheme to the west, and the larger form of buildings to the east. The design respects the neighbouring existing residential area to the north. The car-free nature of the scheme is a response to the sustainable location and the site's highly accessible location in relation to shops and facilities. It would not be desirable for vehicular access to be provided to the remainder of the allocation site from the north, so the higher density of this application site which precludes such an access is acceptable.

*Mix of dwelling types proposed*

8.9 Policy 5/10 of the 2006 Local Plan states that "On housing development sites of 0.5 hectares or more, or capable of accommodating 15 or more dwellings, a mix of dwelling sizes [i.e. bedroom numbers] and [dwelling] types will be required." Further, policy 5/5 and the Affordable Housing SPD expects



affordable housing units to reflect the overall type of housing in the scheme.

8.10 Policy 5/10 reflects the desire to see a range of property styles and types within the city’s housing stock, to create mixed communities and lifestyles. The supporting text paragraph 5.18 goes on to state that: “For this purpose a threshold has been set as it may not be practical to provide a mix on smaller sites. The character of the area, site characteristics, the market and housing need will dictate different mixes on different sites across Cambridge.”

8.11 The approved mix of dwellings within this northern third of the allocation site are shown in the table below:

	Studios	1-bed flats	2-bed flats	Houses
This application alone – 23no. dwellings (15/1369/FUL):	5	17	1	0
The adjoining site at 149 Histon Road – 15no. flats (15/1286/FUL, amending 14/1254/FUL):	6	8	1	0
TOTAL of both sites – 38 dwellings:	11	25	2	0

8.12 This application proposes 5no. studio flats, 17no. 1-bedroom flats, and 1no. 2-bedroom flat. Although the site area for this application is only 0.14ha, being below the stated threshold, even if the text does not explicitly describe it as being so, the policy is intended to apply to the wider site allocation as a whole. Accordingly, the new development creates a design-led scheme which responds to its context and the proximity of smaller dwellings to the north, and provides a car free scheme in response to access issues, and secures appropriate affordable housing. Whilst a different site layout could provide a different type of dwelling to complement the apartments to the west, the scheme is actually successful in creating a part of the allocation site which is suited to higher density and car-free development with apartment units.

*Subdivision of the wider housing allocation site*

- 8.13 Policy 3/6 of the adopted Local Plan 2006 is clear that: “The development of a site or of part of a site will only be permitted where it can be demonstrated that due consideration has been given to safeguarding appropriate future developments on the remainder of the site or adjacent sites.”
- 8.14 These proposals come forward in a similar fashion as the land to the west, reflecting the separate ownerships of these parts of the site and the specific access constraints thereof. It would not be desirable to expect the allocation site to depend on the access from the north, so a car-free scheme and a site which does not include vehicle access to the south are considered appropriate. Accordingly the scheme is suited to creating a bespoke development within this part of the allocation and its own identity; in combination with the land to the west this would provide roughly the ‘northern third’ of the allocation site.
- 8.15 It is considered feasible for the remainder of the allocation site to come forward separately to this land, especially if the two ownerships could work in partnership to maximise opportunities in respect of access and housing types; currently the ‘middle third’ is in one ownership (ATS) and the ‘southern third’ being in a different ownership (car showroom), and both parties have expressed an intention to bring forward their sites to the planning policy team.
- 8.16 Nevertheless, there are important and relevant material considerations to take into account when assessing this high density scheme and the uniformity of both the overall dwelling mix and the affordable housing mix proposed.

Firstly, this could create a precedent across the rest of the allocation for unacceptable densities which are out of keeping with the area and which fail to provide a mix of dwellings types and sizes. This however is not considered a significant concern given that site characteristics of this location have determined the design proposed. Planning permission will be needed for the development of the rest of the allocation site and an approval of higher density development on the current application site does not necessarily set a precedent when wider environmental issues are assessed on the adjacent sites.

- 8.17 Secondly as the other parts of the allocation are brought forward the housing mix can be considered further in the

context of higher density development in the north-west quadrant. An appropriate mix remains capable of being delivered and it would be unreasonable to refuse planning permission in this case pending the other sites coming forward.

- 8.18 Whilst it may have been preferable to approach the whole of the allocation site through one application, or at least secure an outline or illustrative masterplan which is endorsed by owners of the remainder of the allocation land, it is considered acceptable to consider this proposal individually. Unfortunately the applicant's masterplan concept fails to show the range of housing types and facilities considered desirable across the allocation, but nevertheless I consider the proposed design unlikely to prejudice delivery of adjoining sites; the scale of development is not unusually large, the amended plans have shown new links through the proposed development which allow convenient non-car access to the local centre to the north, and there is sufficient land across the rest of the allocation to deliver access, open space and dwellings at a density more compatible with the surroundings, even accounting for access and on-site facilities.
- 8.19 In my opinion, the complications that this proposal might cause for adjoining sites creates some challenges, but the reasons for doing so and the opportunities for resolving them, are understandable and are made in response to the site characteristics and the site's surroundings. The ability to deliver the necessary anticipated development on adjoining sites within the same allocation is not irreversibly compromised.
- 8.20 I consider the principle of the development to be acceptable and in accordance with policies 5/1, 3/4, 3/6, 3/7 and 5/10 of the Cambridge Local Plan (2006), and to be in line with emerging allocation R2 of the 2014 submitted Local Plan.

### **Affordable Housing**

- 8.21 It is proposed that 9 of the 23 residential units are affordable. This equates to 40% and as such meets the requirements for affordable housing provision as set out in the Local Plan (policy 5/5). The affordable units being provided are all 1-bedroom flats, which may not strictly mirror the proportionate mix within the overall site but does reflect the current housing demand and is acceptable to housing officers. Recent amendments have

agreed to provide 7 dwellings for social rent and 2 dwellings through intermediate tenures, which ensures the scheme will be policy-compliant in this respect.

- 8.22 Although firm interest from a Registered Provider is yet to be secured, this is thought to be more a consequence of short-term funding program restrictions than through fault of the proposal. All units are proposed within Block B which will encourage management by a Registered Provider, and as the design detailing will be consistent across the scheme it will appear integrated. The detail of the Affordable housing scheme can be secured through a Section 106 Agreement which will include a phased link between providing the affordable housing in Block B in relation to market housing in Block A.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 5/5 and 10/1 and the Affordable Housing SPD (2008).

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

- 8.24 The scheme proposes a design-led approach which has been considered acceptable for the adjoining site and is sensible and innovative. Due to the constraints described above (neighbouring uses, access and plot dimensions), the proposal is considered as a scheme of distinct character within the overall allocation, but still needed to show how it could eventually link in with the rest of the allocation site and make links to the surrounding area. Accordingly, the development now includes a north-south pedestrian path between the two blocks which could be linked into when the ATS site is opened-up, providing convenient safe access to shops to the north and possibly access to the Histon Road recreation ground or other public open space on site, for these residents.
- 8.25 The scheme proposes use of the shared access road previously envisaged along the north boundary to link to the site to the west. With some minor tweaks to the plans (which will be presented prior to the committee meeting), this access road is a shared surface scheme which provides safe access, landscaping, surveillance and lighting to resolve previous concerns relating to access along this site, and to provide limited numbers of visitor and loading bays. To further improve safety the driveway from the car park to the flats should include

some form of kerb or upstand so that a visually impaired person can find their way along the route.

- 8.26 Taken alongside the approved proposals to the west, the spaces between buildings are appropriate and the layout is logical and user-friendly. The amended scheme encourages more efficient and effective use of the peripheral land around the buildings by creating private gardens for ground floor flats, whilst the central landscaping space and north-south link allow for communal landscaping which creates identity for the scheme.
- 8.27 The surrounding uses are two-storey houses to the north, on a raised land level, and taller mass of student flats within Masters House to the east, and the supermarkets to the north-east. The western development is the same scale of buildings as is proposed. The current neighbour to the south is the ATS garage. As such the scale of the proposed blocks of flats at 3-storeys is consistent with, and comfortable in relationship to, the context of neighbouring uses.
- 8.28 Unfortunately it does not appear to be in the applicant's control to improve the overall experience of the entrance to the site, at least in relation to either the quality of links to the supermarkets or the unadopted road link to Histon Road via the unsurfaced track between the terraces at 153a Histon Rd and 1 Long View Terrace (opposite Rackham Close). In the past both the Council and Inspectors have both found this to be a difficult entrance experience even for the 15 flats to the west; this proposal will improve the safety and convenience of access to both sites on land within the applicant's control.
- 8.29 The design of the buildings is a high quality response and sits comfortably with the adjoining approved scheme. Techniques include curved corner treatments and vertical timber cladding, and inset wall panels to reduce the sense of mass and scale and give definition to the scheme. Other features such as the roof PV panels are screened behind a parapet wall and are set inside the roof sufficiently to avoid being apparent; the applicant has also confirmed there should be no need for perimeter railings for the maintenance as the scheme will introduce a mansafe system or similar.

- 8.30 Landscaping around the buildings will open-up the setting of the development and prevent a sense of enclosure to the public realm, and the access road can be better defined by trees. There was a row of mixed species of TPO trees along the southern boundary, but these were recently felled by the landowner; a scheme of replacement planting has been proposed in their place, which the tree officer finds acceptable, but this is not sufficient on its own to provide the necessary enhancement to biodiversity and high quality landscaping expected from new developments. However the proposals ensure adequate screening in relation to the industrial land use to the south. Amended plans will fine-tune the landscaping and planning conditions will ensure the landscaping is provided. A condition will ensure the southern path link is available prior to occupation and that the land is not used for purposes that would prevent the future link to the land to the south.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

### **Public Art**

- 8.32 The applicant has indicated two locations where public art works could be installed, either at the site entrance or within the landscaped area to the south of the site with possible link to the rest of the allocation; with seating and screening, the latter would probably be the most favourable location subject to a condition securing the final installation.
- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

### **Renewable energy and sustainability**

- 8.34 The scheme provides a high degree of energy efficiency and sustainable design. The layout has used an orientation of units to take full advantage of natural daylighting and solar gain at Block A, including using balconies for shade on the southern elevation. A condition will ensure the final details are confirmed.
- 8.35 The scheme proposes an intended water efficiency target of 105 litres/person/day use (as per the former Code for Sustainable Homes Level 4 rating), and conditions will secure a water

efficiency strategy with rainwater harvesting for use in the communal landscaping areas.

- 8.36 Renewable energy is proposed to through roof-top photovoltaic panels, set in from the roof so that the parapet wall screens them from views. With a coverage of 74 m<sup>2</sup> of photovoltaic panels and confirmed angle of 20 degrees from horizontal, the Sustainability Officer is content that 10% energy generation will be provided and the panels will be effective, and confirms final details can be agreed by condition.
- 8.37 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policies 3/1 and 8/16 and the Sustainable Design and Construction SPD 2007.

### **Disabled access and accessible housing**

- 8.38 Cambridge Local Plan (2006) Policy 5/19 expects 15% of market housing (2 units), and 15% of affordable housing (1 unit) to be designed to be capable of first occupation by disabled persons (inc wheelchairs).
- 8.39 The Access Officer has reviewed the amended plans provided in response to the Disability Panel's comments, and considers the policy will be satisfied as ground floor flats 2 and 3 in Block B can include a hoist route between bedrooms and bathrooms with relatively little physical intervention; flats 1 and 4 in Block A are accessible and have room for wheelchair use even if their bedroom-bathroom connections are more difficult.
- 8.40 In my opinion subject to the landscaping conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 5/19.

### **Residential Amenity**

- 8.41 The closest neighbouring residents are 12 and 11 Nursery Walk, 10.5m and 10m to the north of the closest elevation walls of Blocks A and B respectively, and are separated by their gardens then the 2m high fence and boundary planting adjoining the fence, and the access road. There is also a c. 0.5m change in level which means the development site is lower than those properties. The Master's House student

resident flats to the east are c. 22m from the east flank of Block B, separated by the proposed landscaping and the student flats' car park.

#### Impact on amenity of neighbouring occupiers

- 8.42 Overlooking of those neighbours to the north is not a detrimental impact; the properties will be shielded by some northern boundary planting, and the lower 2-storey elements will have little frequently-used windows facing north; the higher third storey windows are to the corridors, and are set back 18-20m from the northern neighbours; this same relationship and design techniques have been found acceptable by both the Council and a planning inspector at the adjoining site to the west. There is no significant overlooking to or from the eastern student block due to a generally reduced level of activity on the facing elevation.
- 8.43 The change in levels and boundary treatment between the sites, and the set-back nature of the tallest elements from the common boundary, ensures that the designs do not feel overbearing nor would they create a sense of enclosure. The amended plans and elevations which include new recessed panels and more variety of materials prevent the elevations from feeling overdominant.
- 8.44 The applicant has submitted a shadow study which demonstrates that the distance between neighbours and the different heights within the site will prevent loss of daylight and overshadowing.
- 8.45 The development utilizes the same layout and scale of development that has been brought forward at the adjoining site to the west. It is set back from the northern boundary and the tallest elements are set back further still to avoid overshadowing or sense of overcrowding.
- 8.46 The possible development of the land to the south should not be compromised by overlooking nor an overbearing sense of scale. I have considered the proposal against the approved scheme at 149 Histon Road to the west and consider the two developments to be able to work together successfully, preventing enclosure and overshadowing, and providing a degree of natural surveillance without causing overlooking. .



8.47 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

8.48 Being located next to a car repairs garage and within an industrial area, the application includes a noise assessment looking at the impact for future occupants. The Environmental Protection Officer has found this acceptable to demonstrate appropriate relationship between industrial uses on employment land and this residential development.

8.49 Future residents will be protected through using other recommended amenity conditions to ensure the scheme satisfies Local Plan policy 4/19, such as confirming details of plant and machinery to be used in the development, including heat and mechanical recovery systems locations and designs.

8.50 The site is known to have been fairly heavily contaminated in the past; a remediation strategy can be required by conditions, with specific details required for proposing a suitable solution for the private gardens, to allow vegetable growth if necessary such as using a membrane with clean soil above.

8.51 The separation gap between Blocks A and B is acceptable to provide outlook and light gain to the interior, given the orientation and uses of rooms inside the blocks. The only ground floor windows of concern were facing north-west only 2.5m from the proposed cycle store in the amended permission at 149 Histon Rd, but the interior of the room has been reorganised and the windows in this area changed to be high level, making the outlook to the south more prominent and still receiving light from the north.

8.52 Initially the occupants of Block B did not have a particularly well-lit interior within the kitchens on the south elevation, because the elevation looked only towards the ATS garage, but the recent amendment has introduced high level windows to these six south-facing kitchens.

- 8.53 Other features in the amendments have made the scheme more user-friendly, such as providing a new side door to the bin store which is closer to the entrance, and new canopies over the front doors, and providing a curtilage wall of 1m height along the eastern boundary to the north junction with the access road as a means to give identity as a separate area from the rest of the larger non-residential areas.
- 8.54 The Highway Authority has questioned the car-free approach because national guidance has more recently stated that it discourages maximum levels in local plans and instead endorses an approach which is based upon providing the same levels of access to a car as is found in the surrounding area. The Highway Authority suggests the applicant reassess the scheme in light of the more recent guidance; in keeping with the applicant's research this would involve ensuring at least 60% of households (14 dwellings) are able to have access to a car. Further, the Cambridge Constabulary has expressed concerns that concerns that if residents park off-site they may be in insecure locations and very few places are currently available, but this is not something that can be controlled through this planning application and it does not exacerbate the current parking situation in uncontrolled parking zones.
- 8.55 The development has provided a design which is successful without residents parking on site, and follows the lead from the site to the west, and to provide more parking on site could compromise the design approach. It should be noted that the Highway Authority does not consider that there will be an unacceptable impact in the local area if there is a car useage of 60% of households (at least 14 cars) added to existing off-street parking or accessing the site to drop-off / deliver. As the NPPF suggests the scheme should not be refused on the grounds of highways safety because this is not likely to create a significantly harmful effect on the surrounding local highway network.
- 8.56 An appropriate design should ensure the site access road and the landscaped amenity areas and footpaths do not attract ad hoc 'convenience' parking, and the applicant has confirmed they will use a site management company to control parking, the details of which can be controlled by a parking management plan and conditions.

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

### **Refuse Arrangements**

- 8.58 The amended proposals now demonstrate refuse stores which allow for at least 1.5 persons per dwelling so the necessary storage can be accommodated to the Waste Officer's satisfaction. Collection will be possible from the non-adopted shared access road and the turning head is an appropriate construction and solution to serve both this development and the flats to the west.
- 8.59 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety, Car Parking, Cycle Parking and Accessibility**

- 8.60 Policy 8/6 cycle parking standards require at least 1 cycle space per bedroom, with appropriate visitor parking. Policy 8/10 allows for a maximum of 1 car parking space on site for dwellings of up to two bedrooms, and expects at least 1.5 visitor spaces per 4 dwellings.
- 8.61 The proposal is 'car free' for residents, which is within the adopted 2006 local plan standard *maximum* threshold of no more than 1 car per up to 2-bedroom property. In this instance the amended plans have proposed two spaces for disabled parking with space for appropriate spacing and clearance around them (although amendments are requested to show disabled bays with a hatched access strip to both sides of the bay) and 3no. visitor and loading / delivery bays are shown alongside the northern perimeter access road. Amended plans and a condition for the access road design should ensure there is no manoeuvring conflict between the parking spaces shown, and these will be presented prior to the Committee meeting within Amendment documents, and will be discussed within the meeting. In summary, there are no highways concerns from the parking provision proposed.

- 8.62 The location is highly accessible to local shops and services and the public transport route along Histon Road, and these proposals improve safety and connectivity of walking and cycle connections within the site perimeter, providing an open environment with lighting and suitable levels of natural surveillance. The adjoining car parking and access roads around the supermarket and petrol filling station are however fairly convoluted and not convenient or particularly safe but this has already been found to be acceptable by a planning inspector for the site to the west.
- 8.63 Cycle parking is proposed for each dwelling within communal secure storage and with appropriate access paths, to the necessary standard. The landscaping proposal includes 3no. Sheffield hoops for 6no. visitor bikes in the central entrance area. The expected amended plans should demonstrate the Block A cycle and refuse stores to have convenient access from the main entrance, as is the case with Block B.
- 8.64 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

### **Sustainable Drainage**

- 8.65 The proposals include a sustainable drainage strategy with a 54m<sup>3</sup> capacity of attenuation tank beneath the disabled parking spaces, which is an appropriate location. The proposals seek to reduce the impermeable area of the site which is currently entirely hard-surfaced, by introducing soft landscaping and permeable paving, and then dispose of the surface water to the existing sewer system as per the current arrangement, but using a slower run-off rate via storage in the attenuation chamber.
- 8.66 Although the NPPF and NPPG expect a betterment of the situation with proposals which follow the drainage hierarchy, this appears to be an appropriate solution; there will be some natural infiltration via the soft landscaping and permeable surfaces, but given the lack of rapid infiltration capacity due to the underlying clay geology the attenuation should allow for collection and slower discharge to prevent overloading. The chamber attenuation tank is sized to accommodate a 1 in 100 year with climate change flood event, which is expected.

- 8.67 The City Council Drainage Engineer has confirmed the proposed and amended drainage strategy is acceptable subject conditions to secure the final details of the drainage network and it's management, which should demonstrate a relationship with the contamination remediation plan to demonstrate the proposals will not result in a release of contaminants to the groundwater. A further condition will ensure a water drainage flood evacuation plan can demonstrate flood containment and safe self-evacuation routes.
- 8.68 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/18 and the expectations of the NPPF and NPPG.

### **Biodiversity**

- 8.69 The application amendments include a bat and ecology report. Given the former trees were removed from the site before the surveys were undertaken it cannot be conclusively shown that bat roosting didn't used to take place, but the building does not house bats. It is considered necessary for the development to promote and enhance biodiversity, by using conditions to include integral bird and bat boxes within the fabric of the building as well as externally, and use of boundary treatments which include hedgehog gaps. These will be closely related to the landscaping scheme to try and introduce a green infrastructure connection to the woodland and open space to the south.
- 8.70 In my opinion subject to the conditions the proposal is compliant with Cambridge Local Plan (2006) policies 4/3 and 3/1.

### **Archaeology**

- 8.71 In June 2015 an archaeological evaluation was conducted at 149 Histon Road to the west for planning application 14/1254/FUL (Historic Environment Record reference ECB4466). This evaluation revealed no archaeological features although artefact evidence of prehistoric occupation was recovered from the subsoil. Based on the above evidence the County archaeologist department felt that the archaeological potential in this site area was low so has no objections or requirements for this proposed development.

8.72 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/9.

### **Planning Obligations**

8.73 I am in the process of liaising with service managers to establish whether there are deficiencies in the provision of indoor/outdoor sports facilities/open space/space for children and teenagers' facilities in the local area. The same applies to the receipt of planning obligation contributions for education in the local area. If this can be established then there would be grounds for seeking commuted payments to secure improvements to these facilities / resources. This process will take some time to resolve therefore I would request delegated authority from Committee to conclude discussions with service managers and to negotiate with the applicants and either:

a) Secure commuted payments towards appropriate projects to mitigate the impacts of the development on local infrastructure

Or

b) Accept that it is not appropriate to seek commuted payments towards some or all of the local infrastructure categories in this case because such contributions would not be compliant with the CIL Regulations.

8.74 It is my view that if these deficiencies are evident and the consultation partners can confirm that no more than five contributions would be 'pooled' into the same funding resource for addressing such deficiencies, then the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

Affordable Housing

8.75 The development is required to make provision for affordable housing and I have assessed the proposals for affordable housing above. The detail of the Affordable Housing Scheme can be secured through a Section 106 Agreement. It will be necessary to ensure the planning obligations include

appropriate clauses to ensure the timely provision of affordable housing (i.e. readiness for occupation) in relation to the occupation of market housing. This will ensure the site is not available for further subdivision nor left incomplete if Block A is built first and no Registered Provider is lined up.

- 8.76 Subject to the completion of a S106 planning obligation to secure the requirements of the Affordable Housing SPD (2008), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/5 and 10/1 and the Affordable Housing SPD (2008).

## **9.0 CONCLUSION**

- 9.1 Given the site characteristics, and the wider opportunities across the rest of the allocation, I consider this to be an appropriate design-led approach and response to site constraints, which is preferable to adhering to a strictly policy-compliant mix of units which could result in a compromised design and lower dwelling numbers in this part of the site.
- 9.2 It is not considered necessary to challenge the lack of comprehensive delivery of the remainder of the allocation if this scheme is to come forward in a manner which is broadly compatible with, and able to improve upon, the adjoining development at 149 Histon Road. I consider the development creates a successful scheme within its own constraints, and ensures it does not unduly compromise the delivery of the rest of the allocation.
- 9.3 The design is successful in following the theme of the approved adjoining development to the west, maintaining a built form that is characteristic to this part of the allocation environment, and reducing the impact on neighbouring residents (e.g. traffic noise and overlooking) whilst providing an acceptable degree of amenity for future residents, accessible and in proximity to facilities.

## **10.0 RECOMMENDATION**

**1. APPROVE** subject to the prior completion of a S106 Legal Agreement to secure the provision of 40% affordable housing and contributions towards infrastructure provision, 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. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

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

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

10. There shall be no commencement of the development hereby permitted until surface water drainage strategy has first been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 30% an allowance for climate change.

The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. provide an assessment of the site capacity to contain surface flood waters within the site and prevent surface water flooding elsewhere as a result of this development;
- iii. provide details which demonstrate a relationship with the contamination remediation plan to ensure the proposals will not result in a release of contaminants to groundwater;
- iv. provide details of the surface water flood risk events and safe evacuation routes from the site; and
- v. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with details subsequently approved, and shall be made operational upon first use of the development. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent surface water flooding in this site and elsewhere as a result of the development, and to ensure appropriate safety and amenity for residents in the event of flooding (Cambridge Local Plan (2006) policy 8/18 and the expectations of the NPPF and NPPG).

11. 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)

12. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

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

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

13. 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)

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

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy4/13

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

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

16. 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, and the details of the design and treatment of the canopies, have first been submitted to and approved in writing by the local planning authority. The details shall include samples of the facing brick and inset brick panels being provided on site. 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)

17. There shall be no commencement of development until full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing have first been submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To provide a high quality of design across the development (Cambridge Local Plan (2006) policies 3/4 and 3/12).

18. There shall be no commencement of development until full details of all windows and doors, as identified on the approved drawings, including materials, colours, surface finishes/textures and reveal depth have first been submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To ensure a high quality of design across the development (Cambridge Local Plan (2006) policies 3/4 and 3/12).

19. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The details shall include all of the proposed boundaries, including the boundary treatment subdividing the private gardens, those dividing the private gardens from the footpath, and those forming the boundary between the application site and the consented residential development scheme to the west and the existing industrial land to the south, and the cat park to the east. The boundary treatments shall all be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

20. Prior to the commencement of development, with the exception of the demolition of the existing buildings on the site, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the following details:
- a) The total predicted energy requirements of the development, set out in Kg/CO<sub>2</sub>/annum.
  - b) A schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, location, design and a maintenance programme.

Reason: In the interests of reducing carbon dioxide emissions. (Cambridge Local Plan 2006 8/16).

21. The development shall be constructed to the Energy Efficiency and Design specifications listed within Section 9 of the submitted Sustainability Report (Dated 2015), and shall include the energy efficiency features for residents included therein, which shall be made available for use upon first occupation of the development, and shall be retained thereafter unless any variation is first agreed in advance in writing with the local planning authority.

Reason: To ensure the development optimises the energy efficiency within the development in the interests of sustainability (Cambridge Local Plan (2006) policy 3/1).

22. Development shall not commence until a water efficiency strategy has first been submitted to and approved in writing by the local planning authority, which shall include details of measures to reduce household water consumption and provide rainwater harvesting or similar for use in the communal landscaping areas. The features shall be installed in accordance with the details so approved, and shall be made available for use upon first occupation of the development, and shall be retained as such thereafter.



Reason: In the interests of sustainability and reducing the demands on surface water storage strategy (Cambridge Local Plan (2006) policies 3/1 and 8/16).

27. No development shall commence until the details of the shared access road into, through and connecting to the site to the west have first been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The access road designs shall demonstrate the following:

- i. a 'shared surface' approach to the design, layout and geometry, and landscaping materials thereof;
- ii. appropriate materials and routes for safe and convenient access by cyclists and visually-impaired pedestrians;
- iii. appropriate provision of visitor and disabled / loading parking bays, which shall be sited to ensure a safe relationship with the junctions of the disabled parking bays provided within the site;
- iv. appropriate landscaping within and alongside the road such as to create a high quality setting to the development whilst allowing vehicles to pass, without necessarily being a full-width access road which could encourage faster vehicle speeds or allow room for ad hoc parking; and,
- v. appropriate lighting.

The development shall be constructed in accordance with the details subsequently approved, and shall be made available and operational on first occupation of any dwelling within the development.

Reason: To provide a high quality of design and landscaped setting to the development, to ensure a safe, convenient and attractive public realm and connections with the site to encourage walking and cycling (Cambridge Local Plan (2006) policies 3/7, 3/11, 3/12, 8/2 and 8/4).

28. No development shall take place until full details of both hard and soft landscape works have first 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 sufficient planting to replace and enhance the biodiversity and biomass lost from the removal of previous protected trees on site; proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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

29. A landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: 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)

30. The windows to all the bathrooms in both blocks of the development hereby permitted 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 each relevant dwelling) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity for future residents, given that many windows are at ground floor level and there is expected to be residential development of adjoining sites to both south and west (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

31. Prior to the commencement of development, a detailed ecological mitigation and enhancement strategy shall be submitted to and approved in writing by the local planning authority, to include the following details:
- i. lighting strategy;
  - ii. bat and swift boxes integrated into the building envelope;
  - iii. bird boxes fitted externally to the development or as may be possible within the landscaping scheme;
  - iv. hedgehog and other access points through the boundary treatments.

The scheme shall be implemented in accordance with the approved details.

Reason: To protect and enhance biodiversity interests (Cambridge Local Plan 2006, Policy 4/3)

32. Before any dwelling within the development hereby permitted is occupied, a scheme for the insulation of any plant and machinery, including mechanical ventilation and heat recovery systems, in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented within each dwelling before the relevant dwelling hereby permitted is first occupied.

Reason: To protect the amenities of neighbouring and future residents (Cambridge Local Plan (2006) policy 4/13).

33. Prior to the first occupation of any of the dwellings, hereby approved, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the headgear cowling, the spacing and height of lighting columns), the extent/levels of illumination over the site and on adjacent land and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

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

34. Prior to the commencement of development, excluding the demolition of the existing buildings on the site, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully operational prior to occupation of any dwelling, or as agreed in writing with the local planning authority. No development shall take place other than in accordance with the approved scheme.

Reason: To ensure the provision of adequate water supply infrastructure to protect the safe living environment for all users and visitors (Cambridge Local Plan 2006 policies 3/7, 3/12 and 8/18)

35. There shall be no occupation of the development hereby permitted until a public art feature has first been installed and made available for public appreciation, to be sited within the development in the location shown on the approved site plan or in the elevations to Block B, in accordance with the design details of a scheme to be first submitted to and approved in writing by the local planning authority.

Reason: To provide public art, to contribute to residential amenity and to promote a sense of identity to the development (Cambridge Local Plan (2006) policy 3/7).

36. There shall be no occupation of any dwelling within the development hereby approved until the footpath and amenity space leading to the southern boundary of the development site have first been provided in accordance with the details of the landscaping plan required by this permission, and shall thereafter be retained as such unless any variation is first agreed in writing by the local planning authority.

Reason: To provide a suitable environment for residential amenity and to safeguard the opportunity to create a possible future access to the south to promote accessibility to shops, services and public open space, permeability and community cohesion within the housing allocation land (Cambridge Local Plan (2006) policies 3/6, 3/7, 3/11, 3/12, 5/1 and 8/4).

37. There shall be no occupation of any dwelling within the development hereby permitted until the details of a car parking and site management plan have first been submitted to and approved by the local planning authority, to include details of the arrangements to prevent ad hoc parking within the site and to ensure continued availability of disabled and visitor parking. The site shall thereafter be managed in accordance with the approved details.

Reason: To ensure the site is not subject to parking which might prevent access for visitors and disabled persons, to maintain the safe passage of cyclists, pedestrians and those with restricted mobility, and to maintain the integrity of the landscaping scheme (Cambridge Local Plan (2006) policies 8/2, 8/4 and 3/7).

38. 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 and maintaining convenient access for pedestrians and cyclists (Cambridge Local Plan (2006) policies 8/2 and 8/4).

**INFORMATIVE:** The applicant and developer are advised that the Council Environmental Protection Team would expect the contamination assessment required under conditions 3 - 8 to include the following measures:

- o The sampling strategy should also target the proposed landscaped areas.
- o Soil samples should be collected from all locations (and depths) and tested for the wide suite of contaminants presented in table 10.6
- o A photoionisation detector (PID) is used on the site to screen the soil samples for the presence of volatiles. The results should help decide which samples will be tested for VOCs.

Further, in proposing a remediation strategy the proposals should ensure a suitable medium for private garden spaces is possible, which may need to differ from that of communal landscaping.

