

Public Document Pack



Cambridge City Council

Planning

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

Alternates: Councillors Bird and Holt

Published & Despatched: Tuesday, 23 February 2016

Date: Wednesday, 2 March 2016

Time: 12.30 pm

Venue: Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: Toni Birkin

AGENDA

1 ORDER OF AGENDA

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

- **PART ONE**
Major Planning Applications
There are no Major Planning Application for consideration
- **PART TWO**
Minor/Other Planning Applications
Start time: 12.30pm
- **PART THREE**
General and Enforcement Items
Start time: at conclusion of Part Two

There may be short break between agenda item two and three. This 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 Committee Manager

3 DECLARATIONS OF INTEREST Committee Manager

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 Committee Manager (*Pages 7 - 22*)

To confirm the minutes of the meeting held on 6th January 2016.

Minutes of the meeting of the 3rd February 2016 to follow.

Appendix 1 for Full Details of Central Government Planning Guidance

Part 1: Major Planning Applications

There are no Major Planning Applications for this meeting.

Part 2: Minor/Other Planning Applications 12.30pm

5 PLANNING REPORT 15/2063/FUL R/O 268 QUEEN EDITHS WAY
(*Pages 33 - 82*)

6 16/0078/FUL REPORT - 19 EARL STREET (*Pages 83 - 92*)

7 15/2380/FUL - REPORT 23-25 HILLS ROAD (*Pages 93 - 130*)

8 15/2040/FUL - 559 NEWMARKET ROAD (*Pages 131 - 144*)

9 15/2262/FUL - REPORT 55 SPALDING WAY (*Pages 145 - 156*)

10 15/0848/FUL - REPORT - 135A GREEN END ROAD (*Pages 157 - 166*)

11 15/1938/FUL - REPORT - 113 DITTON FIELDS (*Pages 167 - 188*)

- 12 **15/2221/FUL -REPORT - 104 WULFSTAN WAY** (*Pages 189 - 208*)
- 13 **15/0732/FUL - REPORT - 2A CARISBROOKE ROAD** (*Pages 209 - 222*)
- 14 **15/2249/FUL - REPORT - 41 BIRDWOOD ROAD** (*Pages 223 - 236*)
- 15 **15/2241/FUL - 37 KINNAIRD WAY** (*Pages 237 - 258*)
- 16 **15/2362/FUL - REPORT - 39 SPRINGFIELD ROAD** (*Pages 259 - 268*)
- 17 **15/2333/FUL - REPORT - 31 GUNHILD CLOSE** (*Pages 269 - 280*)
- 18 **15/2351/FUL - 121 MILTON ROAD** (*Pages 281 - 292*)

Part 3: General and Enforcement Items
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- 19 **GENERAL ITEM - UNIVERSITY ARMS HOTEL PUBLIC ART** (*Pages 293 - 306*)

Meeting Information

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

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

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

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

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

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

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

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

**Development
Control
Forum**

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

**Public
Participation**

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

Members of the public who want to speak about an

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

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

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

Further information is available at

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

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

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

Representations on Planning Applications

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

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

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

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

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

**Filming,
recording
and
photography**

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

**Facilities for
disabled
people**

Level access to the Guildhall via the Peas Hill entrance.

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

Accessible toilets are available on the ground and first floor.

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

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

**Queries on
reports**

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

**General
Information**

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

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PLANNING

6 January 2016

10.00 am - 5.10 pm

Present:

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

Officers:

City Development Manager: Sarah Dyer

Principal Planner: Lorraine Casey

Principal Planner: Tony Collins

Principal Planner: Lisa Lamb

Principal Planner: Toby Williams

Planner: Michael Hammond

Planner: Sav Patel

Planning Assistant: Mairead O'Sullivan

Legal Advisor: Victoria Watts

Committee Manager: Toni Birkin

Committee Manager: Sarah Steed

FOR THE INFORMATION OF THE COUNCIL

16/1/PLAN Apologies

Apologies were received from Councillor Dryden. Councillor Hipkin gave apologies for the afternoon session of this Committee. Councillor Holland attended as the alternate for the afternoon session.

16/2/PLAN Declarations of Interest

Name	Item	Interest
Councillor Tunnacliffe	16/14/PLAN	Personal: Knows the parties concerned.
Councillor Pippas	16/16/PLAN	Personal: Knows parties concerned.
Councillor Smart	16/16/PLAN	Personal: Knows the parties concerned.

16/3/PLAN Minutes

The minutes of the meeting held on the 4 November 2015 were agreed and signed as a correct record.

The minutes of the meeting held on the 2 December 2015 would be brought to the February meeting for approval.

16/4/PLAN 14/1905/FUL 64 Newmarket Road

The Committee received an application for full planning permission.

The application sought approval for Demolition of existing buildings and erection of a mixed used development comprising 84 dwellings, circa 152m² A1-A3 commercial space, and associated access, car and cycle parking, and public realm enhancement

The Principal Planning Officer referred to the amended recommendation and the amended conditions contained within the Amendment Sheet.

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

- Representative on behalf of 20 residents of Severn Place.
- Representative of Cambridge Cycling Campaign

The Representative on behalf of 20 residents of Severn Place covered the following issues:

- i. Negative impact on the well-being of the residents of Severn Place.
- ii. Unbroken line of brick height.
- iii. Development would create the feeling of imprisonment.
- iv. Shadow surveys did not bear well for Severn Place.
- v. Disabled guests would have to park in the car park.
- vi. No parking for occupiers.
- vii. Site visit was recommended before members made a decision.

The Representative on behalf of Cambridge Cycling Campaign covered the following issues:

- i. The development did not conform with the Council's supplementary planning document.

- ii. The Wests Garage planning application contributed £120,000 in s106 contributions, questioned why this proposed development did not have to provide the same level of contributions.
- iii. Transport assessment contained inconsistencies.
- iv. Vehicle junctions needed to be re-worked.
- v. Asked members to refuse the application.

Geraint John (Applicant's Agent) addressed the Committee in support of the application.

Councillor Bick (Market Ward Councillor), Councillor Gillespie (Market Ward Councillor) and Councillor Price (Executive Councillor for Housing) addressed the Committee about the application.

Councillor Bick's representation covered the following issues:

- i. Expressed concern that the development did not provide 40% affordable housing provision.
- ii. The 40% affordable housing provision policy was based on an established need and was contained within the local plan. The Council should not abandon this commitment.
- iii. Central Government had made development easier for developers although they still had to prove their viability case.
- iv. Questioned whether the case for viability had been proven.
- v. Requested that if the application was approved that a claw back provision was included in a s106 planning agreement.
- vi. Requested that a stand was made regarding affordable housing provision.

Councillor Gillespie's representation covered the following issues:

- i. Agreed with the points made by Councillor Bick.
- ii. Did not accept the viability assessment, affordable housing was needed in the City.
- iii. Did not like 8 storey buildings and did not want the skyline to be full of buildings, he wanted to be able to see the sky.
- iv. Additional traffic would be a problem.
- v. Reliance on cars took a step back from the Council commitment made at the Full Council meeting in October 2015.

Councillor Price's representation covered the following issues:

- i. Viability issues had been raised by Councillor Bick.

- ii. Block H had a dominant presence; the affordable housing did not appear to be tenure blind.
- iii. Unacceptable that Block H did not benefit from combined power.
- iv. Questioned whether Block H had photo voltaic cells.
- v. Questioned the parking arrangements for Block H.
- vi. The Housing Allocations Policy meant that flats could not be under-occupied therefore children would live in the flats and there was insufficient play area provision.
- vii. Cambridge was low risk for sales of properties; many properties were sold off plan.
- viii. A reduction in the provision of affordable housing was not acceptable given the pressure already on affordable housing.

Councillor Blencowe proposed an additional condition to the Officer's recommendation that the materials used on Block H were to be of a similar quality and design as those used for the rest of the development.

The Committee agreed to accept the addition of this condition to the recommendation.

The Committee voted that they were minded to go against the Officer's recommendation (and therefore refuse the application) by 6 votes to 1.

The Legal Advisor advised the Committee of the Adjourned Decision Making Protocol.

The Committee:

Resolved not to accept the officer recommendation of approval, as the committee were minded to refuse the application, a decision on whether to approve or refuse the application was subsequently deferred under the Adjourned Decision Protocol

Under the Council's agreed Adjourned Decisions Protocol this application will be brought back to a future meeting of the Committee to allow further discussion of reasons for refusal. The following matters may form the basis for detailed reasons for refusal.

1. The affordable housing block is by virtue of its external treatment which contrasts with the rest of the development, not 'tenure blind'.
2. Lack of amenity space/ play space to serve the affordable housing units and the development more generally.

3. The height of Block G in the context of the height of surrounding buildings.
4. The scheme does not deliver 40% affordable housing.
5. That the renewable energy provisions do not extend to the affordable housing units.
6. That the development is contrary to the Eastern Gateway Supplementary Planning Document on the basis that it does not provide 'connectivity' with the surrounding parts to the SPD area.

The Officer recommendation of approval was subject to the completion of a section 106 Agreement to secure off site mitigation of development impacts. In the event of a refusal of planning permission, a refusal reason to the lack of a legal agreement to secure these mitigation measures will also be recommended.

16/5/PLAN 15/1369/FUL Report - 149B Histon Road

The Committee received an application for full planning permission.

The application sought approval for the 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.

The Senior Planning Officer referred to the amendments contained within the Amendment Sheet and also verbally updated the Committee on the following issues:

- i. The County Council as Local Lead Flood Authority had removed their objection regarding drainage.
- ii. Revised elevations had been received regarding paragraph 2 of the Officer's report.
- iii. Comments were still awaited regarding the s106 agreement in relation to education and informal open space facilities.
- iv. Block B was proposed to be entirely affordable housing.

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 as amended on the Amendment Sheet.

16/6/PLAN 15/0519/OUT Report - 295 - 301 Histon Road

The Committee received an application for outline planning permission.

The application sought approval for outline application with all matters reserved except for access for the demolition of all structures on site and development of 27 dwellings.

The Senior Planning Officer referred to the amendments contained within the Amendment Sheet.

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

- Resident of Carisbrooke Road.
- Representative on behalf of the Squash Club.

The representation by the resident of Carisbrooke Road covered the following issues:

- i. The actual extent of the resident's property was omitted from 24 drawings which meant the impact on the property had not been fully taken into consideration.
- ii. Significant impact on amenity and their home.
- iii. Revised drawings regarding traffic calming measures were only submitted the day before the Committee meeting.
- iv. Took issue with paragraph 6 of the Officer's report.
- v. Traffic would double.
- vi. Concerns regarding noise and vibrations.

The representation on behalf of the Squash Club covered the following issues:

- i. Objection to the loss of a sports and squash facility.
- ii. The application was inconsistent with local and national policy.
- iii. Under the National Planning Policy Framework (NPPF) the development was not sustainable.

Colin Campbell (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

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

16/7/PLAN 15/1728/FUL Report - 11 Lichfield Road

The Committee received an application for full planning permission.

The application sought approval for a 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.

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

The representation covered the following issues:

- i. Shadow study suggests light and sun would be lost.
- ii. Dormer windows unacceptable.
- iii. Loss of privacy for neighbours.
- iv. Ugly and poor design.
- v. Overbearing and dominant design.
- vi. Over development.
- vii. Out of character with the rest of the area.
- viii. Area predominantly older people and a house full of young people would bring noise and disturbance.

Councillor Herbert addressed the Committee regarding the application and made the following comments:

- i. Suggested that important information available on the planning portal had not been included in the committee report.
- ii. Bulk and shadowing diagram was not included in the pack.
- iii. Mass of building would impact on neighbours.

- iv. Area is not in a conservation zone but has a character and was important.
- v. Scale of a corner side would be dominant to the street scape.
- vi. Comparison to a 6 person permitted development was not helpful.
- vii. Proposal was out of keeping with the area.
- viii. Information on bus route was misleading as the buses were infrequent and inadequate.
- ix. Comments of Council's own Landscape Architect had been ignored.

The Committee agreed *Nem Com* that an informative would be added regarding the upkeep of open spaces.

The Committee:

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

INFORMATIVE: In submitting information to discharge 3 the applicant is advised that details of the maintenance schedule for all external spaces shall be provided as part of the Management Plan.

16/8/PLAN 15/1308/FUL Report - 94 Milton Road

The Committee received an application for full planning permission.

The application sought approval for change of use from C3 domestic dwelling house to 10 person house in multiple occupation and 2 studio flats.

The Committee agreed the addition of a Management plan. This was agreed *Nem Con*.

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.

16/9/PLAN 15/1466/FUL Report - 73-73A Tenison Road

The Committee received an application for full planning permission.

The application sought approval for change of use of an existing building to either a B1 office use or, in the alternative continuation of D1 use.

The Committee noted the amendment sheet.

Adam Davis (Applicant's Agent) and Liz Wainwright (future tenant of the site) 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.

16/10/PLAN 15/1468/FUL Report - 17 Newmarket Road

The Committee received an application for full planning permission.

The application sought approval for retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis).

The Committee suggested the addition of a Management plan. This was agreed *Nem Con*.

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.

Planning Committee required the imposition of an additional condition, No. 5, to require a Management Plan to be agreed prior to use. Accordingly, Condition 5 has been inserted into the decision which otherwise follows the Officer's recommendation:

- New Condition 5:

Within three months of the date of this permission, or prior to the first occupation of the building if the building is vacant at the time of the permission being issued, 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).

16/11/PLAN 15/1474/FUL Report - 19 Newmarket Road

The Committee received an application for full planning permission.

The application sought approval for retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis).

The Committee suggested the addition of a Management plan. This was agreed *Nem Con*.

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.

- **New Condition 5:**

Within three months of the date of this permission, or prior to the first occupation of the building if the building is vacant at the time of the permission being issued, 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).

16/12/PLAN 15/1479/FUL Report - 29 Newmarket Road

The Committee received an application for full planning permission.

The application sought approval for retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis).

The Committee suggested the addition of a Management plan. This was agreed *Nem Con*.

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.

Planning Committee required the imposition of an additional condition, No. 5, to require a Management Plan to be agreed prior to use. Accordingly, Condition 5 has been inserted into the decision which otherwise follows the Officer's recommendation:

- New Condition 5:

Within three months of the date of this permission, or prior to the first occupation of the building if the building is vacant at the time of the permission being issued, 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).

16/13/PLAN 15/1627/FUL Report - 2 Drayton Road

The Committee received an application for full planning permission.

The application sought approval for the erection of a new dwelling

Richard Ball (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

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

Councillor Tunacliffe withdrew from the meeting for this item and did not participate in the discussion or decision making.

16/14/PLAN 15/1710/FUL Report - 89 And 91 De Freville Avenue

The Committee received an application for full planning permission.

The application sought approval for proposed single storey dwelling on land behind 89- 91 De Freville Avenue, including the removal of existing hard standing, and removal of a tree.

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

The representation covered the following issues:

- i. Locals do not object to the proposal to build on this site.
- ii. Current proposals would impact on the amenity value of the area.
- iii. Non-compliant with Policy 3.10, as it would be overbearing.
- iv. Build line is within 1 metre of neighbours.
- v. Would create a feeling of enclosure.
- vi. Neighbours fear future extension to this proposal.
- vii. Loss of light.
- viii. Dominance.
- ix. Detrimental impact on terrace.
- x. Parking proposals unacceptable.

Richard Owers (Applicant's Agent) addressed the Committee in support of the application.

Councillr Austin (Ward Councillor) addressed the Committee about the application and made the following comments:

- i. Speaking on behalf of local residents.
- ii. Tree not in a conservation area but is valued by the community and can be seen from some distance away.
- iii. Tree aids local drainage.
- iv. Tree would dominate the site in future and would need future protection from over pruning.
- v. New fence has already disturbed the root system.

- vi. Access route was an unmade road but is already well used as a second access route had been lost.
- vii. Pinch point would be created.
- viii. Pressures on parking would result in unsafe access route.

Councillor Smart proposed additional condition to remove all future permitted development rights to the Officer's recommendations. This was agreed *Nem Con*.

The Committee suggested an informative be added regarding considerate contractor. This was agreed *Nem Con*.

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.

Subject to revised conditions as set out above and an additional condition to withdraw permitted development rights for extensions and the Considerate Contractors informative.

16/15/PLAN 15/1589/FUL Report - 23 Baldock Way

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing bungalow and the erection of a pair of two-bedroom residential units.

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

The representation covered the following issues:

- i. This was the third attempt to develop this site.
- ii. Current bungalow meets a housing need and was in keeping with the area.
- iii. Overdevelopment.
- iv. Lack of parking and amenity space.
- v. Would occupy the entire footprint of the site.

- vi. Use of balcony a concern to neighbours.
- vii. Risk of flooding.
- viii. Overlooking from balcony.
- ix. Properties would suffer from damp.
- x. Accessibility would be an issue.

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

Councillor Moore (Ward Councillor) addressed the Committee about the application and circulated images of the development. The Chair reminded members to use caution regarding this information as the Planning Department had not had the opportunity to approve them

Councillor Moore made the following comments:

- i. Height of the building would allow sight into the bedrooms.
- ii. Would result in overlooking.
- iii. Build line would be close to boundary. Does not address previous concerns regarding the development of this site.
- iv. North facing basements would suffer from poor light.
- v. Small utility space.
- vi. Would not fulfil amenity criteria.
- vii. Would be a flood risk.

The Committee suggested an informative be added regarding a Car Club. This was agreed *Nem Con*.

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.

16/16/PLAN 15/1623/FUL Report - 64 Glebe Road

The Committee received an application for full planning permission.

The application sought approval for the demolition of single storey dwelling and erection of 5 new dwellings.

The Committee noted the amendment sheet updates.

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

The representation covered the following issues:

- i. Compromised safety of children using the pavement.
- ii. Overlooking.
- iii. Dominance.
- iv. Drag distance required to get bins to the pavement.
- v. Overlooking of Templemore Close.

Garth Hanlon (Applicant's Agent) addressed the Committee in support of the application.

Councillor Moore (Ward Councillor) addressed the Committee about the application and made the following comments:

- i. Shares concerns about child safety.
- ii. Junction was complicated and dangerous.
- iii. Area used for rat running.
- iv. Development would limit sight lines.
- v. A revised design of the driveway would improve safety.
- vi. Contractor deliveries would further compromise pavement safety.

The Planning Officer suggested an informative regarding considerate contractors and management of site deliveries during the constriction period. The Committee agreed this *Nem Con*.

A further condition regarding materials used for the driveway surface to improve safety was suggested. The Committee agreed this *Nem Con*.

The Committee:

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

In submitting information to discharge condition 17 it is recommended that the hard landscaping details shall include a contrasting material within the driveway to alert drivers to the need to slow down when exiting the development.

16/17/PLAN 15/1705/FUL Report - 86 Mill Road

The Committee received an application for full planning permission.

The application sought approval for the installation of extract duct and external 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.

The meeting ended at 5.10 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)

Application Number	15/2063/FUL	Agenda Item	
Date Received	4th November 2015	Officer	Mr Sav Patel
Target Date	30th December 2015		
Ward	Cherry Hinton		
Site	Land Rear Of 268 Queen Ediths Way Cambridge Cambridgeshire CB1 8NL		
Proposal	Erection of 3.No four bed houses, internal access road, car and cycle parking and hard and soft landscaping.		
Applicant	C/O Agent United Kingdom		

Update Report: 15/2063/FUL, Land Rear of 268 Queen Edith's Way

0.0 Introduction

- 0.1 This application was reported to the 3 February 2016 Planning Committee with an officer recommendation of approval. During the consideration of the application, Members of the Committee raised a number of concerns about the proposal. The Committee voted not to accept the officer recommendation.
- 0.2 Following legal advice received during the meeting, the City Development Manager advised the Committee that the Adjourned Decision Protocol (ADP) could apply in this case because further investigation was required with reference to the previous decision made by the Planning Committee for a similar proposal and legal advice was required.
- 0.3 Members agreed to defer a decision on the application in accordance with the ADP and agreed a motion that they were minded to refuse the application on the grounds of context and character. The Committee agreed that a report should be brought back to the next meeting to help inform making a decision.
- 0.4 To ensure safe decision making, Members of the Planning Committee absent from the previous discussion, Ward

Members and third parties cannot not take part in the resumed debate. The purpose of the resumed debate is for Committee to determine if their original minded-to resolution is still appropriate, should be amended, or whether the original officer recommendation should be followed.

- 0.5 Further analysis is therefore required to understand the policy framework for the potential issues and possible reason for refusal, to consider any relevant legal advice, how an appeal might be considered and any other guidance available to members to help inform a decision.

Key Issue

- 0.6 As set out above, the issue of character and context was raised by Members of the Planning Committee as potentially forming the basis for a detailed reason for refusal. The refusal reason was similar to that put forward as part of the previous refused application for 15/0596/FUL. This would read as follows:

'The proposed development would, by virtue of its unsympathetic scale, bulky design and loss of trees, have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context. The proposed development would result in an alien form of development and unduly diminish the rural character of this green edge from Lime Kiln Road. The proposal therefore fails to sympathetically respond to the site context and setting of the city. For these reasons the proposed development conflicts with policies 3/2, 3/4, 3/12 and 4/4 of the Cambridge Local Plan (2006) and government guidance contained in the National Planning Policy Framework 2012'

- 0.7 The Committee also requested clarification of the relevance of the status of the 'East Green Corridor' referred to by the Ward Councillor, Councillor Ashton.

Assessment

- 0.8 The application is for the erection of three dwellings in a back-land position adjacent to the Green Belt, a SSSI and local nature reserves. The site is on the edge of the City and is undoubtedly in a sensitive position. Proposals on this site have attracted numerous objections on grounds of residential amenity and

character and context. The application is in effect a resubmission of a refused planning application (15/0596/FUL), also for three houses, that was presented to Planning Committee in October 2015. As part of the officer recommendation in October of last year, a refusal of planning permission was recommended on the grounds of context and character, as set out at paragraphs 8.4 – 8.19 of that report, which I quote below:

‘Context of site, design and external spaces

Response to context

8.4 The application site is an undeveloped parcel of semi-rural land that, in this context, forms an important visual green buffer between the residential development along Queen Edith’s Way, edge of the city and protected countryside beyond. To the south and east of the site is the Green Belt, the Cherry Hinton Pits is designated as a SSSI and a Local Nature Reserve. Whilst the application site is not designated, it plays an important role in buffering development from these sensitive designations and help to transition the urban environment into the rural landscape. The character of the site is therefore a significant factor of the site’s special qualities.