**INFORMATIVE:** The site investigation, including relevant soil, soil gas, surface and groundwater sampling should be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling, analysis methodology and relevant guidance. The Council has produced a guidance document to provide information to developers on how to deal with contaminated land. The document, 'Contaminated Land in Cambridge- Developers Guide' can be downloaded from the City Council website on <https://www.cambridge.gov.uk/land-pollution>. Hard copies can also be provided upon request

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

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

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

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

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

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

**INFORMATIVE:** Dust condition informative

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

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

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

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

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

**2. Delegated authority to complete a Section 106 Agreement in accordance with paragraphs and 8.73 – 8.76 of my report.**

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



**PLANNING COMMITTEE**

**Date: 6<sup>th</sup> January 2016**

<b>Application Number</b>	15/0519/OUT	<b>Agenda Item</b>	
<b>Date Received</b>	23rd March 2015	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	22nd June 2015		
<b>Ward</b>	Arbury		
<b>Site</b>	295 - 301 Histon Road Cambridge Cambridgeshire CB4 3NF		
<b>Proposal</b>	Outline application with all matters reserved except for access for the demolition of all structures on site and development of 27 dwellings.		
<b>Applicant</b>	c/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan.</p> <p>The proposals would not be detrimental to the character of the area.</p> <p>The proposals would not be detrimental to highway safety.</p> <p>The proposals would not be detrimental to residential amenity.</p>
RECOMMENDATION	Delegated Approval

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site, which is known as the ‘Former Scotsdale Laundry and Nursery Site’, extends to approximately 0.8 hectares in area and is located on the west side of Histon Road.
- 1.2 The site accommodates a number of buildings, Nos. 297-301 Histon Road located in the south-eastern corner of the site (used as offices, a dwelling and dance/martial arts studio) and a building previously used as a squash court facility located adjacent to the western boundary. The southern section of the site comprises hardstanding and parking whilst the northern

section is grassed/scrubland. The site is bounded by mature conifer trees along the majority of the southern and western site boundaries. There is an existing vehicular access to the site which is obtained to the south adjacent to No.303 Histon Road. Beyond the western edge of the site, this continues to form a pedestrian link to the Darwin Green development further to the west, although this is not a formal public right of way.

- 1.3 The site is surrounded by residential development on all sides. This consists of two-storey detached and semi-detached houses to the east (Histon Road) and west (Cavesson Court), two-storey detached houses to the north (Chancellors Walk) and bungalows and two-storey houses to the south (Carisbrooke Road and Tavistock Road).
- 1.4 The site comprises an allocated housing site (site 5.17) in the Cambridge Local Plan 2006 and part of the rear garden of No.309 Histon Road.
- 1.5 The squash courts have recently been added to the Council's list of Assets of Community Value.

## **2.0 THE PROPOSAL**

- 2.1 Outline planning permission is sought for the demolition of all structures on site and the erection of 27 dwellings. All matters, other than the means of access, are reserved for further consideration under submission of 'reserved matters'.
- 2.2 An illustrative masterplan has been submitted as part of the application. This indicates that the development could range from 2-3 storeys in height, with a 3 storey block of flats in the position of the existing squash courts, 2 storey dwellings adjacent to the access and four lines of terraces providing a mix of 2, 3 and 4 bedroom houses.
- 2.3 The Design and Access Statement indicates the following mix of dwellings may be appropriate:
  - 9 x 4-bed houses
  - 3 x 3-bed houses
  - 5 x 2-bed houses
  - 1 x 2-bed bungalow
  - 6 x 2-bed flats

- 3 x 1-bed flats

2.4 It is anticipated that the established boundary planting would be retained and enhanced, whilst existing trees identified as being of poor quality in the Arboricultural Impact Assessment are proposed for removal. An area of public open space (405 square metres) is proposed to the rear of the proposed block of flats. It is intended that parking would be provided at a ratio of 1.59 spaces per unit.

2.5 Access to the site would be gained via the existing driveway, which would be modified and reoriented slightly to the north of its existing position. The submitted drawings show that the access would be 5 metres wide, with a 1.8 metre wide footpath to one side.

2.6 The application is accompanied by the following information:

- Design and Access Statement
- Planning Statement
- Arboricultural Survey and Implications Assessment
- Drainage and Utilities Report
- Archaeological Desk Based Assessment
- Ecology Survey
- Bat Survey
- Reptile Survey
- Transport Statement and Travel Plan
- Public Art Strategy
- Desk Top Contamination Assessment
- Sustainability Checklist

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/0493/FUL	Temporary change of use from A1 (shop) to D2 (assembly and leisure) (No.297)	Approved subject to a condition requiring the use to be discontinued before 28 <sup>th</sup> February 2016.

13/1227/FUL	Change of use to D2 use class – assembly and leisure (No.297)	Refused
C/86/0226	Change of use from residential to offices (No.301)	Refused. Appeal allowed
C/81/0372	Change of use from laundry and dwelling house to retail sales shop and showroom with ancillary office and workshop (Nos. 297/299)	Approved

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

##### 5.1 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/8 3/11 3/12 4/4 4/7 4/9 4/13 4/16 5/1 5/5 5/9 5/10 5/12 5/14 6/1 8/2 8/3 8/4 8/5 8/6 8/10 8/11 8/16 8/18 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012
-----------------------------	---

	<p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Affordable housing</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

### 5.3 Status of Proposed Submission – Cambridge Local Plan 2014

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 submitted to the Secretary of State on 28 March 2014 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.

The Examination hearing sessions commenced in November 2014. Following an exchange of letters on 28 July 2015 the Inspectors agreed to formally suspend the Examination into the Local Plan until March 2016 while further work was carried out.

For the application considered in this report, the following Policy in the emerging Local Plan is of relevance.

Policy 26 Site specific development opportunities – Site R1

## **6.0 CONSULTATIONS**

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

- 6.1 Accepts the conclusions of the Transport Statement. At the detailed design stage, it is recommended that a pedestrian and cycle link through the site to the NIAB development should be sought. The Highway Authority would be willing to adopt such a link if the main access is adopted. The access must have a minimum carriageway width of 5m for a distance of 15m back from Histon Road. Any permission must be subject to conditions requiring the following: no unbound material within 15m of highway boundary; no gates; provision of access before occupation; access drainage; provision and retention of manoeuvring; traffic management plan.

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

- 6.2 No objections subject to the following conditions being added to any consent:

- Construction management plan
- Contaminated land
- Plant noise insulation
- Waste and recycling for both the flats and houses

## **Policy Manager**

### Original comments

- 6.3 The site is an allocated site 5.17 for residential development in the 2006 Local Plan. Policy 5/1 states that:
- 6.4 “These sites and provision are safeguarded and development for alternative uses will not be permitted except: a. as provided for in Policies 9/4 to 9/9 of the Proposals Schedule; or b. for additional floorspace for established firms for their own occupation and use on their existing site.”
- 6.5 The supporting Proposals Schedule of the Local Plan does not list all the possible constraints of a site allocation as the plan is intended to be read as a whole, with relevant policies being applied on a case-by-case basis.”
- 6.6 Policy 6/1 only supports the loss of a leisure facility if: it can be replaced to at least its existing scale and quality within the new development; or the facility is to be relocated to another premises or site of similar or improved accessibility to its users.
- 6.7 The site is allocated as Site R1 for housing in the 2014 Local Plan with an indicative capacity of 32 dwellings. During the Consultation in Summer 2013, Sport England objected on the basis that the allocation would result in the loss of an existing sports facility (the squash club) without any replacement provision being required or an assessment being carried out that shows the facility to be surplus to requirements. The text for this allocation was amended accordingly to state that development was dependent on the re-provision/relocation of the squash courts or evidence to demonstrate lack of need now and in the future.
- 6.8 The Submission Local Plan was consulted upon from July – September 2013 and submitted to the Secretary of State in March 2014 but cannot be afforded considerable weight at this stage.

- 6.9 Whilst the proposal is compliant with the current housing allocation and Policy 5/1, albeit at a lower capacity than envisaged in the SHLAA assessments of 2012 and 2013, there is no evidence to explain how the proposal complies with Policy 6/1 which protects leisure facilities. Further information is required to assess the impact, if any, on Cambridge Squash Club and their ability to play squash at alternative locations.

Revised comments following further information submitted

- 6.10 The applicant has submitted a Counsel's Opinion from Simon Bird QC in respect of the interpretation of the 2006 Cambridge Local Plan and, in particular, the allocation of the site (site 5.17) for residential development under Policy 5/1 of the adopted Local Plan 2006 and the loss of the squash courts on the allocated site. Counsel for the City Council has given advice which in large measure concurs with that of Simon Bird QC as to the correct interpretation of the development plan.
- 6.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. The interpretation of the development plan is a matter of law. In the instance of this allocation, the site is specifically safeguarded by Policy 5/1 for the provision of residential development and the allocation does not make any express provision for the retention of or reintroduction of the leisure use. Policy 6/1 is a more general policy which is considered, as a matter of construction, to apply to unallocated or windfall sites, where there is a leisure use, rather than to allocated sites under Policy 5/1 where no provision is made as part of the allocation for retention of the leisure use. Moreover, in the instance of this site, Policy 6/1 is not identified specifically in the Proposals Schedule in relation to this site allocation and it must therefore follow that, in adopting the Local Plan 2006, the Council was content to see the loss of the leisure use as a result of the allocation of the site in that Plan. If its retention had been considered essential or appropriate, it would have been included in the Proposals Schedule as a key consideration.



## Urban Design and Conservation Team

- 6.12 The proposed residential use and means of access to the site are acceptable in design terms although it is noted the development is not proposed to provide the number of units indicated in the Draft Local Plan.
- 6.13 The Illustrative Masterplan raises a number of concerns and is unlikely to be supported in its current form for the following reasons:
- Any Reserved Matters application should include details of the footpath link to the Darwin Green site.
  - The scale and massing of the units has been revised in response to concerns raised at the pre-application stage (including reducing the scale of plots 1-5 from 3-storeys to 2-storeys) and is considered acceptable and to have the potential to relate well to the scale of surrounding houses.
  - The layout raises a number of overlooking concerns – proximity of plots 16/17 to the site garden boundary and gable end of plot 20 results in a poor outlook and potential overlooking to the adjacent garden; plot 23 may be overlooked from plots 20-23; plots 5 and 15 may be overlooked by windows in the east side elevation of the flats.
  - Windows should be added to the gable walls of plots 5, 15, 20 and 23.
  - Planting required to the southern boundary to compensate for the loss of the leylandii and maintain the outlook from existing bungalows.
  - The parking spaces for plots 20-22 and 23-27 are poorly related to units.
  - Detailed cycle and refuse storage details would need to be provided as part of any reserved matters application.
- 6.14 With regard to the possibility of designating No.299 Histon Road as a Building of Local Interest (BLI). The building appears to be one of the few nursery owner's houses left and has more local historical value than architectural value. The house is not considered worthy of BLI status architecturally and its local history value is not sufficient to push it into that category.

## **Head of Streets and Open Spaces - Landscape Team**

- 6.15 Supports the demolition of the buildings and proposed tree removal, including the removal of the leylandii along the southern boundary. However, there should be some form of reinstatement along the boundary to protect the outlook from houses in Tavistock Road. To achieve this, a planted buffer of not less than 1.5m is needed from the point where the access drive reaches the main part of the site. Given the outline nature of the application, it is not possible to provide further landscape comments at this stage.

## **Head of Streets and Open Spaces - Nature Conservation Officer**

- 6.16 Supports the survey work that has been undertaken and the recommendations contained therein. Given the biodiversity value of the site, some thought should be given to the preservation of some of the mature fruit trees within public open space or private gardens. This could be complemented with a planting scheme of native wildlife species. The provision of a range of integral bird and bat boxes within the scheme is supported and this could be dealt with by condition. The building was identified as a roost for Common Pipistrelle and a Protected Species Licence would therefore be required and a suitable method statement for demolition and mitigation provided. The latter could be secured by way of condition whilst an Informative would need to be added advising of the need to obtain a Licence.

## **Sustainability Officer**

- 6.17 Supports the overall approach to sustainable design. However, any Reserved Matters application will need to be accompanied by a more detailed Sustainability Report. Whilst renewable energy provision can be dealt with by condition, it is important that more information in relation to the range of technologies that are/have been considered is submitted as part of this outline application to provide confidence that 10% can be met on site.

## **Sustainable Drainage Engineer**

- 6.18 Drainage from the existing site appears quite scarce and there appears to be no formal surface water drainage for the external areas. The proposal for a discharge rate of 16 l/s could potentially increase flood risk in the area. A more appropriate figure would be 5 l/s. This can be secured by way of a planning condition requiring the submission of a satisfactory surface water drainage scheme before occupation of any dwelling.

## **Access Officer**

- 6.19 In order to assist blind people, the shared street scape needs a combination of route finding colouring, upstand, and change in texture.

## **Cambridgeshire County Council Education**

- 6.20 The County Council would require the following contributions to be paid:
- Primary School - £36,450. The development falls within the Mayfield Primary School catchment area. However, the School is unable to expand. Therefore the County Council's proposed solution to mitigate this and other developments in the area is to expand Kings Hedges Primary School.
  - Secondary School – none. The development falls within the Chesterton Community College catchment for which there is currently insufficient capacity. The development would require a contribution of £41,040. However, as this School already has 5 S106 Contributions pooled, the County Council is unable to seek further contributions. Therefore no secondary education contributions are now required for this development.
  - Monitoring fees - £200

## **County Archaeology**

- 6.21 Records indicate that the site lies in an area of high archaeological potential. A condition requiring a programme of archaeological investigation to be carried out before commencement of any development should be added to any permission.

## **Sport England**

### Original comments

- 6.22 The site currently contains Cambridge Squash Club and a martial arts/fitness centre. The site does not form part of a playing field and Sport England has therefore considered the proposal as a non-statutory consultation. However, Planning Practice Guidance for Open Space, Sports and Recreation Facilities states Sport England should be consulted on developments resulting in the loss of major sports facilities.
- 6.23 Sport England has consulted England Squash and Racketball (ESR), the national governing body for the sport in England. They oppose the redevelopment of Cambridge Squash Club as it is an important facility for squash in the Cambridge area that, if lost, would have a negative impact on the delivery of the sport in Cambridgeshire.
- 6.24 The club has played a key role in the development of squash in the Cambridge area and many players will be lost to the sport if the facility is lost. Provision for squash has improved with the addition of five courts at the University site, but these are not a direct replacement for the CSC facility as there will be many other competing users, and the club will not be able to hold its own events and will have to field a smaller number of teams in local competitions and leagues.
- 6.25 ESR would welcome the opportunity to be involved in a facilities needs assessment that should be carried out before a decision is made on the future of this site.
- 6.26 CSC contains 4 courts. It is the only dedicated squash facility in the city, with 195 members at the time of closure in April 2015. The courts at the University are limited to set times in the schedule, and capacity to allow members to play when they want has been severely reduced. There is no existing assessment of indoor sports facilities in the Cambridge area that fulfils this requirement, nor has any evidence been provided demonstrating a lack of need for the facility. Recent membership numbers indicate increased demand. No replacement facilities have been provided in the application or on an alternative site. The same concerns relate to the loss of

the martial arts/fitness centre on the site, which is also understood to have an active and growing membership.

6.27 Sport England objects to the application as the proposal would be contrary to para 74 of the NPPF and Local Plan Policy 6/1 as existing facilities would be lost without demonstrating that they are surplus to requirements and/or without suitable alternative provision being made to compensate for the loss.

6.28 Would consider the development if:

- Facilities are retained within the proposals; or
- An assessment of need for facilities within the Cambridge area demonstrates they are surplus to requirements; or
- Replacement facilities of equivalent quality and quantity are provided at a suitable site to meet the needs of existing members.

#### Comments regarding additional information

6.29 The applicants have submitted additional information that seeks to demonstrate that sufficient squash courts would remain in the Cambridge area to meet current and future needs.

6.30 The work submitted does not constitute a robust assessment of squash provision in the Cambridge area as it does not follow the recommended methodology for such an assessment set out in the Planning Practice Guidance. Sport England therefore maintains its objections to the proposal.

6.31 To be sufficiently robust, an assessment would need further work in the following areas:

- Audit – this is a basic quantitative audit of facilities rather than a full assessment of facilities in terms of quantity, quality, accessibility and availability.
- Demand – this needs to follow the methodology more closely in terms of data/tools used and assess demand at peak periods, latent/future demand, geographic spread etc.
- Consultation – there should have been full consultation with relevant bodies such as the club, national governing bodies etc
- Supply/Demand Assessment – a detailed assessment of the relationship between supply and demand would need to be

undertaken across the four elements of quantity, quality, accessibility and availability.

[Officer note: The further details referred to in the preceding paragraph 6.31 have not been sought by Officers in light of the additional legal advice that has been received since these comments were made]

### **Police Architectural Liaison Officer**

6.32 Raises no objections to the proposal. Advises that crime levels in the vicinity of the site are relatively low. The entrance road is currently very narrow with dense foliage to the southern side and with no street lighting. The removal of the leylandii is welcomed as it would make the route feel safer whilst it is also noted that, in order to be adopted, street lighting would be necessary. The application refers to a cycle link through the site to Darwin Green. It is questioned whether this is necessary given the number of other links already proposed to Darwin Green. For this to be considered a link, it would need to be formalised, otherwise it would be unsafe.

### **Cambridgeshire Fire & Rescue**

6.33 No objections subject to a fire hydrants condition being added to any permission.

## **7.0 REPRESENTATIONS**

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

- 2 Carisbrooke Road
- 2a Carisbrooke Road
- 9 Cavesson Court
- 21 Chancellors Walk
- 296 Histon Road
- 305 Histon Road
- 311 Histon Road
- 313 Histon Road
- 33 Martingale Close
- 35 Martingale Close
- 156 Richmond Road

7.2 3 further representations have been received with no address supplied, whilst 88 members of the Squash Club (including the Squash Club itself) have also commented. The representations can be summarised as follows:

### 7.3 ***Loss of squash club***

- Cambridge Squash Club (CSC) has been going for over 30 years and is the only dedicated squash club in Cambridge. There has been a 70% increase in membership in the last 3 years and the club is now operating at close to maximum capacity.
- CSC has 6 men's and 2 ladies' teams catering for a wide range of standards. It has over 200 members, strong community links and provides award-winning coaching. It hosts local to international tournaments and has school outreach programmes. It is home of the national doubles tour and has a large internal league system of over 25 leagues. The club competes in every league and at every level in Cambs. It is a proper club environment with bar and catering facilities allowing for the social side of sport too. Team squash is a way of developing new players and improving performance and the loss of the club would be significant.
- Clubs such as CSC can have a huge impact on personal development. They are vital to ensuring we offer future generations the full range of opportunities to find sport they enjoy.
- Many people used the CSC facility at lunchtime, either living or working nearby.
- Loss of facility will have a negative impact on local businesses in the Science Park etc for whom the facility has been very popular.
- CSC is the only squash club of its kind in Cambridge. The only courts of comparable quality are at the University Sports Centre which is hard for local residents to access at lunchtime, has no available daytime parking, no online booking system, no viewing gallery, and means the community is tied to their regulations – eg – ban on daytime

use of courts during a 3-4 week exam period and priority booking for university members. This facility also has no bar area and cooking facilities.

- Courts at Cambridge University Press have recently been demolished and Abbotsley Squash Club has shut down resulting in a large-scale loss across the County.
- The closest site offering a similar squash club is Hunts County. They are already close to capacity and, due to the distance, this is not a realistic alternative.
- The proposal would conflict with the NPPF and Local Plan Policy 6/1 and emerging Local Plan Policy which states a sports facility must only be demolished in exceptional circumstances where there is no longer a need for the facility.
- A needs assessment should be carried out before any planning decision can be made about the loss of the facility.
- Cambridge is over-burdened with housing without the infrastructure and facilities to support it.
- A replacement facility could be incorporated into the new development.
- In February 2015, the site was added to the Council's List of Assets of Community Value

### ***Impact on character of area***

- The development is too dense for the site
- The development will result in a loss of trees that have at least 20 years of life left in them
- Landscaping incorporated into gardens should be required to be protected
- 299 Histon Road is an attractive building and should not be demolished. Can it be designated as a Building of Local Interest?



## ***Residential Amenity***

- Existing conifers on two of the boundaries provide some privacy to residents in Carisbrooke Road and Cavesson Court.
- Loss of light to and overlooking of 311 and 313 Histon Road, notably from plot 19.
- Plot 19 does not form part of the allocation and should be omitted. It is contrary to Policy 3/10. This plot would also look directly into No.305 Histon Road. If included, this dwelling should be single-storey only.
- The flats will result in a loss of privacy and light to 33 Martingale Close.
- Part of No.2 Carisbrooke Road has been omitted from the plans suggesting the impact has not been properly considered.
- Plot 1 is next to No.305 Histon Road's workshop. There should be no windows in the side elevation to prevent overlooking.
- Traffic calming measures would slow vehicle speeds but result in noise to local residents. This needs to be considered.
- Link to NIAB development would result in undue noise and disturbance to local residents.
- Construction vehicles may result in noise disturbance and damage to nearby property.
- Reiterate concerns expressed by Police about increased crime that would arise from the proposed link.
- Proposed street lighting would impact amenities of residents to the south in Tavistock Road.

### ***Access/Highway Safety***

- The access will be an increased hazard for bikes and pedestrians due to the proximity to the Carisbrooke Road junction.
- Increased traffic would give rise to highway safety problems.
- Fence adjoining 2a Carisbrooke Road reduces sightlines.
- Safety problems will be exacerbated by the traffic calming feature and narrowing.
- There appears to be insufficient space for the access improvements
- This is a busy route for children walking to school thereby exacerbating safety concerns.
- Access for the development is to join Histon Road, increasing the need for a pedestrian and cycle crossing in the vicinity of the Histon Road/Carisbrooke Road bus stop.
- Traffic studies have not taken account of the access link to Darwin Green and increased traffic that would result.

### ***Affordable housing***

- The site should provide for affordable housing

### ***Infrastructure***

- The school in the catchment area is over-subscribed

### ***Other matters***

- Measurements suggest there is insufficient space for the proposed access. Proof of ownership of the lane should be provided

- 7.4 English Squash and Racketball (ESR) – National governing body for squash oppose the development as it would result in the loss of an important facility that would have a negative impact on the sport in Cambridgeshire. CSC has played a vital

role in supporting and developing squash in Cambridge and the wider area in developing new players and providing a community focused facility. The club offer coaching, competitions and opportunities to play across the full range of abilities. It was the only facility with 24 hour access. Other facilities are not as flexible and this will have a negative impact on participation. Some players will be able to move to other facilities but many won't. There are no other suitable courts servicing the north part of the City and the loss of the facility close to the science park and A14 will result in a drop in participation, especially due to the loss of lunchtime leagues. As an ideal venue for events, CSC has held the County Championships for juniors and adults many times and has held other events. The USC courts do not make up for the loss of this facility due to limited capacity, limited opening times, no food and drink, parking problems.

- 7.5 Sustrans comments that the proposed location and accessibility of residents' cycle parking is poor. Cambridge's Cycle Parking Guide specifies minimum garage dimensions if garages are intended to provide cycle storage. The Guide does not support sheds in back gardens. The site should also be developed at a higher density.
- 7.6 A letter of support has been received from Abbey Homes. Abbey Homes comments that it is currently developing a mixed private/affordable scheme at Orchard Park and that the opportunity of a further development in the area to meet market needs is welcomed. The view is that there is an ever-increasing need to deliver more market and affordable homes to help with the housing/affordability shortage.
- 7.7 In response to the evidence submitted by the applicant's agent regarding squash demand and supply in Cambridge, 6 further objections have been received from members of CSC who comment as follows:
- The additional information misrepresents facts. It assumes that all squash court time bookings are equal. It uses national statistics for participation rates. It assumes participation at a rate of once per week. Demand for courts is therefore far higher than stated. Travel time is ignored so a sport previously accessible for lunchtime sessions is no longer available. It quotes national participation figures that

are counter to CSC's experience. It fails to consider accessibility of alternatives. It ignores quality of facilities. It quotes NHS exercise guidelines.

- The number of sessions quoted is disputed as the assessment ignores under 16's.
- Assessment should cover peak period need as clarified in para 73 of the 2014 Local Plan. The needs of peak/evening usage need to be taken into account.
- Some of the quoted alternative facilities (eg – David Lloyd) are expensive private gyms.
- At least 4 of the alternative facilities are well outside the Cambridge area.
- Kelsey Kerridge facility is poorly maintained and would not attract the level of players that participate at CSC.
- Frank Lee has 2 rather than 3 courts and members have to be nominated by Addenbrookes Hospital.
- Cambridge Science Park courts were demolished in 2010.
- Neither of the two nearby senior schools have squash courts.
- Assessment ignores importance of CSC as a club

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of the site design and external spaces
3. Residential amenity
4. Highway safety

5. Car and cycle parking
6. Refuse arrangements
7. Renewable energy
8. Affordable housing
9. Third party representations
10. Planning Obligation Strategy

## **Principle of Development**

- 8.2 The site is allocated in the Cambridge Local Plan 2006 for residential development (site 5.17 of the Proposals Schedule). Policy 5/1 of the Local Plan states that the sites that are allocated in the plan are safeguarded and development for alternative uses will not be permitted except: as provided for in Policies 9/4 to 9/9 or the Proposals Schedule; or for additional floorspace for established firms for their own occupation and use on their existing site.
- 8.3 The site includes a building that, until March of this year, was used and occupied by the Cambridge Squash Club. Policy 6/1 of the 2006 Local Plan states that development leading to the loss of leisure facilities will be permitted if: the facility can be replaced to at least its existing scale and quality within the new development; or the facility is to be relocated to another appropriate premises or site of similar or improved accessibility for its users.
- 8.4 The application has been submitted following pre-application advice. At this stage, and during the course of this application, there has been a considerable amount of discussion regarding the significance of the squash club, and the weight that can be afforded to Policy 6/1 (protection of leisure facilities) in view of the fact that the site is allocated for residential development.
- 8.5 The accompanying text to this allocation does not make any reference to the existence of the squash club or suggest that the allocation is subject to the satisfactory re-location or re-provision of the facility. This is in contrast to other allocations in the plan that include leisure or community facilities, such as 9.03 which states the provision of housing is subject to the retention or re-provision of Christ's and Sidney Sussex Sports Ground. In response to this, the Planning Policy team's comments at the outset were that the supporting schedule of the Local Plan does not list all the possible constraints of a site

allocation, and that the plan is intended to be read as a whole, with relevant policies being applied on a case-by-case basis.

- 8.6 As a result, an objection was raised by the Policy team on the basis of a lack of evidence to demonstrate compliance with Policy 6/1. These objections were echoed by Sport England and the English Squash Federation, as well as by members of the Cambridge Squash Club.
- 8.7 Whilst the applicant's agent strongly disputed the stance being taken by the Council, additional information was submitted that sought to demonstrate that there is sufficient supply of squash courts in the Cambridge area to meet the needs of the members and that the loss of the facility from the site would not therefore be significant. Sport England raised strong objections to the methodology used in undertaking this assessment and, in the event that Policy 6/1 were to be afforded more weight than Policy 5/1, the application would have failed to satisfy the requirements of this policy.
- 8.8 At this stage, the applicant's agent sought Counsel advice on the policy 5/1-6/1 issue, which came to the following conclusions:
- It is not unusual to find that policies within a plan pull in different directions and, in such cases, a judgement has to be formed as to which is or are the principally relevant policies against which to determine whether or not the plan is accorded with.
  - S38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on applications to be made in accordance with the development plan unless material considerations indicate otherwise.
  - The wording of Policy 5/1 draws a distinction between allocated and windfall sites in relation to existing land uses. Where an allocated site has a land use that the Council is keen to protect or to encourage, that use is identified in the Proposals Schedule, thereby demonstrating that the principle of housing development is contingent on provision being made to preserve that use (either on site or elsewhere) or by retaining the use on site. Examples include sites 7.06 (allocated for mixed use), 9.03 (contingent on

retention or re-provision of an existing sports ground) and 9.12 (commuted sum required to compensate for loss of playing field). Save for these instances, the policy is clear that the allocated sites are to be developed for housing, must be safeguarded for that purpose, and that development for alternative uses will not be permitted.

- In contrast, for windfall sites, policy 5/1 states ‘subject to existing land use’, in which case other policies of the plan are relevant.
- As such, Policy 5/1 establishes the principle of housing on the site and, in the absence of any specific protection of an existing use in the schedule, the housing allocation ‘trumps’ the existing land use. In preparing the Plan, the Council weighed the merits of each of the identified sites and concluded that development outweighs any competing land use need. The argument that policy 6/1 applies is not tenable and inconsistent with the purpose of having allocations.
- When applying policy, it is essential to bear in mind that what matters is what the policy says, not what the person applying it wishes it had said. The Council’s approach, if pursued, would not lead to a lawful application of the development plan to the proposal.

8.9 Officers have taken legal advice on the above. The advice given concurs with the conclusions drawn within the applicant’s Counsel Opinion, and is summarised within the revised response received from the Policy Team (see paras 6.10 and 6.11 of this report). Officers have been advised that it would be very difficult for the Council to sustain any argument that the squash club should be re-provided. In providing this advice, Counsel has considered whether the allocation is consistent with the NPPF, which came into force after the adopted Local Plan and is therefore a relevant material consideration. Paragraph 76 of the NPPF resists development on existing recreation land. However, the 2006 Local Plan was framed against PPG17, the wording of which is consistent with the NPPF. The NPPF has not therefore introduced any new criteria compared to those in place at the time the current Local Plan was drawn up, and any argument that the proposal would be inconsistent with the NPPF could not therefore be sustained.

- 8.10 Whilst the loss of the squash facility from this site and its implications for the long-term future of the Cambridge Squash Club is very regrettable, the legal advice provided to both the applicant and the Council makes it abundantly clear that Policy 5/1 (within which the site is allocated for housing) outweighs any protection that would otherwise have been afforded to the facility by Policy 6/1, and that to argue otherwise would be untenable.
- 8.11 On this basis, my opinion is that the principle of the development is acceptable and compliant with Cambridge Local Plan (2006) Policy 5/1.
- 8.12 The density of the development equates to 38 dwellings per hectare. Background evidence to the emerging Development Plan suggests a potential for the provision of 32 units on the site, based on a general assumption of a density of 45 dwellings per hectare. In this instance, the Planning Statement argues that such a density could not be achieved without increasing heights of buildings or increasing the level of apartments. Given that the number of dwellings or minimum density requirement is not encompassed within the current adopted policy, my opinion is that an increase in the number of units cannot be insisted upon, and I consider the number and mix of dwellings indicated to be appropriate in principle.
- 8.13 The site includes a section of garden space that falls outside the allocation 5.17. Objections have been raised within a number of representations to this element being included, contending this is contrary to policy as it falls outside the area allocated for housing. Whilst it is the case that this parcel of land does not form part of the allocation, policy 3/10 permits the principle of the subdivision of existing residential gardens and I therefore have no objections to its inclusion within the site area in principle. Policy 3/10 requires issues such as neighbour amenity, highway safety and character to be taken into consideration, and these matters are assessed in further detail in the following sections of the report.

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

- 8.14 The site is located in a backland position to the rear of dwellings fronting Histon Road, and is surrounded by residential



development on all sides. These are predominantly two-storey dwellings, with a number of bungalows sited beyond the southern boundary. The application is in outline form only, with only the access details submitted at this stage. Issues relating to the scale, form, layout and design of the dwellings would therefore need to be considered in detail as part of any reserved matters application. Nevertheless, an illustrative Masterplan drawing has been provided to demonstrate how the development could be accommodated on the site.

- 8.15 The proposed accommodation is indicated to comprise a range of 2 storey (plots 1-5 and 23-27) and 2.5 storey houses (plots 15-18 and 20-22), a 1.5 storey bungalow (plot 19) and a 3-storey block of flats (plots 6-14). Following concerns raised by officers in pre-application discussions, 3-storey accommodation originally shown on the southern side of the site has been reduced in scale to 2-storeys, with the only 3-storey block indicated as being confined to the flats towards the western end of the site.
- 8.16 An illustrative section has been provided within the Design and Access Statement showing how the buildings towards the southern end of the site would relate to the dwellings and bungalows beyond to the south. In my opinion, this illustrative material satisfactorily indicates that a two-storey development form on this part of the site would have an acceptable relationship with the existing bungalows. The 3-storey block of flats towards the western end of the site would be similar in height to the existing Squash Club building, and I consider the location and scale would be broadly acceptable.
- 8.17 The indicative site layout consists of rows of terrace houses that responds to the form and orientation of houses in the surrounding area. The Urban Design Team has expressed some concerns regarding the layout in relation to: the relationship between dwellings on a number of plots, opportunities for providing increased animation to street frontages, and the poor relationship between some plots and their parking spaces. However, these are detailed matters that would be considered further at the reserved matters stage rather than as part of this outline application. The illustrative plans do not form part of the consent and do not tie the Council down to delivery in that format.

- 8.18 The application proposes to remove the leylandii that form part of the southern boundary of the site. Both the Landscape Officer and Police Architectural Liaison Officer have welcomed their removal. A scheme of replacement planting and landscaping for the entire development would be expected to be provided as part of any reserved matters submission.
- 8.19 An area of public open space is proposed to be provided to the rear of the block of flats to maximise its accessibility for users of the flats, but also in a location accessible to other dwellings within the scheme as a whole.
- 8.20 Some concerns have been raised that one of the buildings on the site (No.297 Histon Road) is of significant interest, and should be retained and protected as a Building of Local Interest. The Urban Design and Conservation Team has considered these concerns and advised that, whilst the building is of social interest, it is not of sufficient architectural historic interest to warrant designation as a BLI and, hence, to resist its demolition. This aspect of the proposal, as well as the demolition of all structures on the site, is therefore acceptable in my opinion.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

### **Residential Amenity**

- 8.22 The site is surrounded by residential properties, and the development of this land for housing therefore has the potential to impact the amenities of adjoining residents in terms of overlooking, overshadowing and visual domination.
- 8.23 The layout shown within the illustrative masterplan indicates that a minimum distance of 20 metres can be achieved between proposed first floor windows and existing openings in the rear elevations of surrounding dwellings. This would ensure sufficient spacing to prevent a significant adverse impact in terms of overlooking and overshadowing of surrounding houses. Plot 19, which consists of part of the rear garden of No.307 Histon Road, has given rise to a significant cause of concern to adjacent residents. This plot has been revised, in response to concerns raised by Officers in pre-application discussions, from a two-storey to 1.5 storey property. Given the proximity of this building to the gardens of adjacent dwellings, care would need

to be taken over the height of the building and window positions to avoid harm to surrounding residents. This may need to be reduced in height to single storey only and is an issue that would need to be given further consideration at the reserved matters stage.

8.24 The owner of 33 Martingale Close has raised concerns regarding the potential impact of a 3-storey block of flats in the location indicated. I consider the principle of 3-storey flats in this location to be acceptable given that they are likely to be comparable in height to the existing squash club building. The illustrative drawing indicates that the flats could be oriented in an east-west direction, as opposed to the existing squash club building which is oriented in a north-south direction and has first-floor windows facing across the front gardens of the adjacent properties to the west. The indicative treatment to this part of the site therefore has the scope, in my opinion, to improve the outlook from the adjacent houses to the west. Careful control would obviously need to be exercised at the reserved matters stage to avoid significant harm to immediate neighbours from new window positions.

8.25 Concerns have been raised by a number of local residents regarding potential noise disturbance associated with the use of the access. The driveway is an existing means of access to the site, and has been used in association with the range of commercial and leisure uses on the site. The Transport Assessment explains that the proposed development would not be anticipated to give rise to additional vehicle movements compared to the former use, and I would not therefore expect the development to give rise to an undue level of noise disturbance to adjacent residents.

8.26 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) Policies 3/4 and 3/7.

### **Highway Safety**

8.27 Detailed access arrangements have been submitted with the application. Access to the site would be obtained via the existing driveway, which it is proposed to alter to re-orientate it slightly to the north, to achieve adequate vehicle and pedestrian

visibility splays and to incorporate a 1.8m wide footpath on one side. To achieve the required improvements to the access, it is proposed to remove a number of poor quality trees and also to incorporate land presently within the curtilage of 303 Histon Road (which is under the applicant's ownership).

- 8.28 The Highways Authority considers the proposed access arrangement to be acceptable and has raised no objections to the highway safety implications of the development subject to conditions.
- 8.29 The Planning Statement refers to the fact that a connection to the Darwin Green development to the west is proposed to be retained as part of the application. This has historically been used as an informal footpath and is not a formal Right of Way. I note that, although referred to in the supporting documentation, the link has not been included within the site edged red and its provision has not therefore been assessed as part of this application. Whilst the Highways Authority has recommended this be provided, and whilst I concur that achieving a good level of connectivity through the site would be desirable, my opinion is that such a linkage is not necessitated by the scale of development (27 dwellings) encompassed within this application and cannot therefore be formally required by way of agreement/planning condition. The access position and illustrative layout maintain a link through to the existing formal footpath. As part of any reserved matters submission, Officers could seek to ensure the detailed layout also preserves this route and ensures its delivery would not be prejudiced from coming forward in the future.
- 8.30 A local resident has queried whether it is possible to achieve the full required width of highway on land under the applicant's ownership. I am aware that the applicant's agent and resident in question are discussing and investigating this issue separately. The Highways Authority has made it clear that any permission needs to be subject to a condition requiring the provision of a 5m wide access for 15m back from the highway boundary. If this cannot be achieved, then revised details would need to be provided and consulted on as a separate planning application.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.32 The illustrative masterplan indicates that a total of 43 spaces would be provided, which equates to a ratio of 1.59 spaces per dwelling. This broadly accords with the average ratio of 1.5 spaces per dwelling sought within the Local Plan.
- 8.33 The information accompanying the application includes a commitment to providing a level of cycle parking that accords with the policy requirements. This would need to be assessed and secured through any reserved matters application.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Refuse Arrangements**

- 8.35 It is intended that refuse storage would either be provided within rear gardens, or in stores at the front of units, whilst a separate dedicated bin and cycle store would be provided for the flats. Final details of the arrangements would need to be denoted within any reserved matters application and can be secured by way of planning condition.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Renewable energy and sustainability**

- 8.37 The Council's Sustainability Officer has requested that further information be provided as part of this application as to how the 10% renewable energy requirement would be achieved. The Planning Statement includes a commitment towards meeting this requirement. However, in view of the outline nature of the application, with all matters other than access reserved for further consideration, I consider it would not be appropriate to the nature of the application to require such details at this stage, and I am satisfied that this issue can be satisfactorily dealt with by way of planning condition.
- 8.38 In my opinion, subject to the conditions recommended to secure the details and implementation of the renewable technologies and its maintenance, the proposal is in accordance with

Cambridge Local Plan Policy 8/16 and the Sustainable Design and Construction SPD 2007.

### **Affordable housing**

- 8.39 The accompanying Planning Statement states that it is expected that the policy requirement for 40% affordable housing would not apply based on the application of vacant building credit. Given that vacant building credit no longer exists, exemption can no longer be claimed from affordable housing requirements, and the applicant's agent has therefore agreed that the scheme will provide 40% affordable housing. This would need to be secured through a Section 106 Legal Agreement.

### **Third Party Representations**

- 8.40 I have addressed the issues raised in representations within the body of this report.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.41 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 8.42 I am in the process of liaising with service managers to establish whether there are deficiencies in the provision of indoor/outdoor sports facilities/open space/space for children and teenagers/community facilities in the local area. If this can be established then there would be grounds for seeking commuted payments to secure improvements to these facilities. This process will take some time to resolve therefore I would request delegated authority from Committee to conclude

discussions with service managers and to negotiate with the applicants and either:

- a) Secure commuted payments towards appropriate projects to mitigate the impacts of the development on local infrastructure; or
- b) Accept that it is not appropriate to seek commuted payments towards some or all of the local infrastructure categories in this case because such contributions would not be compliant with the CIL Regulations.

### Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

9.1 The site is allocated for housing within the Cambridge Local Plan, and the proposal is consistent with planning policy, in spite of the fact that it regrettably results in the loss of a valuable local leisure facility. This position has been confirmed following advice taken by Counsel.

9.2 The proposed means of access to the site does not give rise to any highway safety issues, whilst the impact of the use of the access upon the amenities of adjacent residents is also considered acceptable.

9.3 All other matters (layout, design, landscaping etc) would be the subject of a further reserved matters application. I consider the illustrative material provided with the application satisfactorily demonstrates that the number of dwellings proposed (27) can be accommodated on the site.

## **10.0 RECOMMENDATION**

- Approve** subject to the prior completion of a S106 Legal Agreement to secure the provision of 40% affordable housing

and contributions towards infrastructure provision, and the following conditions:

- Delegated authority to complete a Section 106 Agreement in accordance with paragraphs 6.20 and 8.41 – 8.43 of my report.

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

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

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

11. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.  
Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

12. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.  
Reason: In the interests of highway safety in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

13. 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)

14. 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.

15. Prior to the first occupation of any of the dwellings, hereby permitted, the vehicular access shall be laid out with a width of access of 5 metres for a minimum distance of 15 metres from the highway boundary in accordance with the details within the approved drawings, and shall thereafter be retained in accordance with these details.

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

16. Prior to the commencement of development, a site wide Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:

- a) Demolition, construction and phasing programme.
- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- c) Construction/Demolition hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation. Prior notice and agreement procedures for works outside agreed limits and hours.
- d) Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- e) Soil Management Strategy.

- f) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009.
- g) Maximum noise mitigation levels for construction equipment, plant and vehicles.
- h) Vibration method, monitoring and recording statements in accordance with the provisions of BS 5228-2: 2009.
- i) Maximum vibration levels.
- j) Dust management and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition - supplementary planning guidance 2014
- k) Prohibition of the burning of waste on site during demolition/construction.
- l) Site lighting.
- m) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- n) Screening and hoarding details.
- o) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- p) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- q) External safety and information signing and notices.
- r) Consideration of sensitive receptors.
- s) Prior notice and agreement procedures for works outside agreed limits.
- t) Complaints procedures, including complaints response procedures.
- u) Membership of the Considerate Contractors Scheme.

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

17. Prior to the commencement of occupation, full details of the storage facilities for the separation of waste for recycling and composting within the individual flats shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority .

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

18. 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

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

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

20. Prior to the commencement of development a scheme for surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to 5 litres per second and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

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

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

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

21. Prior to the commencement of development, a detailed ecological mitigation specification, including lighting strategy, shall be submitted to and approved in writing by the Local Planning. The scheme shall be implemented in accordance with the approved details.

Reason: To protect and enhance biodiversity interests  
(Cambridge Local Plan 2006, Policy 4/3)

22. Prior to the commencement of development, a scheme for the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning. The scheme shall be implemented in accordance with the approved details.

Reason: To secure the provision of ecological enhancements  
(Cambridge Local Plan 2006, Policy 4/3)



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

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

24. Prior to the first occupation of any of the dwellings, hereby approved, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the headgear cowling, the spacing and height of lighting columns), the extent/levels of illumination over the site and on adjacent land and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

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

25. Prior to the commencement of development, excluding the demolition of the existing buildings on the site, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully operational prior to occupation of any dwelling, or as agreed in writing with the local planning authority. No development shall take place other than in accordance with the approved scheme.

Reason: To ensure the provision of adequate water supply infrastructure to protect the safe living environment for all users and visitors (Cambridge Local Plan 2006 policies 3/7, 3/12 and 8/18)

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

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

27. 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)

<b>Application Number</b>	15/1728/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	5th October 2015	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	30th November 2015		
<b>Ward</b>	Coleridge		
<b>Site</b>	11 Lichfield Road Cambridge CB1 3SP		
<b>Proposal</b>	Change of use of three bedroomed semi-detached dwelling to HMO (8 rooms). Part two storey part single storey rear extension (following demolition of garage) and roof extension incorporating rear dormer.		
<b>Applicant</b>	71 Greville Road Cambridge CB1 3QJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Other properties in the area have been extended</li> <li><input type="checkbox"/> The end use fits with the residential character of the area</li> <li><input type="checkbox"/> The increase in 2 people over the permitted development of 6 people (C4 HMO) would not give rise to harmful impact</li> <li><input type="checkbox"/> There is room on site to accommodate the bin and bike storage</li> <li><input type="checkbox"/> The site is outside a Controlled Parking Zone</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is 11 Lichfield Road. It is a two storey dwelling located on the north side of the road. The area is residential in character. Properties benefit from front and rear gardens but generally the front garden is used for car parking.

1.2 The site falls outside a Conservation Area. The building is not listed or a Building of Local Interest. There are no tree preservation orders on the site. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

2.1 The application seeks approval for the demolition of the existing single-storey garage and replace to it with a two-storey extension. To the rear the existing single-storey element will be replaced with a part two-storey and part single-storey element. The two-storey and single-storey elements will be part width but will combine to extend the full width of the existing building.

2.2 The proposal will also add a full width dormer over the extension and the existing roof.

2.3 The current house is a three bed-room semi-detached house and the change of use would increase this to an 8 bedroom House in Multiple Occupancy.

2.4 Councillor Herbert has commented:

a) the two storey extension is overlarge and overly dominant to both no 9 and no 15 Lichfield Road

b) the combination of the extensions proposed at the rear is ugly and poor design

c) the overall conversion from a 3 bed home into an 8 bed HMO is overdevelopment and not consistent with the character of the adjacent properties.

## **3.0 SITE HISTORY**

**None**

## **4.0 PUBLICITY**

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1, 3/4, 3/11 5/1, 5/2, 5/7 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 Development Management)**

- 6.1 The car parking may lead to dispute within the household. The applicants need to show car parking spaces measuring 2.5m by 5m. No highway safety concern but may have amenity impact.

### **6.2 Environmental Health**

The proposal is acceptable subject to conditions relating to construction hours, deliveries, piling and waste management. Informatives relating to Housing Health and Safety, Management of HMO, Licensing are also recommended.

### **6.3 Drainage**

The proposal is acceptable subject to a condition.

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

The proposal is unacceptable due to the impact on the street scene, access and servicing, scale and massing, landscaping.

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

## 7.0 REPRESENTATIONS

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

- 1 Lichfield Road
- 2 Lichfield Road
- 3 Lichfield Road(x2)
- 4 Lichfield Road
- 4A Lichfield Road
- 5 Lichfield Road
- 6 Lichfield Road (x3)
- 7 Lichfield Road
- 8 Lichfield Road
- 9 Lichfield Road
- 10 Lichfield Road
- 12 Lichfield Road
- 14 Lichfield Road
- 15 Lichfield Road
- 17 Lichfield Road
- 18 Lichfield Road (x3)
- 21 Lichfield Road
- 23 Lichfield Road
- 24 Lichfield Road
- 25 Lichfield Road
- 29 Lichfield Road
- 32 Lichfield Road
- 34 Lichfield Road
- 37 Lichfield Road
- 39 Lichfield Road
- 41 Lichfield Road
- 42 Lichfield Road
- 44 Lichfield Road (x2)
- 46 Lichfield Road
- 49 Lichfield Road
- 57 Lichfield Road
- 65 Lichfield Road

7.2 The representations can be summarised as follows:

### *Principle*

- The loss of a much needed family home is a concern
- Does not accord with policy 5/7

- Need for family homes and precedent

#### *Character and Context*

- The extensions are not in keeping with the character of the area

#### *Residential Amenity*

- Increase in noise
- Impact on light and overshadowing
- Loss of Privacy

#### *Highway Safety*

- Congestion on the road lead to hazards
- Number of bins on highway could cause public highway issues

#### *Drainage*

- Impact on drainage system

#### *Other*

- Doesn't align with the emerging local plan
- Developers would buy houses and convert them which will mean that it will be out of reach from ordinary families
- Standard of maintenance and repair likely to be affected
- There will be no social cohesion

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. Sustainable Drainage
8. Third party representations

### **Principle of Development**

- 8.2 Comments have been received regarding the loss of family housing and setting a precedent. The conversion of this property is not considered to be loss of housing as the proposal is still providing a residential use but to a different social group than a family. On this basis I do not consider a precedent would be set.
- 8.3 The proposal seeks to convert an existing house into a House in Multiple Occupation. Policy 5/7 of the Cambridge Local Plan (2006) is relevant. The policy states such proposals will be permitted subject to:
- a. The potential impact on the residential amenity of the local area;
  - b. Suitability of the building or site;
  - c. Proximity of bus stop and pedestrian and cycle routes, shops and local services.
- 8.4 Criterion (a) of the above is discussed in depth later but criteria b and c are considered acceptable. In relation to criterion b, this is a three storey building and Housing Standards have commented that the site is acceptable for the proposed use. I consider there is room to accommodate the bins and cycle parking on site.
- 8.5 In relation to part (c) the site is close to Coleridge Road. There is good provision for public transport as well as pedestrian and cycle routes along Coleridge Road. The site is close to Mill Road and Cherry Hinton Road which have a variety of shops and other local services in the area.
- 8.6 Subject to the assessment in terms of design, residential amenity and amenity space and servicing, in my opinion, the principle of the development is acceptable and in accordance with policies 3/14 and 5/7.

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

### Response to context

- 8.7 Policy 3/14 allows for extension to properties subject to the proposal not having a harmful impact upon:
- a. reflect or successfully contrast with their form, use of materials and architectural detailing;
  - b. do not unreasonably overlook, overshadow or visually dominate neighbouring properties;
  - c. retain sufficient amenity space, bin storage, vehicular access and car and cycle parking; and
  - d. do not adversely affect listed buildings or their settings, the character or appearance of conservation areas, gardens of local interest, trees or important wildlife features.
- 8.8 The proposal is to extend the rear of the house with a part two storey and part single-storey extension and convert the house into a 8 person House in Multiple Occupancy. The rear extensions are subservient to the existing house, in that they are set lower than the existing ridge height and finished with pitched and hipped roofs. This reflects the roof designs in the area. Comments have been received that the proposed side extension and rear extensions do not fit into the character of the street or surrounding area. The proposal to the side is a pitched roof which is the same as the existing house and this side element is set back from the front elevation. The rear parts will not be visible in the street and will appear subservient to the main house as the ridge line is set down. I do not consider that this is unacceptable and subject to the use of matching materials (condition 6) I consider that the proposal will fit well into the surrounding context and would accord with policy 3/14.

### Movement and Access

- 8.9 The proposal seeks to create a rear access which does not exist now, by demolishing the existing garage and setting the proposed side extension off the common boundary. This will allow movement around the existing building and routes to the rear garden area for the future occupiers and is therefore acceptable.
- 8.10 Cycle parking is provided on site in the rear garden. This will be in a safe and secure location. Being located close to amenities of Mill Road and Cherry Hinton Road, as well as walking and

cycling routes and close to public transport route I consider that the proposal is in a good sustainable location.

### Open Space and Landscape

- 8.11 The site benefits from a front and rear garden. The front garden is to be used for car parking but the rear is a private garden for use by the proposed occupants. The site benefits from a large garden to the rear and with the proposed extensions, I consider that the garden area left is ample to provide cycle parking and private amenity space.
- 8.12 The Landscape Officer has commented that the proposal is not acceptable. I do not agree with their advice as the proposal meets the policies of the Local Plan and fits into its context as discussed above. I agree that the hard and soft landscaping can be better aligned to allow for a high quality environment and this can be controlled by condition and I therefore recommend condition. 5.

### Elevations and Materials

- 8.13 Comments have been received regarding the poor design of the extensions. The proposed extensions, to the side and rear are to be finished in matching materials. The block glass window to the front will be different in the street scene. However, this element is set back from the front elevation and I consider that the approach taken to the fenestration is acceptable as it will be read as an addition. The external materials will be matching and therefore I think the contemporary approach is acceptable in this instance.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.15 The Environmental Health team have commented that the proposal is acceptable subject to conditions relating to construction hours (7), deliveries (8), piling (9) and waste management (10) and informatives covering Housing Health and Safety (14), Management of HMO (15), Licensing (16).

8.16 Comments have been received that the proposal for a 8 person HMO can contain 16 people and create noise and disturbance. I consider that a condition to control the number of people to a maximum of 8 (Condition 4) and a management plan (Condition 3) can overcome these concerns. I therefore do not consider that this would be a reasonable reason for refusal. In addition, the Environmental Health, Housing and Licensing Team have enforcement powers if such situations arise.

#### Relationship with adjacent dwellings

8.17 The side and rear two-storey elements are located close to the common boundary with number 9 Lichfield Road. No. 9 is located west of the application site and has a single-storey garage abutting the common boundary with the application site. There are side first-floor windows to number 9 but these appear to serve landing or are secondary windows. There will be a separation gap of 4m from proposed extension to these windows.

8.18 Number 15 Lichfield Road is to the east of the site and will have the single-storey element adjacent to it. The two-storey element will be set off this boundary by 2m. Number 15 has a single-storey extension that is adjacent to the boundary, where the proposed single-storey element will be positioned.

#### Overshadowing/loss of light

8.19 The applicants have provided a shadow study relating to the proposed extensions. It shows that the majority of the shadowing will occur within the plot and there will be some to number 9 in the early hours, but this will be over the garage area and number 15 in the later hours of the day. I consider that as this will only be limited to these times and to these areas that the impact of overshadowing would not be significantly harmful.

#### Overlooking/loss of privacy

8.20 There will be a glass panel and window in the roof extension looking towards number 9. These windows serve the stairs and landing and therefore will be obscure glazed and non-openable. Subject to this condition 13, I consider that there will not be a significant loss of privacy.

8.21 There will be new windows in the rear elevation of the proposed two-storey extension that will give an outlook over the neighbours gardens. However, there are already first-floor windows that give an outlook over the neighboring gardens and therefore this will not be significantly different and I consider this acceptable.

#### Enclosure/loss of outlook

8.22 The two-storey element will be positioned close to the common boundary with number 9. It will extend beyond the single-storey garage at number 9 by 2.6m but is set lower than the main ridge and has a hipped and pitched roof. The majority of the two-storey element will be shielded by the single-storey garage and therefore the proposal will not have a harmful impact on number 9 through outlook and enclosure.

8.23 The two-storey element will be set off the common boundary with number 15 by 2.5m and benefits from a single-storey extension itself. The plans show that the two-storey element does not encroach on the 45 degree assessment from the habitable window at first-floor and therefore I consider that there will not be a harmful impact on this neighbour.

#### Noise and disturbance

8.24 Comments have been received that the proposal will increase the noise and disturbance due to the proposal having increased the number of people living at the property. Although this may be the case the applicant has permitted development rights to convert the property into a six person House in Multiple Occupancy (HMO). There will be an additional two people over the permitted development right. I do not consider that an additional two people above that allowed under permitted development rights would create the significant noise that the neighbours are concerned about. As mentioned previously there will be a management plan, see condition 3, as well as environmental health powers in place to overcome the concerns that have been raised and I consider this acceptable.

#### Overspill car parking

- 8.25 Comments have been received that the proposal is likely to increase on street parking demands and leading to highway safety hazards. The site is outside a controlled parking zone and therefore anyone can park in the street. The Highway Authority have also commented that there would not be a Highway Safety problem with the change of use and increased people and I agree with their advice.
- 8.26 The proposal is to have two car parking spaces on site. Although there are no measurements shown and the Highways have requested that a plan showing two spaces measuring 2.5m by 5m be shown, I consider that there is room on site to accommodate the two car parking spaces but should be noted that this is an existing situation.
- 8.27 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

- 8.28 The proposal seeks to create individual units with shared kitchen/dining/sitting facility. The size of rooms within the proposed building will provide for a bed, storage and work space. There will be room to move around these spaces. In addition to this the occupiers will benefit with large communal garden space and I consider that this will provide a high quality living environment.
- 8.29 The plans show that the rooms are of a sizeable area the smallest of which is room 1, which measures 3.2m by 4m equating to 12.8m<sup>2</sup>. The area of amenity space provided roughly measures 13m by 3m at the narrowest point and equates to 39m<sup>2</sup>.
- 8.30 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

## **Refuse Arrangements**

- 8.31 The plans show that there will be a dedicated bin area to the front of the property. Comments have been received that this is not characteristic of the area and there is not sufficient space for storage, which will encroach into the highway causing a hazard.
- 8.32 The Environmental Team has concluded that the bin store can be conditioned so that ample room is provided. I agree with their advice as there is room on site to provide a bin store area.
- 8.33 Having visited the site I noted that other properties store their bins to the front of their properties. I therefore consider that the solution of a bin store to the front 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 received regarding car parking causing a hazard on the highway. The local Highway Authority have commented that the proposal will not have a highway safety issue and therefore I accept the advice given.
- 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 The Highway Authority have commented that the car parking to the front needs to be within a 2.5m by 5m space. I note that this area is already used as car parking but can be accommodated. There are no parking standards specifically relating to HMO's. Due to the proximity to local amenities, and bus and cycle links, I consider the level of parking provision to be acceptable in this location.
- 8.38 I consider that being in a sustainable location and the level of car parking is not on a 1 to 1 basis the occupants should be

informed that the City has a Car Club which could be used to alleviate the need for cars and add this as an informative (17).

### *Cycle Parking*

- 8.39 A covered and secure store is provided for bike storage to the rear. I consider that this is acceptable and there is room on site to accommodate this but require a block plan showing the stands and spacing within this store to accommodate 8 bikes. I recommend a condition for this further information (12).
- 8.40 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Sustainable Drainage**

- 8.41 Comments have been received that the proposal will add to the drainage system. This is not specifically a planning matter but the issue of sustainable drainage is. The Sustainable Drainage Officer has commented that the proposal is acceptable subject to condition 11. I consider this acceptable and attach a condition.

### **Third Party Representations**

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

Principal of development – including appropriate for student accommodation, only for student accommodation, loss of housing, not in accordance with policy 5/7	Covered in paragraphs 8.2 – 8.7
Amenity – including noise and disturbance, overbearing and overlooking, overdevelopment	Covered in 8.11 – 8.15
Traffic – including increased movements will impact on highway safety, increased parking, access	Covered in 8.11 and 8.20 – 8.23
Drainage – Including sustainable drainage	Covered in 8.26 – 8.27
Other – including according	Covered in 8.28 – 8.31.



with emerging plan, developers buying the houses, maintenance and social cohesion	
---	--

- 8.43 Comments have been received that the proposal does not align with the emerging plan. The emerging plan carries little weight in the decision making process as it is not adopted and still out for examination. Therefore it would be difficult to justify refusal on these grounds.
- 8.44 The issue of developers buying houses is a free market decision. The need to control who buys houses cannot be a reason for refusal but the change of use is and has been addressed in the report above.
- 8.45 The maintenance of the property would be for the owners. The need to control this within the planning application is unreasonable and would not be a reason for refusal.
- 8.46 The issue of social cohesion is not a justifiable planning reason as the control of individuals to interact or force to interact will depend upon the person/s and not the use of the property.

## 9.0 CONCLUSION

- 9.1 The proposal is for a side and rear extension and change of use to a 8 person House in Multiple Occupancy. Having assessed the application and taken on board all the comments received, I consider that the proposal is acceptable and accords with the policies with the Cambridge Local Plan (2006) and therefore subject to conditions the proposal is acceptable and I recommend APPROVAL.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. The premises shall be used by a maximum of 8 people.

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

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

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

6. 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)

7. 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)

8. 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)

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

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

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

10. 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

11. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 30% an allowance for climate change. The submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - ii. provide a management and maintenance plan for the lifetime of the development.

iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

12. No development shall commence until full details of large scale parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The agreed facilities shall be provided in accordance with the approved details before use of the development commences.

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

13. The windows and glass block wall identified on drawing number D.100.1, D.100.2 and D.100.3 on the southwest elevation at ground/first/second floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall be non-openable and shall be retained as such thereafter.

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

**INFORMATIVE:** The Housing Act 2004 introduced the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors. Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed, habitable rooms without adequate lighting or floor area etc. Further information may be found here:

<https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>

**INFORMATIVE:** Management Regulations apply to all HMOs (whether or not they are licensable) and impose certain duties on managers and occupiers of such buildings. Persons in control of or managing an HMO must be aware of and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. These regulations stipulate the roles and responsibilities of the manager and also the occupiers of HMOs. Further information may be found here:  
<https://www.cambridge.gov.uk/houses-in-multiple-occupation>

**INFORMATIVE:** The Housing Act 2004 introduced Mandatory Licensing for Houses in Multiple Occupation (HMOs) across all of England. This applies to all HMOs of three or more storeys and occupied by five or more persons forming more than one household and a person managing or controlling an HMO that should be licensed commits an offence if, without reasonable excuse, he fails to apply for a licence. It is, therefore, in your interest to apply for a licence promptly if the building requires one. Further information and how to apply for a Licence may be found here:  
<https://www.cambridge.gov.uk/licensing-of-houses-in-multiple-occupation>.

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

**PLANNING COMMITTEE**

**Date: 6<sup>th</sup> January 2016**

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

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed change of use is acceptable in principle</li> <li>2. The proposal would not materially harm the character and appearance of the area</li> <li>3. The change of use would not have a significant impact on neighbour amenity.</li> </ol>
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

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
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 installation of new windows and replacement of roof construction Approved

**4.0 PUBLICITY**

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

**5.0 POLICY**

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

5.2 Relevant Development Plan policies

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

### Original comments

- 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.

### Revised comments

- 6.3 The proposal is now acceptable. Further details and pictures have been provided. The dry recycling and organic waste receptacles are sufficient. The large black residual waste bin is located to the side of the property in an alcove off Herbert Street. The capacity is almost twice that required and may result in reduced recycling. I would recommend 2 x 360 litre bins to replace the large 4 wheeled bin which would also aid in manoeuvrability.

## **Housing Standards**

- 6.4 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.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers 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 compared to the original use as a dwelling, the site has been used intensively for in excess of 20 years as a guesthouse (and planning permission granted for extensions to the guesthouse), and additionally as a 12 person HMO (accommodation for language students) for at least 4 years. In light of the historic use, together with the fact that the site is located on a busy road and 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 originally sought further clarification of the bin storage capacity and management arrangements. In response, the applicant's agent has confirmed that the site would be occupied by a maximum of 12 people (rather than 14) and that the applicant would be willing to accept a condition to this effect, and has also confirmed the following refuse arrangements:
- Residual waste – 540-600 litres required - this is met with a large 1100 litre bin positioned to the side of the pavement and accessed from Herbert Street.
  - Dry recycling – 600-600 litres required – 3 x 240 litre (720 litre) blue wheelie bins are provided to the front. These are at pavement level and accessed from Milton Road.
  - Organic waste – 240 litres required – this is met with one 240 litre green wheelie bin to the front. This is at pavement level and accessed from Milton Road.
- 8.11 The Environmental Health Officer has confirmed the arrangements are acceptable, although has recommended that the large 1100 litre bin be replaced with 2 x 360 litre bins in order to encourage recycling. The applicant's agent has agreed to this.