8.5 The site has many trees; several of which are protected, dense shrub planting along the boundaries and a unique topography which provides an important corridor and habitat for a variety of wildlife. The trees that bound the site are important. Whilst many of them may not be of high quality in term of health, as a group they are greater than the sum of its parts. The trees and shrub on the eastern boundary help to create the feel of a rural corridor along Lime Kiln Road which is important particularly when entering and leaving the site.

8.6 It is this context that any development on this site would need to be assessed against.

8.7 The proposed development has maintained the three-storey rectangular and flat roof form with large glazed windows, not unlike the refused scheme. The main three storey element now has a two storey flat roof annex attached to it. The floor area of the three dwellings has increased by between 74sqm and 96sqm. The increase in the floor area has resulted in proposed

dwellings taking up circa 75% of the site that was previously proposed for seven units.

8.8 Whilst the proposed development has reduced in the amount of dwellings on the site, I do not believe this has addressed my original concern with the impact the development would have on the character and setting of this site. The increase in mass and footprint of the proposed dwellings would appear dominant and overly urbanise the rural landscape setting when viewed from the rear of the properties in Queen Edith's Way and from Lime Kiln Road.

8.9 The site is located on the south-eastern edge of the city. Therefore policy 3/2 (Setting of the City) is an important consideration. The policy states that development will only be permitted on the urban edge if it conserves or enhances the setting and special character of Cambridge and the biodiversity, connectivity and amenity of the urban edge is improved.

8.10 Whilst officers are of the view that some form of development is acceptable on this site, the proposed development, in my view, fails to comply with 3/2, as it would not conserve or enhance the setting and special character of the city edge. The development would introduce a form of development that would appear incongruous and significantly alter the setting and character of this edge of city location. Whilst the applicant has reduced the number of dwellings, the design and form of the proposed development would appear incongruous. Also, whilst the applicant is proposing to carry out replacement planting, this would not only take time to mature but would also not effectively screen the development. The loss of trees and vegetation along the south, east and western boundaries would further open up views into the site, emphasising its change from semi-rural land to a hard and uncompromising form of development.

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

development to demonstrate that has responded to context and taken key characteristics of the surroundings.

Design

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

8.13 The proposed amendment to set back the 'first floor' by 2 metres and introduces zinc louvered screens on the rear elevation which would appear contrived and undermine the original design concept, particular as this aspect would be visible from the properties in Queen Edith's Way. In my view, the character and setting of the site would be significantly and adversely eroded as a result of the development proposed.

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

8.15 The rotation of plots 1 and 2 has minimal impact on the proposal overall.

Open Space and Landscape

8.16 The proposed dwellings and roadway would dominate the surface area of the site which would diminish the site's rural qualities. The only area of open space would be located in the rear gardens of the plots and an area to the west of the access. Other than this the site would be dominated by hard-standing and the footprint of the proposed dwellings, which has increased compared to the previous scheme that was refused. The site's green and rural character would be eroded by the proposed development. The general character of the area is of modest semi-detached dwellings on generous plots. The proposed development contradicts this entirely with large detached dwellings on modest plots. Each plot has the potential to be used as a five bed dwelling. Whilst the city council does not have space standard for private gardens, the proposal in my view would provide very modest gardens for the type of housing proposed.

8.17 The Landscape and Tree Officer had raised concerns with the limited size of outside space and the removal of trees in order to make these spaces usable. However, amendments to the layout of plots 1 & 2, has increased the area of usable garden space. The increase of between 2.5 and 1.2 metres is not considered significant enough to address my concerns with the proposal.

8.18 The proposal also includes the removal of 15 trees, 3 of which have tree preservation orders (TPO) from the site. The Tree Officer has expressed concerns with the extent of tree loss in order to achieve the proposed development on the site. However, she does not consider the tree loss could sustain a refusal on its own, particularly as the trees to the south of the application are now being retained. In my view the loss of established trees that define the northern, western and eastern boundaries of the site would result in opening up of the site thus increasing views of the proposed development. I therefore do not consider the loss of the trees to be acceptable as the proposed scheme is not of sufficient quality to justify such loss. The proposed level of tree removal would conflict with policy 4/4 (Trees), which does not permit development which would involve the felling, significant surgery or potential root damage to trees of amenity or other value unless the public benefits

outweighs the current and future amenity value of the trees. I do not consider the public benefits from the proposed development would outweigh the significant damage and detrimental impact to the site that would arise from the loss of the existing trees and the potential impact on the root system of those that are being retained.

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

- 0.9 Taken at face value, there do appear to be grounds to pursue a refusal of planning permission on issues of character and context.

Costs, Reasonableness and Context of Decision

- 0.10 Despite the previous officer recommendation, application 15/0596/FUL was refused last October by Planning Committee for a single reason:

'The proposal would, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/7 and 3/12 of the Cambridge Local Plan (2006).'

- 0.11 Members of the Planning Committee in October chose not to pursue a refusal reason on the grounds of context and character. The revised planning application currently before Members was, therefore, submitted on the basis of addressing the sole reason for refusal. The officer report sets out how the applicants have addressed the inter-looking issue. During the consideration of the application at the February Committee, there was no debate from Members that the latest application had indeed addressed this. The sequence of events raises the question as to how to reasonably approach the determination of the current planning application.

- 0.12 Members were advised by officers that, in effect, by suggesting the current application should be refused on the grounds of context and character, that it would result in an inconsistency in terms of its own decision making, effectively 'moving the goal

posts' and that it would be unreasonable to approach the determination of the application in this way. In particular, Members should note that the revised application (15/2063/FUL) is effectively the same in terms of its material impact on the surrounding context as the previous refused application (15/0596/FUL). Neither adopted policy, site characteristics or material considerations have altered since the previous determination. In light of these facts and that the make-up of Committee was different in October to February, officers have sought legal advice. This confirms that there is nothing in law to prevent the Planning Committee from coming to a different conclusion and to refuse an application for different reasons than those cited by the previous Committee. A member of the Planning Committee who was not present on the last occasion is entitled to raise any issue relating to the application and to express a different view.

0.13 However, in adopting this approach, it could make it very difficult for the Council to defend a costs application on the grounds of unreasonableness because there are no essential facts or significant material considerations affecting character or context which have changed between applications. Theoretically, if this application was refused, both applications could be appealed simultaneously and heard at the same time by an Inspector. In this scenario, explaining why the Council considers only one of two similar planning applications to cause harm in terms of context and character would be less than straightforward.

0.14 Member voting on proposals on this site have been close and there is no precedent that a particular Planning Committee decision then entitles the applicant to a legitimate expectation that a subsequent committee will be entirely consistent in terms of its approach to the same issues. In my view, it is likely that a subsequent appeal would attract an application for an award of costs for unreasonable behaviour. This would not impact on the decision to allow or dismiss an appeal but could be difficult to avoid.

Chances of Winning an Appeal

0.15 The current application has the support of the Council's Urban Design and Conservation Team, the Landscaping Officer and the Nature Conservation Officer. Natural England has not objected to the scheme. The land has no formal designation and

the principle of residential development is acceptable. This is a low density residential scheme which would meet housing need. There is only one reason for refusal being pursued. There are grounds that could be advanced for dismissal, but I would consider the chances of success at appeal to be limited.

Other Matters

- 0.16 At the February Planning Committee meeting, the relevance of the status of the 'East Green Corridor' was referred to by third party speakers and Ward Councillor Ashton. It is a term that is found in the Cambridge Landscape Character Assessment 2003 (page 44):

'East Cambridge Corridor which links the complex of chalkland sites important for nature conservation around Lime Kiln with Cherry Hinton Hall, Blue Circle, Coldham's Common and eventually the Fenlands to the north-east'.

- 0.17 The adopted policy link is 3/2 'Setting of the City' and supporting paragraph 3.8, which is referenced in the draft refusal reason as set out above. The term 'East Cambridge Corridor' does not form part of a formal designation of land use as part of the adopted plan and I do not consider it necessarily shifts the debate, albeit that it is a useful term to describe a sequence of green spaces linked in this part of the City.

Recommendation

- 0.18 It is open to members to consider either:

1: To **APPROVE** the application in light of this further report, in accordance with the conditions as recommended and amended on the January amendment sheet

or

2: To **REFUSE** the application for the reason as set out above

and/or

3: Additionally or separately, put forward any **FURTHER REASONS FOR REFUSAL** with clear policy reasons and the harm identified.

SUMMARY	<p>The development accords with the Development Plan for the following reason:</p> <p>-The previous refusal reason has been overcome through amendments to the scheme for three houses which have increased garden depths and building distances from adjacent gardens and removed inter-looking issues between proposed plots. On this basis and in light of previous officer recommendations and committee decisions, approval is recommended.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located in the south-eastern corner of the City, on the southern side of Queen Edith's Way, close to the junction with Lime Kiln Road, which inclines from Queen Edith's Way. The site was a former chalk pit, which has been partly back-filled at the southern end of the site from spoil and fill from the construction of Addenbrooke's Hospital.
- 1.2 Queen Edith's Way is characterised as a suburban residential area consisting mainly of two storey detached and semi-detached dwellings with deep rear gardens and a good level of spacing between. The application site is located to the side (north-east) and rear (south) of No.268, which is a two storey detached dwellinghouse set back from the road. The site also adjoins the rear gardens of nos.252 to 266 Queen Edith's Way, which are two storey semi-detached dwellings with deep gardens. The garden depths of the dwellings that adjoin the site range from 71 metres (no.252) to 16 metres (no.268).
- 1.3 To the east is Lime Kiln Road which is a narrow rural road with limited footpaths and dense green verges on either side. There is no development along Lime Kiln Road. It is very much an exit and entry route into and out of the City from the south. The application site plays an important role in people's perception of having left the city and entering the countryside beyond.

- 1.4 The application site boundaries are defined by established tree and dense shrub planting which limits views into the site from Lime Kiln Road and Queen Edith's Way, particularly during summer months. Within the site, it is generally unmaintained and left to nature. Recently some of the trees within the site have been removed. There is also a wide opening at the south end of the site from the top of Lime Kiln Road which allows uninterrupted views into the site. Access is restricted into the site from here by a metal fence.
- 1.5 The application site is not designated within any site constraint or formally allocated. However, part of the designated Green Belt runs along the southern boundary. To the south of the application site is a caravan park, which is located within the Green Belt and designated as an area of Protected Open Space (POS), and also within a 'Site of Special Scientific Interest' (SSSI). To the east is Lime Kiln Road and to the east of this is Cherry Hinton Pit, which is designated as a SSSI, Local Nature Reserve (LNR), POS and is also within the Green Belt. To the north of Cherry Hinton Pit (and north-west of the application site) is an area of land known as Lime Kiln Close (also known as East Pit) which is designated as an area of POS, LNR, and is within the Green Belt.
- 1.6 The site contains several individually protected trees made up of two group tree protection areas. The group protection areas are located along the eastern boundary with Lime Kiln Road and at the southern end of the site. There are eight individually protected trees, which are located in the northern and southern sections of the site.

2.0 THE PROPOSAL

- 2.1 The proposal seeks full planning permission for the erection of 3.No four bed houses, internal access road, car and cycle parking and hard and soft landscaping.
- 2.2 The proposed houses would be arranged in a linear form within the plot with a vehicular access to the east of the site serving all of the properties from Queen Edith's Way. Gardens to the new dwellings would be to the west of the site.
- 2.3 The proposed houses are of a modern design and are part two / part three storeys in height with a sunken lower ground floor

level. All houses have 2 parking spaces at the lower ground floor level and all have a green roof on the lower two storey element of the houses with solar/PV panels on the higher flat roofed element. The materials proposed are brick and horizontal zinc cladding. Cycle storage and bin storage is also incorporated at the lower ground floor level.

2.4 The proposal is a resubmission of a refused planning application (15/0596/FUL) that was presented to Planning Committee in October 2015 with a recommendation of refusal. After some debate, the application was refused for the following reason:

1. The proposal would, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/7 and 3/12 of the Cambridge Local Plan (2006).

2.5 Committee's decision not pursue other officer recommended reasons for refusal under 15/0596/FUL (i.e. relating to design and urbanising impact on the rural qualities and setting of the site) is material to the consideration of this application.

2.6 The application is accompanied by the following information:

- 1 Plans
- 2 Planning Statement
- 3 Ecology Report
- 4 Environmental Report
- 5 Flood Risk Assessment
- 6 Landscaping details
- 7 Heritage Asset Assessment
- 8 Tree Survey
- 9 Transport Assessment
- 10 Utility Statement

3.0 SITE HISTORY

Reference	Description	Outcome
14/1382/FUL	Erection of a residential	REFU

15/0596/FUL	development consisting of 1 x 5 Bedroom House and 6 x 4 Bedroom Houses, along with internal access road, car and cycle parking and hard and soft landscaping.	dated 16.02.2015
06/0475/TELDET	Erection of 3No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping.	REFU dated 02.11.2015
07/0191/TELDET	Installation of a 11m mock telegraph pole with associated ground based cabinets and the antennae enclosed within a shroud at the top of the mast.	REFU dated 30.06.2006
	Installation of 12m telegraph pole with 3 antenna in a shroud and equipment cabinet and ancillary development.	REFU dated 11.04.2007

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

	8/4 8/6 8/10
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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> Arboricultural Strategy (2004) 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 given any significant weight. For example, those emerging policies referenced by objectors, such as policy 8, which references the setting of the city, are equally covered through adopted policy 3/2.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The junction and access details are the same as for applications 14/1382/FUL and 15/0596/FUL, but for reduced usage. They are therefore acceptable subject to the imposition of the same conditions.

6.2 The road is neither to an adoptable standard nor serves enough dwellings to justify requirement of same and so will remain as a private Access way. The applicant should be made aware of this.

Environmental Health

6.3 The proposals are acceptable subject to conditions and informatives being imposed on the following:

- Contaminated land;
- Construction hours
- Piling
- Site investigation informative
- Remedial works informative
- Materials chemical testing informative

Refuse and Recycling

6.4 No response received to date.

Urban Design and Conservation Team

6.5 The submitted application follows on from a previous scheme (15/0596/FUL) for 3 No. units which despite being supported by all consultees was refused at committee on the 7th October

2015. The reasons cited for refusal related to the potential overlooking into adjacent plots within the development site and the limited amount of amenity space provided to each dwelling.

- 6.6 The revised submitted scheme amends the layout and form of the units; all units are now the same and arranged as simple interlocking rectangular forms. Accommodation at first floor level has also been reconfigured to prevent overlooking from the rear elevations. The only windows on these elevations serve bathrooms and en-suites and are shown to include obscured glazing on the submitted floor plans. We support this approach which has addressed previous reasons for refusal.
- 6.7 Plots 1 and 2 are now aligned with the access road and eastern site boundary, matching the alignment and position of Plot 3. As a result the depth and size of the rear gardens associated with Plots 1 and 2 have increased from approximately 109m² (Plot 1) and 129m² (Plot 2) to approximately 188m² (as measured from the submitted site plan). The rear gardens of Plots 1 and 2 are therefore approximately 72% (Plot 1) and 45% (Plot 2) larger compared to the previous refused scheme. We support this approach, the larger rear gardens associated with Plots 1 and 2 have addressed previous reasons for refusal.
- 6.8 The submitted site plan (drawing P-01 Rev K) shows that the external stairs to the side of Plot 2 leading up to the rear garden of Plot 1. We assume that this is a drawing error; the boundary separating these rear gardens needs to be adjusted so that the stairs do not provide access to the rear garden of Plot 1.

Conclusion

- 6.9 The changes incorporated within the revised submitted application are supported in design terms and have addressed previous reasons for refusal cited for application 15/0596/FUL. The arrangement of the boundary separating the rear gardens of Plots 1 and Plot 2 needs to be adjusted so that the external staircase to the side of Plot 2 does not provide access to the rear garden of Plot 1.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.10 The proposed development is acceptable subject to condition on surface water drainage.

Head of Streets and Open Spaces (Tree Team)

- 6.11 No comments received to date. I will report any comments on the amendment sheet or orally in my presentation to Committee.

Head of Streets and Open Spaces (Landscape Team)

- 6.12 The proposal is supported subject to conditions on hard and soft landscaping, landscape maintenance and management plan and boundary treatment.
- 6.13 General principle:

By rotating the buildings to a more parallel layout with the access road the amenity space for each house has become larger and more usable.

Tree removal

There is reasonable justification for the loss of the existing trees and TPO trees as identified. The tree planting strategy is acceptable subject to minor changes to the species which can be addressed under condition.

Landscape

The landscape strategy is supported subject to few minor concerns regarding species which can be addressed under condition.

The proposed gabion wall to support the embankment which has been a consistent concern and overcome concerns due to the proposed ground lifting, no-dig and careful root pruning which will aid the retention and continued longevity of the existing trees. This is now supported. The new trees planted on the embankment will infill gaps created by tree loss. Again, species can be addressed under condition.

Head of Streets and Open Spaces (Nature Conservation Officer)

- 6.14 The proposed site is adjacent to The Cherry Hinton Pits SSSI and Limekiln LNR and Protected Roadside verges. Together these designations form an important ecological network within the chalk edge landscape. The proposals recognise potential impacts on these sites and seek to address them by not raising site levels and retaining the tree screen along Limekiln Road. The Ecology Report prepared by Applied Ecology (dated Oct 2015) makes a number of ecology recommendations I would like to see secured through conditions such as bat boxes and lighting design strategy for light-sensitive biodiversity.

Natural England

- 6.15 No objection. The proposed development will not damage or destroy the interest features for which Cherry Hinton Pit has been notified and the Site of Special Scientific Interest (SSSI) does not represent a constraint in determining this application.

Green Infrastructure

The site is located within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England encourages the incorporation of GI into this development.

Protected Species

The proposal should be assessed in accordance with the Standing Advice on protected species.

Bio-diversity enhancements

The application represents an opportunity to incorporate features into the design that are beneficial to wildlife such as rooting opportunities for bats or bird nest boxes.

Landscape enhancements

The application represents an opportunity to enhance the character and local distinctiveness of the surrounding natural

and built environment; use natural resources more sustainably; and bring benefit for the local community. The proposal should make a positive contribution in terms of design, form and location to the character and functions of the landscape and avoids any unacceptable impacts.

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

7.0 REPRESENTATIONS

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

- o Ainslea Cottage, The Street, Newmarket
- o 119 Coleridge Road
- o 21 The Meadows, Romsey
- o Netherhall School, Queen Ediths Way
- o 262 Queen Ediths Way (2 letters)
- o 234 Queen Ediths Way
- o 254 Queen Ediths Way
- o 256 Queen Ediths Way
- o 258 Queen Ediths Way
- o 260 Queen Ediths Way (2 letters)
- o 266 Queen Ediths Way

7.2 The representations can be summarised as follows:

Principle:

- The interpretation of 'white land' does not promote development;
- The proposal is contrary to policy 3/2 (Setting of the City) – degradation of the urban edge;
- Sites such as this should be preserved;
- There is no need for this type of housing in Cambridge;
- Contrary to Local Plan (2006) and policy 8 of emerging Local Plan

Design, scale and layout

- Modern design is out of keeping with other houses nearby;

- Potential for these proposed dwelling to increase to 3 or 4 storey houses in the future;
- If the proposal goes ahead it would allow development to further encroach into the Paddock to the south of the site;
- Box design of the building is alien to the surrounding properties;
- The proposed mass of the dwellings is out of context;
- The proposed development has only made some cosmetic modifications;
- The proposal development would form a wall and dominate the back gardens of no.268 and no.266.
- The revised layout has reduce the width of the access for passing traffic

Residential amenity

- Gardens will be overlooked;
- Overbearing presence;
- Loss of privacy and noise disturbance;
- Impact on the outlook from the gardens of existing residents
- Detrimental impact on the amenity of no.268 by being hemmed in;
- The amenity of future residents would be affected in terms of overshadowing from retained trees;
- Pressure on future residents to remove, prune or pollard trees, particularly the trees on the embankment;
- The rear gardens of the properties in Queen Ediths Way are not all the size of cricket pitches, particularly those nearest the no.268;
- Rear gardens are very small and would receive very little natural light;

Impact on the character of the area and wildlife

- The proposal does not respond to the character and context of the surrounding area;
- Loss of a unique rural location and vista on the edge of the city;
- Loss of wildlife habitat;
- Light pollution will have detrimental impact on wildlife;
- The proposal would complete change the character of the area;
- The proposal would appear overbearing
- This boarder site should be protected from urban creep

- The site is unsuitable for housing development on this scale
- The proposal neither conserves or enhances the urban edge
- Houses would be clearly visible from Lime Kiln Road
- The development would result in the loss of open space rather than create it;
- Half the site would be changed from plant land to developed land;
- Proposed tree and hedge planting is inferior to the trees and plant species on site and increase visibility of the houses;
- The proposal would be contrary to policy 3/2 (Setting of the City);
- Damage to tree roots from excavation works;
- The proposal would urbanise and degrade the city edge and the Eastern Green Corridor into the city;
- Rural character of Lime Kiln Road will be damaged;
- The proposal would set a precedent and lead to further development along Lime Kiln Road;
- Urbanisation of the site will cause a reduction in the quality of contact with the natural environment;
- The proposed 1.8 metre boundary fencing around the site and 2 metre steel fence around East Pit will create a barrier for larger mammals on both sides of the corridor;
- The site is corridor for a number and variety of animals;
- Loss of trees along the site boundaries;
- The land to the south of the site is sealed off and the applicant has not stated how this land will be used in the future;

Highway safety and traffic

- Creation of an additional traffic access onto a busy highway adjacent to the junction with Lime Kiln Road;
- The proposal new access would create a highway safety issue particularly during peak times;
- The proposed development would increase the chances of tragedy occurring;
- Risk to cyclists and pedestrian from vehicles existing and entering the access during peak times;

Other issues:

- The proposed development caters for the rich end of the market and will do nothing to ease the housing crisis;
- The proposal is not a single issue case;

- Three dwellings would result in large scale excavation works to accommodate the proposal which is contrary to the applicant's commitment not to excavate the in-filled land;
- The applicant has no engaged with neighbours on this application;
- Committee members should visit the site to understand the impact of the proposed development;
- The proposed development is not a 'single issue' application;
- The plot 1 has two stairs up to the garden area whereas plot 2 does not;

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

- o 21 The Meadows, Romsey
- o 28 Missleton Court

7.3 The representations can be summarised as follows:

- The developer has taken great care in the positioning of the houses.
- As seen by the neighbours the houses will appear as two storey dwellings.
- The density of the development is low and appropriate for the area.
- The development is set well away from the neighbouring properties and has been orientated so as to minimise overlooking.
- The design of the dwellings is such that the visual impact is minimised.
- Some trees are dead and/or in poor condition.
- The proposed works will safeguard the existing trees and will stabilise the bank with additional planting. This will reinforce the green boundary to the site.
- I fully support the development and believe that this is the best way to reserve the garden area for the future.