## **Highway Safety**

- 8.12 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**

- 8.13 There is no off-street car parking provision for the property. However, 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.
- 8.14 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 provided a revised plan to demonstrate that the extra 2 spaces can be accommodated on site. The provision of these extra spaces can be secured by way of planning condition.
- 8.15 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

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

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider that the proposed development is acceptable and complies 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 other than that requested in connection with this application, it is recommended that a condition be added to limit the occupation to a maximum of 12 people (this is based on 1 person per room in the HMO and 1 person 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 building shall be occupied by no more than twelve people at any one time.

Reason: A more intensive use would need to be reassessed in terms of its impact on the amenities of occupiers of neighbouring properties, and to establish whether an adequate level of cycle and refuse storage can be provided on the site. (Cambridge Local Plan 2006, policies 3/7, 3/12 and 8/6)

3. Within 3 months of the date of this decision, two additional cycle storage shall be provided and the bin storage arrangements altered in accordance with the details shown within drawing number 94MR-T031. The bin and cycle provision shall thereafter be maintained in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of an adequate level of cycle and refuse storage to meet the needs of the use. (Cambridge Local Plan 2006, policies 3/7, 3/12 and 8/6)



<b>Application Number</b>	15/1466/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st July 2015	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	25th September 2015		
<b>Ward</b>	Petersfield		
<b>Site</b>	73-73A Tenison Road Cambridge Cambridgeshire CB1 2DG		
<b>Proposal</b>	Change of use of an existing building to either a B1 office use or, in the alternative continuation of D1 use.		
<b>Applicant</b>	Mr Rizvan Ali 15 Hardy Close Longstanton Cambridgeshire CB24 3GU United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The established use of the site is for D1 purposes. The continuation of a D1 use or B1 office use would comply with policy and bring forward an appropriate form of development in a highly sustainable location</li> <li>- The proposal would not have a significant adverse impact on the amenities of adjacent residents</li> <li>- The proposal would not have any highway safety implications</li> </ul>
RECOMMENDATION	Approval

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site lies on the east side of Tenison Road and comprises 2 buildings, 73 Tenison Road, a two-storey former residential building towards the frontage of the site, and 73a, a two-storey

former coach house sited to the rear of 73. The site is bounded by the rear gardens of properties in St Barnabas Road to the east, by Quip Lighting and residential properties in Tenison Court to the north, and by a dwelling (No.75) to the south.

1.2 Both buildings on the site are currently vacant although, at the time the application was submitted, were used for D1 education purposes and occupied by the Cambridge Centre for Sixth Form Studies (CCSFS). Their lease expired on 31<sup>st</sup> August 2015, at which time the CCSFS vacated the building and re-located to alternative premises, 400 metres away on the corner of Tenison Road and Station Road.

1.3 The site lies within the Mill Road Conservation Area and within the Controlled Parking Zone.

## 2.0 THE PROPOSAL

2.1 The proposal seeks to change the use of the building to B1 offices or, in the alternative, to continue the use for D1 purposes.

2.2 The application is accompanied by the following supporting information:

1. Planning Statement
2. Supplemental Planning Statement

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/97/0678	Change of use from house (C3) to teaching space and workshop (D1) with 3 car parking spaces and 6 cycle parking spaces - retrospective	Approved
C/02/0724	Erection of a single storey extension to two storey art department	Approved
C/03/0737		Approved

Single storey extension to two storey art department

**4.0 PUBLICITY**

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

**5.0 POLICY**

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 4/11, 4/13 5/1 5/3 5/4 5/11 7/1 7/4 7/11 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	Sustainable Design and Construction (May 2007)

Guidance	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 significant adverse effect upon the public highway is anticipated to result from this proposal if it gains benefit of planning permission.

### Conservation

6.2 There are no material Conservation issues with this proposal.

## **Access Officer**

- 6.3 Advises that the building would need to meet Part M of the Building Regulations.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Sinnott has requested that the application be called in to Planning Committee so that any cited exceptions to Local Plan Policy 5/3 (Housing Lost to Other Uses) can be subject to scrutiny.
- 7.2 The owners/occupiers of the following addresses have made representations:
- 29 Tenison Road
  - 79 Tenison Road
  - 85 Tenison Road
  - 116 Tenison Road
  - 19 St Barnabas Road
  - 21 St Barnabas Road
  - 30 Lyndewode Road

- 7.3 The representations can be summarised as follows:

### Support

- No.79 supports the application to change the use to B1 office rather than continuation of D1 education or reversion back to residential use. Concurs with the applicant's comments that the buildings do not lend themselves to reversion back to residential use.

### Objections

- The proposal would be contrary to Policies 5/3 and 5/4. There is a shortage of residential accommodation in Cambridge, and there cannot be any justification for the loss of this housing.

- The application claims the lack of garden/amenity space renders the buildings unsuitable for residential use. There are a number of other properties in the area with less garden space. This includes No.67 Tenison Road which recently sold for more than £500,000.
- There is no information to suggest a residential use would be unsatisfactory.
- There was local opposition to the previous application, hence the requirement for the properties to be returned to residential use. This should be adhered to unless it can be proven there is nowhere else in the City for KISS to rent. There are currently two offices to rent within walking distance of the station that would appear to be of an appropriate size.
- There should be a similar condition to the previous planning permission, to require the use to revert to residential if KISS leave the premises.
- Retention of a D1 use, if used as a language school, would be contrary to Policy 7/11.
- Nos.19 and 21 St Barnabas Road are not opposed to the continuation of the D1 use or to the proposed B1 use but express concern about the hours of usage within a residential area and potential noise disturbance. There should be a continuation of the restricted hours imposed on planning permission C/97/0678. Suggested hours of 8.30/9am-6pm Monday-Friday.
- Whilst the company intended to occupy the building has green credentials, any company could occupy the premises and the same would not necessarily apply to them.
- Building works that have been undertaken include replacement windows and an alteration to the roofing materials which is not in keeping with the character of the area.

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

## 8.0 ASSESSMENT

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. Highway safety
5. Car and cycle parking
6. Third party representations

### **Principle of Development**

#### *Loss of residential use*

8.2 At the time the application was submitted (in July 2015), the site was occupied by the Cambridge Centre for Sixth Form Studies, who had been present on site for approximately 18 years following the granting of planning permission in 1997.

8.3 Under application reference C/97/0678/FP, consent was granted for a change of use from house (C3) to teaching space and workshop (D1) with 3 car parking spaces and 6 cycle parking spaces. Condition 1 of this consent stated:

“When the premises shall cease to be occupied by Cambridge Centre for Sixth Form Studies the education use hereby permitted shall cease.

Reason: For the avoidance of doubt and because use of the building for any other purpose would require re-examination of its impact and because the Local Planning Authority wish to see the building revert to a residential use.”

8.4 An informative on the permission also stated:

“The planning permission hereby approved shall enure for the benefit of Cambridge Centre for Sixth Form Studies only, and when Cambridge Centre for Sixth Form Studies leave the premises the buildings will revert to use as a House and domestic outbuilding.”

- 8.5 CCSFS vacated the building at the end of August 2015 (and this was stated as the intention in the original accompanying documentation). The original Planning Statement submitted by the applicant's agent explained that, as a result of the conditions in the 1997 permission, the site would be required to revert back to residential use once vacated by CCSFS.
- 8.6 Officers advised at the time that the proposal would therefore conflict with Policies 5/3 and 5/4, which resist the change of use of residential accommodation to other uses unless, in part, it can be demonstrated the living accommodation provided would be unsatisfactory or the location of the property would not offer an acceptable level of residential amenity.
- 8.7 The applicant originally sought to address these policies by arguing that the buildings were unsuitable for residential use due to the lack of garden/amenity space and due to the impact such a use would have on the amenities of adjacent residents. Officers strongly disagreed with this assessment, and considered the site could revert back to use as a single dwelling, with domestic outbuilding, without harming the amenities of neighbours. Further information was requested to justify the proposal and to set out the needs of the local company intended to occupy the premises.
- 8.8 In response to the request for further information, the applicant's agent has argued that the condition of the 1997 planning permission is flawed and fails the necessary tests for conditions. It is argued that this condition fails to limit the use of the property to use as a dwelling house after CCSFS cease to occupy it, and that use as a dwelling would be a material change requiring planning permission. It is assumed the permission was seeking to achieve a temporary and personal consent (which the agent argues conflicts with current practice guidance), and the agent goes on to contend that the conditions would not be enforceable and that the building could lawfully be used for any use falling within Class D1. This would include the provision of medical or health services, creches and day nurseries, museums and art galleries, public halls and places of worship.
- 8.9 I have sought the advice of the Council's Legal Officers regarding this issue. They concur with the conclusions drawn by the applicant's agent, namely that, when CCSFS vacated the



site, the lawful use of the premises appears to have been for D1 rather than residential purposes. Whilst it is clear what the Council was seeking to achieve in imposing the condition, the wording of the condition does not achieve this in practice. The consent did not grant a temporary permission, limited to a particular period of time (in which case the use would have reverted to residential) nor did it grant a personal consent preventing use within Class D1, which would have resulted in a nil use when the occupiers vacated the premises. The condition required the educational use to cease. The lawful use once the site was vacated by CCSFS is therefore for D1 purposes, and the application should be considered on this basis and considered against Policy 5/11.

- 8.10 In view of the advice that has been given, it is evident that the existing permission is flawed, that the informative is unenforceable, that it would be difficult to enforce the condition, and that there is an established existing use of the premises for D1 purposes. As such, any argument that the lawful use is for housing (and hence that policies resisting the loss of housing apply) is simply incorrect and untenable.
- 8.11 Notwithstanding the above, it should be noted that Policy 5/3 is not consistent with the NPPF and is not proposed to be carried through within the emerging Local Plan, although it is acknowledged this can only be afforded limited weight given the status of the plan.
- 8.12 As noted above, the effect of a personal permission is that the site has a nil use once the relevant person has ceased to occupy it. It is worth noting that, if the previous planning permission had amounted to a personal permission preventing any use within Class D1 following CCSFS's departure from the site, so that the site was in a nil use, I consider that the development would have been acceptable in principle.

#### *Proposed uses*

- 8.13 The application proposes to use the building for either B1 office use or to continue the D1 use in the alternative.
- 8.14 The most likely use is for B1 office purposes, as the premises are intended to be occupied by KISS, a company that is currently located on the Science Park. Their existing premises

are too small and the company is keen to move to a more central location closer to its employees and other similar firms in the surrounding area, and also close to the station. The additional space would allow the company to grow and create extra jobs in a highly sustainable location. The company currently employ 20 people and wish to expand to up to 35 employees over a 5-10 year timescale.

- 8.15 The use of the premises for B1 offices would comply with Policy 7/1 of the Local Plan, which supports the principle of employment development on windfall sites.
- 8.16 If used for B1 purposes, this would mean the cessation of the D1 use. Policy 5/11 states that development leading to the loss of community facilities will only be permitted if it can be demonstrated:
- The facility can be replaced to at least its existing level and quantity within the new development; or
  - The facility is to be relocated to an appropriate premises or site of similar accessibility for its users; or
  - That there is no longer a need within the local community for the facility or that the need can be adequately met at an alternative facility of similar accessibility for its users.

The policy goes on to state that the redevelopment of school sites for other uses will be permitted only if it can be demonstrated that they are not required for the longer term for continued education use.

- 8.17 In this instance, the former educational facility has re-located to alternative premises nearby and I therefore consider the relevant criteria within this policy would be addressed if the premises were used for B1 purposes. A continuation of a D1 use would also be in accordance with this policy.

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

- 8.18 The supporting statement explains that no external alterations are proposed to the building. On this basis, the proposed change of use would have no material impact on the character of the area, including the character and appearance of the Conservation Area.

- 8.19 A number of local residents have stated that external alterations have recently been carried out to the buildings. The applicant's agent has advised that, to the best of their knowledge, only internal alterations or like-for-like repairs have been undertaken. In the event that material alterations have been carried out, this would need to form part of a separate application and is not applicable to the consideration of the current application, which relates solely to the change of use of the building.
- 8.20 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/11.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.21 The application form initially indicated that the use for B1 (office) or D1 (education) purposes would operate between the hours of 7.30am-7.30pm Monday-Friday and 9am-4pm on Saturdays.
- 8.22 A number of local residents expressed concern regarding the proposed operating hours and suggest these should be restricted to hours more appropriate within a residential area, namely 8.30/9am – 6pm.
- 8.23 The previously approved education use was subject to a condition limiting the hours to 9am-4pm Monday-Friday, with evening use permitted on one evening per week until 10pm, and allowing the building to be used at weekends but only during exam periods.
- 8.24 In response to the concerns that have been raised, the Supplementary Planning Statement states that the hours of use are likely to be Monday-Friday 8am-6.30pm with no weekend working. The report goes on to suggest that it would probably not be reasonable or necessary to impose such a limitation by way of planning condition having regard to the B1 definition. I concur that a B1 office use is unlikely to give rise to significant neighbour amenity issues, particularly in view of the low level of parking and associated vehicle manoeuvring encompassed within the proposal. However, given that the application also proposes a continuation of a D1 use in the alternative, and that such a use has the potential to give rise to a significantly

greater level of comings and goings than offices, my opinion is that imposing a restriction on operating hours would not be unreasonable. I have sought the views of the Environmental Health Officer on this point, and will update Members either in writing or verbally.

- 8.25 In my opinion, therefore, the proposal would not have an unacceptable impact upon the amenities of occupiers of surrounding residential properties.

### **Highway Safety**

- 8.26 Vehicular access would be via the existing access point onto Tenison Road. The Highways Authority has raised no specific objections in respect of the highway safety implications of the development.
- 8.27 The site is located 400m from Cambridge Railway Station and is within reasonable cycling and walking distance of the City Centre. It is in a sustainable location close to shops, services and facilities with excellent access to public transport.

### **Car and Cycle Parking**

- 8.28 The property has three off-street car parking spaces whilst cycle parking would be provided in accordance with the relevant standards. Due to the proximity to local amenities, and bus and cycle links, I consider the low level of parking to be acceptable in this location.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.30 The comments raised by local residents have been addressed within this report.

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider that the proposed development is acceptable and would comply with the provisions of the relevant development plan policies. As such, approval is recommended subject to conditions.

## 10.0 RECOMMENDATION

Approval 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.

This page is intentionally left blank

## PLANNING COMMITTEE

Date: 6<sup>th</sup> January 2015

<b>Application Number</b>	15/1468/FUL	Agenda Item	
<b>Date Received</b>	26th August 2015	<b>Officer</b>	Mr Rob Parkinson
<b>Target Date</b>	21st October 2015		
<b>Ward</b>	Market		
<b>Site</b>	17 Newmarket Road Cambridge Cambridgeshire CB5 8EG		
<b>Proposal</b>	Retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis)		
<b>Applicant</b>	Mr John Popper 38 High Street Little Abington Cambridge		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed change of use is acceptable in principle</li> <li>2. The proposal would not materially harm the character and appearance of the area</li> <li>3. The change of use would not have a significant impact on neighbour amenity.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No.17 Newmarket Road is a substantial end-terrace three-storey and basement Victorian property located on the north side of Newmarket Road opposite Christ Church to the south, and on the end of a terrace of four properties which extend to Auckland Road to the east. The site slopes downwards from the front (south) to rear (north). The site lies in a predominantly residential area; whilst there are similar dwellings to the east and north, the Burleigh House former terrace houses to the

west is an office, and west of that is a public house. The site is within the Central Conservation Area, but is not listed / locally listed, and is within Controlled Parking Zone B.

- 1.2 The main access to the property is via the ground floor front lobby door onto Newmarket Road, but access to the garden and basement floor is possible via the shared passageway adjacent to 15 Auckland Road. The property has basement level dining room and kitchen and three floors of accommodation above that, and comprises 8 bedrooms. The garden space includes a cycle shelter and space for bins.
- 1.3 The site has been in the ownership of the Windhorse Trust for several years, and until recently was used to house workers of the Windhorse Trading group. The property was previously used as shared accommodation for the Buddhist community, as a collective household, but as that business ended recently the Trust is looking to privately rent the premises.

## 2.0 **THE PROPOSAL**

- 2.1 The proposal seeks to change the use of the property from a single dwelling (C3 use class) to a House in Multiple Occupation (sui generis), and states their intention to provide for up to 8 people in the dwelling (in line with the Housing Department license). The application is retrospective in nature because since 2013 the property has been used by more than 6 people as a single household.
- 2.2 The applicant has already secured, or is in the process of obtaining, a housing department license for the site and wishes to regularise the use within the planning system. The changes to occupancy type will involve minor internal alterations to provide bedroom doorlocks, extra kitchens and refurbished bathrooms. There are no external changes.
- 2.3 The site has facilities for safe storage of cycles. There is a large bike shed in the shared rear garden with cycle racks, and the garden is accessed through an alley way with a coded lock. Appropriate bin storage is provided in the rear garden and they are collected from Auckland Road.
- 2.4 The application is accompanied by a Design & Access Statement and emails regarding cycle and refuse storage.



### 3.0 SITE HISTORY

Reference	Description	Outcome
C/85/0638	Change of use from residential to offices (ground floor & basement only)	Refused 14.08.1985

It is relevant to note that an identical proposal is also pending consideration (at this same committee meeting) at the adjoining dwelling to the east, 19 Newmarket Road, in the same row of terraced properties, in the same ownership:

15/1474/FUL	Retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis)	Pending consideration
-------------	--	-----------------------

### 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 4/13 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 (RECAO): 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 The proposal should have no significant impact on the public highway.
- 6.2 The residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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

- 6.3 The proposal is acceptable - no comments or recommended conditions.

### **Conservation and Design**

- 6.4 There are no material Conservation issues with this proposal.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Two letters of representation have been received. The owners/occupiers of no. 21 and 23 Newmarket Road have objected to the application for the following reasons:
  - Past experience with HMOs in close proximity have resulted in problems with antisocial behaviour, particularly late night noise. Now that these houses are intended to be let on the open market we are concerned there will be an increase in the noise and disturbance often associated with HMOs.
  - There are already three H.M.O.'s along this part of Newmarket Road at number 25, 27 and 29, and this density in such a small area completely redefines the community, and in addition another application (14/0773/FUL, for 16 units) is pending for the old Zebra pub.
  - Pressure on the already overcrowded Resident Parking area could be considerable, as potential use (and misuse) of visitors permits by another forty residents could cause chaos in the narrow streets of the area.

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 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 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 rear of the building. Whilst there is likely to be some increased noise due to increased activity compared to the original use as a dwelling, in my view the proposed use of the dwelling as an eight-bed HMO would not have a significant adverse impact on the residential amenity of the local area. The effects from the proposed use would not be materially different from that which would occur if the dwelling was used as a C3 dwelling for a large family, or as a C4 'small HMO' use by up to six occupiers which could be possible without planning permission.
- 8.8 In light of this, together with the fact that the site is located on a corner plot next to commercial use to the west and another HMO to the east, and office parking area and gardens to the north, my opinion is that any increased noise would not be significant enough to materially impact neighbours in terms of intensification of the use and noise and disturbance. However I have recommended a condition to restrict the maximum number of occupants to eight to mitigate concerns and avoid over intensification of the use.
- 8.9 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

- 8.10 There is some outdoor amenity space for the enjoyment of occupiers of the HMO at the rear. Whilst there may be more demands on the space for this HMO in comparison to a

dwelling, the site is located in close proximity to substantial areas of public open space at Midsummer Common to the north along Auckland Road. 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**

- 8.11 An accessible refuse storage area is provided to the rear of the property, but further clarification of the bin storage capacity and management arrangements should be sought given the change in occupiers, which can be by condition to ensure the development complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006).

### **Highway Safety**

- 8.12 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. However, this is a highly sustainable location where car parking is already restricted, and does not encourage further car use.

### **Car and Cycle Parking**

- 8.13 There is no off-street parking provision for the HMO, but this is considered a highly accessible location served by frequent bus routes and an easy cycle or short walk to facilities and the city centre. In my opinion the location is suitable for car-free housing, whether as a conventional dwelling or a HMO.
- 8.14 The scheme has potential to increase car parking *demand* above that which would be anticipated from a single dwelling of this size, but the opportunity for the development to create an actual unacceptable impact in the controlled parking zone is very restricted. There will be no increase in residential permits issued, so the on-street parking situation during controlled hours would not change, and the impact from this scheme

outside controlled hours is not unacceptable, nor different to that which could arise from non-residents or potential car ownership patterns from the existing use which has taken place for the last two years.

- 8.15 As such this proposal is unlikely to result in any significant adverse impact upon highway safety, which the NPPF is clear should not be a reason for refusal. Impact on amenity from parking is similarly not significantly detrimental.
- 8.16 Secure cycle storage for some cycles is provided within the rear garden of the property with access onto Auckland Road. The standards require the provision of 1 space per bedroom which equates to 8 spaces, so a condition will ensure the necessary spaces are available.
- 8.17 In my opinion, the proposal will be compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.18 The comments raised by Nos. 21 and 23 Newmarket Road regarding the function and character of the area have been addressed within this report.
- 8.19 In respect of the concerns for the change to the character of uses and loss of family dwellings in the area, it is pertinent to note that whilst there are a number of HMOS in the area, particularly so given the sizes of these dwellings, the Local Plan policies 5/2 and 5/7 both allow the conversion of family units into HMOs, and the general development of HMOs, in locations where the functional relationship with surroundings is acceptable and the facilities for future residents area acceptable; there are no policy grounds for refusal on the loss of family-sized / C3 type dwellings, and it is important to note the unit could always be reverted back to its former use (subject to permission) without noticeable detrimental effect. As detailed above, the amenities on neighbours and occupants are acceptable so the proposal should be considered favourably.

## **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 complies with the provisions of the relevant development plan policies. As such, approval is recommended. Given that some of the facilities are limited, e.g. outdoor space and room for bins and bikes, and the proximity of neighbours, and as there has been a successfully functioning 8-person HMO to date, and this number of occupants continues to be proposed by the applicant, it is recommended that a condition be added to limit the occupation to a maximum of 8 people (i.e. 1 person per room in the HMO).

## 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 eight 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).

3. Within three months of the date of this permission, the details of cycle storage shall be provided to and agreed in writing by the local planning authority, to show secure covered cycle storage for 8no. bicycles in the rear garden for residents, and shall be provided in accordance with the approved details within 28 days of such approval.

Reason: To ensure appropriate levels of cycle parking and accessibility (Cambridge Local Plan (2006) policies 8/4 and 8/6).



4. Within three months of the date of this permission, details of the appropriate provision of refuse storage for residents including waste for recycling, and a management plan thereof, shall be submitted to and agreed in writing by the local planning authority, and shall be provided in accordance with the approved details within 28 days of such approval.

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)

**INFORMATIVE:** Permit parking

The applicant and occupants are advised that no additional residential parking permits will be issued to the property. Further details should be sought from the Local Highways Authority (Cambridgeshire County Council).

**2 In the event the Planning Applications Committee considers this application should be refused, authority is requested to instruct the Head of Legal Services to serve enforcement notices under section 171 of the Town and Country Planning Act 1990 to remedy the breach of planning control.**

This page is intentionally left blank

## PLANNING COMMITTEE

Date: 6<sup>th</sup> January 2016

<b>Application Number</b>	15/1474/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	26th August 2015	<b>Officer</b>	Mr Rob Parkinson
<b>Target Date</b>	21st October 2015		
<b>Ward</b>	Market		
<b>Site</b>	19 Newmarket Road Cambridge CB5 8EG		
<b>Proposal</b>	Retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis)		
<b>Applicant</b>	Mr John Popper 38 High Street Little Abington Cambridge Cambridgeshire CB21 6BG United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed change of use is acceptable in principle</li> <li>2. The proposal would not materially harm the character and appearance of the area</li> <li>3. The change of use would not have a significant impact on neighbour amenity.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No.19 Newmarket Road is a substantial mid-terrace three-storey and basement Victorian property located on the north side of Newmarket Road opposite Christ Church to the south, and within a terrace of four properties which extend to Auckland Road to the east. The site slopes downwards from the front (south) to rear (north). The site lies in a predominantly residential area; whilst there are similar dwellings to the east

and north, the Burleigh House former terrace houses to the west is an office, and west of that is a public house. The site is within the Central Conservation Area, but is not listed / locally listed, and is within Controlled Parking Zone B.

- 1.2 The main access to the property is via the ground floor front lobby door onto Newmarket Road, but access to the garden and basement floor is possible via the shared passageway adjacent to 15 Auckland Road. The property has basement level dining room and kitchen and three floors of accommodation above that, and comprises 8 bedrooms. The garden space includes a cycle shelter and space for bins.
- 1.3 The site has been in the ownership of the Windhorse Trust for several years, and until recently was used to house workers of the Windhorse Trading group. The property was previously used as shared accommodation for the Buddhist community, as a collective household, but as that business ended recently the Trust is looking to privately rent the premises.

## 2.1 **THE PROPOSAL**

- 2.2 The proposal seeks to change the use of the property from a single dwelling (C3 use class) to a House in Multiple Occupation (sui generis), and states their intention to provide for up to 8 people in the dwelling (in line with the Housing Department license). The application is retrospective in nature because since 2013 the property has been used by more than 6 people as a single household.
- 2.3 The applicant has already secured, or is in the process of obtaining, a housing department license for the site and wishes to regularise the use within the planning system. The changes to occupancy type will involve minor internal alterations to provide bedroom doorlocks, extra kitchens and refurbished bathrooms. There are no external changes.
- 2.4 The site has facilities for safe storage of cycles. There is a large bike shed in the shared rear garden with cycle racks, and the garden is accessed through an alley way with a coded lock. Appropriate bin storage is provided in the rear garden and are collected from Auckland Road.

2.5 The application is accompanied by a Design & Access Statement and emails regarding cycle and refuse storage.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/86/0056	Change of use from residential bed sitting accommodation to guest house (6 bedrooms).	Refused 26.02.1986
C/88/0875	Use of two rooms for the holding of meditation classes.	Approved 05.10.1988
It is relevant to note that an identical proposal is also pending consideration (at this same committee meeting) at the adjoining dwelling to the west, 17 Newmarket Road, in the same row of terraced properties, in the same ownership:		
15/1468/FUL	Retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis)	Pending consideration

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 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 (RECAO): 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 The proposal should have no significant impact on the public highway.
- 6.2 The residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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

- 6.3 The proposal is acceptable - no comments or recommended conditions.
- 6.4 Advisory note – the last HMO housing licence determined this site was appropriate for occupation by no more than 7 persons, but a new HMO license is under review.

### **Conservation and Design**

- 6.5 There are no material Conservation issues with this proposal.
- 6.6 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Two letters of representation have been received. The owners/occupiers of no. 21 and 23 Newmarket Road have objected to the application for the following reasons:
- Past experience with HMOs in close proximity have resulted in problems with antisocial behaviour, particularly late night noise. Now that these houses are intended to be let on the open market we are concerned there will be an increase in the noise and disturbance often associated with HMOs.
  - There are already three H.M.O.'s along this part of Newmarket Road at number 25, 27 and 29, and this density

in such a small area completely redefines the community, and in addition another application (14/0773/FUL, for 16 units) is pending for the old Zebra pub.

- Pressure on the already overcrowded Resident Parking area could be considerable, as potential use (and misuse) of visitors permits by another forty residents could cause chaos in the narrow streets of the area.

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 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 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 rear of the building. Whilst there is likely to be some increased noise due to increased activity compared to the original use as a dwelling, in my view the proposed use of the dwelling as an eight-bed HMO would not have a significant adverse impact on the residential amenity of the local area. The effects from the proposed use would not be materially different from that which would occur if the dwelling was used as a C3 dwelling for a large family, or as a C4 'small HMO' use by up to six occupiers which could be possible without planning permission.
- 8.8 In light of this, together with the fact that the site is located next to another HMO sited a corner plot next to commercial use to the west, and office parking area and gardens to the north, my opinion is that any increased noise would not be significant enough to materially impact neighbours in terms of intensification of the use and noise and disturbance, even though it is directly adjoining a conventional dwelling house (no. 21) to the east. However I have recommended a condition to restrict the maximum number of occupants to eight to mitigate concerns and avoid over intensification of the use.
- 8.9 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

- 8.10 There is some outdoor amenity space for the enjoyment of occupiers of the HMO at the rear. Whilst there may be more demands on the space for this HMO in comparison to a dwelling, the site is located in close proximity to substantial areas of public open space at Midsummer Common to the north along Auckland Road. 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**

- 8.11 An accessible refuse storage area is provided to the rear of the property, but further clarification of the bin storage capacity and management arrangements should be sought given the change in occupiers, which can be by condition to ensure the development complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006).

#### **Highway Safety**

- 8.12 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. However, this is a highly sustainable location where car parking is already restricted, and does not encourage further car use.

#### **Car and Cycle Parking**

- 8.13 There is no off-street parking provision for the HMO, but this is considered a highly accessible location served by frequent bus routes and an easy cycle or short walk to facilities and the city centre. In my opinion the location is suitable for car-free housing, whether as a conventional dwelling or a HMO.

- 8.14 The scheme has potential to increase car parking *demand* above that which would be anticipated from a single dwelling of this size, but the opportunity for the development to create an actual unacceptable impact in the controlled parking zone is very restricted. There will be no increase in residential permits issued, so the on-street parking situation during controlled hours would not change, and the impact from this scheme outside controlled hours is not unacceptable, nor different to that which could arise from non-residents or potential car ownership patterns from the existing use which has taken place for the last two years.
- 8.15 As such this proposal is unlikely to result in any significant adverse impact upon highway safety, which the NPPF is clear should not be a reason for refusal. Impact on amenity from parking is similarly not significantly detrimental.
- 8.16 Secure cycle storage for some cycles is provided within the rear garden of the property with access onto Auckland Road. The standards require the provision of 1 space per bedroom which equates to 8 spaces, so a condition will ensure the necessary spaces are available. There is also some additional visitor cycle parking provided in the front garden.
- 8.17 In my opinion, subject to the satisfactory confirmation of per-room residents cycle storage, the proposal will be compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.18 The comments raised by Nos. 21 and 23 Newmarket Road regarding the function and character of the area have been addressed within this report.
- 8.19 In respect of the concerns for the change to the character of uses and loss of family dwellings in the area, it is pertinent to note that whilst there are a number of HMOS in the area, particularly so given the sizes of these dwellings, the Local Plan policies 5/2 and 5/7 both allow the conversion of family units into HMOs, and the general development of HMOs, in locations where the functional relationship with surroundings is acceptable and the facilities for future residents area acceptable; there are no policy grounds for refusal on the loss

of family-sized / C3 type dwellings, and it is important to note the unit could always be reverted back to its former use (subject to permission) without noticeable detrimental effect. As detailed above, the amenities on neighbours and occupants are acceptable so the proposal should be considered favourably.

## **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 complies with the provisions of the relevant development plan policies. As such, approval is recommended. Given that some of the facilities are limited, e.g. outdoor space and room for bins and bikes, and the proximity of neighbours, and as there has been a successfully functioning 8-person HMO to date, and this number of occupants continues to be proposed by the applicant, it is recommended that a condition be added to limit the occupation to a maximum of 8 people (i.e. 1 person per room in the HMO).

## **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 eight 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).

3. Within three months of the date of this permission, or prior to the first use of the HMO (whichever is the earliest), details of cycle storage shall be provided to and agreed in writing by the local planning authority, and shall be provided in accordance with the approved details within 28 days of such approval. The details shall demonstrate that secure and covered cycle storage for 8no. bicycles is provided in the rear garden for residents.

Reason: To ensure appropriate levels of cycle parking and accessibility (Cambridge Local Plan (2006) policies 8/4 and 8/6).

4. Within three months of the date of this permission, or prior to the first use of the HMO (whichever is the earliest), details of the appropriate provision of refuse storage for residents including waste for recycling, and a management plan thereof, shall be provided to and agreed in writing by the local planning authority, and shall be provided in accordance with the approved details within 28 days of such approval.

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).

**INFORMATIVE:** Permit parking

The applicant and occupants are advised that no additional residential parking permits will be issued to the property. Further details should be sought from the Local Highways Authority (Cambridgeshire County Council).

**2. In the event the Planning Applications Committee considers this application should be refused, authority is requested to instruct the Head of Legal Services to serve enforcement notices under section 171 of the Town and Country Planning Act 1990 to remedy the breach of planning control.**

This page is intentionally left blank

## PLANNING COMMITTEE

Date: 6<sup>th</sup> January 2015

<b>Application Number</b>	15/1479/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	26th August 2015	<b>Officer</b>	Mr Rob Parkinson
<b>Target Date</b>	21st October 2015		
<b>Ward</b>	Market		
<b>Site</b>	29 Newmarket Road Cambridge CB5 8EG		
<b>Proposal</b>	Retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis)		
<b>Applicant</b>	Mr John Popper 38 High Street Little Abington Cambridge CB21 6BG		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed change of use is acceptable in principle</li> <li>2. The proposal would not materially harm the character and appearance of the area</li> <li>3. The change of use would not have a significant impact on neighbour amenity.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No.29 Newmarket Road is a substantial mid-terrace 2.5-storey and basement Victorian property located on the north side of Newmarket Road east of Napier Street and Auckland Road. The site slopes from front (south) down to the rear (north). The rear elevation has been extended two storeys in height (basement and ground floor), with a corrugated plastic bike shelter canopy off the rear. The site lies in a predominantly residential area with the terrace to east and west and similar

dwelling of Auckland Cottages to the north. The site is within the Central Conservation Area, but is not listed / locally listed, and is within Controlled Parking Zone B.

- 1.2 The main access to the property is via the ground floor front lobby door onto Newmarket Road, but access to the garden and basement floor is possible via the shared passageway adjacent to 1 Auckland Road. The property has basement level living room and kitchen and three floors of accommodation above that, and comprises 8 bedrooms. The garden space includes a cycle shelter and space for bins.
- 1.3 The site has been in the ownership of the Windhorse Trust for several years, and until recently was used to house workers of the Windhorse Trading group. The property was previously used as shared accommodation for the Buddhist community, as a collective household, but as that business ended recently the Trust is looking to privately rent the premises.

## 2.1 **THE PROPOSAL**

- 2.2 The proposal seeks to change the use of the property from a single dwelling (C3 use class) to a House in Multiple Occupation (sui generis), and states their intention to provide for up to 8 people in the dwelling (in line with the Housing Department license). The application is retrospective in nature because since 2013 the property has been used by more than 6 people as a single household.
- 2.3 The applicant has already secured, or is in the process of obtaining, a housing department license for the site and wishes to regularise the use within the planning system. The changes to occupancy type will involve minor internal alterations to provide bedroom doorlocks, extra kitchens and refurbished bathrooms. There are no external changes.
- 2.4 The site has facilities for safe storage of cycles. There is a covered free-standing bike shelter in the shared rear garden, and the garden is accessed through an alley way with a coded lock. Appropriate bin storage is provided in the rear garden and the bins are collected from Auckland Road.
- 2.5 The application is accompanied by a Design & Access Statement and emails regarding cycle and refuse storage.



### 3.0 SITE HISTORY

Reference	Description	Outcome
C/83/0169	Erection of two-storey extension to existing dwelling house	Approved

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 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	Sustainable Design and Construction (May

Planning Guidance	2007) Cambridgeshire and Peterborough Waste Partnership (RECAO): 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 The proposal should have no significant impact on the public highway.
- 6.2 The residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

## **Head of Refuse and Environment**

- 6.3 The proposal is acceptable - no comments or recommended conditions.

## **Conservation and Design**

- 6.4 There are no material Conservation issues with this proposal.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 One letter of representation has been received from the owners/occupiers of no. 31 Newmarket Road which is between this application site and another HMO property of the same organisation, at 33 Newmarket Road. The objection is for the following reason:

- Concerns over parking capacity: Pressure on the already overcrowded Resident Parking area could be considerable, and it would not be reasonable to grant unlimited rights to each tenant to have a permit.

- 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 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 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 Regarding potential noise, although the property is a mid-terrace there is no car parking on the site and bin and cycle storage is provided to the rear of the building. Whilst there is likely to be some increased noise due to increased activity compared to the original use as a dwelling, in my view the proposed use of the dwelling as an eight-bed HMO would not have a significant adverse impact on the residential amenity of the local area. The effects from the proposed use would not be

materially different from that which would occur if the dwelling was used as a C3 dwelling for a large family, or as a C4 'small HMO' use by up to six occupiers which could be possible without planning permission.

- 8.8 In my opinion is that any increased noise would not be significant enough to materially impact neighbours in terms of intensification of the use and noise and disturbance. However I have recommended a condition to restrict the maximum number of occupants to eight to mitigate concerns and avoid over intensification of the use
- 8.9 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

- 8.10 There is a hard-landscaped outdoor amenity space for the enjoyment of occupiers of the HMO at the rear, with substantial walls / fencing between properties. Whilst there may be more demands on the space for this HMO in comparison to a dwelling, the site is located in close proximity to substantial areas of public open space at Midsummer Common to the north along Auckland Road. 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**

- 8.11 An accessible refuse storage area is provided to the rear of the property, but further clarification of the bin storage capacity and management arrangements should be sought given the change in occupiers, which can be by condition to ensure the development complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006).

## Highway Safety

- 8.12 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. However, this is a highly sustainable location where car parking is already restricted, and does not encourage further car use.

## Car and Cycle Parking

- 8.13 There is no off-street parking provision for the HMO, but this is considered a highly accessible location served by frequent bus routes and an easy cycle or short walk to facilities and the city centre. In my opinion the location is suitable for car-free housing, whether as a conventional dwelling or a HMO.
- 8.14 The scheme has potential to increase car parking *demand* above that which would be anticipated from a single dwelling of this size, but the opportunity for the development to create an actual unacceptable impact in the controlled parking zone is very restricted. There will be no increase in residential permits issued, so the on-street parking situation during controlled hours would not change, and the impact from this scheme outside controlled hours is not unacceptable, nor different to that which could arise from non-residents or potential car ownership patterns from the existing use which has taken place for the last two years.
- 8.15 As such this proposal is unlikely to result in any significant adverse impact upon highway safety, which the NPPF is clear should not be a reason for refusal. Impact on amenity from parking is similarly not significantly detrimental.
- 8.16 Secure cycle storage for some cycles is provided within the rear garden of the property with access onto Auckland Road, although these are not as secure or sheltered as is necessary. With the increased demand on bikes it is considered necessary to provide an improved cycle store. The standards require the provision of 1 space per bedroom which equates to 8 spaces, so a condition will ensure the necessary spaces are available in an improved facility.

- 8.17 In my opinion, subject to the satisfactory confirmation of per-room residents' storage and provision of 2 additional cycle spaces for visitors in the rear garden, the proposal will be compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.18 The highways comments raised by No. 31 Newmarket 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 some of the facilities are limited, e.g. outdoor space and room for bins and bikes, and the proximity of neighbours, and as there has been a successfully functioning 8-person HMO to date, and this number of occupants continues to be proposed by the applicant, it is recommended that a condition be added to limit the occupation to a maximum of 8 people (i.e. 1 person per room in the HMO).

## **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 eight 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).

3. Within three months of the date of this permission, the details of cycle storage shall be provided to and agreed in writing by the local planning authority, to show secure covered cycle storage for 8no. bicycles in the rear garden for residents, and shall be provided in accordance with the approved details within 28 days of such approval.

Reason: To ensure appropriate levels of cycle parking and accessibility (Cambridge Local Plan (2006) policies 8/4 and 8/6).

4. Within three months of the date of this permission, details of the appropriate provision of refuse storage for residents including waste for recycling, and a management plan thereof, shall be submitted to and agreed in writing by the local planning authority, and shall be provided in accordance with the approved details within 28 days of such approval.

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)

**INFORMATIVE:** Permit parking

The applicant and occupants are advised that no additional residential parking permits will be issued to the property. Further details should be sought from the Local Highways Authority (Cambridgeshire County Council).

**2. In the event the Planning Applications Committee considers this application should be refused, authority is requested to instruct the Head of Legal Services to serve enforcement notices under section 171 of the Town and Country Planning Act 1990 to remedy the breach of planning control**



<b>Application Number</b>	15/1627/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	25th August 2015	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	20th October 2015		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	2 Drayton Road Cambridge CB1 9EX		
<b>Proposal</b>	Erection of new dwelling		
<b>Applicant</b>	Mr Andrew Rogers 12 Angus Close Cambridge CB1 2AT		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed design and scale of the proposed dwelling is acceptable for this location as it would not have a detrimental impact on the character of the area;</li> <li>- The proposed development would have significantly adverse impact on the residential amenity of the neighbouring properties due to location of windows and scale, layout and proximity of the development to neighbouring properties;</li> <li>- The proposed development would provide future occupants with a high quality living environment which includes a sufficient rear garden, provision for bin and cycle storage and provision for car parking.</li> </ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site is rectangular parcel of land adjacent to and immediately to the east of number 2 Drayton Road and the flats 2a and 2b Drayton Road. The area immediately surrounding the application site is wholly residential, and consists primarily of two-storey terraced houses of a consistent style and design.
- 1.2 2 Drayton Road is the north end of a terrace, where all other houses front Leete Road. At the southern end of the terrace, at the corner of Malletts Road, the terrace has been extended creating 1a & 1b Malletts Road in a manner not dissimilar to that proposed on the application site.
- 1.3 There are a number of developments in the local area that have utilised the large corner plots which occurred regularly within this area, and many of these have involved the creation of an additional dwelling or pair of flats as an extension to the original terrace of houses.
- 1.4 The site is not within the controlled parking zone or a Conservation Area. No protected trees will be impacted by the development proposed, nor will the application impact any listed buildings.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a two storey detached dwelling on land between the flats in 2a and 2b Drayton Road and no.4 Drayton Road. The proposed dwelling would front Drayton Road with a car parking space in front. The proposed dwelling would have the first floor space within the roofscape.
- 2.2 The proposed dwelling would be 6.9 metres in depth, 5.4 metres in width, 6.2 metres to the ridge and 4.2 metres to the eaves line. No windows are proposed in the flank elevations. Four rooflights are proposed; two in each side. The proposal also includes private amenity space and cycle and bin storage.
- 2.3 There is a side passage to the east that would be used to access the rear garden.

### 3.0 SITE HISTORY

Reference	Description	Outcome
15/1366/FUL	Erection of a new dwelling	WITHDRAWN
11/0709/FUL	Parking space in front of dwelling at No 2 Drayton Road, off Leete Road.	APPROVED
10/0742/FUL	Erection of 2 flats and bin storage and parking provision off road.	APPROVED
10/0437/REM	Reserved Matters application for the erection of two flats following grant of outline consent - reference 09/0606/OUT.	WITHDRAWN
09/0606/OUT	Outline application for erection of two flats.	APPROVED

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

#### 5.2 Cambridge Local Plan 2006

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
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.

## 5.5 **Material Considerations**

### **City Wide Guidance**

Cycle Parking Guide for New Residential Developments (2010)

## 6.0 **CONSULTATIONS**

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

- 6.1 Show dimensions of car parking space (2.5m x 5m). Otherwise the proposal would not have any significant impact on the public highway subject to conditions/informatives on no unbound material, no gates, access to be laid out in accordance CCC construction spec, adequate drainage measures, visibility splays, access obstruction free, work to offence is an offence without approval and check public utility.

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

- 6.2 The proposed development is acceptable subject to conditions on construction hours and piling.
- 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:

- 10 Carlton Way (Owner of 2a Drayton Road);

- 7.2 The representations can be summarised as follows:

- There is a covenant restricting development;
- The applicant did not advise us of the intention to develop the land;
- The proposed building will be oppressively close to our property and affect the quality of the outlook from the kitchen of 2a;
- Sunlight will be reduced to the bedroom and kitchen of 2a and cast a shadow over the garden;

- Concerns with the provision of car parking;
- The protected tree adjacent to 2a and 2b Drayton Road is not shown;
- Concerned with the potential for flues and other outlets being inserted in the side wall which will be visible from 2a.
- Impact from noise on current tenants during construction work;

## **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 land uses. There is an existing dwelling standing on the site, and the site is within a predominantly residential area. Therefore, the principle of a replacement dwelling is acceptable.

8.3 Paragraph 14 of the NPPF is also important. It states that there should be a presumption in favour of sustainable development running through the decision making process. This means approving development proposals that accord with the development plan without delay unless any adverse impact would significantly and demonstrably outweigh the benefits.

8.4 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained within the National Planning Policy Framework 2012. 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.

- 8.5 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remain acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value gardens contribute to the City.
- 8.6 Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) - have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
  - b) - provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
  - c) - detract from the prevailing character and appearance of the area;
  - d) - adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
  - e) - adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
  - f) - prejudice the comprehensive development of the wider area of which the site forms part.
- 8.7 Criteria d, e and f are not applicable to this site. I consider criteria a, b and c under the relevant headings below.
- 8.8 Subject to compliance with the criteria of Policy 3/10, which are assessed below, the principle of the new residential development is compliant with Cambridge Local Plan policies 5/1 and 3/10.

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

- 8.9 The proposed development would be located between two storey terrace housing. The site represents an undefined gap in the street scene when viewed from Drayton road.
- 8.10 The design and scale of the proposed dwelling has responded to the concerns that were raised to the previous scheme for this site which was for a three storey dwelling. The design is unassuming and the scale is respectful of the surrounding context. The scale and appearance of the dwelling would appear as an ancillary intervention with a lower ridge and eaves line compared to the existing development either side. The fenestration of the front face gable is simple in its arrangement and suitable for this context. Therefore, in this context, I am satisfied that the proposed dwelling would not have a significantly detrimental impact on the area or appear out of character in the street scene.
- 8.11 The proposal would provide a rear garden area which is accessible through the dwelling and via the side passage that runs along the east side. The garden space would 4.9 metres in depth and 5.5 metres wide. This is considered to be suitable level of private external space to serve the proposed development. At the front of the site the proposal includes a driveway for one vehicle. The external space provision for the proposed dwelling is considered to acceptable for this scale of development.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

## **Residential Amenity**

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

- 8.13 The proposed dwelling has been designed without windows in the flank elevations to avoid overlooking the adjacent gardens. The proposal does include a window in the 1<sup>st</sup> floor of the rear which would serve a bedroom, however this window would be recessed to narrow the angle of view and direct views down the garden which would be a depth of 4.8 metres. The rooflights are set at a high level with an internal cill height of above 1.7 metres. I therefore do not consider the proposal would cause



any adverse levels of overlooking of neighbouring gardens over and above that which already exists. I have applied a condition to restrict any additional windows or opening in the side elevation facing no.2a and 2b.

- 8.14 In terms of overbearing and sense of enclosure the applicant has shown that the proposed dwelling would meet the 25 degree rule from the ground floor windows of the flat at no.2a. The side elevation of the proposed dwelling would also be located 7.7 metres from the rear (east) elevation of no.2a and no.2b Drayton Road. The proposed dwelling would be located east of no.2a and 2b and therefore is likely to cause some overshadowing during the early morning. After late morning, there is unlikely to be any significant levels of overshadowing. In these terms, therefore, whilst the proposed dwelling is likely to have a degree of impact on the residential amenity of the occupiers of adjacent flats, I do not consider that in this urban context, the degree of harm on the residential amenity of the occupier of the flats would be significant enough to warrant refusal. The proposed scheme is also a significant improve, in terms of the relationship with the adjacent occupiers, on the previous scheme, which was for a three storey dwelling.
- 8.15 In terms of the impact on no.4 Drayton Road, which is to be east, the proposed dwelling would be located 2.7 metre from the side elevation of no.4. The proposed dwelling does not contain any windows in either side elevation. No.4 also does not have any main or habitable room windows in the side elevation that would be affected by the proposal. The proposed dwelling would also project approx. 1 metres beyond the rear elevation of no.4. The main bulk of the side elevation of the proposed dwelling would therefore face the side elevation of no.4. The additional depth of the dwelling, past the rear elevation of no.4 would not cut across the 45 degree line or appear unduly overbearing from the rear garden. In these terms, therefore, I do not consider the proposal would have any significant adverse impact on the residential amenity of the occupier of no.4 Drayton Road.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

## Amenity for future occupiers of the site

- 8.17 The proposed dwelling would provide future occupiers with a high quality standard of city living accommodation. The future occupier would have an outlook over the rear garden which is appropriate for the size of the dwelling. The rear garden would be overlooked by existing properties in Leete Road. However the amount of overlooking would be no worse than the level of overlooking experienced by existing residents in Drayton Road. In this urban context it is difficult to prevent any overlooking and so future occupier could, if it was a concern, try to mitigate this by landscaping the garden.
- 8.18 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Refuse Arrangements**

- 8.19 The proposal includes three waste receptacles in the rear garden which would be accessible from the side passage for collection and storage.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.21 The driveway at the front of the site has enough space to comply with the County Highway parking space dimensions. The access into and out of the car parking space is similar to the existing arrangement within the street. The County Council has requested dimensions (5 metres by 2.5 metres) of the car parking space to be shown. I have scaled the floor plan and it shows that the driveway is 5.2 metres in depth and 5 metres wide. Therefore there is sufficient space to accommodate a vehicle off street.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## Car and Cycle Parking

### Car parking

8.23 The proposal includes a car parking space at the front of the site. This would comply with the maximum level of car parking for the propose dwelling.

### Cycle parking

8.24 The proposal includes three cycle parking spaces within the rear garden although no details of the type of stand have been provided and they do not appear to be enclosed. I have therefore recommended a cycle condition so that these details can be agreed.

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

## Third Party Representations

8.26 I set out below my response to the concerns raised in the third party representation in the below table.

<b>Representations</b>	<b>Response</b>
There is a covenant restricting development;	This is not a material planning consideration. It is a civil matter that would need to be resolved between landowners.
The applicant did not advise us of the intention to develop the land;	The City Council encourages applicants to consult neighbours prior to submitting applications. However, there is no requirement to do so and this is not a reason to refuse the application.
The proposed building will be oppressively close to our property and affect the quality of the outlook from the kitchen of 2a;	See para 8.14
Sunlight will be reduced to the bedroom and kitchen of 2a and cast a shadow over the garden;	See para 8.14
Concerns with the provision of car parking;	See para 8.23

The protected tree adjacent to 2a and 2b Drayton Road is not shown;	There are no protected trees that would be affected by the proposed development.
Concerned with the potential for flues and other outlets being inserted in the side wall which will be visible from 2a.	The location of any flues or outlets to serve the kitchen and bathroom will be determined on where access is available. If a flue/outlet is required to be inserted into the west elevation this would require access into private land for which an agreement would be needed. This is a matter for neighbours/landowners to resolve.
Impact from noise on current tenants during construction work	I have applied a construction hours condition to mitigate the impact of construction work on the residential amenity of the neighbouring occupiers.

## 9.0 CONCLUSION

- 9.1 The proposed two storey dwelling (first floor in the roof) is considered to be acceptable in terms of its design and scale, as it would assimilate into the site without having a detrimental impact on the character of the area. The design is of high quality without being overly fussing and the scale is ancillary compared to the surrounding houses.
- 9.2 There are no windows in the proposed dwelling that would cause direct overlooking of neighbouring properties. The dwelling would also be located a sufficient distance away from the neighbouring properties so as not to have a significantly detrimental impact on their residential amenity in terms of enclosure and dominance. The proposed dwelling would provide future occupants with a high quality living environment.

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

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

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local 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)

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

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

6. Notwithstanding the provisions of Schedule 2, Part 2, Class A 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 fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

Reason: To protect the visual amenity of the neighbourhood and in the interests of highway safety (Cambridge Local Plan 2006 policies 3/4 and 8/2).

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

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

8. Prior to the occupation of the hereby approved dwelling, the access shall be constructed with adequate drainage measures to prevent surface water runoff onto the adjacent public highway.

Reason: To prevent surface water discharging to the highway.

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

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

10. No additional windows or openings of any kind shall be introduced into the western elevation of the development hereby approved.

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

11. 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)

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

**INFORMATIVE:** Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

This page is intentionally left blank



**PLANNING COMMITTEE**

**Date: 6<sup>th</sup> January 2016**

<b>Application Number</b>	15/1710/FUL	Agenda Item	
<b>Date Received</b>	19th November 2015	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	14th January 2016		
<b>Ward</b>	West Chesterton		
<b>Site</b>	89 And 91 De Freville Avenue Cambridge Cambridgeshire CB4 1HP		
<b>Proposal</b>	Proposed single storey dwelling on land behind 89-91 De Freville Avenue, including the removal of existing hardstanding, and removal of a tree.		
<b>Applicant</b>	Mr David Traynor 89 De Freville Avenue Cambridge Cambridgeshire CB4 1HP United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed design and scale of the development would be in keeping with the context of the site and character of the area and would not have any adverse impact on the Conservation Area.</li> <li>- The proposed dwelling would not have any adverse impact on the residential amenity of the adjacent neighbours in terms of overlooking or the proposal having an overbearing impact.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site has a gated access onto a private/shared drive which is located off Kimberley Road. The site forms part of the rear gardens to No's.89 and 91 De Freville Avenue.

- 1.2 To the east of the site are the residential gardens of No's 89 and 91 De Freville Avenue. To the north of the site is the residential garden and shed of No.87 De Freville Avenue. Immediately adjacent to the west of the site is a 1 metre wide footpath and beyond this is the dwelling of no.92 Kimberley Road which fronts and also has access onto the private drive. Immediately adjacent to the south of the site is a Horse Chestnut tree and beyond this are the university boathouses.
- 1.3 The site falls within the De Freville Conservation Area. Banhams Close which is located to the south of the site and provides access to the boathouses and Beaulands Close (private flats). There is a mature Horse Chestnut tree adjacent to southern boundary which overhangs the site. There is also a mature London Plane tree within the rear garden of no.87 De Freville Avenue. None of these trees are protected by a Tree Preservation Order but the London Plane is within the Conservation Area. Nevertheless both trees, due to their size have amenity value. There are no trees within the site. The site falls close to the river and borders Flood Zone 1 and 2. The site is situated within a Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 This application is a re-submission of a previously refused application reference 13/1661/FUL. The site has had permission in the past for the erection of a bungalow. The previous scheme was refused on two grounds:
- *The proposed development, by virtue of its height and length adjacent to the boundary of the garden of no. 87 De Freville Avenue, would appear as an overly dominant, enclosing and hard visual form in an otherwise mainly soft and green landscaped garden environment. As such, it would result in significant detriment to the amenity of the occupants of no. 87 De Freville Avenue contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.*
  - *Due to the layout of the proposed dwelling, the proximity of the canopy of trees T2 and T3 and the extent of shading that would occur, allowing the proposal would result in considerable pressure to fell or significantly prune these trees from future occupants to the detriment of the visual amenity of the Conservation Area. As such, the proposal fails to take into*

*account the proximity of the tree in its design and layout and does not respond positively to its context or site constraints and is contrary to policies 3/4, 3/10, 3/12, 4/4 and 4/11 of the Cambridge Local Plan 2006.*

- 2.2 This amended application seeks the approval for a single storey detached dwelling and works to existing trees. The layout of the amended proposal is also different to the refused scheme in that it is an 'L' shaped building rather than a rectangular block. The length and position of the amended dwelling is shorter, positioned further down towards the rear of the garden and has a hipped and half pitched roof form. The access into the site is still off Kimberley Road.
- 2.3 The proposal includes a driveway/amenity area at the front and a private courtyard in the north-east corner of the site. The proposal includes enclosed bin and cycle storage.
- 2.4 The proposed dwelling has been amended from its original conception during the course of this application. The gable end on west elevation, which faces no.92 Kimberley Road has been hipped to reduce the impact on the neighbouring property. Neighbours have been re-consultation on the amended plans.

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/1661/FUL	Erection of a 2 storey family dwelling on land to the rear of 89-91 De Freville Avenue.	Refused

C/03/0123	Application to renew planning permission C/99/0954 for the erection of one dwelling.	A/C
C/99/0954	Outline application (amendment of C/0954/94 to erect single dwelling in rear garden with access off private drive from Kimberley Road).	A/C
C/94/0954	RENEWAL OF PLANNING APPLICATION C/0081/90 TO ERECT SINGLE DWELLING (4 BEDROOM BUNGALOW AND DOUBLE GARAGE).	A/C
C/90/0081	ERECTION OF DETACHED BUNGALOW (RENEWAL OF C/0481/85)	A/C
C/85/0481	ERECTION OF DETACHED BUNGALOW	A/C
C/81/0189	Erection of detached bungalow and garage	A/C
C/73/1011	Change of use of existing garage accommodation to self-contained dwelling	A/C
C/64/0292	Erection of house or bungalow - r/o 89 De Freville Avenue.	Ref

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

	4/4 4/11
	5/1
	8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  De Freville Conservation Area Appraisal (2009)

### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 The proposal should show a car parking space measuring 2.5m by 5m. Following the implementation of planning permission residents will not qualify for Residents Parking.

### **Environmental Health**

The proposal is acceptable subject to conditions relating to construction hours and piling. In addition a wood burning stove is proposed and smokeless fuel should be considered so as not to cause a nuisance.

### **Drainage**

The development is not acceptable. The information submitted does not meet the Sequential Test.

### **Additional Comments**

Following the submission of additional information in response to the concerns raised, the development proposed is now considered to be acceptable to the Drainage Officer.

### **Urban Design and Conservation Team**

The proposal is acceptable in design terms. The proposal fits well within its immediate area. The tree cover provides a screen of the proposal and subject to condition is acceptable.

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

The proposal is acceptable and the bespoke foundation design will need co-operation with the Tree Team. The landscaping has been left for future design and therefore a suitable condition is recommended.

## **Head of Streets and Open Space (Trees)**

Whilst the proposed development can be built without material impact on the tree roots, is concerned that the trees will dominate the site and once the property is occupied there will be significant pressure to allow significant tree works/removal. Due to this issue, the proposal is not supported.

## **Environment Agency**

Site is situated within Flood Zone 2 and 1 of the Environment Agency's Flood Map. The current predicted 1 in 100 year plus climate change flood level for this location is 5.83m ODN. Recommend a flood plan to be prepared. Drainage from roofs to an approved surface water system. Soakaways 2m below existing ground level. Clean surface water to be discharged into soakaways. Foul drainage to be connected to public foul sewer. Site operators to ensure no possibility of contamination entering the polluting surface or underground waters.

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

No objections or archaeology requirements for this development

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

## **7.0 REPRESENTATIONS**

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

- 72 Kimberly Road
- 76 Kimberly Road(x2)
- 82 Kimberly Road

- 90 Kimberly Road
- 92 Kimberly Road(x2)
- 92 Kimberly Road (Vice President of the Cambridgeshire Rowing Association)
- 59 Thornton Road
- 29 High Street, Harston
- Goldie Boat House
- Trinity College Boat House
- Beaulands Close Management Ltd

7.2 The representations can be summarised as follows:

- This application should not prejudice future application of the Cambridge Rowing Club;
- Impact on trees
- Impact of the trees on the proposed house through loss of light and leading to the loss of the trees
- Impact of traffic to the access, causing inconvenience to residents
- Plans need clarifying as road name is marked incorrectly
- Access to the site should be from De Freville Avenue and Beaulands Close carpark
- Beaulands Close is a private right of way and does not include access to De Freville Avenue
- Impact of the proposal on the drainage system as the lower end of Kimberly Road is badly affected
- The scale and massing is overbearing and will lead to the loss of light
- Unsuitable as a back land development and is out of character
- Two storey form could add a mezzanine at a later date
- The size of the amenity space is not acceptable
- Rights of Way could be challenged across the access
- Restrictions on traffic and construction activity
- There is already an hazard to the lane this will add to it

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

- 87 De Freville Avenue

7.4 The representations can be summarised as follows:

- Comparison to the earlier application is irrelevant



- Comparison between dwelling and amenity courtyard is a matter for the future purchaser
- Access will not be affected

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. Trees
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. 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 land uses. There is an existing dwelling standing on the site, and the site is within a predominantly residential area. Therefore, the principle of a replacement dwelling is acceptable.

8.3 Paragraph 14 of the NPPF is also important. It states that there should be a presumption in favour of sustainable development running through the decision making process. This means approving development proposals that accord with the development plan without delay unless any adverse impact would significantly and demonstrably outweigh the benefits.

8.4 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained within the National Planning Policy Framework 2012.

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.

- 8.5 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remain acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value gardens contribute to the City.
- 8.6 Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) - have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
  - b) - provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
  - c) - detract from the prevailing character and appearance of the area;
  - d) - adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
  - e) - adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
  - f) - prejudice the comprehensive development of the wider area of which the site forms part.
- 8.7 Criteria d, e and f are not applicable to this site. I consider criteria a, b and c under the relevant headings below.
- 8.8 Subject to compliance with the criteria of Policy 3/10, which are assessed below, the principle of the new residential development is compliant with Cambridge Local Plan policies 5/1 and 3/10.

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

- 8.9 The application site is located to the east of no.92 Kimberley Road which is a similar style and scale single storey dwelling. Therefore the proposed dwelling would not appear out of place adjacent to the existing dwelling. The existing built form in Kimberley Road and De Frevilles Avenue is characterised by two storey Victorian terrace housing. The garden depths of the dwellings in De Frevilles Avenue are nearby double the depth of the dwellings in Kimberley Road. Many of these rear gardens contain tree planting. To the south of the site are the university boathouses which front the river. The boathouses are large two storey building. Between the boathouses and application site is a private/shared access known as Banham Close which leads to the gated development of Beaulands Close.
- 8.10 In this context, the proposed subdivision of part of the rear of no.89-91 De Frevilles Avenue is considered to be acceptable as it would retain a significant amount of garden space for the host dwelling. The proposed dwelling would also not appear out of character in this context and would not be entirely visible from Kimberley Road or De Frevilles Avenue.
- 8.11 The proposed dwelling has been designed to address the concerns and refusal reasons raised in the previous scheme (13/1661/FUL). In terms of the first refusal reason, the proposed development has been scaled down to single storey; from two storey, pull 1 metres away from the northern boundary, and has a broken form due to the rear and front courtyard. The combination of this has significantly reduced the mass of the building and visual form from the rear garden of no.87 De Frevilles Avenue. Therefore, in my view, the proposal has addressed the first refusal reason of the previous scheme.
- 8.12 The proposed contemporary design and form is considered to be acceptable in this location. The design is of similar appearance to no.92 with its angular form, pitched and hipped roofs and use of extensive glazing. The proposed dwelling would also relate well with the traditional form of the host dwellings without creating an awkward juxtaposition. I am therefore satisfied that the proposed development is of high quality and would make a positive visual contribution to this site. The proposal would also not have a significant detrimental

impact on the character or appearance of the Conservation Area.