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.

Development Control Forum

- 7.5 The planning application also received a petition for a Development Control Forum (DCF). The DCF was held on 20 January 2015 at the Council Offices.
- 7.6 The DCF was also attended by Members of the Planning Committee (Cllr Blencowe, Cllr Smart and Cllr Pippas) and local ward Members (Cllr Ashton and Cllr Moore).
- 7.7 The petitioners wanted to discuss the following matters:
1. Road safety;
 2. Protection of urban edge of the City;
 3. Loss of amenity.
- 7.8 The minutes of the DCF contain the main areas that were discussed. However, I set out below the main points put forward by the petitioners as areas of amendments/consideration:
- o Concerned with the highway safety of the proposed junction being located close to a busy junction and within an area used by school children;
 - o Concerns have been raised by the Head of Netherhall School on location of the access;
 - o To reduce the scale of the dwellings from 3 storey to 2 storey to make them less visible from Lime Kiln Road and rear gardens of the dwellings in Queen Edith's Way;
 - o To rotate the dwellings to avoid any overlooking of existing gardens;
 - o To restrict any external lighting within the site to prevent further light pollution/leakage;
 - o To introduce a dedicated cycle lane within the site to Netherhall School;
 - o To introduce bio-diversity improvement and plant native trees/plants;
 - o Not to disturb the land profile;
 - o Members were encouraged to visit the site before Committee;
- 7.9 Having discussed these with the applicant they have decided not to amend the scheme as they do not consider the proposal would have adverse impact on the character of the area or on

the residential amenity of the existing residents and they believe some of the issues raised can be dealt with by condition.

- 7.10 I have reconsulted with the Highway Authority on the proposed access in light of concerns by the school and timescale for the planned cycle path along Queen Edith's Way and whether the proposed access would affect this.
- 7.11 The Highway Authority does not consider the proposal would increase risk to highway users such that it would have a severe impact or undermine planned cycleways along this stretch of Queen Edith's Way given the number of existing accesses.
- 7.12 In terms of the other issues, the applicant is not willing to reduce the scale of the proposed dwellings particularly as the scale, design and layout has raised no objection from the Urban Design Team, Landscape Officer, Ecology Officer and Natural England, subject to conditions.
- 7.13 The proposal would not contain any habitable room windows that would cause overlooking. The windows in the north-west elevation would serve bathrooms and therefore would be obscurely glazed.
- 7.14 In terms of lighting, I have applied a lighting condition as recommended by the Environment Services Team.
- 7.15 In terms of bio-diversity, I have recommended conditions on bat and bird boxes to be provided to maintain and encourage wildlife within the site. I have also consulted with the Council's Nature Conservation Officer on whether there are any other areas bio-diversity improvement works that could be incorporated into the site. I will report any recommendation on the amendment sheet.
- 7.16 I would also encourage Members to visit the site to understand its character and context as an edge of city site.

8.0 ASSESSMENT

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

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

Principle of Development

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

Context of site, design and external spaces

Response to context

- 8.4 I have, in paragraphs 8.5 to 8.12 of my previous Committee Report (for refused planning application ref: 15/0596/FUL at October 2015 Planning Committee), set out my assessment of the merits of the proposal in terms of site context and the important features/designations that surround the site and how the site contributes to these landscape feature/designations. I therefore do not consider it necessary to reiterate that assessment here.

- 8.5 The site context and designations have not changed since the previous refused application. Therefore, whilst the proposal has been amended by orientating the layout of the dwellings so they are parallel to each other and have been pulled away from the rear boundaries of the properties in Queen Edith's Way to increase the gardens in each plot, these amendments have not, in my view, overcome the concerns I raised in previously regarding the scale, design and layout of the proposed dwellings. The design and scale of the proposed dwellings have not changed. Therefore, my professional opinion remains that the proposed development would have a significant detrimental impact on the character of this unique edge of city site.
- 8.6 However, notwithstanding my position, Members of the Planning Committee for the previous application, resolved not to accept the first refusal reason, which I have set out below for reference. My first recommended refusal reason was on the grounds the proposal would have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context.

First refusal reason for 15/0596/FUL:

1. The proposed development would, by virtue of its unsympathetic scale, bulky design and loss of trees, have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context. The proposed development would result in an alien form of development that would appear incongruous from the rear gardens of the properties in Queen Edith's Way and unduly diminish the rural character of this green edge from Lime Kiln Road. The proposal fails to sympathetically respond to the site context. For these reasons the proposed development conflicts with policies 3/2, 3/4, 3/12 and 4/4 of the Cambridge Local Plan (2006) and government guidance contained in the National Planning Policy Framework 2012.

- 8.7 Whilst each application is considered on its own merits, it would, for fairness and for consistency of decision making, now make the decision making context – given the extremely similar design and layout of the revised scheme - very difficult for members to adopt an alternative position in considering issues of character and setting, as the decision on the previous proposal is a clear material consideration that has weight.

- 8.8 Given also that no objection is provided by either the Urban Design and Conservation Team, Landscape Officer, Ecology Officer or Natural England, subject to conditions, it could be considered unreasonable if members were now to consider issues of setting, character and design to be problematic.
- 8.9 Therefore, in view of the history, I do not consider that the proposed development should be refused regarding issues of city setting, rural character, design or issues of tree loss as per adopted policies 3/2, 3/4, 3/7, 3/12 or 4/4 of the Cambridge Local Plan (2006), government guidance contained in the National Planning Policy Framework 2012 or emerging policies, particularly policy 8 (setting of the city).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 As with the site context issue, Members of the Planning Committee for the previous application did not consider the proposal would have a significant adverse impact on the residential amenity of existing occupiers due to the separation distances. Members dismissed part of my recommended second reason for refusal. However, the revised layout of the dwellings and revised internal layout, particularly for the first floor set back element which now proposes two bathroom windows in each plot facing the rear boundary of existing properties, would reduce any direct overlooking of existing gardens. The bathroom windows are proposed to be obscure glazed and I have recommended an obscure glazing condition to ensure this glazing remains.
- 8.11 Therefore, on balance and subject to conditions, the proposed development would not have a significant adverse impact on the residential amenity of the existing occupiers in Queen Edith's Way in terms of overlooking, the perception of overlooking, enclosure or loss of light. I have recommended a hard and soft landscaping and boundary treatment condition to ensure the sensitive boundaries of the site are carefully landscaped and planted up with native plants to mitigate the visual impact of the proposed development. In terms of wildlife, I have recommended conditions for details of bat and bird boxes to be provided to encourage and foster wildlife as part of

this proposal which addresses some of the issues raised in the DCF.

- 8.12 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.13 Members of the Planning Committee resolved to refuse the previous application solely on the basis that the louvre panels in plots 1 and 2 would direct views over the rear gardens of plot 2 and 3 and caused inter-overlooking which in conjunction with the size of the gardens would result in a poor quality living environment for future residents.
- 8.14 The applicant has amended the scheme by removing the louvre panels and pulling the dwellings away from the rear boundaries to increase the size of the rear gardens. The proposed dwellings would now not overlook each other and the garden sizes are considered to be appropriate for the type of dwellings proposed.
- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.16 The proposed refuse arrangements have not changed from that proposed in the previous scheme, which were considered to be acceptable. The proposal includes a bin collection point within 10 metres of the public highway. The bins will be collected from the proposed dwellings and taken to the collection point each week by the site management company.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.18 Concerns have been raised regarding highway safety as a result of the proposed access. The Highway Authority is of the view that the access would be one of many accesses along this side of Queen Edith's Way and would serve three dwellings. Vehicles associated with the three dwellings would also be able to enter and leave the site in forward gear and therefore, whilst the additional access will incrementally increase risk to highway users, it would not be considered such an increase that it could be considered as having a severe impact.
- 8.19 In my opinion, in light of this context and expert advice, which I have sought re-assurance from, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2. I have no evidence before me that the access would compromise any future plans for the cycleway improvements on Queen Edith's Way.

Car and Cycle Parking

- 8.20 There is no change to the car and cycle parking provision from the previous scheme, which was considered to be acceptable.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.22 I set out below my response to the issues raised in the third party representations:

Objections	Response
The interpretation of 'white land' does not promote development;	The site is not located within an area of development constraint and within the city boundary.
The proposal is contrary to policy 3/2 (Setting of the City) – degradation of the urban edge;	See paragraphs 8.4 to 8.9
Sites such as this should be preserved;	There are no Local Plan designations on site that would restrict development of it. The type, scale and form of development needs to be carefully considered.

There is no need for this type of housing in Cambridge;	This site would not be appropriate to accommodate high density housing due to the site constraints. However, this is a low density scheme and would still meet identified housing need that would come from a windfall site.
Contrary to Local Plan (2006) and policy 8 of emerging Local Plan	The emerging Local Plan has limited weight. The adopted Local Plan is still relevant and takes precedent. Policy 3/2 sets out to protect the setting of the city.
Modern design is out of keeping with other houses nearby;	The modern approach is considered to a positive contrast to the existing 1930s built form. National policy does not allow for design style to be dictated.
Potential for these proposed dwelling to increase to 3 or 4 storey houses in the future;	Separate planning permission would be required to increase the size of the proposed dwellings. Each application would be considered on its own merits.
If the proposal goes ahead it would allow development to further encroach into the Paddock to the south of the site;	Each planning application is considered on its own merits.
Box design of the building is alien to the surrounding properties;	The alternative design approach is a positive contrast with the existing 1930s built form.
The proposed mass of the dwellings is out of context;	The proposed dwellings have been designed to integrate into the site contours without appearing unduly dominant.
The proposed development has only made some cosmetic modifications;	The changes are set out in the committee report.
The proposal development would form a wall and dominate the back gardens of no.268 and no.266.	The proposed dwellings have been set further away from the rear boundaries of no.268 and no.266 than the previous scheme.
The revised layout has	The width of the access road is

reduce the width of the access for passing traffic	sufficient to serve three dwellings. It is between 4.9 and 5.2 metres wide. This is enough to allow vehicles to pass if needed.
Residential amenity	
Gardens will be overlooked;	None of the gardens would be overlooked by habitable room windows. The first floor windows would serve bathrooms and so would be obscure glazed. I have recommended an obscure glazing condition.
Overbearing presence;	The proposed dwellings would be set further away from the rear boundaries of the existing properties and with the first floor set-backs would not appear overbearing or create an adverse sense of enclosure.
Loss of privacy and noise disturbance;	Three dwellings would be located a significant distance from the existing houses and further away from gardens such that it would be difficult to argue they would be adversely affected by noise disturbance or loss of privacy.
Detrimental impact on the amenity of no.268 by being hemmed in;	No.268 would maintain a generous curtilage and would not be adversely affect by the addition of three additional dwellings.
The amenity of future residents would be affected in terms of overshadowing from retained trees;	The proposed layout reduces the pressure that was previously raised about future occupiers needing to remove or prune existing trees as the gardens are bigger and would not be significantly overshadowed.
Pressure on future residents to remove, prune or pollard trees, particularly the trees on the embankment;	As above.
The rear gardens of the properties in Queen Ediths Way are not all the size of cricket pitches, particularly	Noted but they are generous.

those nearest the no.268;	
Rear gardens are very small and would receive very little natural light;	The revised layout has increased the size of the gardens which are considered to be more appropriate to the size of the dwellings.
Impact on the character of the area and wildlife	
The proposal does not respond to the character and context of the surrounding area;	The proposal is unique in its design and appearance to the existing built form but has some features such as grass screens and grass roofs to enable it to integrate into the site. See paragraphs 8.4-8.9
Loss of a unique rural location and vista on the edge of the city;	See paragraphs 8.4-8.9 and previous assessment 15/0596/FUL.
Loss of wildlife habitat;	Ecology Officer and Natural England do not consider the proposal would have a significant detrimental impact on the site or surrounding designations. See conditions re bat/bird boxes
Light pollution will have detrimental impact on wildlife;	As above. I have recommended a lighting condition.
The proposal would completely change the character of the area;	See paragraphs 8.4-8.9. It is for members to weigh-up whether the change in character would be harmful in light of previous recommendations, decisions and the current proposal.
The proposal would appear overbearing	The proposal would not appear overbearing on any of the adjoining neighbours due to the level of separation.
This boarder site should be protected from urban creep	The principle of development is acceptable.
The site is unsuitable for housing development on this scale	The proposed development is of an appropriate scale for this site.
The proposal neither	See paragraphs 8.4-8.9.

conserves or enhances the urban edge	
Houses would be clearly visible from Lime Kiln Road	The proposal includes boundary enhancement which will be controlled by condition to ensure native species are used where possible.
The development would result in the loss of open space rather than create it;	The site is bound on all its sides by vegetation and there is no public access into it.
Half the site would be changed from plant land to developed land;	The amount of hardstand has been reduced from the previous scheme and with further landscaping enhancements the built form will blend into the site.
Proposed tree and hedge planting is inferior to the trees and plant species on site and increase visibility of the houses;	The proposed trees and planting over time will screen the development from surrounding vantage points. However, I accept the development will be partly visible in approaches into and out of the City and the character of the site will alter as a result. Whether this change is harmful is something that has to be considered in light of previous recommendations, decisions members have made and material changes to the current proposal from that considered previously. See paras 8.4 - 8.8 and officer report for 15/0596/FUL.
The proposal would be contrary to policy 3/2 (Setting of the City);	This issue has been dealt with in paras 8.4 to 8.8.
Damage to tree roots from excavation works;	The Landscape Officer has not raised any concerns with the impact on tree roots from excavation works.
The proposal would urbanise and degrade the city edge and the Eastern Green Corridor into the city;	The proposal would incorporate development into the site but within the urban edge. This issue has been dealt with in paras 8.4 to 8.8.
Rural character of Lime Kiln Road will be damaged;	The rural character of Lime Kiln Road would be largely maintained as the boundary enhancements would soften

	the development from public vantage points albeit I accept the character of the site is altered and the buildings would be partially visible.
The proposal would set a precedent and lead to further development along Lime Kiln Road;	Each planning application is considered on its own merits. I do not accept the precedent argument.
Urbanisation of the site will cause a reduction in the quality of contact with the natural environment;	I have recommended conditions to improve bio-diversity within the site.
Highway safety	
Creation of an additional traffic access onto a busy highway adjacent to the junction with Lime Kiln Road;	See para 8.17
The proposal new access would create a highway safety issue particularly during peak times;	See para 8.17
The proposed development would increase the chances of tragedy occurring;	See para 8.17
Risk to cyclists and pedestrian from vehicles existing and entering the access during peak times;	See para 8.17
Other issues	
The proposed development caters for the rich end of the market and will do nothing to ease the housing crisis;	Not material.
The proposal is not a single issue case;	Noted but previous decisions on similar applications are a material consideration for members

Three dwellings would result in large scale excavation works to accommodate the proposal which is contrary to the applicant's commitment not to excavate the in-filled land;	Not objectionable in terms of planning policy.
The applicant has not engaged with neighbours on this application;	This is noted but does not alter my recommendation.
Committee members should visit the site to understand the impact of the proposed development;	Noted.
The plot 1 has two stairs up to the garden area whereas plot 2 does not;	This has been amended to provide separate access to the garden of plot 2.

Planning Obligations (s106 Agreement)

8.23 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.

8.24 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific

projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.

- 8.25 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 and I have not been advised of any specific projects towards which any monies could be spent.

9.0 CONCLUSION

- 9.1 The proposed development is for three 3 storey detached dwellings with vehicular and pedestrian access on an area of land to the rear of 268 Queen Edith's Way. The application site is naturalised green space that forms part of the rural setting of the City and which is bound by established and mature trees and vegetation. The site provides an important transition from the adjacent SSSI, Local Nature Reserve and Green Belt to the residential development on Queen Edith's Way.

- 9.2 Members should note my previous reservations on the refused application regarding issues of character, design and setting. However, they should also be mindful of their own decision and the differences between that proposal (15/0596/FUL) and the one now put before them as a material consideration. In particular and in light of the previous refusal reason, which the applicant has addressed in this application, the proposed development is considered to be acceptable. I have not reached this recommendation lightly or without reference to the considerable objections raised to it, including the DCF. However, I note that proposals for the redevelopment of this site have moved on significantly from the original application for seven units and even, when considering the changes from the last scheme which was refused by Committee, the amendments have been meaningful and significant. I have recommended a series of conditions to mitigate the visual and material impact of the proposed development. In my view, the revised scheme has addressed the previous refusal reason and should be approved.

10.0 RECOMMENDATION

APPROVE subject to completion of the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

-General environmental setting.

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

11. No development shall 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)

12. Full details of all solar panels [water pre-heat, etc.] and/or photovoltaic cells, including type, dimensions, materials, location, fixing, etc., to be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved plans.

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

13. 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)

14. 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.

15. 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.
16. Prior to the commencement of development a long term arboricultural management plan will be submitted for approval. The plan will be aimed at enhancing the tree stock in the public areas of the site. The approved plan will be adopted and adhered to.
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. 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 or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

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

21. Prior to the occupation of the building, a scheme for the type and location of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To improve the bio-diversity contribution of the site (Cambridge Local Plan 2006 policy 3/1).

22. Prior to occupation, a "lighting design strategy for biodiversity" for the proposed buildings, gardens and access road shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used for foraging.

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution (Cambridge Local Plan 2006 policies 3/11, 4/13 and 4/15).

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 the results of the assessment provided to the local planning authority. The system should be design 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. Where a sustainable drainage scheme is to be provided, the submitted details shall:

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

2. include a timetable for its implementation; and

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

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

24. The windows identified as having obscured glass on drawing number P-02 rev L shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

25. 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.

26. 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).

27. 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.

28. 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.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

32. 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.

33. 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

34. 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).

35. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed 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).

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

INFORMATIVE: No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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

INFORMATIVE: Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m³ or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

Application Number	16/0078/FUL	Agenda Item	
Date Received	18th January 2016	Officer	Mr Sav Patel
Target Date	14th March 2016		
Ward	Market		
Site	19 Earl Street Cambridge Cambridgeshire CB1 1JR		
Proposal	Demolition of existing rear lean-to lobby, w.c. and porch, loft conversion including raising the main roof ridge with rear extension at second floor level, ground floor rear extension, first floor rear extension and insertion of new doorway to the front light well to provide access for bin storage		
Applicant	Mr Tim Bick 19 Earl Street Cambridge Cambridgeshire CB1 1JR United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed extensions are acceptable in terms of design, scale and appearance. - The proposed extensions would not have a detrimental impact on the character or appearance of the Conservation Area or Building of Local Interest status of the dwellinghouse. - The proposed extensions would not have a significant adverse impact on the residential amenity of the adjoining neighbours.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site consists of a two storey mid-terrace dwellinghouse located on the southern side of Earl Street.
- 1.2 The surrounding area is predominantly residential and the site is situated within City of Cambridge Conservation Area 1 (Central). The house is a Building of Local Interest and the site is located within a Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The proposal consists of a ground and first floor and roof extension to the rear of the dwellinghouse. The proposal also includes raising the ridge height of the roof and two roof lights in the front roof scape.
- 2.2 The ground floor extension would project 4.2 metres from the rear elevation. The eaves height would be 2.4 metres rising to a height of 3.6 metres.
- 2.3 The first floor extension would project 1.4 metres off the rear elevation. The roof extension would consist of a zinc clad dormer set behind a balcony that is contained within a mansard roof. The recessed balcony would be located above the first floor extension.
- 2.4 The proposed extension would require the demolition of the existing lean-to on the rear of the property.
- 2.5 The application is reported to planning committee for determination as the applicant is a Councillor.

3.0 SITE HISTORY

No relevant planning history.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/14 4/11 4/12

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> Roof Extensions Design Guide (2003) Buildings of Local Interest (2005)
	<u>Area Guidelines</u> Kite Area Conservation Area Appraisal (1996)

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 implications on highway

Environmental Health

6.2 The proposal is acceptable in principle subject to construction hours condition.

Urban Design and Conservation Team

6.3 No comments have been received to date. Any comments will be reported to members in the Amendment or orally at Committee.

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:

- 12 Earl Street;
- 14 Earl Street;
- 18 Earl Street;

7.2 The representations can be summarised as follows:

- Supportive of the proposal;
- The proposal would have no negative impact;
- The proposal would improve the appearance of the property;
- The raising of the ridge is reasonable and will make little difference to daylight/sunlight;
- Scaffolding should be kept to a reasonable height and only kept up whilst needed.

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

Context of site, design and external spaces (and impact on heritage assets)

8.2 The proposal consists of four main parts, ground floor extension, first floor extension, roof extension and raising the ridge height. I set out below my assessment for each part and the overall proposal.