- 8.13 In terms of external space, the proposal would provide two areas of outdoor space; the main area at the front of the dwelling off Banham Close and a smaller private courtyard in the north-east corner. The external space at the front of the site would provide provision for car parking, cycle and bin storage. I am satisfied that the proposal provides sufficient amount of private amenity space to serve the proposed dwelling of this size.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12

### **Trees**

- 8.15 The second refusal reason relates to the two trees (T2 and T3) and the extent of shading they would cast and the pressure to fell or significantly prune them from future occupants. T2 (Beech) is located 3.8 metres to the east of the application and T3 (Horse Chestnut) is located adjacent to the southern boundary and significantly overhangs the site. The applicant has met with the City Council's Tree Officer on site and whilst the applicant's tree consultant has provided minutes of the meeting which alleges that the Tree Officer was satisfied with the overall proposal in terms of the impact on the trees, I have not received confirmation from the Tree Officer. The Tree Officer has confirmed that the meeting minutes are accurate and is satisfied that the proposal can be built without materially impacting the tree roots. However, the tree officer remains of the concerns that the trees will dominate and put pressure of any future occupier to carry out significant tree works/removal.
- 8.16 In my view, whilst the adjacent trees are substantial and the shading issue is a concern, the applicant has designed the dwelling to include extensive glazing within the elevations and roofscape to ensure maximum amount of natural daylight penetrates into the dwelling to reduce the pressure to significantly prune or removal of any trees. The amenity space for the previous scheme was directly under the canopy of the adjacent Horse Chestnut tree. The private courtyard in the north-west corner would be located outside the main canopies of existing trees. This would in my view sufficiently mitigate any significant pruning or need to remove the trees. The design

incorporates angled roof form, high level and roof windows to allow daylight to filter into the internal rooms. The trees are also likely to help to regulate solar gain during summer months as the proposed dwelling would be south facing. Furthermore, the Horse Chestnut to the south is a deciduous tree and therefore in winter months when the trees are out of leaf, the impact from shading would not be as significant.

- 8.17 I have recommended tree conditions that would ensure details of protection of the existing trees during construction, details of the contractor arrangements, foundation details and an arboricultural impact assessment are provided prior to construction. In my view, I feel these conditions would offer sufficient protection to the existing trees during construction works.
- 8.18 In these terms, therefore, the proposed development is considered to be acceptable and, in my view, has sufficiently addressed the concerns/refusal reasons in the previous scheme. The proposed dwelling is of high quality design and would provide a high quality living environment for future occupants without having an adverse impact on the existing trees.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.20 The proposed dwelling due to its reduced scale and distance from the rear of no.87 (over 25 metres), will not have any significant adverse impact on the residential amenity of the existing occupiers in terms of dominance or overbearingness. The occupier of no.87 has made representations not raising any objections to the proposal.
- 8.21 In terms of the impact on no.92 Kimberley Road, I have visited their property and assessed the potential impact on their residential amenity in terms of dominance, overbearing sense of enclosure and loss of light. The proposed dwelling has been laid out so that the western wing is located on the boundary of the site. The western elevation of the wing was originally

designed as a gable end with a mono-pitched roof which slope up from north to south. The gable end would have been 5.5 metres in height and 4.9 metres wide and located 1.9 metres from the rear elevation of no.92. In the rear elevation of no.92 there is a row of high level windows across the rear elevation, a small courtyard and a small rectangular window below the row of high level of windows. I am of the view that due to the way the gable end had a mono-pitched roof, which had an eaves height of 2.7 metres (this would be below the high-level windows) and slope to a height of 5.5 metres, and only a small section of the gable would be visible or impact the high level windows in no.92 and the impact would not be significantly adverse. The roof slope would also not appear dominant from the small courtyard and would not impact the rectangular window. However, following concerns from the occupiers of no.92, I discuss the possibility of hipping the gable to match the hipped roof on the east wing in order to improve the relationship with the no.92. The applicant agreed to this and amended plans were submitted and consultations carried out.

8.22 The amended west elevation would now slope away from the rear elevation of no.92 and create a valley type opening between the existing and proposed roofs. The proposed amendment is considered to improve the relationship with the neighbouring property in terms of impact and it would be difficult to argue the proposed dwelling would now appear significantly overbearing such that it would cause an adverse sense of enclosure. I am therefore satisfied that the amended design of the proposed dwelling is acceptable in terms of impact on the residential amenity of the adjacent neighbours.

8.23 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

8.24 The proposed 2bed dwelling would provide future occupant with high quality living environment and a high standard of living accommodation.

8.25 The applicant has submitted a Shade Analysis, which demonstrate that whilst there will be some shadowing over the

plot and internal rooms, overall, the amount of shading would not be significant to have a significantly detrimental impact on the amenity of future occupiers such that it would warrant refusal. In this location, it is expected that there will be some shading due to the surrounding trees. In order to reduce the impact of shading, the design incorporates angled roof form, high level and roof windows to allow daylight to filter into the internal rooms. The trees are also likely to help to regulate solar gain during summer months as the proposed dwelling would be south facing. Furthermore, the Horse Chestnut to the south is a deciduous tree and therefore in winter months when the trees are out of leaf, the impact from shading would not be as significant.

- 8.26 The proposal includes two areas of outdoor space, the front courtyard which would host the car parking and cycle and bin storage provisions. The rear courtyard would provide the future occupiers with the main private space. This space would provide 28 sqm of usable amenity space and does not include the front courtyard. This is considered to be sufficient provision for the future occupiers.
- 8.27 In my opinion, therefore, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.28 A dedicated enclosed bin store is proposed within the front courtyard that would provide three waste receptacles. The future occupiers would need to wheel the bins to Kimberley Road for collection. The drag distance would be approx. 42 metres. Whilst this is over the 30 metres that is recommended by the RECAP Design Guide, I do not consider an extra 12 metres bin drag for this one dwelling would be unreasonable and would not in my view justify refusing the application. I am therefore satisfied that the bin storage arrangements are acceptable.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## Highway Safety

- 8.30 The County Highway Authority has not raised any concerns with the proposal in terms of highway safety. The proposed development would be accessed off a private/shared lane which also serves Beaulands Close to the east and the boathouses to the south. Having visited the site I am satisfied that the proposed access would be acceptable to serve dwelling.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## Car and Cycle Parking

### Car parking

- 8.32 The proposed Ground Floor Plan (P10-D) shows a car parked in the front courtyard. Whilst the courtyard would appear to accommodate up to two vehicles, there would not be enough space for them to turn and leave the site in forward gear. It may be possible for one to do so. Nevertheless, as the access is onto a private/shared drive and not a busy road, I do not consider the car parking provision to be unacceptable in this location.

### Cycle parking

- 8.33 The proposal includes a dedicated, enclosed and secure cycle store within the front courtyard which would accommodate four cycles. I am satisfied with the proposed cycle parking arrangements.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

- 8.35 I set out my response to the third party representations in the below table.

<b>Representation</b>	<b>Response</b>
This application should not prejudice future application of the Cambridge Rowing Club;	Each planning application is considered on its own merits.



Impact on trees	See para 8.15 and 8.18
Impact of the trees on the proposed house through loss of light and leading to the loss of the trees	As above
Impact of traffic to the access, causing inconvenience to residents	The level of traffic that would be associated with the proposed 2 bed dwelling is unlikely to create significant inconvenience to existing residents. I have recommended conditions construction hours, contractor management plan and piling to reduce any inconvenience and nuisance cause during construction works.
Plans need clarifying as road name is marked incorrectly	Not a material planning consideration. However, comments are noted and the applicant will be advised of this.
Access to the site should be from De Freville Avenue and Beaulands Close carpark	The site is located nearer to Kimberley Road and so it would make sense for the proposed dwelling to be accessed from there. The proposal does not include access from De Frevilles Avenue and Beaulands Close is a private housing estate.
Beaulands Close is a private right of way and does not include access to De Freville Avenue	This is correct.
Impact of the proposal on the drainage system as the lower end of Kimberly Road is badly affected	The Drainage Officer has assessed the proposal and following the submission of additional information is satisfied with the proposal from a drainage perspective.
The scale and massing is overbearing and will lead to the loss of light	See para 8.9 to 8.12

Unsuitable as a back land development and is out of character	See para 8.9 to 8.12
Two storey form could add a mezzanine at a later date	The application is for a single storey 2bed dwellinghouse. Having checked the plans, if a mezzanine was added it would provide very limited space. Having discussed this with the agent, I can advise that the applicant has no intention to do this due to the lack of space.
The size of the amenity space is not acceptable	The site of the amenity space is more than that which is currently provided for at no.92. Also the Council does not have any
Rights of Way could be challenged across the access	This is a civil issue that would need to be resolved between neighbours and landowners.
Restrictions on traffic and construction activity	I have recommended conditions construction hours, contractor management plan and piling to reduce any inconvenience and nuisance cause during construction works.
There is already an hazard to the lane this will add to it	As the lane is not adopted County Highways are unable to make any comments. Also there are no policies in which the proposal could be refused on this basis.

## 9.0 CONCLUSION

- 9.1 The proposed subdivision of gardens to create a residential unit is considered to be acceptable in this location. The host properties would be significant distance from the site and retain a generous amount of garden space. The proposal would have no impact on the garden space as there would be no windows that would face back to the host dwellings.

- 9.2 The proposed dwelling is of contemporary design, similar to the design of no.92 Kimberley Road from which inspiration appears to have been drawn. The design of the proposed dwelling is therefore considered to be acceptable in this context and would not have a detrimental impact on the character or appearance of the Conservation Area. The scale of the development is appropriate for this site in this location and has addressed, in my view, the 1<sup>st</sup> refusal reason in the previous application.
- 9.3 Concerns have been raised regarding the potential impact on the residential amenity of the adjacent occupiers. I have carefully assessed the impact due to the proximity of development to the rear boundary of no.92. The proposal has been amended to mitigate any adverse impact. The proposal would not have any adverse impact on the residential amenity of the adjacent neighbour in terms of dominance and would not cause any adverse overlooking issues. I am satisfied that the proposed dwelling would sit comfortably with the plot without appearing unduly dominance or overbearing on the adjacent neighbours including no.87 De Freville Avenue.
- 9.4 In terms of the impact on the existing trees, I have recommended conditions which I have used in the past on similar proposal to mitigate and minimise any adverse impact the trees during and after construction.

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

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

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local 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)

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

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

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

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

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

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

11. Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

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

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

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

13. 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)

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



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

15. **INFORMATIVE:** The applicant is advised that following implementation of any Permission issued by the Planning Authority in regard to this proposal, the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

This page is intentionally left blank

<b>Application Number</b>	15/1589/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	19th August 2015	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	14th October 2015		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	23 Baldock Way Cambridge CB1 7UX		
<b>Proposal</b>	Demolition of the existing bungalow and the erection of a pair of two-bedroom residential units.		
<b>Applicant</b>	DGL Developments Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development is considered to be of high quality design and would enhance the existing appearance of the site and local area;</li> <li>- The proposed dwellings have been designed to mitigate the impact on the occupiers of the properties to the south. Whilst they are closer to the boundary of no.71 and 73 Glebe Road they have been reduced in scale such that they would not appear unduly dominant or significantly overbearing such that it would cause an adverse sense of enclosure on the neighbouring properties.</li> <li>- The proposed level of outdoor amenity space, which is proposed in two areas is considered to be acceptable to serve these dwellings and would provide future residents with adequate levels of outdoor space.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 23 Baldock Way is a detached bungalow with an attached single flat roof garage and drive way to the north, situated on the eastern side of Baldock Way. The surrounding area is predominantly residential mainly consisting of two-storey detached, semi-detached and terrace houses. To the north of the site is an allotment site and to the south the site adjoins the rear boundary of no.73 Glebe Road. The application site has been formed from the subdivision of no.73.
- 1.2 The site is not within a Conservation Area or within the setting of any Listed Buildings or Buildings of Local Interest.

## 2.0 THE PROPOSAL

- 2.1 The proposal is for the demolition of the existing bungalow and construction of two 2bed dwellings with basement level and roof terrace. The proposed development includes cycle and bin storage for each dwelling.
- 2.2 The proposed dwellings would be between 4.2 metres and 5 metres in height. The stairwell would project 0.8 metres above the main (4.2 metre) ridge line.

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/78/0035	Erection of detached bungalow	PERMITTED
14/0129/FUL	Demolition of bungalow and erection of detached house	REFUSED – dismissed at appeal*
14/1652/FUL	Demolition of the bungalow and replacing it with a chalet bungalow	REFUSED

A copy of the Inspector's Decision letter in relation to the appeal\* is attached in Appendix 2.

## BACKGROUND

- 3.1 I set out below a chronology of the most recent planning history and main issues to each case.

14/0129/FUL - Demolition of bungalow and erection of detached house – REFUSED (Appeal Dismissed)

This planning application was for a detached 3 “ storey dwelling (including basement and loft). The application was refused on the followings grounds:

- Adverse sense of enclosure on the occupiers of no.71 and 73 Glebe Road;
- Overshadowing of the rear garden of no.71 Glebe Road; and
- Lack of external garden space to serve a family dwellings.

The Planning Inspector found that whilst the proposal would have an acceptable effect on the living condition of the occupiers of no.71 regarding overshadowing, it would have a harmful effect on the outlook of no.71 and 73 Glebe Road. He also found that the proposed development would not provide sufficient private amenity space for future occupants.

14/1652/FUL - Demolition of the bungalow and replacing it with a chalet bungalow - REFUSED

This planning application was for a 1 “ storey dwelling (excluding basement) on a similar footprint as the existing bungalow. The application was refused on the following grounds:

- Adverse sense of enclosure on occupiers of no.71 and no.73 Glebe Road through dominance due to its height and proximity to the boundary;
- Lack of external garden space to serve a family dwelling.

The proposed chalet bungalow was 1.8 metres higher at the ridge than the existing and on a similar footprint. The case officer did not consider the reduced scale of the dwelling would overcome the previous refusal reasons. The case officer also did not consider the amount of garden space to be adequate for a family dwelling.

No appeal was lodged against this refusal.

#### 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 3/8 3/11 3/12 4/13 5/1 5/14 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)

	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
--	--

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The proposal is likely to impose additional parking demands upon on street parking which has the potential to impact residential amenity but is unlikely to result in any significant adverse impact upon highway safety. The following conditions/informative are recommended:

- Redundant crossover to be returned to footway and kerb;
- Traffic management plan;
- Work to public highway informative
- Public utility informative

### **Environmental Health**

- 6.2 The proposed development is acceptable subject to conditions on construction hours and piling.

### **Drainage**

- 6.3 No objections. The proposals are a redevelopment with near identical pre/post development impermeable areas. There is little scope within the site layout to provide any betterment and flood risk will not be increased as a result of the redevelopment.

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

- 6.4 Concerned with the depth of shadow the amenity spaces would experience. Roof terrace for plot 2 with extensive walls around it would not be suitable. The proposed development is unacceptable and should be refused.

### **Access Officer**

- 6.5 Object to the loss of this type of housing that is accessible for disabled people. Both houses should be built to wheelchair access criteria.

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:
- 26 Baldock Way;
  - 71 Glebe Road;



- 73 Glebe Road (from Owner of property who lives at Woodlands Farm, Hive Road, Witcham);

7.2 The representations can be summarised as follows:

Design, scale and layout:

- Architecturally better than the previous scheme but still overdevelopment of this small site;
- The increased height of the buildings and proximity to the boundary of neighbouring properties will exacerbate sense of dominance and enclosure that the existing bungalow already creates;
- Two houses on this small plot would appear very prominent and have an overbearing appearance on the character of the area;
- The proposed dwellings would provide insufficient external amenity space;
- The proposal would overdevelopment of this plot;
- Inappropriate to use examples of other planning permissions which were built on much larger sites.

Residential amenity:

- The proposal does not protect residential amenity of neighbours;
- The proposal will cause overlooking and impact privacy of the neighbouring properties;
- The proposed roof terrace will look straight into the rooms of the neighbouring properties;

Highway/car parking impact:

- No car parking is unacceptable for this suburban location;
- The site is not close to shops or services;
- Baldock Way is narrow and gets congested at times with parking associated with Addenbrookes and nearby schools;
- The proposal will have a negative impact on local road network and impact road safety;

Other issues:

- The proposed development will further compound the flooding/waterlogging of the garden;

- Drainage system does not adequately cope with existing demand and causes overflowing;
- Loss of a type of housing that is in short supply;

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 land uses. There is an existing dwelling standing on the site, and the site is within a predominantly residential area. Therefore, the principle of a replacement dwelling is acceptable.

8.3 Paragraph 14 of the NPPF is also important. It states that there should be a presumption in favour of sustainable development running through the decision making process. This means approving development proposals that accord with the development plan without delay unless any adverse impact would significantly and demonstrably outweigh the benefits.

8.4 Paragraph 50 of the NPPF and NPPG state that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as older people). However, as the site is not in a Conservation Area the existing

bungalow could be demolished without the need for planning permission and it would, therefore, be unreasonable to refuse planning permission because of its loss in my view.

- 8.5 The existing bungalow was granted planning permission in 1978 and whilst it appears to have been built on part of the garden of 73 Glebe Road it is my view that it could not still be considered to be garden land. In my opinion, policy 3/10 which relates to the subdivision of existing plots, does not apply here.
- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

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

- 8.7 The application site fronts onto Baldock Way and is situated on the eastern side of the road. The pattern of development along this stretch of Baldock Way (between Hills Avenue and Glebe Road) is generally characterised by predominantly two storey detached housing set back from the road and behind either hedgerows or timber fences along the front boundaries. However, there are examples of single storey and semi-detached dwellings but the prevailing pattern is of two storey detached.
- 8.8 The allotment site; to the north of the application site, gives the eastern side of Baldock Way a more open feel as opposed to the more built up setting on the western side. Baldock Way is characterised by tree planted on grass verges which separate the pavement from the road. The road itself is relatively unrestricted with the exception of a single yellow line that runs along the western side of the road.
- 8.9 The architectural character along this stretch of Baldock Way is varied and so there is no prevailing style from which to respond or take reference from. The existing bungalow has little architectural merit.
- 8.10 The proposal would result in the introduction of a contemporary form of housing development on the site. In this varied architectural context which also includes a mix of new and old, I feel that this approach is acceptable for this constrained site. The previous refused schemes were of traditional design and

appearance which was also considered to be acceptable. The Planning Inspector for the first scheme (14/0129/FUL) did not consider design as an issue of concern. The proposal, as with the previous schemes, also includes basement levels for each dwelling to provide additional accommodation, which would not be entirely visible from the public realm. Again, the Planning Inspector did not raise any concerns with this.

- 8.11 The proposed dwellings would be similar in design and scale. The design is considered to be creative way of redeveloping the site to provide two dwellings with adequate amounts of outdoor space. The proposed design is considered to be an improvement on the existing bungalow in terms of architectural style and appearance.
- 8.12 The main accommodation of the proposed development would be contained within the basement and ground floor level. The proposed roof sections would contain a roof terrace and enclosed stairwell. The roof sections would be set in and pitch away from the edges of the ground floor element. They would also be detached from each other to reduce their dominance from neighbouring properties and the street scene. The existing bungalow has a continuous ridge line which is just less than 5 metres in height. The main ridge line for the proposed dwellings would be 4.2 metres in height and include a small section which project 0.8 metres above this which serves the stairwell to the roof terrace. Also, unlike the continuous ridge line of the existing bungalow, the roof form of the proposed dwellings would be detached from each other. This would reduce the mass of the first floor and provide an outlook through the development from the neighbouring garden looking west and from the road looking east. In my view, the contemporary design is considered to be acceptable approach of this site, as it would enhance the appearance of the site and make a positive contribution to the street scene.
- 8.13 In terms of external amenity space, this was a concern that has been raised in the previous applications and by the Inspector with the first proposal due to the disproportionate amount of outdoor space to serve a large family dwelling. The proposal, which is for two small dwellings, includes two areas of private amenity space to serve each dwelling; basement courtyard area and a roof terrace. The amount of outdoor space is considered to be acceptable for the size of the proposed dwellings.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.15 The Inspector's decision for the first proposal was to dismiss the proposal due to concerns with the potential significant impact from the proposed development on the residential amenity of the neighbouring properties. The main concerns related to the dominance and enclosure the previous scheme would have on the residential amenity of the occupiers of no.71 and no.73 Glebe Road which are to the south of the site. I set out below my response to how the proposed scheme differs from the previous schemes and how the impact has been addressed.

Dominance and sense of enclosure

- 8.16 The previous application (14/1652/FUL) was refused on the following basis:

*Due to the height of the proposed dwelling and its proximity to the common boundaries with 71 and 73 Glebe Road, it would have a significant adverse impact on the occupiers of these neighbouring properties through an overbearing sense of enclosure. The proposed dwelling would dominate the outlook from these neighbouring properties and enclose them to a worse degree than the existing bungalow on the site. The proposed dwelling is therefore considered to be unacceptable and contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).*

- 8.17 The issue in the above refusal was also referred to in the Inspector's assessment of the first scheme (14/0129/FUL). The Inspector, in paragraphs 7 and 8 of her decision, explained that:

*At the rear of No 73 there is a garden about 7m in depth. The existing outlook at ground level is of the bungalow roof gable. The open aspect at first floor level provides a relief to this outlook. However the new dwelling would change this as the increased height of the flank wall would occupy most of the width of the garden. This would create a sense of enclosure due*

*to its proximity and the contrast with the surrounding open space. The sense of enclosure would be experienced by the occupiers both within the dwelling and in the garden.*

*The scale of the building would result in a dominant outlook for the occupiers of No 73 and this would not be diminished by the slight set back of the siting of the replacement dwelling.*

*No 71 adjoins No 73 and I consider that the outlook for these occupiers would also be affected. Currently the roof of the bungalow extends about 11m along the boundary with No 71 and slopes away from it. The new development would result in a wall about 5.6m high to eaves along the same length of garden, and as with the bungalow, would only be about 1.4m away from the fence line. The angle of pitch of the new roof would be similar to the bungalow and it too would slope away from the boundary. Whilst the effect on the outlook from within No 71 would be off set by the length of garden inbetween within the garden the new development result in a dramatic change and would be a dominant feature at the end of the garden. The impact of the development would be all the more noticeable due to the contrast with the remaining open aspect.*

- 8.18 The Inspector concluded in paragraph 14 that the proposed dwelling would have an acceptable effect on the living condition of the occupiers of no.71 and 73 having regard to overshadowing. However, the proposal was considered to have a materially harmful impact on the living conditions of the occupiers of no.71 and no.73 in terms of outlook.
- 8.19 In terms of proximity, the proposed dwellings would be located on the rear boundary with no.73 Glebe Road. The previous schemes were set off the rear boundary of no.73 and on a similar footprint as the existing bungalow but taller in height. The ground floor element of the proposed development would fill the entire plot with the north, south and east boundaries defined by a brick wall. This would consist of a 2.1 metre high and 6.1 metre wide brickwall on the rear boundary of no.73 which is currently defined by a 1.8 metre high close boarded fence. The wall would increase to 2.6 metres in height for a 3.3 metre wide section which wraps around to form the rear elevation of the proposed dwellings. The eastern elevation (rear) of the development, which faces the side boundary of no.71, would consist of a 2.6 metre high brick wall set behind

the existing 2 metres high timber fence, which is owned by no.71 Glebe Road.

8.20 Therefore, whilst the proposal would bring the development close to no.71 and no.73, I do not consider the additional height over and above the existing boundary treatment and would cause significant harm to the residential amenity of the occupiers of these dwellings in terms of creating an adverse sense of enclosure. The Inspector for the first refused scheme (14/0129/FUL) concluded that the new dwelling would change the outlook from the rear of no.73, as the height of the flank wall (9.6 metres) would occupy most of the width of the garden creating a sense of enclosure due to its proximity and contrast with the surrounding open space. This relationship was clearly unacceptable. Therefore, whilst the proposed dwelling (plot 2) would be located on the boundary with no.73, it would be significantly lower in height than the previous schemes. The Inspector did not have an in principle objection to the proximity of the development to the boundary alone, it was a combination of height, width and proximity to boundary that led to the conclusion that the development would be harmful.

8.21 The ridge height of the existing bungalow is 4.9 metres which spans 11.5 metres in a pitched roof form. The bungalow is also set 4.9 metres off the rear boundary of no.73. The proposed dwellings have been designed so that the main ridgeline is 4.2 metres in height (0.7 metres below the existing ridgeline) and span 5.9 metres with a small 0.8 metre projections, which accommodates the stairwell to serve the roof terrace (these elements would be 2.7 metres in length and 3.8 metres wide). Putting this into context, the appealed scheme (14/0129/FUL) the proposed dwelling was 9.6 metres in height to the ridge (5.4 metres to the eaves) and the previous refused scheme (14/1652/FUL) the proposed dwelling was 7.4m in height to the ridge (3.4 metres to the eaves). It is clear from this comparison that whilst the proposed development would be closer to the boundaries of no.71 and no.73, it would also be significantly lower in height than the previous schemes. In my view, therefore, the height and proximity of the proposed development to the boundaries with no.71 and no.73 is not considered to have a significant affect on the outlook or openness of the surrounding space from these properties.

- 8.22 The stairwell elements would project 0.8 metres above the main ridge (4.2 metres) of the proposed dwellings. The stairwell element would therefore be approximately 100mm above the ridge line of the existing bungalow. The proposed dwellings would have two ridge heights; the main roof section would be 4.2 metres in height and a smaller section that is 5 metres in height. The ridge height of the proposed dwellings is therefore comparatively similar to the existing bungalow but significantly lower than the previously refused scheme. The additional 0.1 metres increase in height over the existing bungalow is not considered to be significantly material in terms of making the proposed dwellings appear larger or more dominant in scale from the neighbouring properties, in my view.
- 8.23 The nearest stairwell element would also be located 5.6 metres away from the rear boundary of no.73 compared to the gable end of the existing bungalow which is 4.5 metres away. Therefore, the lower ridge and set back of the stairwell elements would not appear dominant or overbearing from the rear garden over and above the existing situation. The stairwell elements would also not have any adverse impact on the outlook from the rear garden of no.73 due to their relatively modest scale and distance from the boundary. The impact on no.71 would also not be significant in term outlook, as the ridgeline of the bungalow would be replaced by a lower and broken roof form thus reducing the appearance of a continuous roofline and views/outlook through the development. The rear outlook of no.71 is over a deep unobstructed rear garden. The proposal would not affect this. Whilst the angled roof form would be noticeable from the rear garden (when facing at the western boundary) the modest scale and reduced overall height adjacent to the side boundary would not appear significantly intrusive from the rear garden and would not significant affect the outlook that currently exists from no.71.
- 8.24 The roofscapes for each dwelling have also been designed to appear as two detached dwellings to break up the roof form and its combined mass. Roofscapes would also be set in from the south boundary by between 1 metre and 5.2 metres and 1.7 metres from the east boundary. The roofscape would also slope away from the boundaries thus further reducing their dominance and scale. Therefore, I am satisfied that the overall height of the proposed development would not appear materially different in height compared to the existing bungalow. However, the



proposed development would bring the dwellings closer to the rear elevation of no.73. Currently the bungalow is set off the rear boundary of no.73 by 4.4 metres and 12.3 metre from the rear elevation. These distances would be reduced to the depth of the rear garden of no.73 which is approximately 8 metres.

- 8.25 I have also used the BRE 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' 25 degree rule to further assess what impact the proposed development would have on the residential amenity of the occupiers of no.71 and no.73 Glebe Road. Whilst this test is saved for assessing the impact on daylight and sunlight from proposed developments, it is also a useful tool to assess dominance. The proposed development would fall below the 25 degree line from the ground floor window of no.73. No part of the proposal would exceed the 25 degree line from the rear of no.71 or no.73.
- 8.26 On this basis, whilst the proposal would bring development closer to the rear and side boundary of no.71 and no.73 (respectively) than the existing bungalow and previous schemes, the proposed development would, in my view, would appear lower in height as the existing bungalow and so would not appear unduly dominant or overbearing such that it would cause an adverse sense of ensure on the residential amenities of the adjacent occupiers. The design, scale and layout of the proposed development has satisfactorily addressed the previous concerns including those of the Inspector regarding outlook and openness.
- 8.27 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Overlooking

- 8.28 I have also carefully considered the potential impact of overlooking from the roof terraces over the rear gardens of no.71 and no.73.
- 8.29 The proposed development due to the main accommodation being within the basement and first floor does not have any windows that would face or face over the rear gardens of the neighbouring properties at no.71 and no.73. Concerns have

been raised regarding the potential impact from overlooking from the roof terraces. Both terraces would be enclosed with a 1.7 metre high boundary. The terrace for plot 1 would have a glass screen on the southern elevation to allow views onto Baldock Way. Plot 2 would not have such a screen due to the potential adverse impact this would have on the residential amenity of the occupiers of no.73.

8.30 The roof terraces are set away from the rear boundary of no.73 and side boundary of no.71. The terraces would also be enclosed by a 1.7 metre high walled boundary which would prevent direct downward views from the terrace over the adjacent rear gardens. The roof terraces would provide what is considered to be a secondary outdoor space with the main outdoor area provided by the courtyard. I therefore do not consider the proposal would result in any significantly adverse levels of direct overlooking over the neighbouring properties such that it would result in a significant loss of privacy.

8.31 The enclosed space with a 1.7 metre high surround would restrict views over the gardens of no.71 and 73. The roof terrace of plot 2 would be 10.5 metres from the rear elevation of no.73. This is considered to be an acceptable level of separation. The outlook from the first floor windows of no.73 would be directly towards plot 2 and over the roof terrace. Currently, the occupier of no.73 has a direct view over the main garden area of the existing bungalow. The proposal would therefore improve the privacy arrangement of the future occupier in plot 2 without having a significant adverse impact on the occupier of no.73.

8.32 The basement courtyards would not be affected by overlooking due to their location. Therefore, as the roof terrace is likely to be used as a secondary outdoor space use due to its size and location, I do not consider the proposal would cause any adverse levels of overlooking over and above that which already exists. The proposal is likely to result in an improvement on the residential amenity of future occupiers and provide a high quality living environment.

Amenity for future occupiers of the site

8.33 The Inspector for the first scheme raised concerns with the lack of outdoor space for future occupiers by concluding that the

proposal would have a harmful impact on the living condition of future occupants having regards to the provision of private amenity space.

Lack of garden space:

- 8.34 The previous application (14/1652/FUL) was also refused on the following basis:

*The proposal to provide a large family dwelling and in so doing leaving very little external amenity space is unacceptable, in that the proposal would not provide the attractive, high quality accommodation required by Cambridge Local Plan 2006, policy 3/7. As very little external amenity space is provided, the proposal fails to provide accommodation that offers an adequate level of residential amenity for its future occupants and in doing so has not recognised the constraints of the site or responded to the context of the site and its surroundings. For these reasons the proposal is contrary to policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan 2006.*

- 8.35 The existing bungalow has limited usable outdoor amenity space. Overcoming this issue has been a challenge for all the previous schemes due to the constrained size of the plot. However, unlike the previous schemes, the proposed development provides two areas of outdoor amenity space; a basement courtyard area and a small roof terrace. The level of outdoor space is considered to be a creative solution on the restricted plots and significant improvement on the previous proposals in terms of amount and usable space for future occupiers.

- 8.36 Both courtyards would be south facing albeit the courtyard for plot 1 would be affected by the stairwell element on plot 2 in terms of shadowing. The roof terraces would be unaffected in terms of obstructions and would essentially be an enclosed lightwell. The courtyards would provide 21.12 sqm of amenity space for each dwelling. The roof terraces would provide 7.1 sqm of amenity space for each dwelling. In total, each dwelling would benefit from 28.22sqm of amenity space. The existing 2 bed bungalow has a paved and gravel area to the south, which is the main usable outdoor space and measures 52.2 sqm. The City Council does not have any space standards and so each proposal is considered on its own merits in terms of outdoor

space. On this basis, whilst the proposal would provide less amenity space per dwelling than the existing bungalow, the combination of a much improved relationship with the neighbouring properties and amount of usable space proposed is considered to result in a more improved scheme. The proposal outdoor space is considered to provide a sufficient amount of outdoor space to serve the proposed 2bed dwellings.

8.37 In terms of daylight and sunlight, the applicant has submitted a Daylight and Sunlight Assessment to demonstrate how much the proposed dwellings would receive. Essentially, the proposal complies with the minimum recommendations of the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. The report recommends that all habitable rooms would exceed the BRE guidance on average daylight and future residents would enjoy a well lit living environment. The report concludes that the proposal can be considered compliant for planning purposes in daylight terms.

8.38 In conclusion, the proposed development, which would overall have a lower ridge height than the existing bungalow, is considered to be acceptable in terms of its relationship with the existing dwellings at no.71 and no.73. The proposed development would not appear significantly dominant from the adjacent occupiers and would not create an adverse sense of enclosure. The outlook from no.71 and no.73 would not be dominated by the proposed development due to the single scale and broken up roofscapes, which would set off and slope away from the side and rear boundaries of no.71 and no.73 (respectively). The proposed development would also provide sufficient amenity space for future residents by making creative use of space and provide a high quality living environment. In these terms, therefore, the proposed development has addressed the previous reasons for refusal and will be recommended for approval.

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

## **Refuse Arrangements**

- 8.40 The proposed refuse storage areas for both dwellings would be located in a recessed area at ground floor. There is sufficient provision on site to provide three receptacles per dwellings which is the Council's standard requirement. The storage would be considered to be in a suitable location in terms of proximity to the kerb site and would be secured and screened from view by a door.
- 8.41 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.42 No concerns have been raised by the Local Highway Authority regarding highway safety issues arising from the proposed development.
- 8.43 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### Car parking

- 8.44 The proposed development does not provide any off street car parking spaces. The eastern side of Baldock Way is unrestricted and would allow future occupiers to park a car (if they have any) in this location. However, I have assessed the proximity of local shops and services including public transport links from the site and consider the site to be well connected.

Destination	Distance	Travel time by Walking	Travel time by Cycling
Railway Station (nearest Zipcar)	1.4 miles	24 mins	8 minutes
Bus stops – Hill Road	0.3 miles	5 mins	2 minutes
Bus stops – Mowbray Road	0.3 miles	5 mins	2 minutes
Cherry Hinton Local Centre	0.6 miles	11 mins	4 minutes
Clifton Way Leisure Park	0.8 miles	15 mins	4 minutes
Addenbrookes	0.7	14 mins	6 minutes

(Source: Google Maps)

8.45 In view of the above, the proposed development is considered to be located within a sustainable location in terms of its proximity to local shops and services. I therefore consider car-free development to be acceptable in this location. I have applied a car club informative to ensure future occupants are aware of the nearest Zipcar location.

#### Cycle parking

8.46 The proposal includes suitable provision for the secure storage of two cycles per dwelling.

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

#### **Third Party Representations**

8.48 I set out below my response to the concerns raised in the third party representation in the below table.

<b>Representation</b>	<b>Response</b>
<u>Design, scale and layout</u>	
The increased height of the buildings and proximity to the boundary of neighbouring properties will exacerbate sense of dominance and enclosure that the existing bungalow already creates;	See para 8.16 to 8.18
Two houses on this small plot would appear very prominent and have an overbearing appearance on the character of the area;	The proposed development would make efficient and effective use of the site and make a positive contribution to the character of the area. The proposal would not appear overbearing as it would be by in larger lower in height than the existing bungalow and the mass would be broke up by the angular roofscape.
The proposed dwellings would provide insufficient external amenity space;	See para 8.33 to 8.37
The proposal would overdevelopment of this plot;	The proposal is not considered to be harmful overdevelopment of the plot. The proposal makes efficient and effective use of previously developed land.
Inappropriate to use examples of other planning permissions which were built on much larger sites.	This application has been considered on its own merits.
<u>Residential amenity:</u>	
The proposal does not protect residential amenity of neighbours;	See para 8.14 to 8.26
The proposal will cause overlooking and impact privacy of the neighbouring properties;	See para 8.27 to 8.31
The proposed roof terrace will look straight into the rooms of the neighbouring properties;	As above

<u>Highway safety</u>	
No car parking is unacceptable for this suburban location;	See para 8.43
The site is not close to shops or services;	See para 8.43
Baldock Way is narrow and gets congested at times with parking associated with Addenbrookes and nearby schools;	The proposed 2 bed dwellings are unlikely materially impact any existing congestion problems. Baldock Way is partly unrestricted and therefore any future occupier would have the ability (if they own a car) to park on the road.
The proposal will have a negative impact on local road network and impact road safety;	See para 8.41
<u>Other issues:</u>	
The proposed development will further compound the flooding/waterlogging of the garden;	The Council's Drainage Officer does not consider the proposal will cause any additional drainage issues over and above that which already exists. The site is also not within a flood zone and therefore any localised flooding/waterlogging issue would appear to be an extant problem that those affected by would need to resolve.
Drainage system does not adequately cope with existing demand and causes overflowing;	As above.
Loss of a type of housing that is in short supply;	See para 8.3
Covenants restricting overlooking	Restrictions in covenants are civil matters that need to be dealt with outside the planning realm. Covenant restrictions are not material planning considerations.



## **Planning Obligations (s106 Agreement)**

### **Planning Obligations**

8.49 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.

8.50 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.

8.51 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.

8.52 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](http://www.cambridge.gov.uk/s106).

## **9.0 CONCLUSION**

- 9.1 The proposed redevelopment of the site to provide two semi-detached dwellings with basement level and roof terrace is considered to be of a high quality design. The proposal would enhance the appearance of the site and street scene due to its contemporary and angular form.
- 9.2 Having carefully assess the relationship with the properties to the south, in light of the previous refusals and appeal decision, I have come to the view that on balance, the proposed development would not, due to its reduced height and scale compared to the previous schemes, have a significantly dominant or overbearing impact on the residential amenity of the occupiers in the properties to the south (no.71 and no.73 Glebe Road).
- 9.3 I also do not consider the proposed development would cause any significantly adverse levels of overlooking, particularly from the roof terrace, as the terrace would be within a 1.7 metre high enclosure (except for plot 2 which would have glass balustrade on the south face which would be angled to restrict views eastwards. The terrace serving plot would be completed enclosed and would restrict views into the garden of no.71 due to the 1.7 metre high enclosure.
- 9.4 The proposed development includes a basement courtyard and roof terrace. This would provide future occupiers with outdoor amenity space in two separate locations. Having carefully assessed the proposal in relation to the previous schemes, I am of the view that as the proposed development has overcome the concerns with the relationship with the neighbour properties, that it would be difficult to refuse the application solely on the basis the proposed level of amenity space. Whilst the proposed level of amenity space would be smaller than that currently

exists, the outdoor provision is considered to be a proportion amount of outdoor space to serve these small 2 bed dwellings.

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

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

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

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

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

7. 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)

8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B 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 new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

10. 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)

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

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

Doc A



## Appeal Decision

Site visit made on 14 July 2014

by **Diane Fleming BA (Hons) MRTPI**

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

Decision date: 28 July 2014

### Appeal Ref: APP/Q0505/A/14/2218376 23 Baldock Way, Cambridge CB1 7UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A De Simone against the decision of Cambridge City Council.
- The application, Ref 14/0129/FUL, dated 28 January 2014, was refused by notice dated 10 April 2014.
- The development proposed is demolition of bungalow and building of detached house.

#### Decision

1. The appeal is dismissed.

#### Procedural Matter

2. The appellant sought to amend the scheme following the submission of the application to the Council but prior to its determination. These changes showed a lowered ridge height and a hip shaped roof. The Council did not take them into account and now the same revisions have been submitted with the appeal. In my view the development would be substantially different from that set out in the application and I am not satisfied that all relevant parties have been made aware of the revisions. Given the proximity of the site to the affected parties I do not accept the revisions as to do so would be prejudicial to third parties. I have therefore determined the appeal taking into account only the original plans.



#### Main Issue

3. The main issue is the effect of the development on i) the living conditions of the occupiers of Nos 71 and 73 Glebe Road, having regard to outlook and overshadowing; and ii) the living conditions of future occupants having regard to the provision of private amenity space.

#### Reasons

4. The proposal is to demolish a bungalow and garage and to make use of the existing footprint, more or less, to erect a double fronted, five bedroom dwelling. Its size would be substantial with three, large rooms at basement level as well as two, en suite bedrooms in the loft. The new building would be set about 0.5m further north than the existing bungalow. This would increase, marginally, the distance between the flank wall of the new dwelling and the rear of No 73 to approximately 12m. The ridge height of the new building would be about 9.6m.

5. The existing outlook from the rear of the properties along Glebe Road is extremely open. This is due to the generously long gardens of most of the houses, the backdrop of the allotment land and the spaces between the dwellings themselves. In this context the existing bungalow appears to be somewhat of an anomaly given that it has no sizeable set back from the road, as with other dwellings, no rear garden and only a small courtyard adjacent to the south elevation which serves as the private amenity space.

6. At the rear of No 73 there is a garden about 7m in depth. The existing outlook at ground level is of the bungalow roof gable. The open aspect at first floor level provides a relief to this outlook. However the new dwelling would change this as the increased height of the flank wall would occupy most of the width of the garden. This would create a sense of enclosure due to its proximity and the contrast with the surrounding open space. The sense of enclosure would be experienced by the occupiers both within the dwelling and in the garden. The scale of the building would result in a dominant outlook for the occupiers of No 73 and this would not be diminished by the slight set back of the siting of the replacement dwelling.

7. No 71 adjoins No 73 and I consider that the outlook for these occupiers would also be affected. Currently the roof of the bungalow extends about 11m along the boundary with No 71 and slopes away from it. The new development would result in a wall about 5.6m high to eaves along the same length of garden, and as with the bungalow, would only be about 1.4m away from the fence line. The angle of pitch of the new roof would be similar to the bungalow and it too would slope away from the boundary. Whilst the effect on the outlook from within No 71 would be off set by the length of garden inbetween, within the garden the new development result in a dramatic change and would be a dominant feature at the end of the garden. The impact of the development would be all the more noticeable due to the contrast with the remaining open aspect.

8. The new house would also be situated to the west of the long garden at No 71. About half the garden depth next to the house, approximately 12m, would be unaffected by the development in terms of overshadowing. However that part furthest from the house would be affected due to the height and proximity of the new house on the boundary. This would be in the late afternoon. The garden at No 71 faces north and that part of it next to the house would be in shadow from it for some of the morning until lunchtime. However for most of the day there would always be a portion of the garden without shadow.

9. For these reasons I conclude that the development would have an acceptable effect on the living conditions of the occupiers of No 71, having regard to overshadowing. It would therefore accord with Policies 3/4, 3/7 and 3/12 of the Local Plan (LP) in this respect alone. However the development would have an unacceptable effect on the living conditions of the occupiers of both Nos 71 and 73, having regard to outlook. The development would therefore conflict with Policies 3/4, 3/7 and 3/12 of the LP.

10. The existing three bedroom bungalow sits within a very small plot. As the proposed dwelling would occupy the same footprint, more or less, then the proposed occupants would also have access to the same, south facing, private amenity area. However as the garage would be demolished this would free up





a small additional area to the north of the house, where it is proposed to erect a cycle store. Notwithstanding this, overall the size of the proposed area would appear to be insufficient to meet the needs of the occupants of a substantial, five bedroom, family home for children's play, sitting out, clothes drying and gardening, amongst other activities.

11. The appellant argues that whilst the space would be smaller than adjacent gardens it would be similar to many recent developments in other parts of Cambridge. However I do not have full details of those developments and so cannot be certain that the circumstances are the same or similar. In any case I have considered the appeal proposal on its own merits.
12. For these reasons I conclude that the development would have an adverse effect on the living conditions of future occupants, having regard to the provision of private amenity space. The development would therefore not accord with Policies 3/4, 3/7, /11 and 3/12 of the LP. These policies seek to ensure that external spaces are designed as an integral part of development proposals and that high quality living environments are provided

#### **Other Matters**

13. I have been referred to other developments which I visited before and after my site visit. Two feature gardens which appear to be larger than that proposed at the appeal site but for smaller houses. The relationship between the existing dwelling and the new dwelling is different than that at the appeal site where the two storey flank wall would dominate the full width of No 73. From my limited observations on site I consider that they do not represent a direct parallel to the appeal proposal especially in respect of siting. In any event I do not have full details of the circumstances that led to these proposals being accepted and I have determined the appeal on its own merits.

#### **Conclusion**

14. I have found that the proposal would have an acceptable effect on the living conditions of the occupiers of No 71, having regard to overshadowing. However this consideration does not outweigh the material harm the proposal would have on the living conditions of the occupiers of Nos 71 and 73, having regard to outlook and of the future occupants, having regard to the provision of private amenity space. I therefore conclude, having regard to all other matters raised, that the appeal should be dismissed.

*D Fleming*

INSPECTOR

Doc 6

23 Baldock Way – Application 14/0129

Following our meeting last Friday with Catherine Linford we forward the additional information as agreed.

At the meeting CL was concerned that the proposal was too close to 73 Glebe Road. The Applicant's view was that approvals had been given for developments in similar positions and it was agreed that the Applicant would forward examples of these.

There are two recent sites in particular that are very similar to this one –

- A. 4A Baldock Way – This is a little further up the road at the junction with Cavendish Road. It is about the same distance away and is a gable facing the rear of 32A Cavendish Road.
- B. 2A Topcliffe Road – This is a recently completed two storey house – 08/0588 where the case officer was Catherine Linford. The house built at the rear of 29 Nighthingale Avenue is again a very similar distance away from the rear – in this case there is no gable.

There are other examples that we are aware of, but these two in particular are very similar situations to that at 23 Baldock Way and since CL was the officer involved in 2A Topcliffe she will be aware of the similarities.

It is accepted that the ridge line on the application is higher than both these examples and therefore to try to reach an agreement the Applicant would be willing to reduce the height and form a hipped roof as 10A. This would all be similar to 2A Topcliffe which was considered to be acceptable.

**PLANNING COMMITTEE**

**Date: 6<sup>th</sup> January 2016**

<b>Application Number</b>	15/1623/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th August 2015	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	22nd October 2015		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	64 Glebe Road Cambridge Cambridgeshire CB1 7SZ		
<b>Proposal</b>	Demolition of single storey dwelling and erection of 5 new dwellings		
<b>Applicant</b>	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"> <li>- The proposed development would make effective and efficient use of previously development land to provide a popular form of housing;</li> <li>- The proposed development is of high quality in terms of design, scale and layout.</li> <li>- The proposed development would integrate into the site without appearing out of character with the existing built environment.</li> <li>- The proposed development would not have a significantly adverse impact on the residential amenity of the surrounding neighbours, particularly the occupiers of the properties to the north and west.</li> </ul>
RECOMMENDATION	APPROVAL

**0.0 UPDATE**

- 0.1 The Planning Committee considered a report on this application at the meeting on 2 December 2015. The decision was deferred pending a revision of the assessment by the planning case officer to take the impact of the development on residential annexes in close proximity to the site into consideration. This update provides that information; the following report is unchanged.
- 0.2 There are two residential annexe buildings close to the site boundaries one to the rear of 62 Glebe Road and one to the rear of 64a Glebe Road. As part of the neighbour notification process letters were sent to separate addresses: Annexe Rear of 62 Glebe Road and Annexe Rear of 64a Glebe Road. A comment was made by the occupiers of 62 Glebe Road and this refers to the impact on the annexe. A separate comment was received from the occupiers of the annexe at 64a Glebe Road.
- 0.3 The comments made by the residents of the annexe buildings are referred to in the Committee Report but the report does not properly address the relationship between the annexes and the proposed development. I apologise for this omission.
- 0.4 It is necessary to visit both annexe buildings to fully assess the impact that the development will have on the occupiers of those buildings. To date it has not been possible for me to do so but both annexes will be visited before the January Committee meeting. I will provide an update on the Amendment Sheet. I have set out my initial thoughts below based on a desk based assessment.

*Planning status of annexe buildings*

- 0.5 Planning permission is required for change of use of an ancillary outbuilding to a separate and independent planning unit and in both cases an application has not been made. However both annexes have been registered as separate residences for Council tax purposes since April 2008. This means that both are immune from planning enforcement action under the 'four year rule'. The residents of the annexes have been invited to submit applications for Certificates of Lawful Development if they wish to formally regularise the situation. Under the circumstances the occupiers of the annexes should

be afforded the same weight as any other resident of a single dwelling.

*Impact on annexe to rear of 62 Glebe Road*

- 0.6 This annexe appears to be a single storey building at the southern end of the garden serving 62 Glebe Road. The annexe is accessed via the west side of the garden against the boundary with 64b Glebe Road. The annexe is shown on the block plan of the proposed development and sits parallel to unit 1. It is slightly forward of the front elevation of the new house and relates to the garage space at ground floor and master bedroom on the first floor. There are windows serving the stairwell and a study that face the annexe at second floor level. These windows are 7.5 m from the site boundary and 8m from the annexe. They will overlook the roof of the annexe therefore subject to my site visit I do not think that there will be significant overlooking. Proposed windows in the front elevation of the proposed unit 1 will provide oblique views towards the garden area in front of the annexe however given the separation distance of 8m and existing planting I do not consider this arrangement to be unacceptable in terms of overlooking. The rear facing windows will provide similar oblique views towards the garden to the rear of the annexe.
- 0.7 The shadow study provided in support of the application deals only with the impact of overshadowing on the existing houses/gardens to the west of the site, not to the east where the annexe is located. Subject to my site visit, it appears to me that there will be some overshadowing of the annexe site which may affect the garden areas. However as a result of the proximity of the annexe to the boundary and orientation parallel to the boundary, the overshadowing will be predominately over the roof of the annexe and will not affect the occupiers.
- 0.8 There are mature trees on the boundary between the annexe and the proposed development which are within the garden of 62 Glebe Road. These will be protected during the construction process and will afford additional protection in terms of overlooking and enclosure.

*Impact on annexe to rear of 64b Glebe Road*

- 0.9 This annexe appears to be close to the southern end of the garden serving 64b Glebe Road. It set off the boundary of the application site by approximately 3m and faces the access road serving the existing boundary. The annexe is shown on the proposed block plan which also shows that two car parking spaces and a landscaped area will sit adjacent the boundary. The passing place on the access road is roughly opposite the location of the annexe.
- 0.10 There are windows in the proposed development which face towards the annexe and the outdoor space associated with it. The garden to 64a is not subdivided. Given the separation distance at 16 m from the annexe and 12 m from the site boundary and the orientation of the annexe I do not think that there will be harmful levels of overlooking.
- 0.11 The Shadow Study does not address this part of the site but from the information available my view is that overshadowing will not be significant despite the location of the annexe to the north of the proposed houses. The separation distance is such that enclosure will not be harmful.
- 0.12 In conclusion I am of the view that the impacts of the development on the amenities currently enjoyed by the occupiers of both annexes will not be harmful. This view is subject to confirmation following my site visit.

*Other issues raised by the applicant/agent*

- 0.13 The applicant's agent has drawn attention to the following in the light of the Committee discussion:

Sustainability

- 0.14 Specific reference is made to sustainability issues of design within submitted Design and Access Statement on page 7 of 3.28 - 3.30. The text confirms that the houses are equipped with energy efficient lighting, mechanical ventilation with heat recovery and approximately 4kw of photovoltaic's. Garage roofs will be finished with sedum to provide water attenuation and the driveway and parking areas will be finished in a SUDS type block pavior. High levels of insulation and air tightness form integral parts of the construction and it is the intention of the

development to achieve Building for Life certification under the revised CAGE BFI 12 scheme.

- 0.15 The homes benefit from built in solar PV arrays on their south facing pitched roofs and have their hot water and space heating provided by pump technology without the need for carbon based fuels – these will be amongst the most energy efficient to be built in Cambridge.

#### Bins

- 0.16 Amended plans have been submitted showing the point where the bins will be delivered and where collection will take place. The drag distances are greater than those that would normally be permitted but do reflect what already happens on the site. Suggested condition 26 makes provision for the submission of details for the arrangements for the provision of waste.
- 0.17 Regarding the comments about the disabled/elderly and the distances involved to the collection point, Members were reminded about the service that the Council offers in such circumstances in addition, of course, to the assistance that neighbours may offer given the scale of this development .

#### *South facing elevations and lighting*

- 0.18 The design and layout of the dwellings exploits the south facing element of the scheme. The lighting of these dwellings at the southern elevation must be seen in the context of the considerable distance between those properties which they face which are those at Holbrook Road which are located some 80 metres away. The properties at Templemore Close are situated at an angle to our proposed development and with existing screening at the rear of the gardens it is not considered that lighting from the new dwellings would be unacceptable.

#### *Highway issues*

- 0.19 Councillor Smart questioned whether the access road was capable of accommodating a car passing a person dragging a wheelie bin to the collection point. The highways consultants have confirmed that this is the case.

0.20 The proposed upgraded access drive width is a minimum of 3.7m with passing provision at the entrance from Glebe Road and at a passing place within the site. The minimum width of 3.7m is determined by the need for a fire tender to access the site. Therefore, a car, with a general width of 2.0m allowing for wing mirrors (Figure 6.18 of Manual for Streets) will result in a remaining width of 1.7m clear for a pedestrian, cyclist or person moving a bin, to pass. This remaining width is comparable with the width of a standard footway.

0.21 Regarding concerns raised by Councillor Moore and Councillor Pippas, the highways consultants confirm that reference to the County Council's website shows that there were no recorded road traffic accidents which resulted in personal injury at the proposed site access, or at the road junction opposite, during the five years from 2009 to 2014. A single accident, resulting in a slight injury, was recorded to the east of the site on Glebe Road in 2013 around numbers 20-24 Glebe Road. This is well away from any manoeuvres that might relate to either the existing site access or the junction opposite.

*Amendment Sheet items (December Committee)*

0.22 There were no changes on the Amendment Sheet.

## **CONCLUSION OF UPDATE**

0.23 Subject to my site visits to the residential annexes at 62 and 64b Glebe Road, I am satisfied that the impacts of the proposed development on the amenities of the occupiers of those annexes are acceptable. My recommendation of approval is unchanged as set out in section 10 below.

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

1.1 The application site is located to the south of Glebe Road and in a backland location to the existing two storey dwellings which are set back from Glebe Road. The general pattern of development in this area is of two storey detached and semidetached dwellings set back from the road and with deep rear gardens.

1.2 The application site is 0.22 hectares in extent and consists of a single storey dwelling within a generous plot. Access to the



dwelling (no.64 Glebe Road) is via a long single width access road of 66 metres in length that runs between no.64a and no.66 Glebe Road.

- 1.3 To the north of the site are the two storey dwellings that face Glebe Road. To south is an allotment site and beyond this are the dwellings in Holbrook Road. To the west are the dwellings in the Temple Close which is a small back land development consisting of 11 large detached dwellings. To the east are the rear gardens of the dwellings facing Glebe Road.
- 1.4 The site is not located within an area of designated development constraint. There are a row of Lime trees with Tree Preservation Orders within close proximity to the north-west boundary.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to demolish the existing dwelling and replace it with five, three storey dwellings; two pairs of linked semi-detached dwellings and a linked detached dwelling. The proposed development would include associated facilities such as bin and cycle storage, car parking and private garden areas.
- 2.2 The proposed development would have a consistent ridge height of 9.6 metres with eaves of 5.6 metres. The semi-detached units would be approx. 13 metres wide (excluding the single storey flat roof link, which would be 2.8 metres in height) and 13 metres in depth. The detached dwelling would be 7.6 metres wide (excluding the attached 1 ½ storey side element which would be 7.95 metres in height and 5.65 metres wide) and 13 metres in depth.
- 2.3 The application includes the following supporting information:
  1. Design and Access Statement;
  2. Planning Statement;
  3. Transport Statement;
  4. Arboricultural Impact Assessment and Tree Protection Plan;
  5. Shadow Study;
  6. Plans
- 2.4 Additional information has been submitted in respect of refuse arrangements.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/77/0410	Erection of one detached single storey dwelling unit and garage.	APPROVED
C/77/0894	Erection of a single storey dwelling (submission of reserved matters)	APPROVED
C/99/0258	Erection of a single storey extension and alterations to existing bungalow.	APPROVED

### 4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed (Wider concern):	Yes

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework –
-----------------------------	---

	Planning Practice Guidance March 2014 Circular 11/95
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 Development Management)**

- 6.1 No objections. The access-way is not to adoptable standard. Tracking for plot 4 appears to conflict with car parked opposite.

Visibility splays should be 2 metres by 2 metres rather than 1.5 metres. No explanation on how site will be serviced. Aside from this the Highway Authority is satisfied the proposal will have no significant adverse effect upon the highway subject to the following conditions/informatives:

- No unbound material
- No gates erected
- First use of vehicular access
- Highways drainage
- Visibility Splays
- Manoeuvring area
- Access as shown
- Traffic Management Plan
- Traffic Management Plan Informative
- Highways Informative
- Public utility informative

### **Landscaping**

- 6.2 The proposed development is acceptable subject to conditions on hard and soft landscaping and boundary treatment.

### **Trees**

- 6.3 No comments received to date. I shall report them on the amendment sheet or orally at the meeting.

### **Environmental Health**

- 6.4 No contamination issues and the potential impact from demolition and construction should be controlled. The following conditions are recommended:

- Construction hours
- Collection hours during construction
- Piling
- Dust
- Dust informative

### **Refuse and Recycling**

Original comments:

- 6.5 The proposed development is unacceptable and should be refused as it does not meet the requirement of the Cambridgeshire RECAP 2012 guidance. The future residents should not be expected to pull wheeled bins more than 30 metres to the kerbside.

Second comments:

- 6.6 The revised plan showing the location of bin storage adjacent to the access lane and subject to waste management condition overcomes the objection.

### **Urban Design and Conservation Team**

- 6.7 The submitted scheme is acceptable in design terms. Details of the proposed waste collection arrangements need to be provided. Materials condition is recommended.

### **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.8 The proposed development is acceptable subject to surface water drainage condition.

### **Cambridgeshire Fire & Rescue Services**

- 6.9 No objections subject to adequate provision being made for fire hydrants.
- 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:

Object:

- 60 Glebe Road
- 62 Glebe Road
- 64A Glebe Road
- 68 Glebe Road

- 70 Glebe Road
- 72 Glebe Road
- 1 Templemore Close;
- 3 Templemore Close
- 4 Templemore Close
- 8 Templemore Close
- 41 Holbrook Road
- 63 Holbrook Road
- 39 Hinton Road;
- Flat 12 Brooklands Court, Brooklands Avenue
- Rock Allotment Society, Trading Centre, 21 Baldock Way

Support:

- Green Glade, 64 Glebe Road
- 66 Glebe Road
- 8 Aberdeen Square
- 9 Aberdeen Square
- 5 May Pasture, Great Shelford
- 25 London Road, Great Shelford
- 7 Richard Foster Road
- Flat 1, 164 Coleridge Road

7.2 The representations can be summarised as follows:

Objection

Design, scale and layout:

- Development is too large for this plot;
- Density of development at odd with character of area;
- Three storey houses inappropriate in this two storey context;
- Concerned by the height of the proposed properties;
- The proposal would be out of keeping with the character of the area;
- Proposed dwellings should not exceed height of properties in Glebe Road and Holbrook Road;
- Insufficient gardens space;
- Alteration to front boundary no.66 will change the character of the street;

Highway and access:

- Single track access is adequate for heavy plant machinery;

- Increased in vehicle movements will put pressure on traffic along Glebe Road and parking, particularly during peak times;
- Concerns with impact on road safety;
- Bin storage will block pavement verge;
- Access is narrow and close to an accident black spot;
- Access road is inadequate for serve the proposed development;
- Concerns with potential conflict with school children walking along Glebe Road;
- How will access road be maintained to an appropriate standard?

#### Residential amenity:

- Loss of privacy from overlooking of garden and internal rooms;
- Removal of existing gate would significantly reduce security for properties that back onto the site;
- Noise and disturbance from additional dwellings;
- Affect legal entitlement to quiet enjoyment of property;
- Installation of security lighting will change the environment of our garden at night;
- Artificial light pollution from 5 dwellings;
- Loss of light into garden;
- Disruption during construction work;
- Lack of privacy over for future occupiers;
- No balconies overlook the allotments;
- No detail of boundary treatment along the northern boundary;
- No details of how privacy will be protected;
- The proposed dwellings will enclose existing gardens;
- The proposal will overshadow existing properties;
- Increase in noise and pollution from car fumes;

#### Other:

- Reduce property value;
- Proposal to maximise site value;
- The proposal would impact the protected tree in front of no.68;
- Impact on local schools and surface drainage;
- No affordable housing;
- Loss of wildlife habitat;

- The proposed development does not comply with Policies 50, 52, and 58 of the draft Local Plan;
- Concerns with access for emergency vehicles
- Material change in view/outlook;

Support:

- Reuse of under-developed site for much needed house;
- Highly sustainable location to local provisions;
- Environmentally friendly proposal;
- Compliant with the objectives of the NPPF;
- Need for family housing within the city instead of greenbelt
- Bespoke scheme which responds to its setting;
- Well designed houses;
- Sympathetic to neighbouring dwellings in terms of open space, scale and massing and residential amenity;
- Desirable type of accommodation
- Developer has a good track record;
- Good provision of off street parking;

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 states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses.



The site is surrounded by residential uses and it is therefore my opinion that the proposed residential development is acceptable in principle, and is in accordance with policy 5/1 of the Cambridge Local Plan (2006).