Ground floor

- 8.3 The proposed ground floor extension would replace the existing translucent corrugated roof lean-to structure and slate roof w/c lean-to extension, both of which project 1.8 metres. The proposed extension would be full width and project 4.2 metres from the rear elevation with a lean-to roof at an eaves height of 2.2 metres sloping to 3.6 metres. The extension would project a similar distance to the ground floor extension at no.17 and set back from the two storey rear extension at no.21. The existing lean-to projected 1.8 metres. The proposal is to use Cambridge Gault.
- 8.4 The proposed lean-to extension is considered to be a modest intervention which is of domestic scale and would enhance the existing appearance of the rear elevation of the property at ground floor level. Many of the properties within the street have been extended in a similar manner. I am therefore satisfied that the proposed ground extension is acceptable in this context in terms of its design and scale.

First floor

- 8.5 Many of the dwellings within the street have been extended at first floor, particularly both neighbouring properties either side. The proposed first floor extension would project 1.4 metres which would be in line with the first floor extension at no.21 but beyond the rear elevation of no.17. The extension would contain three symmetrical windows.
- 8.6 The proposed extension is considered to be modest and would be in keeping with the range of first floor extensions within the terrace. The proposed extension would also improve appearance of the rear elevation.

Roof extension and raising the ridge height

- 8.7 This element of the proposal is the most elaborate as it would consist of a flat roof zinc-clad dormer which connects to a zinc mansard roof element over the first floor extension which incorporates a recessed balcony with rail guard. Having assessed the extensions to the adjoining properties and the others within the terrace, the proposed extension and materials would not appear out of character. It would instead add to the

eclectic mix of contemporary and traditional extensions. The proposal to use a different material for the roof extension and different roof shape for the balcony helps to reduce the dominance and mass of the extension. I am therefore satisfied with the proposed design, scale and materials of the roof extension and consider it to be acceptable in this context.

- 8.8 The proposed raising of the ridge would increase the height of the roof from 2.2 metres to 2.85 metres (from eaves to ridge). The ridge line of the properties along Earl Street is inconsistent. The ridgeline of no.21 is higher and the ridgeline of no.17 is lower than no.19. This position would be maintained and so would not have a material impact on the character or appearance of the Conservation Area. The two rooflights in the front roof scape would not appear out of character as there are many similar roof lights within the terrace.
- 8.9 I am still awaiting a response from the Urban Design and Conservation Team. Any comments and recommended conditions will be reported to Members in the amendment sheet or at Committee. Overall I consider the proposed extension would be an acceptable intervention to the existing dwelling that would add to the eclectic mix of extensions within the rear range of these terrace properties. It must also be noted that the rear elevation is not visible from the public realm. I also consider the proposed extensions would not have a detrimental impact on the character or status of the property as a Building of Local Interest.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14, 4/11 and 4/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The proposed extensions would not have a detrimental impact on the residential amenity of the adjoining neighbours in terms of overlooking, overbearing and overshadowing.
- 8.12 There are no windows that would directly overlook the neighbouring gardens. The recessed roof balcony would be contained within a mansard roof and restricted by railings. I therefore do not consider the balcony to be any different to a

window. The neighbouring properties have windows which overlook the site and so I do not consider the proposed balcony would result in a significant loss of privacy.

- 8.13 The proposed ground floor extension is considered to be an acceptable depth and height such that it would not appear overbearing. Both neighbours have extended and so I do not consider the ground floor extension would have a significantly adverse impact on their amenity in terms of outlook or enclosure.
- 8.14 The first floor extension is considered to be modest with a 1.4 metre depth. Both neighbours have extended at two storey and so the proposed extension would not appear out of character or result in any direct overlooking issues. In terms of overbearing, the proposed extension would project the same distance as the glazed vaulted extension at no.17 and so would not significantly impact their amenity. With regards to no.21 the extension would project beyond the rear elevation but not the first floor element as it is stepped off the boundary. There are two small windows in the original rear elevation but given the restricted depth of the proposed first floor, I do not consider the degree of impact would be significant enough to warrant refusal. None of the other windows at first floor would be affected by the proposal.
- 8.15 The rear garden of the application site and adjoining properties is south-west facing. Therefore, in view of the existing extensions to the neighbouring properties and south-west facing gardens, I do not consider the proposed extension would result in significant loss of light or cause adverse levels of overshadowing.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

Third Party Representations

- 8.17 The responses received support the proposal which accords with the recommendation. One of the comments refers to the height of the scaffolding and the length of time it will be kept up for. This is a civil rather than planning matter and not an issue that can be controlled by way of condition.

9.0 CONCLUSION

- 9.1 The proposal is for ground, first and roof extensions to the existing dwellinghouse. The proposed extensions are acceptable in design and scale and would not harm the character and appearance of the Conservation Area or Building of Local Interest. There would also be no significant harm to the amenities of the adjoining residents.

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. 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, 3/14 and 4/11)

Application Number	15/2380/FUL	Agenda Item	
Date Received	23rd December 2015	Officer	Michael Hammond
Target Date	17th February 2016		
Ward	Petersfield		
Site	23 - 25 Hills Road Cambridge Cambridgeshire CB2 1NW		
Proposal	Mixed use development comprising ground floor retail (use Class A1), with non-speculative student accommodation scheme of 26No. bedrooms on the upper floors to be occupied by Abbey College, along with car and cycle parking, following demolition of existing buildings on site.		
Applicant	C/O Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed building would be in keeping with the character of the area and would not harm the wider Conservation Area. - The proposal will not detrimentally impact on the amenity of nearby occupiers. - The proposal would provide a high quality living environment for future occupiers. - The proposal would not pose a threat to highway safety. - The proposal provides acceptable servicing arrangements for deliveries/maintenance of the site.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, nos.23 and 25 Hills Road, is comprised of a three-storey building and a four-storey building situated on the corner of Hills Road and Cambridge Place, on the east side of Hills Road.
- 1.2 No.23 Hills Road is a three-storey building, with a shop on the ground floor (A1) and educational rooms (D1) on the upper floors, in association with Abbey College. The building is designed with a shop front on the ground level and in red brick with projecting windows on the first and second floor, with a flat roof form. The third floor is stepped back from the building line and is designed with a mansard roof, again, used for education purposes.
- 1.3 No.25 Hills Road is a three-storey building with the ground floor used as a retail shop (A1) and education rooms (D1) on the upper floors. The building is staggered in height and eclectic in form, with a two-storey flat roof design facing Hills Road, which then progresses up to a three-storey form with a hipped roof.
- 1.4 The rear of the site is comprised of hard standing car parking and there are several air conditioning units erected on the rear elevations of the buildings.
- 1.5 The surrounding area is mixed in terms of the use classes of buildings with a range of city centre uses, as well as offices, residential uses and places of worship in the wider area. The predominant scale of buildings in this area is 3-4 storeys in height along Hills Road, while residential properties along the various side streets that filter off Hills Road are mainly two-storeys in height and traditionally terraced properties.
- 1.6 The site falls within the Central Conservation Area.
The site falls within the controlled parking zone.
The site falls within the Hills Road Local Centre.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the demolition of nos.23-25 Hills Road and the re-development of this plot with a four-storey building with a mansard roof form, containing a retail unit (A1) on the ground floor level and student accommodation

(C2) on the upper floors. The building would project an additional 6.3m to the rear compared to the existing building and occupy the entire site with built form.

- 2.2 The building itself would be four-storey in scale including the mansard roof, measuring 10.4m to the point of the flat roof and approximately 12.7m to the ridge of the mansard roof. This is 0.5m higher than the highest point of the existing building at no.23 Hills Road. The building would be designed in Gault brick with powder coated aluminium windows, and the mansard roof designed in zinc cladding.
- 2.3 The proposed retail unit would be accessed from Hills Road and contain 100m² of retail space. The retail unit would have a store area to the rear at ground floor level, as well as a bin store accessed via Cambridge Place.
- 2.4 The proposed student accommodation would occupy the first, second and third floors of the building, with the third floor being reduced in foot print in line with the mansard roof. There would be a total of 26no. bedrooms for use by students of the Abbey College.
- 2.5 The student accommodation would be accessed from Cambridge Place. A cycle store, including 22 spaces, and bin storage would both be provided internally on the ground floor of the building for future occupiers. A car parking space in the internal rear yard would be provided for maintenance, servicing and delivery purposes.
- 2.6 The proposal has been amended so that the ground-floor wall has been cantilevered back 1.5m from the edge of the pavement of Cambridge Place to increase the level of visibility for vehicle users exiting the internal car parking space.
- 2.7 The application is accompanied by the following supporting information:
 1. Design and Access Statement
 2. Planning Statement
 3. Drawings
 4. Daylight Assessment
 5. Heritage Statement
 6. Noise Impact Assessment

7. Arboricultural Impact Assessment
8. Servicing Management Plan

Background

- 2.8 At the Planning Committee meeting of 4th November 2015 the previous application for this site was refused for the following reason:

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

- 2.9 This new application seeks to address this reason for refusal through the provision of an internal car parking space to allow for delivery, servicing and maintenance vehicles to park off-street when visiting the site.
- 2.10 The servicing management plan explains that the student accommodation will be managed by Abbey College and there will be an on-site warden present and resident within the building. This warden will be responsible for keeping the residential block in good order, for arranging routine maintenance and repairs, managing servicing and for dealing with anti-social behaviour, disciplinary procedures and compliance procedures and will be contactable 24 hours a day.
- 2.11 In terms of refuse management and collection, the plan explains that on bin collection day, the bins will be taken out of the stores so that they can be serviced directly from Cambridge Place. It is explained that the warden will ensure that students are aware of local refuse collection procedures and details. Furthermore, this warden will be responsible for making sure that the refuse store is kept clean and tidy.
- 2.12 In respect of vehicles arriving for deliveries, collections and maintenance purposes, the plan states that the on-site warden will ensure that any visits by trade for routine maintenance and repairs, and for managing servicing of the premises, will be subject to advance notification regarding the availability of parking within the site, such that only one vehicle requires parking at any one time.

2.13 Trade personnel will also be advised that Cambridge Place and Hills Road fronting the site are subject to parking control. Therefore, if it is necessary to drop-off materials this must be undertaken expeditiously without obstructing the highway locally, and thereafter vehicles must be parked within the rear yard or in accordance with the locally available legal parking provision as set out within this document.

2.14 Finally, with regards to student drop-off and departures, a timetable will be prepared so that arrival and departure times can be staggered. Students will be notified in advance of the local parking restrictions and will be given information on public parking in the surrounding area. It is also explained that it is likely that the majority of students will arrive to the site by public transport rather than private car.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1760/FUL	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.	Refused
15/0945/FUL	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.	Refused
14/1537/FUL	Mixed use development comprising ground floor retail (Use Class A1), a 20no. bed House in Multiple Occupation	Withdrawn.

	(HMO)(sui generis) on the first and second floors, with 5no. student studio flats to be provided on the upper floor, along with cycle parking, following demolition of existing buildings on the site.	
13/1422/CAC	Demolition of the existing building.	Withdrawn
13/1421/FUL	Proposed mixed use development at 23-25 Hills Road, comprising ground floor retail area, cycle parking and a 28 bed HMO, further to the demolition of the existing building.	Withdrawn
09/1194/FUL	Change of use of first floor to third floors of 3 Cambridge Place and of the first floor of 25 Hills Road from offices (B1) to offices (B1) and/or education (class D1) use and provision of associated cycle parking at 25 Hills Road, 3 Cambridge Place and 3 Glisson Road.	Permitted.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/15 4/4 4/11 4/13 4/14 5/11 6/7 7/10 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> Balanced and Mixed Communities – A Good Practice Guide Cycle Parking Guide for New Residential Developments (2010) The Cambridge Shopfront Design Guide

	(1997) Air Quality in Cambridge – Developers Guide
	<u>Area Guidelines</u> New Town and Glisson Road Conservation Area Appraisal (2012) Hills Road Suburbs and Approaches Study (March 2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 46 (new student accommodation)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection, following amendments to the design, as well as confirmation by the agent that bins would not obstruct the highway and that the gates would not open outwards onto the highway. Recommended conditions and informatives:

– *Traffic management plan*

- *Standard highways informative*
- *Residents parking scheme informative*
- *Cellar informative*

Head of Refuse and Environment

6.2 No objection, subject to conditions and informatives:

- *Construction hours*
- *Collection or deliveries during construction.*
- *Construction/ demolition noise, vibration and piling.*
- *Dust*
- *Noise insulation scheme*
- *Noise assessment – emperor pub*
- *Odour monitoring*
- *A1 Plant noise insulation*
- *Waste*
- *Waste separation*
- *Dust condition informative*
- *Plant noise insulation informative*
- *Contaminated land informative*
- *Housing informative*

Urban Design and Conservation Team

- 6.3 The proposed revised scheme cannot be supported in design terms, the revised entrance through the ‘residential courtyard’ forms a poor quality entrance to the scheme. The parking space undermines the security of the building and is unlikely to be viable given the narrow width of Cambridge Place.
- 6.4 Conditions relating to the facing brick, windows, the shopfront and the salvage of the street name plate are recommended.

Policy Officer

6.5 No comment.

Drainage

6.6 No objection, subject to condition.

Landscape Team

- 6.7 The arrangement for the student entrance at the rear of the property and through effectively a service yard, is inappropriate. If a vehicle is parked in this space, the gates must stand open therefore introducing an insecure aspect to the facility. A secure entrance to the student units should not combine with service, bikes and bins in this manner. (Policy 3/7 Creating Successful Places & Policy 3/12 The Design of New Buildings)

Disability Access Panel (26/01/2016)

- 6.8 The Panel had few concerns regarding this proposal. For a small development, the inclusion of a platform lift was regarded as acceptable and as Abbey College is located on Station Road the students would be based within easy reach of the college and to various amenities. As the students in the accessible rooms will be using shared kitchen facilities, consideration needs to be given to accessible surfaces and sink heights. Hearing loops need to be fitted in all communal areas and fire alarms need to be both visual and audible. Students with impaired hearing could also benefit from additional safety features such as vibrating pillow alarms.
- 6.9 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 Cambridge Place
- 15 Cambridge Place
- 44 Cambridge Place
- 47 Cambridge Place
- South Petersfield Residents Association
- 193 Coleridge Road

- 7.2 The representations can be summarised as follows:

- No amenity space for future occupiers
- The proposed servicing arrangement is still unsatisfactory

- Loitering of students on Cambridge Place due to no outdoor amenity space
- Highway Safety regarding proposed vehicular entrance
- Lack of security for future occupiers due to open gates.
- Parked car will block refuse and cycle store access
- Development is too large for site/ Out of character
- Proposal would be better suited for reasonable sized flats
- No parking for future occupiers
- No details of how the student hostel will be managed during holiday periods.
- The student accommodation could be used by a third party operator? How would this be managed/ supervised?
- No visitor cycle parking
- Pressure of parking on nearby streets.
- Lack of cycle parking
- Inadequate provision for contractors, removal of dirt and deliveries of vehicles.
- In the event of permission being granted, stringent conditions should be added to prevent illegal parking which should be supervised and enforced by the Local Planning Authority and Highway Authority.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Servicing arrangements
9. Third party representations

- 8.2 The previous scheme was refused for failure to provide for servicing arrangements. The current application includes a Servicing Management Plan, which is summarised in paragraphs 8.66 – 8.73. For the sake of completeness the other material issues are repeated in this report.

Principle of Development

Ground floor A1 Unit

- 8.3 Policy 6/7 of the Local Plan (2006) states that additional development within classes A1, A2, A3, A4 and A5 will be permitted in District and Local Centres if it will serve the local community and is of an appropriate nature and scale to the centre.
- 8.4 The proposal would involve the demolition of two A1 units, each with a GIA (Gross Internal Area) of approximately 47.5m² (excluding the storage area), and replace these with a single A1 unit with a GIA of 100m² (excluding the storage area).
- 8.5 As the quantity of floor space is very similar to that of the existing combined A1 units at ground floor level and the use class is staying the same, I am satisfied that the proposed A1 use on the ground floor is acceptable and is in accordance with policy 6/7 of the Local Plan (2006).

New Student Accommodation

- 8.6 Policy 7/10 in the Cambridge Local Plan (2006) relates to Speculative Student Hostel Accommodation. While the planning policy team have formally elected not to comment on the application, the case officer has been directed to a previously approved application which has similar policy implications (13/1250/OUT).
- 8.7 Abbey College is a specialist school that runs GCSE and A Level courses for predominantly overseas students. Given the age of their students, they will not be taking up housing stock in the same manner as University of Cambridge or Anglia Ruskin University students in HMO's. They will also not be able to keep cars in Cambridge. The planning statement provided by the applicant explains that Abbey College has been running at capacity for a number of years and are continuing to expand

and that the existing teaching units on the upper floors of the site will be moved to a new site at Homerton Business Park in 2016.

- 8.8 In terms of evidence, the application is accompanied by a letter of intention from Abbey College confirming that they are committed to taking occupation of the rooms upon completion which is likely to be summer 2017. Draft Heads of Terms have also been prepared and included as part of this submission.
- 8.9 The emerging revised Local Plan as published can be taken into account, especially those policies where there are no or limited objections to it. Policy 46 in the Local Plan 2014 proposed submission document deals with new student accommodation. This draft policy supports the provision of student accommodation to meet the identified needs of an existing educational institution providing courses for one academic year or more, provided they meet a number of criteria. The proposal would appear to be likely to meet a number of the criteria e.g. need for accommodation to serve the institution; no result in the loss of existing housing; be in an appropriate location to serve the institution; and be well served by sustainable transport modes.
- 8.10 There is clearly a need for the student rooms and to require these rooms to be for the sole use by students of the University of Cambridge or Anglian Ruskin University would be unnecessarily restrictive, unworkable and undeliverable in practice. Draft policy 46, which carries minimal weight as there has been an objection to it, nevertheless indicates policy is moving away from the narrow scope for student accommodation dictated by policy 7/10. The scheme is NPPF compliant. I have no land use issue in principle with the proposed student accommodation.
- 8.11 In my opinion, the principle of the proposed land uses is acceptable in the round, taking into account adopted policy, the NPPF and emerging policy.

Context of site, design and external spaces (and impact on heritage assets)

Response to context

- 8.12 It is considered that the existing buildings on the site, no.23 and no.25 Hills Road, form two distinct buildings due to the separate plots, arrangement of the retail units at ground floor, the differences in roof forms and the stepped height of the later extensions.
- 8.13 The overall rhythm and grain of the plot, as well as the width and arrangement of shop frontages, is reflective of other buildings in this area.
- 8.14 The application site is within the New Town and Glisson Road section of the Central Conservation Area. The site is not identified as being important to the character of the area or having any heritage significance to the character of this Conservation Area. This Hills Road Suburbs and Approaches Study does not make specific reference to the application site, but, in summarising the character of the area states:

“It is in largely commercial use with a mixture of 19th century shops and villas and modern office blocks; the chief exception being the landmark Roman Catholic Church.

- 8.15 The form, massing and detailed design of buildings fronting Hills Road is fairly eclectic and there is not a uniform building form or style in the area. Buildings are predominantly 3-4 storeys in height, although there are some notable exceptions in the form of various large scale office developments and St Paul’s Church within close proximity of the site.
- 8.16 In respect of the context of the site and the lack of heritage or design significance awarded to these buildings, I consider the loss of the existing buildings and the subsequent re-development of this plot with a building of a similar foot print and overall scale to be acceptable, subject to the detailed design of the proposal.

Movement and Access

- 8.17 The proposed ground floor retail unit would be accessed off Hills Road, similar to the existing retail units on the site and in keeping with other buildings that face Hills Road in the

surrounding area. Therefore, I consider the ground floor unit to be well connected to the existing routes along Hills Road.

- 8.18 The proposed upper floor student accommodation would be accessed from an entrance off Cambridge Place at ground floor level and is clearly defined and independent of the ground floor retail unit. There is an internal staircase and lift for students to gain access to their respective rooms and this is acceptable.
- 8.19 One of the main changes to the proposal compared to that of the previously refused scheme (15/1760/FUL) is that, rather than having two separate entrances for cycle and pedestrian users, there would now only be one shared entrance. It is noted that the Urban Design Team is not supportive of this amendment as it would create a poor entrance to the scheme. However, in comparing the proposed entrance to that of the previously refused entrance, I do not believe the entrance would be significantly worse. The entrance would remain legible and would provide a relatively straightforward route of access for future occupiers.
- 8.20 It is acknowledged that the Landscape Team and Urban Design Team has raised concerns with the proposed gated vehicular entrance and how the configuration of the car parking would undermine the security of the building as the gates have to be left open when the parking space is in use. However, I believe that this issue can be easily overcome through the replacement of the inward double gates with a rolling/ sliding shutter door which could be closed when the parking space is in use. Therefore, a condition has been recommended requiring the details of the gate to be submitted prior to commencement of the development.
- 8.21 In my opinion, the residential pedestrian and cycle access is integrated successfully into the existing routes into the area and would be straightforward and easy for future users to access.

Layout

- 8.22 The proposed ground floor retail unit would be orientated towards Hills Road which is supported given the position of the site within the Hills Road Local Centre as this positively contributes towards the character of the area. The store room and service area would be positioned to the rear of the unit and

accessed off Cambridge Place. The majority of retail units in the surrounding area are serviced off the smaller side streets due to the high frequency of all modes of traffic that use Hills Road. The shop front would wrap around part of the side elevation along Cambridge Place and I am of the opinion that this helps to contribute towards creating an active frontage.

- 8.23 The student accommodation on the upper floors is coordinated so that the communal living room, dining room and kitchen areas have outlooks that face out onto Hills Road. The orientation of the accommodation so that the windows face out in this direction helps to improve the levels of natural surveillance along this frequently used Hills Road and will overall make a positive contribution to the street scene. The elevation along Cambridge Place would be comprised of a series of windows which all serve individual bedrooms. I consider that these windows help to increase the perception of natural surveillance along this side street which is important considering that the entrance to the student accommodation is along this elevation.