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

### Response to context

- 8.3 The application site is located in a back land context behind predominantly two storey housing development fronting Glebe Road. To the west of the site is a small back land housing development consists of eleven substantial two and two ½ storey detached dwellings. There are also examples of 2 ½ and 3 storey dwellings in Glebe Road close to the site. No.52 and 64a Glebe Road are good such examples. No.52 a three storey detached dwelling and a relatively recent addition to the street scene. Planning permission (09/1015/FUL) was granted in 2009 for a replacement dwelling. No.64a is a detached 2 ½ storey dwelling which backs onto part of the application site.
- 8.4 In terms of architectural style, there are examples of hipped roofed dwellings, gabled ended and gable fronted dwellings and a contemporary mono-pitched dwelling at no.52 Glebe Road. The area is also characterised by terrace, semi-detached and detached dwellings. It would be reasonable to suggest the built form of the area is mixed.
- 8.5 Therefore in this varied context, my view is that the proposed development of five dwellings, which have been designed to appear two storey in the front elevation and 3 storey in the rear elevation responds appropriately to this site context. The two storey frontage would respond to the predominantly two storey scale of Glebe Road. The proposal includes use of the loft space but this would only be distinguishable by the appearance of rooflights. The south elevation, which would overlook the allotment site, would have a three storey appearance. This juxtaposition between the two elevations has been created by altering the roof pitch from steep to shallow. The shallow roof pitch on the rear enables more head room to allow for a full 2<sup>nd</sup> floor to be created. This transfiguration, in my view, responds well to the site context.

- 8.6 According to the applicant's front and rear elevation plan (P10 rev G) the ridge height of the proposed dwelling would be lower than the nearest property in Templemore Close. The scale of the proposed dwellings would therefore not appear out of keeping with the existing built form when views from Glebe Road.
- 8.7 In terms of articulation of the fenestration, the front elevation has been arranged in a symmetrical arrangement with modest openings, particularly at first floor. This conservative approach has been liberated on the rear elevation where it would consist of extensive floor to ceiling glazed openings on all three levels which would make the most of the south facing aspect. This detailing in my view shows the scheme is responding to the most sensitive aspect of the site which is to be north.
- 8.8 The conservative arrangement of the front elevation gives it an unfussy appearance. However, the proposed materials which include vertical cedar boarding, slate, brick and powder coated aluminum joinery would in my view bring to life the understated appearance of the front elevation whilst also refining the rear elevation of the proposed dwellings. It is therefore important to ensure the materials are of the highest quality as this will determine how successful the proposal is. I have therefore recommended a materials condition (3) to ensure all the external materials are submitted and agreed.
- 8.9 In terms of external space, the proposed dwellings would be provided with 8 metre deep, south facing rear gardens. The garden size would vary between plots and range from 77m<sup>2</sup> to 170m<sup>2</sup>. Whilst some concerns have been raised regarding to garden sizes not being in keeping with the existing houses, the proposed development would make efficient use of previously development land and still provide a generous amount of outdoor space for future residents. It would be inappropriate and inefficient use of land to insist on the applicant provides the same level of garden space at existing plots. There is also sufficient space around the dwellings within the site to accommodate soft landscaping. I have recommended a soft and hard landscaping condition (17 including maintenance condition 18), as this will be important to soften the boundaries and setting of the development in this back land context.

- 8.10 In terms of scale and layout, the proposed development has been arranged a three separate blocks with generous spacing in between, particularly plots 1 and 2 and 3 and 4. The gap between these plots would be 6.9 metres. This is comparable with the gap between no.64a and no.66 and more than the spacing between some of the dwellings in Templemore Close. The proposed arrange and spacing would in my view reduce the scale and mass of the proposed development, and avoids it from appearing as a wall of development, particularly from the rear gardens of the properties to in Glebe Road. Consideration has also been given to east and west boundaries. The proposed development is stepped away from the boundaries with a single storey structure adjacent to the western boundary, which forms the rear boundary of no.2 Templemore Close, and a 1 ½ storey structure adjacent to the western boundary. The western boundary appears to be shared with part of the side boundary of no.62.
- 8.11 In my opinion the proposal has sympathetically responded to each side of the site and site context whilst achieving a high quality, cohesive developed which would make a positive contribution to the area without appearing out of character. In these terms therefore, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.12 Concerns have been raised from local residents on the potential impact the proposed development would have on residential amenity in terms of overlooking, enclosure, loss of light, noise and disturbance. I set out below my response to each of these in turn.

Overlooking and loss of privacy

- 8.13 The dwellings at the front of the application site currently enjoy a relatively open outlook save of existing trees. Therefore the proposal to construct three blocks of two storey housing development will have a degree of impact on their outlook and residential amenity. However, it is important to assess the relationship between the proposed and existing form. The main dwellings that directly back onto the application site are

64a, 66, 68, 70 and 72 Glebe Road. The proposed dwelling would contain bedrooms at first floor and in the loft space. The first floor bedrooms would be set back from the rear boundary by between 8 metres (unit 5) and 12 metres (unit 1). The level of separation between the existing dwellings would be:

<b>Dwelling</b>	<b>Distance to main rear elevation</b>
64a Glebe Road	48 metres
66 Glebe Road	54.5 metres
68 Glebe Road	54 metres (51.5 to the extension)
70 Glebe Road	53.5 metres (between 50 and 41.5 to single storey extensions)
72 Glebe Road	53 metres (between 43 and 51 metres to the single storey extensions)

8.14 As a general rule of thumb, in an urban context such as this an acceptable window to window distance would be 20 metres. The window to window separation between the proposed and existing would be significantly more than this. There are also opportunities with the site to introduce tree planting, which the applicant has shown on the site layout plan which would assist in mitigate the impact from overlooking. However, at this distance I do not consider the proposal would result in harmful levels of overlooking such that it would have a significantly adverse impact on the residential amenity of the existing residents. As for the level of separation between the dwellings in Holbrook Road, this would be over 80 metres. It would therefore be difficult to argue the proposed development would cause any harmful overlooking at this distance. I am therefore satisfied that the impact from overlooking on the properties to the north and south would not have a significantly harmful impact on the residential amenity of the existing residents such that it would warrant refusal of this application.

8.15 In terms of the impact from overlooking to the east and west of the site, the rear gardens of the properties in Glebe Road are to the east and Templemore Close development is to the west. The east elevation of unit 1 would contain three windows at second floor level which would serve a bedroom, landing and en-suite. These windows would be set off the side boundary by

7.4 metres and have an outlook over the rear most section of gardens serving the properties in Glebe Road. At this depth, I do not consider these windows would cause loss of privacy or directly overlook the private amenity space of existing dwellings such that it would have a detrimental impact on the residential amenity of existing residents. Unit 1 also proposed to have roof terraces serving the main dwelling and 1 ½ storey side structure. As these terraces would allow more flexibility in terms of viewing angle, I have recommended a condition (25) so that the sides of the terraces (east and west) are fixed with 1.7 metres high screen the type of which are to be submitted and agreed. This also applies to unit 5 in order to prevent overlooking of the rear gardens of the dwellings in Templemore Close. Unit 5 would also have a landing window at first and second floor level and a bedroom window in the west elevation. I have recommended a condition (24) to have the first and second floor windows obscure glazed with any openings restricted to 45 degrees. The proposed development would associate more to the Templemore Close due to proximity and so the impact of the proposed development is likely to be felt more the occupiers of the existing dwellings. However, in my view, whilst the proposed development would change the outlook from the rear gardens, I do not consider it would create a significantly adverse relationship. The windows in the rear elevation of the proposed dwellings, particularly unit 5 would face southwards but would allow oblique views towards the rear gardens of the dwellings, in Templemore Close, particularly no.2. However, in this urban context and backland location, it would be difficult to completely avoid any overlooking issues. This is why I have recommended conditions such as obscuring windows and screening the side of the roof terrace to mitigate any obviously potential for overlooking.

- 8.17 Therefore, in terms of overlooking from the proposed development on the surrounding area, I am satisfied that the proposed development subject to conditions, would not have a significantly adverse impact on the residential amenity of the residents to east and west of the site.

#### Enclosure

- 8.18 I do not consider the proposed development would have an overbearing impact on the surrounding residents, particularly to the north and south due to the level of separation and layout.

The proposed development would be between 48 and 54.5 metres from the properties to the north and over 80 metres from the properties to the south. The spacing between each block (6.9 metres) would, in my view, help to break up the mass of the proposed development and enables views through. The two storey scale of the front elevation also mitigates the dominance of the proposed development.

- 8.19 In terms of the impact on the properties to the west, in Templemore Close, the proposed development would be much closer and the degree of impact greater. The side elevation of unit 5 would be approx. 19.8 metres from the rear elevation of no.2 Templemore Close, which is the closest property to the application site. The applicant's Shadow Study which focuses on the relationship with the properties in Templemore Close demonstrates the proposed development would not have any significant adverse overshadowing impact over the rear gardens of the properties that back onto the application site. The 25 degree rule also demonstrates that the side elevation of unit 5 would not conflict with this due to the level of separation.

#### Noise and disturbance

- 8.20 The existing site is defined by a timber fence with planting in behind. In order to reduce the impact caused by the potential increase in comings and goings and general intensification of the use of the land, I have recommended a boundary treatment condition to ensure the site is defined by a robust boundary. I have also recommended a soft and hard landscape condition (17). These conditions would also help to attenuate noise pollution/overspill from the intensification of the site. The existing access road is defined by a timber fence on either side. Part of the side with no.66 is defined by a brick wall. The proposal would include widening a section of the access to create a passing place and to improve visibility at the junction.
- 8.21 Whilst the proposed development would increase activity within the site and movement to and from, I do not consider the level of intensification would have a significant adverse impact on the residential amenity of adjacent neighbours. I have also recommended conditions to protect the residential amenity of adjacent residents during construction stage by restricting the working hours, collections to the site and dust control.

8.22 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.23 The proposed development would provide high quality living accommodation within a well laid out site. The proposed dwelling would provide a generous amount of internal living space and also a suitable amount of outdoor space. Whilst the outdoor space would not be comparable to existing properties in Glebe Road they would be similar to those in Templemore Close.

8.24 The proposed garden sizes for each unit would be:

Unit no.	Garden size	Garden m <sup>2</sup> per bedroom
Unit 1 – 5bed	170m <sup>2</sup>	34m <sup>2</sup>
Unit 2 – 4bed	77m <sup>2</sup>	19.25m <sup>2</sup>
Unit 3 – 4bed	77m <sup>2</sup>	19.25m <sup>2</sup>
Unit 4 – 4bed	77m <sup>2</sup>	19.25m <sup>2</sup>
Unit 5 - 4bed	160m <sup>2</sup>	40m <sup>2</sup>

(The above table does not include the 2nd floor terraces that are proposed for each unit)

8.25 The rear gardens depth would be a consistent 8 metres for each unit but vary in width. Units 1 and 5 are the widest and would also benefit from space to the side. I am satisfied that the proposed development would provide adequate levels of outdoor space for the size of dwellings proposed.

8.26 The rear garden of unit 5 would be overlooked by no.2 Templemore Close. The rear garden of no.2 is 11 metres in depth and current overlooks the existing site. Therefore, with appropriate landscaping along the western boundary, I believe the level of overlooking would be mitigated to an acceptable level. Furthermore, in this urban context it would be difficult to eliminate any overlook issues from being created.

8.27 The main concern with the amenity of future occupiers is the refuse arrangement, particularly the bin drag distance to the collection point. As the County Highway Authority will not adopt

the access road, refuse bins are collected from the road side. The existing occupier has to drag their bins over 65 to the collection point. For the future occupiers of plots 4 and 5 the drag distance would increase to nearer 80 metres. The proposed refuse arrangement would also conflict with the recommended drag distance of 30 metres, as set out in the Waste Design Guide. This situation is also an issue that the existing resident has had to deal with and I do not consider having four (net) additional dwellings would significantly exacerbate the problem. I also do not consider the refuse arrangement should frustrate the redevelopment of this site. Nevertheless, following discussions with the Waste and Recycling Officer over how best to address the restrictive refuse arrangement, the applicant has submitted a plan to show a bin storage area at the end of the access lane. The Waste and Recycling Officer is satisfied with the location of a dedicated bin storage area for collection and has recommended a waste management condition so that details of the waste management are submitted for agreement. The applicant has agreed to this condition. Therefore, in light of the refuse constraints, I recommend a waste management condition (26) so that details of how the refuse arrangement for future residents will be managed can be submitted for agreement.

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

### **Highway Safety**

- 8.29 The Highway Authority does not consider the proposal will have any adverse impact on highway safety subject to conditions. I agree with the recommended conditions.
- 8.30 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

Car parking



8.31 The proposed dwellings have integral garages; unit 1 and 5 would benefit from double integral garages. Five car parking spaces are also proposed within the site to accommodate additional vehicles. There is also space in front of the integral garages to accommodate vehicles without obstructing the access. I am therefore satisfied that the proposed development make suitable provision for car parking so as to not increase the pressure on existing on street parking along Glebe Road. The proposed development would be self-sufficient in this regard.  
Cycle parking

8.32 The proposed dwellings make provision for four cycle parking space in a safe and convenient location. The proposed level of cycle spaces is compliant with the cycle parking guide.

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

### **Third Party Representations**

8.34 I have responded to some of the issues raised by third party representation in the above sections of my report. I set below my response to the objections that I have not directly responded to:

<b>Representation</b>	<b>Response</b>
<u>Design, scale and layout</u>	
Development is too large for this plot;	The proposed development would make effective and efficient use of previous developed land without appearing cramped.
Density of development at odd with character of area;	The density of development would be 23 dwellings per hectare. This is considered to be acceptable for this site in this location.
Three storey houses inappropriate in this two storey context;	See para 8.3 to 8.6
Concerned by the height of the proposed properties;	See para 8.3 to 8.6
The proposal would be out of keeping with the character of	See para 8.3 to 8.6

the area;	
Proposed dwellings should not exceed height of properties in Glebe Road and Holbrook Road;	The height of dwellings in Glebe Road are varied. The height between the proposed dwellings and existing properties in Glebe Road and Holbrook Road would not be distinguishable due to the level of separation. The dwellings in Templemore Close would have a higher ridge. I therefore do not consider the height of the proposed dwelling is unacceptable.
Insufficient gardens space;	See para 8.9 and 8.22
Alteration to front boundary no.66 will change the character of the street;	The alteration to the frontage of no.66 would not be significant such that it would have a detrimental impact on the character of the street. The alteration to the front boundary would allow for the access to be widened to improve visibility.
<u>Highway and access</u>	
Single track access is adequate for heavy plant machinery;	The applicant will need to ensure there is suitable provision for allow construction vehicles to access the site. This is not a material planning consideration.
Increased in vehicle movements will put pressure on traffic along Glebe Road and parking, particularly during peak times;	In my view, the increase in vehicle movements would not be significant enough to have a materially adverse impact on existing traffic along Glebe Road.
Concerns with impact on road safety;	The County Highway Authority has not raised any concerns with the proposal in terms of highway safety.
Bin storage will block pavement verge;	Bins are currently stored on the highway for collection and

	cause temporary obstruction. I have recommended a waste management condition to ensure the storage arrangement during collection does not cause obstruction at this point.
Access is narrow and close to an accident black spot;	The access is of suitable dimension to allow vehicles to travel along. The proposal includes provision for a pass space and alteration to the frontage to increase visibility at the junction. The highway authority does not consider the proposal would have an adverse impact on highway safety.
Access road is inadequate for serve the proposed development;	As above.
Concerns with potential conflict with school children walking along Glebe Road;	As above
How will access road be maintained to an appropriate standard?	The access would be a private road and would need to be maintained by the future residents either by themselves or through a management company.
<u>Residential amenity</u>	
Loss of privacy from overlooking of garden and internal rooms;	See para 8.13 to 8.15
Removal of existing gate would significantly reduce security for properties that back onto the site;	This is not a material planning issue.
Noise and disturbance from additional dwellings;	In this residential and urban context, I do not consider an additional five dwellings would cause significantly adverse noise levels that it would

	warrant refusing this application.
Affect legal entitlement to quiet enjoyment of property;	Not a material planning consideration.
Installation of security lighting will change the environment of our garden at night;	The level of separation between the proposed and existing dwellings would minimise any adverse impact on security lights.
Artificial light pollution from 5 dwellings;	The openings in the front elevation have been kept to a minimum, particularly at first floor and in the roof. Therefore, in conjunction with the level of separation, I do not consider the impact from artificial light would be significant.
Loss of light into garden;	The shadow study demonstrate that the proposed dwelling would not cast significant shadows over the amenity space of neighbouring gardens such that it would have an adverse impact on the residential amenity of existing occupiers.
Disruption during construction work;	I have recommended conditions to mitigate the impact.
Lack of privacy over for future occupiers;	The proposed development would provide future residents with high quality living environment.
No balconies overlook the allotments;	The allotments are protected from being overlooked and whilst there are no balconies that overlook the allotments there are windows.
No detail of boundary treatment along the northern boundary;	I have recommended a boundary treatment condition
No details of how privacy will	I have recommended obscure

be protected;	glazing condition and for the balconies of unit 1 and 5 to have side screens to protect privacy of neighbouring occupiers.
The proposed dwellings will enclose existing gardens;	The proposed development would make effective and efficient use of previous developed land without appearing cramped.
The proposal will overshadow existing properties;	The proposed development would not cause adverse levels of overshadowing.
Increase in noise and pollution from car fumes;	The noise and pollution from vehicles serving the proposed development would not be significant enough to cause an adverse impact.
<u>Other issues</u>	
Reduce property value;	This is not a material planning consideration.
Proposal to maximum site value;	This is not a material planning consideration.
The proposal would impact the protected tree in front of no.68;	The proposed alterations to the site frontage would not have any adverse impact on the existing tree in front of no.68. None of the protected trees that are located adjacent to the site boundary would be adversely impacted by the proposed development.
Impact on local schools and surface drainage;	
No affordable housing;	The proposal would not trigger affordable housing requirement.
Loss of wildlife habitat;	The site has been well maintained with landscaped garden and so is unlikely to be used as a wildlife habitat of significant importance.
The proposed development	See para 5.4

does not comply with Policies 50, 52, and 58 of the draft Local Plan;	
Concerns with access for emergency vehicles	The proposal includes alterations to the existing access to enable better visibility at the junction and a pass place. Therefore, the access would be suitable for emergency vehicles to serve the proposed dwellings.
Material change in view/outlook;	The proposal will materially change the outlook and view from the rear gardens of surrounding residents. However, the outlook/view would be of high quality housing development.

## Planning Obligations

8.35 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.

8.36 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.

- 8.37 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.
- 8.38 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](http://www.cambridge.gov.uk/s106).

## **9.0 CONCLUSION**

- 9.1 The proposed redevelopment of the existing site to provide five semi-detached and linked detached dwelling including alterations to the access road would result in a high quality form of development in this back land location. The proposed development responds to the site context by reading as a two storey dwelling to address the Glebe Road setting and taking advantage of the views over the allotment to the south by reading as a three storey dwelling.
- 9.2 The proposed dwellings have been set off the east and west boundary to minimise the impact on the neighbours, particularly those in Templemore Close. Windows are proposed in the flank elevations of units 1 and 5 but I have recommended an obscure glazing condition to prevent overlooking. The proposed development would not appear dominant or create an adverse

sense of enclosure on the occupier of the properties in Templemore Close due to the level of separation. The proposal would also comply with the 25 degree rule and the applicant's shadow study demonstrates there would be no significant levels of overshadowing.

- 9.3 The level of separation between the properties in Glebe Road and Holbrook Road are considered to mitigate any adverse impact in terms of overlooking, loss of privacy and creating a sense of enclosure.
- 9.4 The proposed development would result in a high quality form of development that would also provide high quality living accommodation for future residents in a high quality environment.

## **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. 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. 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)

6. 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)

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

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy4/13

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

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

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

Reason: In the interests of highway safety.

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

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

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

Reason: To prevent surface water discharging to the highway.

12. Prior to occupation of the dwellings hereby approved, 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 setback 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 in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

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

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

14. The access shall be provided as shown on the approved drawing no.P00 rev G (Proposed Site Access) 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 in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

15. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority.

The principle areas of concern that should be addressed are:

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

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

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

16. Prior to the commencement of the development a scheme for the provision of fire hydrants serving that phase shall be submitted and approved in writing by the local planning authority. The approved scheme shall be fully operational prior to the first occupation of the development, or as agreed in writing with the local planning authority. No development shall take place otherwise than in accordance with the approved scheme.

Reason: To ensure the provision of adequate water supply infrastructure to protect the safe living and working environment for all users and visitors  
(Cambridge Local Plan 2006 saved policies 3/7, 3/12 and 8/18).

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

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

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

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

19. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

20. 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)

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

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

22. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been submitted to and approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the satisfactory implementation of tree planting in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

23. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 30% an allowance for climate change. The submitted details shall:
- o provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - o provide a management and maintenance plan for the lifetime of the development.
  - o The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

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

24. The windows in the eastern elevation of unit 1 and western elevation of unit 5 at first and second floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

25. Prior to occupation of unit 1 and 5 details of the type of screen on the east and west side of the roof terraces (at first and second floor) shall be submitted to and approved in writing. The screens shall be a minimum of 1.7 metres in height and project the full depth of the terraces. The screens shall be implemented in accordance with the approved details.

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

26. Prior to the commencement of the use hereby permitted, the arrangements for the disposal of waste detailed on the approved plans shall be provided including details of the enclosure for storage during collection and information shall also be provided on the management arrangements for the receptacles to facilitate their collection from a kerbside collection point and return to the dwellings. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

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

27. Prior to occupation of the development hereby approved, the car parking spaces identified on the approved plans shall be implemented and shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To avoid obstruction of the surrounding streets and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

28. Prior to occupation of the development hereby approved, the cycle parking spaces identified on the approved plans shall be installed and shall not thereafter be used for any other purpose than the parking of cycles.

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

**INFORMATIVE:** Dust condition informative



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

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

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

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

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

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

**INFORMATIVE:** No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

**INFORMATIVE:** Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

This page is intentionally left blank

<b>Application Number</b>	15/1705/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd September 2015	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	17th November 2015		
<b>Ward</b>	Petersfield		
<b>Site</b>	Digital Village 86 Mill Road Cambridge CB1 2AS		
<b>Proposal</b>	Installation of extract duct and external alterations.		
<b>Applicant</b>	Mr M Tariq 211 Histon Road Cambridge CB4 3HL		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed extract duct and external would not harm the character of the Conservation Area.</li> <li>- The proposed extract duct and external works would not harm the amenity of neighbouring properties.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is no. 86 Mill Road; a two storey end of terrace retail unit with storage on the first floor. The unit is located on the western corner of Mill Road and Tenison Road. There is a small ancillary yard to the rear. The area to the west and east is predominantly formed of similar sized buildings with a range of uses including restaurants (A3), hot food takeaways (A5) and other retail (A1) uses. Ditchburn Place, which is directly opposite the application site, is comprised of residential apartments set back from Mill Road with a large courtyard fronting onto Mill Road. To the south along Tenison Road there are predominantly two storey-terraced residential properties.

1.2 The site is allocated within a District and Local Centre in the Cambridge Local Plan (2006). The site falls within the Central Cambridge Conservation Area. The building is a Building of Local Interest.

## **2.0 THE PROPOSAL**

2.1 This application represents a resubmission of the previous application 15/0417/FUL.

2.2 The proposal seeks full planning permission for the installation of an extract duct and external alterations.

2.3 The proposal adds 1m to the height of the extract duct approved in 15/0417/FUL.

2.4 The external alterations include the addition of two windows on the Tension Road elevation.

2.5 The application also proposes the extension of the shop front by 2.3m along Tenison Road.

2.6 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Drawings

2.7 The application has been called to committee by Councillor Richard Robertson. The Councillor has stated that the proposed extract fan will be visually dominant and will impact on the character of the conservation area. The councillor states that the extract chimney may produce intrusive noise. He also notes that there is not area for the storage of refuse awaiting removal.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
08/1135/FUL	Conversion of existing storage building (B1) into 5 bed dwelling including external alterations.	Withdrawn.
08/1291/ADV	Graffiti style artwork to side wall.	Application returned.

12/0992/FUL	The painting of a mural on the side elevation of the existing retail premises at 86 Mill Road.	Permitted.
14/1922/FUL	Conversion of first floor into 1x1 bedroom and roof extension, including dormer windows and conservation rooflights, to form 1x studio flat. Addition of a door and window to ground floor side elevation.	Permitted.
15/0417/FUL	Installation of extract duct.	Permitted
15/0417/COND4	Condition 4	Discharge in full
15/0417/COND5	Condition 5	Discharge in full

#### 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
		4/11	4/12	4/13	

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

Central Government Guidance	National Planning Policy Framework March 2012
-----------------------------------	---

	National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Buildings of Local Interest (2005)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

Original comments 23.09.15

- 6.1 The proposal will have no significant effect on the Public highway. The Officer has recommended the imposition of one informative.

Second comments 23.10.15

- 6.2 No comments on the amended drawings

**Environmental Health**

- 6.3 The Environmental Health Officer is satisfied with the proposal. The Officer notes that the noise and odour control for the extract system has been covered by condition within the previous consent (15/0417/FUL). The officer also welcomes the increase in height

**Urban Design and Conservation team**

Original comments 15.10.15

- 6.4 The Conservation Officer requested further information and amendments to the original information submitted . The officer requested that the decorative red brick work on the Tenison Road elevation be maintained. The Officer stated that the design of the proposed windows needed to be reconsidered as they should be in the same style as those on the front elevation of 2A Tenison Road. The Officer requested clarification in relation to the location of a door and window which were previously approved but appeared to be shown in the incorrect location on the new plans. The Conservation Officer also requested information on the proposed shopfront as insufficient detail was provided in the original drawings submitted.

Second comments 21.10.15

- 6.5 The Conservation Officer is satisfied with the new windows which match those at 2A. The officer is satisfied that the patterned brickwork is retained in the revised plans. Two conditions relating to the details and finish of the shopfront and joinery.
- 6.6 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

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

- 14 Tenison Road
- 29 Tenison Road
- 36 Tension Road
- 42 Tenison Road
- 57 Tenison Road
- 116 Tenison Road
- 30 Lyndewode Road

7.2 The representations can be summarised as follows:

- The proposal is contrary to Cambridge Local Plan policy 3/15 as the shopfront does not contribute to the design and character of the building and its surrounding.
- The proposal is contrary to Cambridge Local Plan policy 4/11 as it does not preserve or enhance the character or appearance of the conservation area.
- The building is prominent at the corner of Mill Road and Tenison Road and is identified as a positive unlisted building in the Mill Road Conservation Area Appraisal.
- The works will result in an intensification of the use
- The existing brick façade is attractive and should be preserved. The proposed window detracts from the façade.
- There is no provision for waste storage or collection and no access to the alley behind the site.
- There is no cycle parking provided.
- The proposal is contrary to policy 8/2 as it will have an unacceptable traffic impact. It will result in an increase in car and foot traffic to the site, which is in a residential area, in the evening and at night.
- Coaches park illegally in the restaurant parking bays on Tenison Road while dropping clients to the restaurant.
- The duct is unsightly and visible from Tenison Road.
- The proposal conflicts with policy 4/13 as it will generate noise and odour pollution. There is a similar restaurant nearby with a duct which emits noise 24 hours/day.
- Concerned about further light and noise pollution from the new windows.
- Will create a 'High Street' feel in a residential street.



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

## **8.0 ASSESSMENT**

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

- 8.1 The proposed extractor duct will be visible from the street scene of Tension Road but will not be highly visible from Mill Road. The previously approved extract duct did not break the ridge line while the current proposal rises 1m above the ridge level. As a result the proposal will be visible from Mill Road but as it will only extend 1m above the roof line it will not be highly visible.
- 8.2 The external alterations involve the insertion of two windows on a single storey brick element of the Tenison Road elevation. These will be clearly visible from the street scene on Tenison Road. The original proposal placed two large sliding sash windows here which covered an ornate brickwork pattern on the wall. The revised plans amended the window arrangements to match those at 2A. These are narrower but longer than the original proposal and allow for the retention of the patterned brickwork element. The Conservation Officer is satisfied that these alterations are acceptable as the new windows will work with the character of the building. A condition to control the materials to be used in the windows and stone surrounds is recommended (see condition 3).
- 8.3 This application also proposes the extension of the shopfront by 2.3m along Tension Road. This will be visible from the streetscene however the shop front currently extends onto Tenison Road by 1.8m so the proposal only adds a further 0.5m of window to the shopfront. The Conservation Officer has asked that we impose a condition to control the details of the shop front. Subject to the imposition of this condition (see condition 4) the Conservation Officer supports the proposed extension. While Tenison Road is a predominantly residential Street I do not consider that allowing an addition of 0.5m to the shopfront will impact on the character of the area. The unit is on the corner of Mill Road and Tenison Road. This corner area is a

transition zone between the predominantly residential area and a mixed use commercial area. I therefore consider that the proposed extension of the shop front will be acceptable.

- 8.4 The Conservation Officer is satisfied with the further information submitted. The Officer considers that the proposal is acceptable subject to conditions and will not negatively impact on the character of the conservation area.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/15 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.6 The height increase to the extract duct will not result in any issues concerning overlooking, loss of light or visual enclosure. The Environmental Health Officer welcomes the increase in height.
- 8.7 A number of residents have raised concerns relating to noise and odour pollution. The Environmental Health Officer notes that the extract system has been approved with conditions under the consent 15/0417/FUL. These conditions cover the noise and odour control for the extract system. Both conditions have been discharged in full.
- 8.8 The proposed alterations to extend the shop front and construction of two additional windows will not significantly impact on residential amenity. The extension of the shop front is small in size at 0.5m. I do not consider that this small extension will cause any harm to the residents on Tension Road. The two windows proposed are narrow and will not cause any significant light or noise pollution.
- 8.9 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with and Cambridge Local Plan (2006) policies 3/7 and 4/13.

### **Third Party Representations**

- 8.10 The representations raise concerns over the quality of the shop front. The Conservation Officer has recommended the imposition of a condition to control the finish of the shop front. I consider this to be acceptable.
- 8.11 While the extract duct is not an attractive addition the Conservation Officer is satisfied that the proposed works will not have a detrimental impact on the character of the Conservation Area or the positive unlisted building. I share this view.
- 8.12 The amendments to the windows allow for the retention of the patterned brickwork façade.
- 8.13 This application relates to external alterations to the building. As part of this application I cannot assess traffic implications, cycle parking or waste storage as these elements do not relate to the proposal.
- 8.14 The Environmental Health Officer has stated that the proposed works are acceptable. The noise and odour extraction have been covered by condition by the previous application. Both conditions, relating to noise and odour, have been discharged in full.
- 8.15 The proposed extension of the shop front on Tension Road only adds an additional 0.5m to the existing shop front. Due to its small size and siting where the property meets the commercial area of Mill Rad I consider this element to be acceptable.
- 8.16 I do not consider that the proposed alterations will create a 'High Street' feel on Tension Road. The unit is on the corner of Tension Road and Mill Road. The unit is at the point where the residential area meets the commercial area. As a result the changes are not going to alter the character of the residential area of Tension Road.

## **9.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

3. Before the commencement of any stone work, a sample panel of the facing material to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policy 4/11)

4. Prior to the installation of any shopfront, large scale drawings of all joinery (doors, window frames, etc.) and other elements of the shopfront shall be submitted to and approved in writing by the Local Planning Authority. This includes timber and other mouldings (to cornices, sills, mullions, transoms, pilasters, etc.), stallriser finishes, console and other brackets, doors, thresholds and fanlights, etc. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual amenity of the Conservation Area (Cambridge Local Plan 2006 policy 4/11)

5. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate/ door / ground floor window shall open outwards over the public highway