Scale and massing

- 8.24 The proposed building would rise to 4 storeys in height and is similar in mass to the existing buildings at nos.23 and 25 Hills road.
- 8.25 The scale and massing has been subject to pre-application advice between the Urban Design and Conservation Team and the applicant. The mansard roof is setback approximately 2/6m above no.23, with a deeper 4.6m setback proposed above no.25. The Urban Design and Conservation Team have explained that the different setbacks are supported and reflect the existing setback roof of surrounding buildings. Furthermore, as the mansard roof continues around the south elevation (facing Cambridge Place) and the rear (east) elevation and reinforces the appearance 'roof' when viewed looking north along Hills Road.
- 8.26 In light of these comments from the Urban Design and Conservation Team and the reflectiveness of the overall mass and scale to other properties, I am of the opinion that the design is acceptable in this respect.

Open Space and Landscape

- 8.27 The proposal does not include any open space and landscaping. However, given the urban grain and density of the site, coupled with the city centre context of the site, open space and landscaping is not considered a necessity to help the proposal correlate with the character of the area.
- 8.28 The existing trees to the rear of the site along Cambridge Place, which are protected by virtue of the Conservation Area designation, will not be removed under the proposed works. There would be some pruning/ crown reduction works required to accommodate the proposed building, but as the trees will be remaining, I do not have any objection to this.

Elevations and Materials

- 8.29 The materials of the proposed building are generally supported by the Urban Design and Conservation Team. However, it is explained in their comments that further consideration of the facing brick needs to be made and it is suggested that a dark buff/ grey brick would form a better relationship with the existing stained buff bricks on the C19th buildings opposite and a condition has been recommended to control this. I agree with this advice and have recommended the condition accordingly.
- 8.30 The treatment of brick is supported by the Urban Design and Conservation Team to help emphasise the plot division of the existing layout and to break up the depth of the block.
- 8.31 Window arrangements have been designed to create the appearance of two buildings which again helps to break up the bulk of the block and relate successfully to the character of the area. The Urban Design and Conservation Team have recommended a condition for detailed drawings of windows to be provided and I agree with this advice.
- 8.32 While the overall elevation treatment of the shop front is supported, there are a number of key features missing such as stall risers and transoms. However, the additional detailing can be dealt with through condition.
- 8.33 The traditional 'Cambridge Place' road sign is considered to contribute positively to the character of the area. As a result, a

condition has been attached to ensure that the sign is retained and re-incorporated on the Cambridge Place Elevation.

- 8.34 Finally, the Urban Design and Conservation Team, has advised that the existing slate tiles, grills and stone heads and window cills should be salvaged and so an appropriate condition has been attached to ensure this.
- 8.35 Overall the approach to the elevations and materials is supported, subject to detailing which can be dealt with through conditioning.
- 8.36 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 3/15, 4/4 and 4/11.

Disabled access

- 8.37 The proposed access to the student accommodation is acceptable from a disabled access perspective. The floorplans indicated that there is an accessible room on the first floor and second floor for future occupiers. The proposal does not conflict with planning policy in this respect.
- 8.38 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

Visual Enclosure/ Dominance

- 8.39 The proposed building would not project any further to the rear than that of the public house immediately to the north-west of the site. There are no windows on the side elevation of this adjacent building and so I do not consider that the proposed building will be perceived as visually dominant from this neighbouring occupier.
- 8.40 On the other side of Cambridge Place to the south-east of the application site is 27 Hills Road which does have residential accommodation on the upper floors. However, the side elevation windows of this neighbour already look onto the built

form of nos.23 and 25 which is fairly similar in mass and scale to the proposed replacement building. Furthermore, as the mansard roof is stepped back from the main building line, the visual perception from these neighbouring windows will be more of a three-and-a-half storey form rather than four storey which in my opinion will not visually dominate these outlooks.

- 8.41 Residential properties on Cambridge Place are situated over 35m away from the application site and so this separation distance is considered sufficient as to prevent the building from having any impact on the amenity of these properties.

Overshadowing/loss of light

- 8.42 In studying the orientation of the site, the main area that is likely to be affected in terms of overshadowing is the adjacent car park to the north-east of the application site. However, given the function of this space as a car park, the overshadowing of this area is not considered to be harmful.

- 8.43 As there are no garden spaces, habitable windows or other amenity spaces to the west, north or east of the site that are close enough to be overshadowed, I do not consider that the proposed building will harmfully overshadow any neighbouring occupiers.

Overlooking/loss of privacy

- 8.44 The proposed windows on the front elevation (Hills Road elevation) would not lead to a loss of privacy due to the fact that this is a very frequently used and public road and there are a considerable number of windows from other first floor properties that mutually look over this space.

- 8.45 The proposed windows on the side elevation (Cambridge Place elevation) would allow for views from student bedrooms that look across towards the upper floor residential flats of no.27 Hills Road. However, as there are already views from the upper floor teaching rooms that look out in this direction and these neighbouring windows of no.27 are visible from both Hills Road and Cambridge Place, the level of privacy afforded to these windows is relatively low at present. Therefore, while I accept there will be views out towards the neighbouring property at

no.27, I consider that the privacy of this neighbour will not be significantly harmed.

- 8.46 The proposed windows on the rear elevation will only have views out onto the car park and so there will be no loss of privacy caused by these windows. Furthermore, the perception of overlooking onto this car park will likely increase the levels of surveillance over these parked cars which will benefit the users of this car park.

Noise and disturbance

- 8.47 The proposed student accommodation would involve comings and goings from a considerable amount of future occupiers. At present, there is a high volume of students who use the upper floors of the building for educational purposes and the nature of this use means that students frequently enter and exit the building onto Cambridge Place before/ after teaching starts. Students tend to congregate outside the application site after/ between teaching which can lead to a high volume of people situated on this narrow street. Therefore it could be argued that the change of use from D1 (education) to C2 (residential institution) will lead to a reduction in the frequency of trips to and from the site due to the nature of the use as students will likely be spending the majority of their time at the various educational facilities in the wider area, and only go to and from the site when teaching has finished. As a result, I consider that the change from educational use to student accommodation will likely result in an improvement in terms of comings and goings, particularly as future occupiers will be spending the majority of their time inside and off the narrow street, rather than outside on the street at present. The servicing management plan explains that an on-site warden will be responsible for limiting the levels of disturbance from students and will provide a point of contact for neighbouring residents to contact if there are any instances of disturbance such as noise or anti-social behavior.
- 8.48 In terms of noise specifically, the Environmental Health team has recommended three conditions to control the levels of noise, two referring to the student accommodation use and one relating to the ground floor retail unit. The Environmental Health team has also recommended an odour monitoring condition to avoid odour disturbance to neighbouring occupiers. The

Environmental Health team is supportive of the proposals subject to these conditions and I agree with this advice.

- 8.49 Given that the future occupiers will be between the ages of 16-18 years old, a management plan condition has been recommended to ensure that if any antisocial behavior arises, there is scope for residents to contact an appropriate warden or site manager to resolve the issue.

Overspill car parking

- 8.50 The proposal does not include any dedicated parking for future occupiers and Cambridge Place is situated within the Controlled Parking Zone.
- 8.51 Sufficient cycle parking has been provided internally on-site for future occupiers and the site is considered to be in a sustainable location as it is in a local centre, within walking distance of the city centre and close to bus routes and stops. Therefore, I do not consider that there will be a significant increase in parking in this area resulting from this proposed scheme.

Construction activities

- 8.52 The Environmental Health Team has recommended conditions relating to construction hours, collection or deliveries during construction, and construction/ demolition noise, vibration and piling. The Highway Authority has also recommended a Traffic Management Plan for the construction/ demolition phases. I agree with this advice and consider that subject to complying with these conditions, the proposal is acceptable in this respect.
- 8.53 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

- 8.54 The proposal would provide 26 student bedrooms which would each be approximately 12.15m², although the three double bedrooms would be larger at 18.76m², and each room would have its own en-suite bathroom. The first floor and second

floor are identical in layout and would each contain a communal living/ dining/ kitchen space which would be 51m² in area, as well as a disabled accessible room. The third floor is smaller in overall size due to the fact that the mansard roof is recessed behind the main building line. This third floor would host 6 bedrooms and have a living/ dining/ kitchen area of 31m².

8.55 It is noted that objections have been raised regarding the lack of outdoor amenity space for future occupiers. However, in my opinion, given the city centre location of the site, it is not characteristic of upper floor residential units in the area to have outdoor amenity space and so I do not consider it a necessity in this instance. Furthermore, whilst it is appreciated that no external amenity space is provided as part of this development, the site is within walking distance of communal open spaces such as Parkers Piece.

8.56 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

8.57 The proposals include bin storage for both the A1 unit and the student accommodation to be provided internally on the ground floor of the building. The Environmental Health team are supportive of this approach but have recommended conditions relating to waste to see more detailed plans. I agree with this advice and consider the proposal is acceptable subject to this condition.

8.58 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.59 It is noted that concerns have been raised from properties along Cambridge Place regarding the overspill of students onto this narrow street and the highway safety hazards that currently exist and that could be increased by the proposed development. However, for the reasons set out in paragraph 8.47 and 8.70, I consider that the frequency and volume of users congregating

on the street of Cambridge Place will be lower than that at present.

- 8.60 The wall adjacent to Cambridge Place has been cantilevered back so as to provide a visibility splay for users of the maintenance/ delivery parking space. This would be an improvement of the existing parking arrangement whereby the wall projects out to the edge of the narrow pavement along Cambridge Place. The Highway Authority has not raised any objection to the proposal on the grounds of highway safety and I agree with this advice.
- 8.61 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.62 No car parking spaces are provided for future occupiers. The Local Plan (2006) parking standards do not require any parking for this type of development. For the reasons stated in paragraph 8.46 of this report, it is considered that the lack of car parking for residents is acceptable in this instance. A dedicated parking space for maintenance/ delivery vehicles has been provided so as to avoid congestion along Cambridge Place.
- 8.63 It is noted that objections have been raised regarding the lack of cycle parking. However, the proposal would provide 22 cycle parking spaces, with 18 spaces for residents and 4 spaces for visitors, and this level and type of provision conforms to the cycle parking standards of the Local Plan (2006) for the residential accommodation. The cycle standards require retail developments to provide 1 cycle space per 25m² which would equate to four spaces for this development. The proposal would fall short of this requirement as no cycle spaces are specifically designated for the retail unit. However, as the existing retail unit does not have any cycle provision, and the site is within 30 meters of a large cycle parking area on the south side of Cambridge Place, I do not consider the absence of cycle parking for this retail unit to be a just reason for refusal.
- 8.64 A Car Club informative has been attached so that the future occupiers are aware of their nearest car club service given that there is no car parking provided on-site for this development.

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

Servicing Arrangements

8.66 The previous application was refused due to the lack of provision for servicing for the student accommodation units and in so doing fails to provide for the adequate management and maintenance of the development. In response to this the applicants have revised the proposal so that an internal car parking space is provided for maintenance/ delivery vehicles to access the site without blocking the street of Cambridge Place.

8.67 The servicing management plan explains that the development proposal is typical of such developments along Hills Road within the vicinity of the site, whereby retail accommodation is situated on the ground floor with residential accommodation on the upper floors and the site immediately fronts the highway with limited parking in close proximity of the site.

8.68 Firstly, in terms of parking, Hills Road and Cambridge Place are both situated within controlled parking zones and are both double-yellow lined. The loading of large goods vehicles on Hills road from 7am to 10am and 4pm to 7pm Monday - Sunday is not permitted by virtue of the double yellow lines along Hills Road. The servicing management plan explains that in order to prevent illegal parking and avoid disturbance on these roads, the following measures will be applied and monitored by the resident warden:

- The on-site warden will ensure that any visits by trade for routine maintenance and repairs, and for managing servicing of the premises, will be subject to advance notification regarding the availability of parking within the site, such that only one vehicle requires parking at any one time.
- Trade personnel will also be advised that Cambridge Place and Hills Road fronting the site are subject to parking control. Therefore, if it is necessary to drop-off materials this must be undertaken expeditiously without obstructing the highway locally, and thereafter vehicles must be parked within the rear yard or in accordance with the locally available legal parking provision as set out in the table in paragraph 8.69.
- A timetable for student drop-off/ departures will be prepared to ensure that these times are staggered and not clustered.

- Students will be notified in advance of local parking restrictions and given information on public parking within the vicinity of the site.

8.69 Information on on-street parking spaces in the wider area are also provided under this plan:

<u>Location</u>	<u>Approximate number of on-street parking spaces</u>	<u>Hours of operation</u>
St Paul's Road	65	9am – 5pm Monday to Saturday: Maximum stay 4 hours
Glisson Road	13	9am – 5pm Monday to Saturday: Maximum stay 2 hours
Russell Street	13	9am – 5pm Monday to Saturday: Maximum stay 2 hours Sunday: Maximum Stay 4 hours

8.70 Secondly, in terms of the management of the student accommodation, the on-site warden will be responsible for keeping the residential block in good order, arranging maintenance works and dealing with any anti-social behaviour or disturbance instances and will be contactable 24 hours a day.

8.71 Finally, in respect of refuse management and collection, bins will be taken out of the stores on collection day and will be collected from Cambridge Place by the City Council refuse collection service. It will be the responsibility of the warden to make students aware of the refuse procedures and details. He warden will also be responsible for ensuring that the refuse store is kept in a clean and tidy state.

8.72 In assessing the information provided by the applicant, I am of the opinion that the proposal provides enough information to demonstrate that there is provision for the adequate management and maintenance of development. The Highway

Authority has raised no objection to the information supplied or the proposed vehicle access. The proposed student accommodation would be serviced in a similar manner to other residential accommodation along the side streets of Hills Road and appropriate measures have been put forward to explain how the levels of disturbance to properties and users of the highway in the surrounding area will be minimised. The student management plan condition will ensure that these measures are implemented and enforceable and that residents in the surrounding area are provided with the contact details of those responsible for the management of this accommodation. The proposed parking space would allow for deliveries and maintenance vehicles to enter the site without blocking the street of Cambridge Place. The vehicular access would be an improvement on the existing situation as the visibility splay for the existing parking space would be enhanced by the proposed works.

8.73 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

Third Party Representations

8.74 The third party representations have been addressed below:

<u>Representation</u>	<u>Response</u>
No amenity space for future occupiers	See paragraph 8.55
No parking/ loading space for service vehicles/ lack of servicing arrangements	See paragraphs 8.68
Loitering of students on Cambridge Place due to no outdoor amenity space	See paragraphs 8.47, 8.49 and 8.70
Highway Safety	See paragraph 8.59 – 8.60
Proposal would be better suited for reasonable sized flats	There is no policy conflict with the use of this site for student accommodation.
No parking for future occupiers	See paragraphs 8.62, 8.64 and 8.68 - 8.69
Pressure of parking on nearby streets.	See paragraph 8.48

Lack of cycle parking	See paragraph 8.59
Lack of security for future occupiers due to open gates.	See paragraph 8.20
Inadequate provision for contractors, removal of dirt and deliveries of vehicles.	The Traffic Management Plan condition will cover these issues.
In the event of permission being granted, stringent conditions should be added to prevent illegal parking which should be supervised and enforced by the Local Planning Authority and Highway Authority.	Illegal parking is an offence and is a matter for the police authority. Therefore, it would not be necessary to attach a condition to this effect.
Parked car will block refuse and cycle store access	There would still be ample room between the car parking space and the refuse/ cycle storage. The parking space, when in use, would not prevent the movement of either of these functions.
No details of how the student hostel will be managed during holiday periods.	This will be dealt with through the student management plan condition.
The student accommodation could be used by a third party operator? How would this be managed/ supervised?	This will be dealt with through the student management plan condition.

9.0 CONCLUSION

9.1 In conclusion, I consider that the proposed building would not appear out of context or detract from the character of the area, would not pose any harm to the amenity of adjacent occupiers, and provides a high quality living environment for future occupiers. The reason for refusal of the previous application has been fully satisfied and approval is therefore recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

4. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hrs and 1800 hrs on Monday - Friday, 0800 hrs and 1300 hrs Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

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

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

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

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

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

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

7. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered.

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

8. a. After demolition and prior to the commencement of construction, a noise assessment that considers the impact of airborne and impact sound from the Emperor pub upon the residential units of the proposed development shall be submitted in writing for consideration by the local planning authority.

b. Following the submission of a noise assessment and prior to the commencement of construction works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the building envelope (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise from the neighbouring emperor pub 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 not be altered.

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

9. Prior to the commencement of development works, a comprehensive odour impact assessment and odour control scheme for protecting the residential units from odour shall be submitted to and approved in writing by the local planning authority.

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

10. Before the A1 use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

11. Prior to occupation of the development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter for their intended use 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

12. Prior to the commencement of occupation, full details of the storage facilities for the separation of waste for recycling and composting within the individual student flats/clusters 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

13. 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).

14. 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. 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.

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

16. Prior to the commencement of development, the street name plate for Cambridge Place shall be removed from the flank of No.25 Hills Road. It shall be stored safely (in a location to be agreed with the Local Planning Authority) and re-erected in equivalent position on the replacement building before its first occupation.

Reason: To secure the historic sign before demolition and its re-erection in the interests of the character and appearance of the conservation area and to be consistent with Cambridge Local Plan 2006 policy 4/11.

17. Prior to the commencement of development, full details of the proposed gate for the vehicular access and parking shall be submitted to and agreed in writing by the Local Planning Authority. The details should include elevations and floorplans of the gate, as well as specifications as to how the gate will open/ close. The details as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of future occupiers in terms of site access and safety. (Cambridge Local Plan 2006 policies 3/7 and 3/12)

18. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority.

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

19. Sustainable Drainage

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 to achieve a 20% reduction in peak flows 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 minimise flood risk (Cambridge Local Plan 2006, Policy 3/1)

20. Student Management Plan

Prior to the occupation of the College building, a student management plan shall be submitted to and approved in writing by the local planning authority. This shall set out measures as to how the student accommodation will be managed on a day-to-day basis, how it would be managed when let during holiday periods, and how any issues arising from its operation in terms of impact on adjacent neighbours will be handled. It shall include the contact name and number of a College representative, made available to local residents and placed as information near to the entrance of the building in a prominent and publicly visible location. The development shall be carried out in accordance with the agreed upon management plan and retained thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the occupation of the buildings is appropriately managed and controlled (Cambridge Local Plan 3/4, 3/7, 3/12)

21. One room of the 26no. bedrooms shall be provided for the on-site warden and retained thereafter for use by the warden unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the student accommodation and servicing arrangements are managed (Cambridge Local Plan Policy 3/7)

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

Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

23. Occupier

The student accommodation shall, during the relevant educational institution's term-time, be for the benefit of full-time students attending either Abbey College, Anglia Ruskin University or the University of Cambridge only save for during the summer vacation period only when the accommodation may be occupied by the following persons:

- a) Students of any of the educational institutions above; and/or
- b) Students attending summer educational courses in Cambridge.

Reason: In light of the fact that the Council has accepted a need for student accommodation for these three educational institutions through the granting of this application and through policy 7/10 of the Cambridge Local Plan 2006.

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.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

INFORMATIVE:

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

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

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

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

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

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

INFORMATIVE:

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

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

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

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

INFORMATIVE: If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant/agent to need to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

INFORMATIVE:

The Housing Act 2004 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:

Traffic Management Plan:

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.

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

INFORMATIVE: 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.

Application Number	15/2040/FUL	Agenda Item	
Date Received	6th November 2015	Officer	Mr Toby Williams
Target Date	1st January 2016		
Ward	Abbey		
Site	559 Newmarket Road Cambridge Cambridgeshire CB5 8PA		
Proposal	Demolition of the existing single storey garage and erection of new dwelling to the land r/o 559 Newmarket Road		
Applicant	Mr De Simone C/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The principle of residential development on the site is acceptable; <input type="checkbox"/> The proposed development would not have a significantly harmful impact on neighbour amenity; <input type="checkbox"/> The proposed development would represent a modern and modest scale design within an established residential area, which would not appear oppressive in its context. <input type="checkbox"/> The Highway Authority is satisfied that the proposal does not pose a threat to highway safety
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located to the north side of Newmarket Road between the junctions of Ditton Walk and Ditton Fields, within a predominantly residential area in the east side of the City. This part of Newmarket Road is characterised mainly by semi-detached two-storey dwellings, some of which have off-road parking to the front and sizable rear gardens. The application site currently forms part of the rear garden of 559 Newmarket Road. The garden is 40m deep. The boundaries of the site consist of close boarded fencing, trees and shrubs.
- 1.2 In the locality, there has been some back-land development. This includes Webster Terrace, land to the rear of 551-555 Newmarket Road and nos.30 & 30a Ditton Walk to the west of the application site. The latter date from the 1980s and were originally arranged in an 'L' shaped plan before being extended. These dwellings are single storey, although due to their mono-pitch roof design, they would appear close to two-storey in scale.
- 1.3 The site is not situated within a Conservation Area and is not within a Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The application seeks planning consent for the erection of a single dwelling to the rear of no.559 Newmarket Road. The footprint would be 'L' shaped and towards the rear of the plot. All of the accommodation would be single storey. The length of the building would be 21.5m, approximately the length of 1-4 Webster Terrace to the east and in line with the footprint of these properties. It would be 4.9m wide. A mono-pitched roof is proposed sloping up from an eaves height of 2.7m close to the boundary with Webster Terrace to a ridge height of 4.5m towards the centre of the plot. The building would be constructed from red brick walls and a slate roof.
- 2.2 The access point would remain as existing with the host dwelling's garage being demolished to open up the rear of the site with a 3m wide driveway. Parking for the host dwelling would be to the front. For the proposed dwelling, the scheme includes a garage space, external car parking and turning and cycle and bin storage. The access would be constructed from

permeable paving. Soft landscaping would be provided on the western side of the new dwelling. A curved new brick boundary wall is proposed to separate existing and proposed plots.

3.0 SITE HISTORY

Reference	Description	Outcome
07/0063/FUL	Erection of a single storey one bedroom flat to the rear of existing property.	Application withdrawn.
C/04/0771	Change of use from single dwelling house to 1 two bedroom flat and 1 one bedroom flat.	A/C
C/70/0766	Extensions and improvements	A/C

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/6 3/7 3/10 3/11 3/12 4/4 4/13 4/16 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)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The Highway Authority does not consider that this application will have any significant adverse impact upon the operation of the highway network.

Head of Refuse and Environment

6.2 No objection subject to conditions relating to 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:

- 1, 2 Webster Terrace;

7.2 The representations can be summarised as follows:

- Loss of light;
- Overlooking and loss of privacy will be created;
- Increased flooding;
- Increase in noise and disturbance from the additional dwellings;
- How will the dust cart gain access;
- The proposed development would threaten the existing wildlife;
- Highway safety concern;
- Boundary fence ownership

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) is relevant. The policy generally supports additional residential development within the City:

“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”.

8.3 The site is situated within an existing and established residential area, where a degree of backland development already exists. I therefore consider that residential development on this site can be supported.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

8.5 This part of Newmarket Road is characterised mainly by semi-detached properties, set back from the road. There are two local examples where development has occurred in a backland form. One is immediately to the west of the site (30 & 30A Ditton Walk) and more recently, the Abbey Gardens development situated off Ditton Walk, which is a cul-de-sac development of 15 dwellings. Nos. 30 & 30A Ditton Walk are a pair of detached single storey dwellings with a mono pitch roof design element, which rises above the main part of the dwelling.

Both of these dwellings are mirror images of each other and introduce a design which is quite different to the traditional architecture of Ditton Walk. Abbey Gardens appears to follow the traditional architectural cues of Ditton Walk and are two and a half storeys in height.

- 8.6 In terms of the design, the proposal seeks to reflect the angular edges of 30 and 30A Ditton Walk and the recently approved scheme to the rear of 551-555 Newmarket Road. The proposed dwelling would be single-storey with a mono-pitched roof, rising up to 4.5m, slanting away from the boundary with Webster Terrace. I find the proposed scale within this back-land context to be acceptable. Whilst the design of the proposed dwelling would be in contrast to the prevailing architecture of Newmarket Road, I do not consider its presence would be unduly harmful to the character of the area. The dwelling is simply designed, would be relatively low in height and unobtrusive. Overall, the design is acceptable and blends successfully within this backland context as a subservient form.
- 8.7 In terms of the design of the external spaces, the proposal includes a shared-surface private drive from Newmarket Road which would run in-between nos. 557 and 559. This would continue up the site and terminate at a brick boundary wall which would define the southern edge of a private garden set behind.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/10, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 Several neighbours have objected to the proposal, which is summarised in paragraph 7.2 of my report.
- 8.10 Some of the concerns relate to the proposal causing a loss of light, particularly to Webster Terrace. I appreciate that the larger element of the “L” shaped wing will run north to south, close to the common boundary with 1-4 Webster Terrace. However, the roof form slopes away from these properties at a relatively low pitch (22 degrees) and the eaves height is only 2.7m, set in from the boundary by 0.6m, with a ridge height of 4.5m. I

appreciate that the rear gardens of the Webster Terrace properties face in a westerly direction and are small at approximately 6.5m and that the occupiers are somewhat reliant on the application site for outlook. The scheme will undoubtedly be visible from the rear gardens and rear facing windows of these properties and there will be a limited loss of late summer afternoon sunlight experienced as a result. This is demonstrated in the shadow study submitted within the Design and Access Statement at 5pm for the June solstice. However, considering the impact of overshadowing as a whole, particularly during the March equinox, I do not consider the impact to be harmful. This is mainly due to the low height of the proposal. For the same reason and especially given the low pitch of the roof, I do not consider that there would be undue enclosure. My view is that the impact on the amenity of the occupants of Webster Terrace in terms of sunlight and enclosure is acceptable.

- 8.11 No.1 Ditton Fields is directly to the north of the site. It has a more substantial garden than the Webster Terrace properties. The proposed dwelling nearly fills the width of the application site plot at 9.8m at this point and would be partly set adjacent to an existing shed within no.1's garden. The proposed roof form adjacent to this boundary is broken up by two low pitched roofs running partly parallel and away from the boundary. Given the juxtaposition of proposed roof mass and the orientation of no.1 to the west with its larger garden, I do not consider the impact in terms of either loss of light or enclosure to this property to be significantly harmful.
- 8.12 No.557 Newmarket Road is to the west of the application site. Like no. 559, it has a substantial rear garden. The proposed dwelling would be visible from the garden of no. 557 but for the main part, its long form would only extend to between 4 and 4.5m from the boundary. I appreciate that at this point the roof height, being mono-pitched would be 4.5m high but I do not consider that any significant issue of enclosure or loss of light to this property would arise.
- 8.13 The host property no.559 would retain a rear garden depth of between 12m and 16.5m at a width of 6m. The distance between the proposed new dwelling and main rear of the existing property is 23m. The distance is acceptable in terms of enclosure and the retained garden depth is sufficient.

- 8.14 In terms of noise and disturbance, the provision of one dwelling in this location is not going to give rise to any significant level of harm either from car movements or from everyday residential use of the property. As the proposed property is single storey and west facing, issues of privacy are not of any substantial concern. A series of three roof-lights are proposed in the eastern facing main roof-slope. These would be 2.7m above the finished floor level and would serve to bring light into the dwelling. They are shown as obscure glazed on the plans and I have conditioned them as such. I have no concerns with their presence despite neighbour representations to the contrary. Given the close proximity of this roof to Webster Terrace, I recommend permitted development rights are removed for roof alterations.
- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.16 This would be a 2-bedroom property. A long but thin private amenity space of 4.5m x 11m is provided. I consider this space to be sufficient for future occupiers. The outlook from proposed rooms would be somewhat restricted by the narrowness of the garden at 4.5m, but window heights are generous and combined with the rooflights within the generous internal head height of the open plan property, I have no issue in concluding that the amenity for future occupiers would be of a good quality.

Refuse Arrangements

- 8.17 The proposal shows bin storage and collection points for both the host and the proposed dwelling some 21m from Newmarket Road. For occupiers of both properties the bins will have to be dragged to Newmarket Road for collection. This appears to be practically achievable and is within the 25m guideline.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.19 The local highway authority has not raised an objection in terms of highway safety. I note that the design and access statement states that 2m x 2m pedestrian visibility splays are to be provided at the site entrance and vehicular visibility splays of 2.4m x 90m are easily achievable. For a single dwelling, I do not anticipate that any significant level of increased vehicular movements will arise. A parking and turning space for the host dwelling is retained to the front. A third party representation has raised an issue with the proximity of the access point to a pedestrian crossing, noting that the distance from the centre of the red studded area to the point where the kerb stone drops would be 4.8m. I note that this is an existing access point already for the host property which would be unaltered and I consider it unlikely that the representation would change the view of the highways officer, but I have reported it to him and will report any further comments on the amendment sheet. Given the advice received, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.20 The proposed scheme includes space for car parking within a garage and turning area to the front of the new dwelling. The level of provision is acceptable.
- 8.21 In terms of cycle parking, the proposed scheme shows space within a wide garage for two cycles to be stored comfortably.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.23 I have covered most of the concerns raised by neighbours in my report.
- 8.24 One representation states that they will not give permission for the rebuilding of an existing 1.8m high fence as shown on the plans facing Webster Terrace. This is a civil matter. I do not consider the application stands to fail if the fence was not renewed in this location.

8.25 Another representation relates to impact on existing wildlife. I am not aware of any protected species on site that may be harmed and in any event they would be protected through other legislation. I accept that back gardens attract wildlife and are a benefit to our environment but this of itself is not sufficient in my view to refuse the proposal.

8.26 Another issue concerns that of drainage and guttering adjacent to Webster Terrace. The site is not within an area of flood risk and I note that the building and its guttering would be set off from the boundary from Webster Terrace. The specific surface water drainage arrangement will be settled through Building Regulations.

9.0 CONCLUSION

9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be 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. Notwithstanding the provisions of Schedule 2, Part 1, Class 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).

4. The rooflights as shown on the east facing side elevation of the property shall be obscure glazed to at least Pilkington Level 3 and remain as such.

In the interests of residential amenity (Cambridge Local Plan policy 3/10)

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

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

6. 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)

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Application Number	15/2262/FUL	Agenda Item	
Date Received	7th December 2015	Officer	Lorraine Casey
Target Date	1st February 2016		
Ward	Queen Ediths		
Site	55 Spalding Way Cambridge Cambridgeshire CB1 8NP		
Proposal	Subdivision of existing property into two C4 dwellings with associated bin & cycle storage and boundary fencing.		
Applicant	Mr Stephane Lee Dukes Court 54-64 Newmarket Road Cambridge CB5 8DZ United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed change of use is acceptable in principle 2. The proposal would not materially harm the character and appearance of the area 3. The proposal would not have a significant impact on neighbour amenity 4. Cycle and bin storage can be adequately accommodated on the site
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site comprises a two-storey end terrace brick and tile property. It is located on the south side of Spalding Way close to its junction with Godwin Way, within a residential area that is characterised by semi-detached and terraced dwellings. The property has a two-storey side extension and single-storey

conservatory to the rear. The majority of the front garden area is hard-surfaced and accommodates two off-street parking spaces, whilst bin storage is also provided to the front of the property.

- 1.2 The site lies outside any Conservation Area, and is not situated in either the Controlled Parking Zone or Air Quality Management Area.

2.0 THE PROPOSAL

- 2.1 The application proposes to subdivide the existing property to form two C4 use class dwellings (small houses of multiple occupation) with associated bin & cycle storage and boundary fencing.

- 2.2 The existing dwelling has 10 bedrooms. The property would be subdivided centrally to form two 5-bedroom HMO's. Each HMO would have its own garden defined by boundary fencing. A bike shed providing covered storage for 10 cycles would be provided adjacent to the rear boundary and would be directly accessible from each garden area. Bin storage for both properties would be provided adjacent to the western side boundary. The existing off-street parking would be removed (it was originally proposed to retain both existing off-street spaces) and replaced with soft landscaping and the boundary walls replaced with low-level brick walls.

- 2.3 The application has been amended to incorporate the following changes:

- Removal of off-street parking from the front of the property and replacement with soft landscaping.
- Bin storage set further into site and height of enclosure reduced from 1.6m to 1.1m.
- Internal ground floor layout of eastern property amended.

- 2.4 This amendment is currently out to consultation and Members will be updated on any further comments received either in the written update or verbally at Committee.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0539/FUL	Change of use to 1 no. three bedroom dwelling & 1 no. two bedroom dwelling	Refused
10/0929/FUL	Change of use to 2 no. three bedroom dwellings	Refused
05/0702/FUL	Erection of 1 st floor side extension over existing	Approved
C/91/0357	Extension to dwelling (erection of single storey side extension)	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 3/10 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	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p> <p>Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

Initial comments

- 6.1 The new parking space is too short and would lead to cars overhanging the public highway. It should be a minimum of 5 metres in length. The proposal should be refused in its current form. This objection could be overcome by removing the short parking space and associated extension of the vehicle crossing. Whilst this would risk decanting parking onto the public highway, this would not have a significant adverse impact on highway safety.
- 6.2 The Highways Authority has been consulted on the amendment and any further comments will be reported to Members either in the written update or verbally at Committee.

Head of Refuse and Environment

- 6.3 No objections providing a condition is added to any consent to restrict construction hours. An informative is also recommended to advise the applicant of the Housing Standards that will need to be adhered to.
- 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 Taylor states that there could be up to ten unrelated people living on the site, and expresses concern that the application raises questions of neighbour amenity and road safety. The house is close to the junction and there are concerns that extra cars outside the property would make it difficult for children going to and from school.

7.2 The owners/occupies of the following addresses have made representations in respect of the scheme originally submitted: These local residents have been informed of the amendment and any further comments will be reported to Members.

- 42 Spalding Way
- 53 Spalding Way

7.3 The representations can be summarised as follows:

- Neither the off-street nor on-street parking is adequate for the likely number of occupants and will lead to increased parking on the road and verges.
- The two off-street parking spaces have previously been proven to be too small leading to vehicles overhanging the pavement.
- The on-street parking is not as abundant as described in the accompanying Design and Access Statement.
- The high density of occupancy is out of character in the locality and may create unacceptable levels of noise and disturbance to neighbours.

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

8.0 ASSESSMENT

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

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

Principle of Development

- 8.2 Policy 5/2 supports the conversion of large properties into additional dwellings recognising that conversion makes a useful contribution towards housing provision, providing proposals meet the various tests set out in the policy with regard to impact upon on-street parking, the standard of accommodation that would be provided and impact upon the residential amenity of neighbouring properties.
- 8.3 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.
- 8.4 There is no policy objection to the proposed conversion of existing properties to form further dwellings, or to the conversion of dwellings to form houses in multiple occupation. The issues set out in the aforementioned policies are discussed in further detail in the following sections of this report.

Context of site, design and external spaces

- 8.5 The proposal is for the conversion of the existing extended dwelling to form 2 small houses of multiple occupation (use class C4). No external alterations are proposed to the existing property other than a new door to the rear in order to provide direct access to the rear garden. In this regard, there would effectively be no material change to the overall appearance of the property.
- 8.6 As noted within the planning history section of this report, there have been two previous planning applications on this site that have sought to change the use of the property to two dwellings. Both applications were refused (in part) for the following reason:
- “The proposed sub-division of the existing dwelling and its plot together with associated requirements for car parking, cycle parking, refuse and recycling storage and amenity space, would

result in a development which would appear cramped and out of character with the surrounding area having a detrimental visual impact upon the character of the street scene....”

- 8.7 In the previous applications, it was proposed to locate the bin storage and cycle parking facilities for one of the properties and car parking for both properties (3 spaces) within the front garden area. This resulted in an extremely cluttered appearance at the front of the property that was considered to be visually intrusive in the street scene and harmful to the character of the area.
- 8.8 These problems have been addressed within the current application as a covered cycle storage for residents would be provided within the rear garden. Bin storage enclosed by low fencing and 3 additional visitor bike spaces would be sited adjacent to the western side boundary. The existing off-street parking would be removed and replaced with soft landscaping, and the frontage of the site would be defined by a low 600mm boundary wall. When compared to the previous schemes, the current proposal removes all visual clutter from the front of the site and, indeed, through the introduction of planting, enhances the appearance of the existing property.
- 8.9 In my opinion, the impact of the development upon the character of the area is acceptable, and the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 5/2.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The owners of the neighbouring property to the west have expressed concern on the grounds that the increase in intensity of the use would result in unacceptable noise and disturbance to surrounding properties. In my opinion, the subdivision of the existing property to two C4 dwellings (each with a maximum of 5 occupants) is unlikely to give rise to a significant impact in this regard, and this is consistent with the stance taken by the Council in the consideration of the previous proposals to convert the existing house to two dwellings.

- 8.11 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, 3/7 and part a) of Policy 5/7.

Amenity for future occupiers of the site

- 8.12 The application originally proposed to provide two off-street car parking spaces to the front of the property. This was considered to give rise to unacceptable living conditions for occupiers of the front bedrooms. The scheme has been amended to remove all off-street parking from the site, thereby resolving these concerns.
- 8.13 The original layout also provided no internal access from the easternmost dwelling into its garden area without going through bedrooms. This would have resulted in the occupiers of this unit needing to use the passageway adjacent to the western boundary to access the rear garden and cycle storage area. This issue has been rectified in the amended drawings, by reducing the size of the front bedroom thereby enabling direct access through the kitchen and living room into the rear garden.
- 8.14 Each property would have a rear garden with a depth exceeding 15m, and space for covered cycle storage to the rear, and enclosed bin storage in an easily accessible location adjacent to the western boundary. The site is in a sustainable location, close to services and facilities in the immediate area and within walking distance of nearby bus stops. In my opinion, the proposal provides a high quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

- 8.15 A bin storage area, capable of accommodating six wheelie bins, would be provided adjacent to the side boundary and would be accessible from the main road. In my opinion, this complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006).

Highway Safety

- 8.16 The Highways Authority initially recommended refusal as one of the proposed off-street parking spaces was too small, thereby resulting in vehicles overhanging the public highway. This objection has been addressed by removing all off-street parking from the front of the site. Whilst this revision may result in vehicles parking on the road, the Highways Authority has made it clear that a highway safety objection could not be substantiated on such grounds.

Car and Cycle Parking

- 8.17 The application, as amended, includes no off-street parking provision. The previously proposed two spaces have now been omitted from the scheme in order to address concerns raised by the Highways Authority and regarding the impact of such parking provision on the living conditions of future occupiers. Whilst this could result in vehicles parking on-street, it is important to note that there are no parking standards specifically relating to HMO's. Additionally, where standards are imposed, they are maximum rather than minimum requirements. Given these factors together with the fact that sufficient cycle parking would be provided, and the proximity of the site to local amenities and bus links, I consider the subdivision of the site to form two small HMO's without any off-street parking provision would be acceptable in this location.
- 8.18 A cycle store is proposed in the rear garden area. In accordance with the standards, this would accommodate ten spaces on the basis of one per bedroom.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.20 The comments raised within the third party representations have been addressed within this report.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be 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. Each C4 property, hereby permitted, shall be occupied by no more than five people at any one time.

Reason: A more intensive use would need to be reassessed in the 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)

5. Prior to the bringing into use of the development, hereby permitted, the on-site waste and cycle storage facilities shall be provided in accordance with the details shown within drawing number 1211.P.01 Rev C. The facilities shall be retained in accordance with these details thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure appropriate provision for the storage of bins and bicycles (Cambridge Local Plan 2006 policies 5/2, 5/7 and 8/6)

6. Prior to the bringing into use of the development, hereby permitted, the frontage of the site shall be landscaped and treated in accordance with the details shown within drawing number 1211.P.01 Rev C. The frontage of the site shall be retained in accordance with these details thereafter, and shall not be used to provide off-street parking spaces, unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure the visual appearance of the development is acceptable, and to prevent the use of the frontage of the site for car parking with consequent detriment to the living conditions of future occupiers and highway safety (Cambridge Local Plan 2006 policies 3/7, 5/2 and 5/7)

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; all habitable rooms have adequate lighting and floor area etc.

Further information may be found here: <https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>. However, the applicant is advised to contact the Residential Team in Cambridge City Council's Environmental Health Department to discuss and obtain information on the current standards and Regulations for multiple occupancy.

Application Number	15/0848/FUL	Agenda Item	
Date Received	5th May 2015	Officer	Miss Catherine Linford
Target Date	31st July 2015		
Ward	East Chesterton		
Site	135A Green End Road Cambridge Cambridgeshire CB4 1RW		
Proposal	First floor side extension and amendment to roof creating 3 studio flats, 1 1-bedroom flat and 1 shop unit		
Applicant	Mr A Antony 135A Lashan Stores Green End Road Cambridge Cambridgeshire CB4 1RW United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed extension would improve the appearance of the building and are visually acceptable. <input type="checkbox"/> The proposal would not have a significant detrimental impact on the occupiers of neighbouring properties. <input type="checkbox"/> Satisfactory living accommodation would be provided.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 135A Green End Road is a two storey, detached building situated on the northwestern side of Green End Road. The building contains a shop on the ground floor, and residential accommodation on the ground floor and first floor. The surrounding area is predominantly residential. The site is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for a first floor side extension, amendments to the design of the roof, and the conversion of the building into a shop, three studio flats, and one one-bed flat. The shop would remain as it currently is, with the one one-bedroom flat on the ground floor and the three studio flats on the first floor.
- 2.2 The application has been amended and originally sought planning permission for a shop and five studio flats, with two studio flats on the ground floor and three studio flats on the first floor.

3.0 SITE HISTORY

Reference	Description	Outcome
C/89/0593	Alterations to shopfront	A/C
C/90/0521	Change of use (on part of the premises) from retail shop (A1) to a hot food takeaway shop (A3)	A/C
C/91/0922	Change of use of existing garage at side of shop to video rental shop (Class A1)	REF
C/92/0218	Change of use of domestic garage to form extension to adjoining shop (A1)	A/C
C/95/0178	Change of use from Class A1 shop to Class A3 takeaway (relates to existing shop extension only)	REF
C/03/0506	Conversion of existing shop and flat into 3no. flats and smaller shop, including first floor side extension and increase in height of roof	Withdrawn
14/0523/OUT	Outline application for new shop unit and 5 self contained flats to replace existing shop unit with bedsits above.	Withdrawn
04/1311/FUL	Change of use from shop and one flat (three-bedroomed) to a shop and three flats (one-bedroomed), including alterations	REF

and extensions.

4.0 PUBLICITY

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

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 5/1 5/2 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)
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5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No off-street car parking provision is made for the additional residential accommodation. The development is therefore likely to impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions relating to construction hours and plant noise insulation.

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:

- 135 Green End Road
- 138 Green End Road
- 140 Green End Road

7.2 The representations can be summarised as follows:

- Overlooking
- Dominance
- The pitched roof on the single storey element may not be buildable and could be changed to a flat roof. It could then be used as a roof terrace.
- Lack of 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

Principle of Development

8.1 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential, and therefore the potential of additional residential properties in this area is acceptable in principle, but is dependent on detail.

Context of site, design and external spaces

8.2 It is proposed that the first floor is extended above the existing single storey element at the side of the building, which abuts the common boundary with 135 Green End Road. In order to tie the extension into the existing building, it is proposed that the roof is altered. It is also proposed that the projecting wing at the rear is widened and that a single storey extension is erected

adjacent to this. In my opinion, the proposed extensions would improve the appearance of the building and I consider them to be visually acceptable. I recommend a condition requiring the material used to match the existing building.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.4 The proposed extension would be 2m wide, and would stand to the southwest of 135 Green End Road. Due to the width of the extension, and the distance between the extension and the neighbouring house it is my view that it would not overshadow, dominate or enclose this neighbouring property to such a degree that it would warrant refusal of the application. No windows are proposed on the side elevation, and therefore there is no potential for direct overlooking from windows. An additional window is proposed on the rear elevation but due to the angle of the plots it is my view that this window would not overlook No. 135. Concern has been raised that the pitched roof on the single storey element would not be buildable and could be altered to a flat roof, which could be used as a roof terrace. Alterations to the design of the roof would require a new planning application.
- 8.5 Considering the size of the proposed flats it is likely that the property would be occupied by no more than eight people. Although this is more than would be likely to occupy the existing accommodation, it is my view that it would not result in a level of noise or disturbance great enough to justify the refusal of planning permission.
- 8.6 No plant is proposed for the shop and if any plant were to be installed planning permission would be required. I therefore consider it unreasonable to add a condition regarding plant noise, which has been recommended by Environmental Health.
- 8.7 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

- 8.8 The amenity space provided is minimal. An area has been designated as private amenity space for the ground floor flat to ensure the privacy of the occupiers of this property. In my opinion this level of provision is acceptable for a one-bed flat. The remaining area would be shared by the first floor studio flats. Whilst this area is small in my view that it is sufficient.
- 8.9 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

- 8.10 It is proposed that refuse bins are stored along the access pathway at the side of the building. This pathway is wide and there is sufficient space in my view. The Environmental Health Officer has not raised any concerns.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car Parking

Cycle parking

- 8.12 No off-street parking spaces are proposed for the flats. Considering the site's sustainable location it is my opinion that this is acceptable.

Cycle parking

- 8.13 It is proposed that the existing outbuilding at the rear is used for cycle parking. In my view, this is an acceptable solution as this would be secure and covered.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.15

Issue raised	Response
Overlooking	Addressed in paragraph 8.4
Dominance	Addressed in paragraph 8.4
The pitched roof on the single storey element may not be buildable and could be changed to a flat roof. It could then be used as a roof terrace.	Addressed in paragraph 8.4
Lack of parking	Addressed in paragraph 8.12

Planning Obligation Strategy

Planning Obligations

8.16 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.

8.17 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.

- 8.18 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.
- 8.19 The Council is, therefore, now seeking S106 contributions for specific projects wherever practicable, but this does not mean that it will be possible to seek the same number or amount of contributions as before. In this case, for example, there has not been enough time, since the High Court ruling, to identify suitable specific on-site projects. Council services are currently reviewing and updating their evidence bases to enable more S106 contributions for specific projects to be recommended in future. More details on the council's approach to developer contributions can be found at www.cambridge.gov.uk/s106.

9.0 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. 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)

Application Number	15/1938/FUL	Agenda Item	
Date Received	22nd October 2015	Officer	Mr Sav Patel
Target Date	17th December 2015		
Ward	Abbey		
Site	113 Ditton Fields Cambridge Cambridgeshire CB5 8QQ		
Proposal	Two storey side extension to form one 1-bed and one 2-bed maisonette		
Applicant	Mr Mark Morris 74 High Street, HORNINGSEA Cambridge Cambridgeshire CB25 9JG United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposals would be visually acceptable.</p> <p>The proposals would not have an unacceptable impact on residential amenity.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises an end of terraced property situated to the northern side of Ditton Fields. The site occupies a large corner plot which is widest to the front elevation and then narrows to the rear of the site. The site is located within a residential area characterised by post war housing on spacious plots.

- 1.2 There are no site constraints. The site falls outside of the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal seeks full planning permission for a two storey side extension to form one 1-bed and one 2-bed maisonettes.

- 2.2 The proposals would extend at two and single storey height to the east of the existing dwelling. The two storey element would project to the east (side) by approximately 3.3m and the extension would then step down to a single storey flat roofed element which would be approximately 4.5m wide at the front of the site. This element also 'wraps round' to the rear of the site and would provide a two bedroomed unit at ground floor level. The single storey flat roofed element is 'stepped' in and reduces in width as it extends back into the site, to respond to the tapered boundary of the site.
- 2.3 The two storey element would mirror the depth of the existing property and 113 Ditton Fields and would also match the existing house in terms of roof form and height.
- 2.4 A total of 4 parking spaces are shown within the site and cycle and bin storage is also provided along the eastern boundary of the site.
- 2.5 This planning application is a resubmission of an earlier application (ref: 15/0661/FUL) which was withdrawn due to concerns with the impact on the character of the area and residential amenity in terms of appearing overbearing and loss of privacy.
- 2.6 In this resubmission application the applicant has proposed to address the concerns by reducing the scale of the development and impact on the residential amenity of the adjacent neighbours.

3.0 SITE HISTORY

Reference	Description	Outcome
07/0169/FUL	Erection of 1 No. three bedroomed house and new access to highway.	REFUSED 30.04.2007
15/0661/FUL	Two storey side extension to form one 1-bed and one 2-bed maisonette.	WITHDRAWN 09.07.2015

4.0 PUBLICITY

- 4.1 Advertisement: No

Adjoining Owners: Yes
 Site Notice Displayed: No

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/14 4/13 4/15 5/1 5/2 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) Planning Obligation Strategy (March 2010) 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)
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5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The allocation of parking within the site is unclear. Please obtain clarification of how spaces will be allocated, if at all.
- 6.2 The applicant must show the dimensions for the proposed car parking spaces, which should measure 2.5m x 5m with a 6m reversing space. Please provide this information to the Highway Authority for comment prior to determination of this application. Unless some of the spaces are to be allocated to the new dwellings, no additional car parking provision is made for the additional residential units. If the existing dwelling is utilising all of its current parking provision, and some is allocated to the new units, then the displaced demand may appear on street.

- 6.3 The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.4 If, following provision of the above, the Highway Authority is satisfied that the proposal will have no significant adverse effect upon the public highway, the Highway Authority would recommend conditions.

Environmental Health

- 6.5 The proposals are acceptable subject to conditions relating to piling and construction hours.

Health and Safety Executive

- 6.6 No response received.

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:

149 Ditton Fields
115 Ditton Fields

- 7.2 The representations can be summarised as follows:

Residential amenity

- Loud music
- Extra rooms will mean more people and more noise
- There will be an increase in noise from the 9+ tenants and associated guests along with the actual construction work.
- The large French windows at the back of the ground floor 2 bedroom maisonette will move resident noise

- closer to the fence line with 115.
- Close proximity of the single storey part of the extension to the fence and location of the bins will increase the noise from the large number of tenants going round the back via this passage along the fence line to smoke, have parties, etc. and enter through the back door into the existing house.

Parking/Highway Safety

- Parking pressure and people parking on grass verge
- Parking will be a major problem with this new development as at least 1 existing space will be lost yet resident numbers will increase by a third. At least 2-3 cars are normally associated with the current residents of 113, with one regularly parked on the verge outside and car numbers could easily increase to 1 per tenant (6) as circumstances change. The addition of 3 more bedrooms increases the number of total tenants to at least 9. Additionally the tenants of each maisonette are extremely likely to have at least 1 car if not 2 for professional couples. Consequently the cars associated with 113 will increase to at least 5 and potentially up to 10+ which is way beyond that sites capacity and will lead to very significant car parking over-spill on to the highway which is already overcrowded.

Design/Scale/Bulk

- This is a substantial 2 storey development, effectively a completely new house in everything but name, which will loom over the fence and significantly fill in the open spaces specifically built into the design of our estate and consequently breaches the covenants to light and air.
- This new house will require the removal of the overgrown Leylandii which have been a valuable screen between 113 and 115, helping suppress noise, adding to the greenery of the area and are nesting site for a considerable amount of bird life. The owner has offered to discuss planting to re-establish a green outlook but there will clearly not be space down the side of this new development for access, movement of the bins stored there and a new screen of trees or large bushes.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is residential and the principle of residential development on the site is therefore broadly supported by Policy 5/1.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

8.4 Policy 3/10, part C, of the 2006 Local Plan states that residential development within the garden area of existing properties will not be permitted if it will detract from the prevailing character and appearance of the area.

8.5 In 2007, an application to extend the existing property in order to create a two-storey house was refused on the grounds that it would introduce a building into an open area, with the development considered to close down the space and create a visually intrusive form that would detract from the prevailing character of the area. These issues were not considered to

have been satisfied within the application submitted last year (15/0661/FUL). Whilst this was 2.5m narrower than the previously refused scheme, it was cut into the ground and incorporated a wider span than the host dwelling. It was therefore still considered to be harmful to the character of the area, and the application was subsequently withdrawn. The current scheme has followed pre-application discussions with Officers.

- 8.6 The proposal is to extend the side of the property with a two storey extension which replicates the existing style, scale and detailing of the dwelling. The two-storey extension would project from the side elevation by approx. 3.8 metres (and set 3.5m – 8m off the boundary) and continue the eaves and ridge of the main dwelling. It would not extend beyond the front or rear elevations and the fenestration arrangement would be articulated to be in keeping with the host dwelling. I am therefore satisfied that the proposed two storey side extension in terms of design and scale is acceptable in this context
- 8.7 The proposal also includes a single storey flat roof extension which would project off the side and rear of the proposed two storey element. This would be stepped off the boundary at three stages and wrap around the side and rear of the two storey extension. There would be enough space along the side boundary to allow access. From the street, the extent of the proposed single storey element would not be prominent due to the existing boundary treatment and the way in which it steps off/narrows along the boundary. Therefore, I am satisfied that the proposed single storey extension is acceptable in terms of its design and scale.
- 8.8 Overall, I am satisfied that the combination of the proposed extensions in terms of scale and appearance would integrate into the site without appearing unduly dominant from the street scene. I am of the opinion that, by setting the two-storey element well away from the boundary, with the remainder being single-storey and flat-roofed, this addresses the first reason for refusal of the 2007 application, and the concerns raised in respect of last year's application that was withdrawn.
- 8.9 In terms of external space, the proposal includes a small garden area to the rear of the single storey extension which would appear to serve the ground floor flat. The proposed 1-bed flat

would not have its own dedicated area but there is space to the side and in front that a future occupier could use. The site is also located within close walking distance of a local park which is to the rear of the dwellings on the opposite side of the road.

- 8.10 The proposed extensions would take up a large area of the side garden of the existing dwelling. Nevertheless, due to the size and corner plot location, the occupiers of the host dwelling would retain a generous rear garden.
- 8.11 The proposal would also include rearrangement of the existing car parking and bin and cycle storage. The existing dwelling would retain two car parking spaces in front with bin and cycle storage along the south-west boundary. The proposal includes two car parking spaces in the north-east corner adjacent to the single storey extension. The bin and cycle storage arrangements would be provided for each residential unit.
- 8.12 I am therefore satisfied that the proposal would retain enough private garden space for the host dwelling and provide reasonable levels of outdoor space for the proposed residential units.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 With regards to the impact on the amenity of neighbouring occupiers, the 2007 application was refused on the grounds that it would lead to overshadowing and enclosure of the private amenity space associated with No.115 Ditton Fields, and similar concerns were raised within last year's withdrawn application.
- 8.15 There is currently a tall leylandii located adjacent to the northern boundary which screens views of the rear garden of the application site from 115 Ditton Fields. However, the proposal would require the removal of this tree which would open up the boundary. No.115 has a small patio area directly to the rear. In the rear/south-western elevation, are ground floor kitchen and lounge windows, with the lounge also being lit by roof glazing, and first floor bedroom and bathroom windows. The rear lean-to

is located between 2.2 metres and 4.3 metres from the boundary.

- 8.16 In terms of the relationship with no.115, the two storey element of the proposed extension would be located 3.6 metres at its nearest point and 8.6 metres at its furthest point from the common boundary. The previous schemes proposed a two-storey 8 metre high gable sited directly adjacent to the boundary with 115. This has now been amended and the two-storey element significantly reduced in size to ensure it is set well away from the boundary. In my view, this level of separation would be acceptable and would not create an adverse sense of enclosure such that it would appear significantly overbearing on the occupiers of 115. The applicant has produced a shadow study which demonstrates that the proposed extension would not cast additional shadowing over the rear garden of 115. I am therefore satisfied that the proposed two storey element would not have a significantly detrimental impact on the residential amenity of the adjacent occupiers in terms of enclosure and overshadowing.
- 8.17 The proposed single storey element would be 2.9 metres in height with a flat roof and set off the boundary with 115 by 1 metre at its nearest point. The boundary is currently defined by a 2 metre high timber fence. I am therefore satisfied that the proposed single storey extension would not have any adverse impact on the residential amenity of the adjoining neighbour due to its height and level of separation.
- 8.18 There are no first floor windows in the side (east) elevation of the two storey extension. Therefore the proposal would not cause any direct overlooking of the rear garden or windows of 115 Ditton Fields. The rear elevation is proposed to contain a first floor window but this would serve a shower room which is expected to be obscure glazed. I have recommended an obscure glazing condition. The rooflight in the rear roofscape would provide light into the kitchen/dining area and would be high-level. In these terms, therefore, I am satisfied that the proposed two storey extension would not cause any loss of privacy issues through overlooking subject to the aforementioned condition on obscure glazing of the shower room.

8.19 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

8.20 The proposed residential units are of a reasonable size. I am satisfied that the proposed level of accommodation is acceptable and would provide future occupiers of good levels of living accommodation.

8.21 The proposed 2 bed flat would have access to an outdoor amenity area (6 metres deep and 3 metres wide). This is considered to be appropriate for the size of the flat. The 1 bed flat does not appear to have access to a private amenity space. However, there is land at the front of the site that could be used and the site is located within close proximity to a local park. The site is also located a 7 minute walk from the nearest local centre which is located on Barnwell Road. I am therefore satisfied that the proposal would provide a high quality living environment for future residents.

8.22 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

Refuse Arrangements

8.23 The proposal includes two separate bin stores to serve each residential unit and a bin store for the host dwelling. I am satisfied there is enough space within the site to accommodate suitable bin storage arrangements. The proposed location of the bin stores are within the travel distance (30 metres) contained in the Waste Design Guide. Precise details of the bin storage arrangements will need to be secured by condition.

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

Highway Safety

- 8.25 The car parking spaces shown are 2.5 metres x 5 metres and the two spaces adjacent to the northern boundary would serve the proposed flats. The host dwelling would be provided with two parking spaces. I am satisfied with the proposed arrangements. The County Highways officer has not raised any significant highway safety concerns with the proposal.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.27 The proposal includes car parking for each flat and also provision is made for the host dwelling. I am satisfied with the proposed car parking provision on site.

Cycle parking

- 8.28 The proposal includes cycle storage for the host and proposed residential units. However, no specific details have been provided other than the location of these stores. I am satisfied that there is enough space within the site to accommodate cycle storage which is compliant with the Cycle Parking Standards but precise details will need to be secured by condition.
- 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 I set out below my response to the concerns raised in the third party representations:

Representations	Response
<u>Residential amenity</u>	
Loud music	It is unlikely that any future residents will cause significant levels of noise over and above that which is already created by the existing occupier.

Extra rooms will mean more people and more noise	As above.
There will be an increase in noise from the 9+ tenants and associated guests along with the actual construction work.	I have recommended a construction hours condition to ensure the disturbance caused during construction is mitigated.
The large French windows at the back of the ground floor 2 bedroom maisonette will move resident noise closer to the fence line with us.	The site is presently in residential use and I do not consider the proposal will cause significant levels of noise disturbance.
Close proximity of the single storey part of the extension to the fence and location of the bins will increase the noise from the large number of tenants going round the back via this passage along the fence line to smoke, have parties, etc. and enter through the back door into the existing house.	The intensification of people using the site would in my view not be significantly different to a family dwelling. I therefore do not consider the level of intensification would cause unreasonable levels of noise disturbance.
<u>Parking/Highway Safety</u>	
Parking pressure and people parking on grass verge	Ditton Fields is largely unrestricted in terms of on street parking and so residents including future residents would be able to park on street regardless of how many spaces are provided off street. The proposal includes two spaces for the proposed units and two for the host dwelling. This is considered to be acceptable, in view of the maximum car parking standards.

<p>Parking will be a major problem with this new development as at least 1 existing space will be lost yet resident numbers will increase by a third. At least 2-3 cars are normally associated with the current residents of 113, with one regularly parked on the verge outside and car numbers could easily increase to 1 per tenant (6) as circumstances change. The addition of 3 more bedrooms increases the number of total tenants to at least 9. Additionally the tenants of each maisonette are extremely likely to have at least 1 car if not 2 for professional couples. Consequently the cars associated with 113 will increase to at least 5 and potentially up to 10+ which is way beyond that sites capacity and will lead to very significant car parking over-spill on to the highway which is already overcrowded.</p>	<p>As above.</p>
<p><u>Design/Scale/Bulk</u></p>	
<p>This is a substantial 2 storey development, effectively a completely new house in everything but name, which will loom over the fence and significantly fill in the open spaces specifically built into the design of our estate and consequently</p>	<p>See paras 8.6, 8.8 and 8.16</p>

breaches the covenants to light and air.	
<p>This new house will require the removal of the overgrown Leylandii which have been a valuable screen between 113 and 115, helping suppress noise, adding to the greenery of the area and are nesting site for a considerable amount of bird life. The owner has offered to discuss planting to re-establish a green outlook but there will clearly not be space down the side of this new development for access, movement of the bins stored there and a new screen of trees or large bushes.</p>	<p>The Leylandii is not protected and has limited amenity value. The applicant can therefore choose to remove it at any point. There is enough space along the side boundary to access the rear garden area. The removal of the tree would also improve the living environment of the occupier of 115 by increasing day/sunlight into the garden and dwelling.</p>

Planning Obligations (s106 Agreement)

8.31 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.

- 8.32 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.
- 8.33 The Council is, therefore, now seeking S106 contributions for specific projects wherever practicable, but this does not mean that it will be possible to seek the same number or amount of contributions as before. In this case, for example, there has not been enough time, since the High Court ruling, to identify suitable specific on-site projects. Council services are currently reviewing and updating their evidence bases to enable more S106 contributions for specific projects to be recommended in future. More details on the council's approach to developer contributions can be found at www.cambridge.gov.uk/s106.

9.0 CONCLUSION

- 9.1 The proposed two storey and single storey side and rear extensions to create two residential units is considered to be acceptable in terms of its scale, design and relationship with the surrounding occupiers, particularly at 115 Ditton Fields.
- 9.2 The proposed scale and design of the two storey extension is in keeping with the host dwelling. The single storey extension is modest and would appear as an ancillary addition from the street.
- 9.3 The proposed extensions would not have any adverse impact on the residential amenity of the adjacent neighbours such that it would warrant refusal. There would be no windows that would overlook the neighbouring gardens/properties and the scale of the extensions would not appear overbearing.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

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

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

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

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

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

6. No new windows or openings of any kind shall be inserted at and above first floor level in the north-east (side) and north-west (rear) elevation of the two storey extension unless obscure glazed and non-opening up to a minimum height of 1.7 metres above the internal finished first floor level.

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

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

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

8. 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)

9. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and 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

10. 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.

11. 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).

12. 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.

13. 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.

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

Reason: In the interests of highway safety.

15. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing with the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety

INFORMATIVE: The principle areas of concern that should be addressed in the required traffic management plan 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.

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

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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Application Number	15/2221/FUL	Agenda Item	
Date Received	30th November 2015	Officer	Mr Sav Patel
Target Date	25th January 2016		
Ward	Queen Ediths		
Site	104 Wulfstan Way Cambridge Cambridgeshire CB1 8QJ		
Proposal	1 No two bedroom dwelling to rear to 104 Wulfstan Way		
Applicant	Mr P Geoghan 104 Wulfstan Way Cambridge Cambridgeshire CB1 8QJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed subdivision of curtilage to create a separate residential unit would be in keeping with the character and context of this area. - The design and scale of the proposed dwelling is acceptable and relates sympathetically with the existing built form; - The proposed dwelling would not have a significant adverse impact on the residential amenity of existing or future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is a brick and tile two-storey dwelling situated on the west side of Wulfstan Way. The gardens back onto Hulatt Road to the west from which vehicular access is obtained.

- 1.2 The surrounding area is residential in character and formed primarily of two-storey semi-detached properties.
- 1.3 There are no site constraints and the site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposals seek full planning permission for the erection of 1 No two bedroom dwelling to rear to 104 Wulfstan Way.
- 2.2 The proposed dwelling would be accessed from Hulatt Road and one parking space and a garage is provided within the site.
- 2.3 The dwelling would be two storey in height with a pitched roof with gable end detailing. The property would be 'L' shaped and all windows giving outlook would be sited on the south and west elevations (front and side). The rear elevation to the north and the side elevation to the east would not contain any windows giving outlook.
- 2.4 An amenity area is proposed to the rear of the property (east) and there is also bike and bin storage proposed in the rear garden. The proposal also includes a covered pergola to provide a private space for future occupiers.
- 2.5 This application is a resubmission of an earlier application (15/1163/FUL) which was refused by Planning Committee in November 2015. The application was refused on residential amenity grounds. I set out below the refusal for reason:
 1. *Future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy, as the ground floor kitchen/diner and living room windows in the rear elevation and private rear garden would be overlooked, at a distance of just 14m, by first floor windows in the rear elevations of Nos. 104 and 104a Wulfstan Way. As a consequence, the development is not compliant with Cambridge Local Plan (2006): Policies 3/4, 3/7 and 3/12, which require buildings to respond well to their context and to provide high quality living environments and interrelations between buildings; and 3/10 which states that residential development within the curtilage of existing properties will not be permitted if it would have a significant*

adverse impact on residential amenity through loss of privacy.

2.6 The applicant in this resubmission has sought to address the concerns in refusal reason by revising the rear elevation, introduction of a private pergola and providing some screening along boundary with the neighbouring properties.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1053/FUL	Single storey front extension and new dwellinghouse,	REFU dated 11.09.2013
13/1372/FUL	Single storey front extension and new dwellinghouse,	PERM dated 16.01.2014
15/1163/FUL	1 no two bedroom dwelling,	REFU dated 06.11.2015

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/13 4/15 5/1 /510

	8/1 8/2 8 8/6 8/10
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Material Considerations	Cycle Parking Guide for New Residential Developments (2010) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

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

Environmental Health

- 6.3 No objections to the proposals subject to conditions relating to piling and construction hours and an informative relating to contaminated land.

Head of Streets and Open Spaces (Landscape Team)

- 6.4 No response received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.5 The proposal is in an area of surface water flood risk with an average depth of water for the proposal of up to 300mm. The proposals are acceptable subject to a condition ensuring that the finished floor levels are at least 300mm above the existing ground level.
- 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:

- 15 Hulatt Road
- 100 Wulfstan Way

7.2 The representations can be summarised as follows:

Previous refusal at the site

- We do object with the planned construction of a dwelling house in the back yard of 104 Wulfstan Way. This new planning does not introduce any improvement with regard to the side of the house that faces our property, compared to the previous one (15/1163/FUL) that was recently rejected.
- My objections are identical to those made for the previous application (15/1163/FUL).

Scale/Design/Density

- Building a third property on the land/garden associated with what was a single family home is increasing the density of building beyond that intended by the original planners on acquisition of the land from St Thomas's Hospital in the 1940's.
- The proposal does not respect the local street pattern or the scale and proportions of the surrounding buildings.

Residential amenity

- We will be directly damaged by this construction because our privacy will be reduced by the new building, especially by the windows facing our home.
- The building of a new property in such a close distance to the east side of our home will reduce illumination of our west facing windows, which will be particularly appreciable in winter when the sun is low in the sky. This will result in an overall

reduction in light inside our home.

- The proposed plans include windows that will overlook my garden resulting in loss of privacy and so limiting my enjoyment of my own property.
- The original plans were rejected by the planning committee as in their opinion future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy as the windows and rear garden would be overlooked at a distance of 14m. The revised plans removed the rear windows from the proposed dwelling but the garden remains overlooked.

Vehicle movements/Parking

- Parking and safety issues in the road.

Other

- The owners of 104 Wulfstan Way have already recently built a dwelling house. We believe that the building of a third house in the same plot of land will contribute to crowd the neighbourhood which will lose its identity of green suburbs.
- Given the increasing values of homes in the area, we are afraid that other houses having a back gardens facing Hulatt Road will decide to build a dwelling house as well (with entrances in this road). If this planning is agreed, it would make it difficult to disagree to future planning of the same kind.

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
9. Conclusion

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where:
- a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
 - b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties;
 - c) where they detract from the prevailing character and appearance of the area;
 - d) where they adversely affect the setting of Listed Buildings;
 - e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site;
 - f) where development prejudices the comprehensive development of the wider area, of which the site forms part.
- 8.4 The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f), nor are there any listed buildings in close proximity to the site in accordance with 3/10 (d) or (e). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.

- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The site is not near a listed building or BLI, would not affect protected trees/wildlife features and would not prejudice the comprehensive development of the area. Issues relating to residential amenity impacts and the character of the area, as set out in Policy 3/10, are assessed in further detail below.

Context of site, design and external spaces

- 8.6 The surrounding area is extremely varied in character, in terms of the scale and design of dwellings and pattern of development in the area. The properties in Wulfstan Way are predominantly two-storey brick dwellings fronting the road. No.104 has recently been extended on its south side to create an additional dwelling (No.104a). The east side of Hulatt Road comprises a mixture of single-storey and two-storey buildings, all of differing design, sited in close proximity to the road. These include a semi-detached two-storey dwelling and bungalow located adjacent to No.98 Wulfstan Way, for which planning permission was granted in 1999. Directly to the north of this, planning permission was granted at Planning Committee earlier this year (contrary to Officer recommendation) for the erection of two new 6m high dwellings to the rear of 90 and 92 Wulfstan Way. These have not yet been constructed but, as this is an extant permission, represents a material consideration in the determination of this application. On the west side of Hulatt Road are single-storey, two-storey, and 1 ½ storey properties that are predominantly sited in close proximity to the road frontage.
- 8.7 The proposed dwelling would be located in the middle of six presently undeveloped rear gardens. However, given the character of the east side of Hulatt Road immediately to the north and south of these gardens, including the recent consent granted at 90/92 Wulfstan Way, my opinion is that the scale, design and siting of the dwelling would not have a significant adverse impact upon the character and appearance of the area.
- 8.8 The proposed dwelling is similar to the previous refused scheme. The main change is to the rear elevation which has been altered to try and overcome the residential amenity concerns. The rear elevation includes a single storey flat roof element which extends along the north boundary by 2.9 metres

and has windows in the side (south) elevation. No windows are proposed in the rear (east) elevation of flat roof element. The adjacent to the new rear element would be a private, covered seating area similar to a pergola. There were no concerns with regards to the design and scale of the previous scheme relating to character of the area.

- 8.9 In my opinion, the proposal is therefore compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 (criterion c) and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The previous scheme was considered to be acceptable in terms of the impact on the amenity of neighbouring occupiers. The proposed dwelling would be located slightly closer to no.104 (11.2 metres previous scheme 14 metres) due to the single storey element but maintain a distance of 14m from the rear elevation of No 104a Wulfstan Way. Given this separation and the relatively low height of the revised building, I do not consider the development would result in an unacceptable loss of light or outlook to the adjacent properties.
- 8.11 The only first-floor windows in the east/rear and north side elevations of the proposed dwelling are high level rooflights. The development would not therefore give rise to any overlooking of Nos. 104 and 104a or other adjacent properties in Wulfstan Way.
- 8.12 With regards to the impact of the development upon properties on the opposite side of Hulatt Road, the proposed dwelling includes a first-floor bedroom window in the west-facing gable end elevation. The distance between this window and the dwellings opposite, is approximately 17m. As these neighbouring windows face the road and pavement to the front, rather than being to private rear gardens, they enjoy limited privacy at present. I therefore consider the proposal would not give rise to an unacceptable level of overlooking of these neighbouring properties.
- 8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and would secure an appropriate level

of amenity for future residents, and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.14 The previous proposal was refused on the basis that future occupiers of the proposed dwelling would suffer an unacceptable level of privacy in the rear garden by reason of overlooking from the first-floor windows in the rear elevation of the frontage dwellings (Nos. 104 and 104a).
- 8.15 The applicant has made some adjustments to the previous scheme in order to overcome the above concerns. The amendments consist of revisions to the fenestration of the rear elevation, introduction of additional boundary treatment along the rear boundary and introduction of a covered pergola.
- 8.16 The amount of windows and openings in the rear elevation has been reduced. The proposed rear elevation contains a recessed back door with frosted glazing and a frosted ground floor w/c.
- 8.17 The boundary treatment on the rear boundary comprises vertical timber slatted panels angled away from the existing dwellings. I have recommended a condition to ensure details for this structure such as materials, fixings and management plan are provided before being implemented.
- 8.18 The proposed introduction of a pergola along the northern boundary would extend up to the rear elevation. The pergola is proposed to be a permanent structure which is open on two sides and covered by a tile roof. The pergola would provide a private space for future occupiers to enjoy.
- 8.19 These amendments would, on balance, in my view, provide any the future occupier with sufficient protection from loss of privacy and overlooking. The proposed scheme has overcome the previous refusal reason and would provide future occupiers with a high quality living environment.
- 8.20 With regards to external space, the rear garden would measure 7m x 9.2m (approximately 64.4 square metres) and includes ample space for the storage of bins and cycles, with pedestrian access achievable to the side of the dwelling. The proposed dwelling would be set back from the highway (Hulatt Road) by

between 5 and 9.2 metres. Adequate parking is also proposed to the front of the property. The site is in a sustainable location, close to services and facilities in the immediate area and within walking distance of nearby bus stops. I am also satisfied that with the introduction of the pergola to provide screening that this offers a suitable level of private/amenity to future occupiers.

- 8.21 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

- 8.22 Adequate bin storage has been shown within the drawings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.23 The Highways Authority has commented that the application includes no information regarding how the parking needs of the existing dwelling will be addressed. Having researched the history of the site, I have noted that the planning permission for No.104a Wulfstan Way showed the provision of parking spaces for both 104 and 104a to the front, accessed via Wulfstan Way. As such, the development would not result in the loss of parking provision for the existing dwellings and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.24 Adequate car and cycle parking is shown for the proposed dwelling and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.25 I set out below my response to the concerns raised in the third party representations:

Representation	Response
Design and Scale	
Building a third property on the land/garden associated with what was a single family home is increasing the density of building beyond that intended by the original planners on acquisition of the land from St Thomas's Hospital in the 1940's.	The plot is large enough to accommodate subdivisions to provide separate residential units. The proposal makes efficient use of land without compromising on design or impact on residential amenity.
The proposal does not respect the local street pattern or the scale and proportions of the surrounding buildings.	The built form of the area is mixed. The proposed development is respectful of the built pattern of development and of a sympathetic scale.
Residential amenity	
We will be directly damaged by this construction because our privacy will be reduced by the new building, especially by the windows facing our home.	See para 8.12 – I have also recommended a construction hours condition to mitigate the impact during construction.
The building of a new property in such a close distance to the east side of our home will reduce illumination of our west facing windows, which will be particularly appreciable in winter when the sun is low in the sky. This will result in an	See para 8.12

overall reduction in light inside our home.	
The proposed plans include windows that will overlook my garden resulting in loss of privacy and so limiting my enjoyment of my own property.	See paras 8.11 and 8.12
The original plans were rejected by the planning committee as in their opinion future occupiers of the proposed dwelling would not enjoy a satisfactory level of privacy as the windows and rear garden would be overlooked at a distance of 14m. The revised plans removed the rear windows from the proposed dwelling but the garden remains overlooked.	The previous refused proposal has been revised to address the concerns with the impact on the residential amenity of future occupiers. I am now satisfied that the relationship with the proposed and existing dwellings would result in a satisfactory arrangement and would not have a significant adverse impact on residential amenity.
Vehicle movements/Parking	
Parking and safety issues in the road.	No highway safety concerns raised by County Highways. The proposal includes 1 off street car parking.
Other	
The owners of 104 Wulfstan Way have already recently built a dwelling house. We believe that the building of a third house in the same plot of land will contribute to crowd the neighbourhood which will lose its identity of green suburbs.	Disagree – the area contains similar subdivided plots which work harmoniously with the existing built form. I see no reason why the proposed dwelling would not do the same.
Given the increasing values of	Each planning application is

<p>homes in the area, we are afraid that other houses having a back gardens facing Hulatt Road will decide to build a dwelling house as well (with entrances in this road). If this planning is agreed, it would make it difficult to disagree to future planning of the same kind.</p>	<p>considered on its own merits.</p>
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Planning Obligations (s106 Agreement)

8.26 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.

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

8.28 I have consulted the service managers who are responsible for the delivery of projects to offset the impact of development and have summarised their consultation responses in the following tables:

9.0 CONCLUSION

- 9.1 The proposed subdivision of the rear garden of no.104 Wulfstan Way to create a separate residential plot consisting of a 1 ½ storey dwelling is considered to be acceptable. The design and scale of the proposed dwelling would integrate into the site without appearing as an alien form in this location.
- 9.2 The proposed dwelling would not have a detrimental impact on the residential amenity of the neighbouring occupiers due to the lower height of the dwelling and carefully positioned windows.
- 9.3 The concerns with the amenity of future occupiers from overlooking from the existing dwellings at no.104 and 104a raised in the previous scheme have been sufficiently overcome by revisions to the fenestration of the rear elevation and introduction of a private pergola in the rear garden and additional boundary treatment along the rear boundary to mitigate views into the garden.

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. 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)

6. 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)

7. 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)

8. Notwithstanding the provisions of Schedule 2, Part 1, 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), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed 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. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed 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).

10. 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).

11. If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant/agent to need to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

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Application Number	15/0732/FUL	Agenda Item	
Date Received	21st April 2015	Officer	Mr Sav Patel
Target Date	16th June 2015		
Ward	Castle		
Site	2A Carisbrooke Road Cambridge Cambridgeshire CB4 3LR		
Proposal	Two storey side/rear extension to house and change of use of open amenity area to residential garden		
Applicant	Mr Grange 2A Carisbrooke Road Cambridge Cambridgeshire CB4 3LR		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The development would not have a detrimental visual impact upon the character of the area</p> <p>The development would not have a significant adverse impact upon the amenities of occupiers of neighbouring properties</p> <p>The impact upon the remaining protected trees would be acceptable</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is occupied by a detached brick dwelling that is located towards the eastern end of Carisbrooke Road close to the junction with Histon Road. To the west is a further detached house, No.2 Carisbrooke Road, whilst on the opposite side of the road to the south are residential properties located within Carisbrooke Road and Badminton Close. To the north, the site is bounded by an access track that serves the former Scotsdale Laundry site.

- 1.2 Between the dwelling and Histon Road are a number of mature trees. The majority of this land is owned by the applicant but does not fall within the application site area. This was originally a grassed amenity area at the corner of Carisbrooke Road and Histon Road. This area has been completely enclosed, without the benefit of any planning permission, by a 1.8 metre high close-boarded fence. This fence and change in use of the land is unauthorised and the subject of enforcement investigation.
- 1.3 The mature trees that lie within the amenity space that has been enclosed are protected by a tree preservation order. (TPO Ref: 02/2015)

2.0 THE PROPOSAL

- 2.1 The application proposes a two-storey extension to the side and rear of the dwelling, and to change the use of part of the land to the side of the house from an open amenity area to residential garden.
- 2.2 The proposed extension would be a two-storey addition that would wrap around the side and rear of the house. It would be 4.2 metres wide and 5.4 metres deep, projecting 3.6 metres beyond the rear wall of the existing house. The side element would be set back approximately 7.2 metres from the front of the house and the rear part set around 2.55 metres away from the boundary with 2 Carisbrooke Road.
- 2.3 In order to accommodate the extension, it is proposed to extend the garden approximately 5 metres to the east into the adjacent amenity space, and to reposition the original fence line to define the proposed new boundary. It is proposed that one of the existing protected trees that lies within the proposed enlarged garden area would be removed (No. T3, a cherry tree).
- 2.4 The proposed two storey extension has been revised in order to mitigate the impact on the protected tree closest to Carisbrooke Road (no.T1, a cherry tree) and to reduce its scale. The proposed extension has been revised as follows:
 - The proposed two storey extension has been pushed back from Carisbrooke Road by 850mm:
 - The north-east elevation of the extension has been reduced from 6.25 metres in depth to 5.4 metres;

- The rear elevation has been reduced in width by 250mm;
- The rear projecting gable has been replaced with a lean-to roof with small pitched roof element which breaks the eaves line.

2.5 The application is accompanied by the following supporting information:

- Planning Statement
- Tree Survey and Arboricultural Impact Assessment

3.0 SITE HISTORY

Reference	Description	Outcome
C/03/1148	Erection of 1 no. 3 bedroom house	Approved
C/02/0978	Outline application for the erection of a new dwelling at land adjacent to 2 Carisbrook Road	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 3/14 4/4 4/13 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 Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015
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> Arboricultural Strategy (2004)

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 This application does not have any implications that will affect the highway network.

Head of Streets and Open Spaces (Tree Team)

Original comments

- 6.2 As the application impacts on trees located on the corner of Carisbrooke Road and Histon Road, previously County land, an Arboricultural Implications Assessment is required. In particular, the team has concerns regarding the proposed loss of a tree, the lack of space available for a replacement, and the impact the development could have on retained trees.

Additional comments following submission of requested impact assessment

- 6.3 No objections to the removal of T3, which would not have a material impact on amenity and the viability of the remainder of the group. However, the proposal is close to T1 and this tree will have to be pruned to allow construction, and continued pruning will be required to maintain a reasonable distance between the tree and building. This will be harmful to the appearance and amenity value of the tree. As such, the design of the extension should be altered to accommodate the tree crown and to decrease the extent that the extension breaches the RPA of T1.

Comments following reduction in the depth of the proposed extension:

- 6.4 Following a site visit and additional information from the tree consultant, the tree officer has no objection subject to tree protection condition.

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

7.0 REPRESENTATIONS

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

- 1 Badminton Close
- 16 Badminton Close
- 18 Badminton Close
- 1 Carisbrooke Road
- 2 Carisbrooke Road
- 9 Cavesson Court
- 296 Histon Road
- 66 Storey's Way

7.2 The representations can be summarised as follows:

- The proposed two storey extension would overshadow No.2 Carisbrooke Road's garden. It would block morning light to the kitchen, extension and bedroom, and dominate the outlook from rear windows and the garden
- The extension is out of keeping with the character of the area and out of proportion with the current extent of the house and size of the plot
- The amenity land and trees at the corner of Carisbrooke Road and Histon Road has historically been open and available for public use. It should remain so
- The fencing, even if moved back, would have a detrimental visual impact on the character of the area
- The trees have been in situ for many years and should be retained on the site
- There do not appear to be tree roots affecting the existing dwelling
- If permission is given, it will lead to pressure to fell more trees
- 2a has been built on land that used to be the garden of No.2, so the area has already been overdeveloped
- The fence obstructs views of oncoming traffic, especially when turning right onto Histon Road
- If planning permission is granted there should be restrictions on the hours of deliveries and building work

- The plans fail to show the full extent of 2 Carisbrooke Road
- Restrictive covenants relating to the land 2a is built on suggest no further development would be allowed on the remaining garden, and also require the consent of the owners of No.2 for any alteration to the house
- If the land is privately owned, why has it been maintained by the Council for over 60 years?

7.3 A representation has also been received from the applicant who comments as follows:

- The amenity land in question has always been privately owned and never by the County Council.
- In assessing the application, consideration should be given to the impact the tree [proposed for removal] is currently having on the existing property.

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces
2. Impact on trees
3. Residential amenity
4. Highway safety
5. Third party representations

Context of site, design and external spaces

Extension

8.2 The proposed extension would be set in excess of 7 metres back from the existing front elevation and would also be narrower in width than the host dwelling. It would therefore be viewed as a subservient addition to the main house. Given the space around the extended house, the separation to all boundaries, and the distance from the Carisbrooke Road/Histon Road junction, I consider the proposed extension would not

have a significant adverse impact upon the character of the area.

Change of use of land

- 8.3 Objections have been received from local residents regarding the visual harm that would arise if the original amenity land on the corner of Carisbrooke Road and Histon Road is enclosed and incorporated into the garden of the dwelling.
- 8.4 I would stress that most of the concerns relate to the fact that the entire parcel of amenity land at the junction of the two roads has been enclosed with fencing and incorporated into the curtilage of the application property. To clarify, the application is not seeking to regularise this unauthorised development, but is instead proposing a 5 metre wide extension of the existing garden. The proposal would result in the separation between the fence line forming the southern boundary of the residential curtilage and the corner of Carisbrooke Road and Histon Road reducing from approximately 15.5 metres to 10.5 metres. In my opinion, given that a spacious parcel of land would be maintained on the corner and that the remaining mature trees within this area would be retained where stated, I consider the extension of the garden area into the amenity land would not have an 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, 3/7 and 3/14.

Impact on trees

- 8.6 The amenity space comprises four trees all of which are protected by a Tree Preservation Order that was served in February 2015. The application proposes to remove one of these trees, a cherry tree. This tree is sited towards the rear of the property. Other than from the private access road serving the former Scotsdale Laundry site, it is not a prominent tree within the street scene, and is predominantly screened from public views by the two larger trees sited near to the Carisbrooke Road/Histon Road junction. On this basis, the Trees Officer has raised no objections to the removal of this tree.

- 8.7 Following the submission of an Arboricultural Implications Assessment (AIA), the Trees Officer objected to the proposal on the basis that the extension to the dwelling would require the pruning of Tree T1 (a cherry tree more prominently sited adjacent to the Carisbrooke Road frontage of the site) and negatively affect its amenity value. In response to these concerns, the extension has been reduced in size and set further away from the crown of this tree.
- 8.8 The Trees Officer, following a site visit and reviewing the updated AIA has no objections to the revised proposal subject to a tree protection condition. I have recommended this condition.
- 8.9 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The owner of the adjacent dwelling, No.2 Carisbrooke Road, has objected to the proposed extension to the dwelling on the basis that it would be overbearing and result in an unacceptable loss of light to windows in the rear of the house and the rear garden.
- 8.11 The owner of the adjacent dwelling has also objected to the proposal on the basis it would have a detrimental impact on their plans to convert the existing enclosed swimming pool into a family room and bedroom.
- 8.12 No.2a is set back from No.2 and the two-storey flank wall of the existing dwelling extends for 5.7m along the boundary with the neighbouring property. The proposed extension would project for 3.6 metres further back than the existing house but this element would be set 2.55 metres off the boundary. The extension has been reduced in scale by revising its roof form and overall height. The original proposal was for a rear projecting gable which matched the ridge height of the existing dwelling. This has been revised by setting the extension below the ridge and turning the gable into a mono-pitched roof. In my opinion, the off-set design of the extension would ensure it would not have an unacceptably overbearing presence to the

neighbouring house and garden. No first floor windows are proposed facing No.2, and any future windows would require permission unless fixed and obscure glazed up to at least 1.7m above the internal floor level, thereby preventing future overlooking problems.

8.13 With regard to the impact on the neighbouring windows, the nearest part of No.2 to the site is used as a garage. The nearest habitable room window (which serves a kitchen) is set several metres away from the boundary and the proposed extension would not encroach into a 45 degree line drawn from the centre point of this window. I therefore consider that, given the separation between the extension and No.2's kitchen window, the development would not have a significant adverse impact upon the light to or outlook from this window. The neighbor has also raised concerns about the potential impact in terms of outlook and loss of light from their plans to convert the existing enclosed swimming pool into habitat rooms. Whilst the proposed development can only be assessed on the existing situation and only limited weight can be given to the neighbour's plans, I nevertheless do not consider the proposed extension would create an adverse sense of enclosure to this intended habitable space due to the level of separation and reduced scale of the extension. The extension would be set 2.55 metres off the boundary with a roof which slopes from 6.9 metres to 4.7 metres. The side (east) elevation of the existing enclosed swimming pool is located approximately 10.3 metres from the side boundary. Therefore the extension would be located 12.85 metres from the enclosed swimming pool room. This is considered to be a sufficient distance not to have an adverse impact on the residential amenity of the adjacent neighbour in terms of outlook, enclosure or loss of light.

8.14 The owner of the adjacent property has requested that, in order to respect the amenities of adjacent residents, any permission should be subject to a condition restricting construction hours. I consider such a condition would be reasonable and justified given the location of the site within a residential area.

8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Highway Safety

- 8.16 Concerns have been raised regarding the existing fence and the impact this has upon visibility of cars and pedestrians when exiting the junction. This fence is unauthorised and enforcement action to secure its removal is ongoing and will be pursued further. The fence proposed within this application would be set in excess of 10 metres away from the road junction. At this distance, it would not obstruct pedestrian or vehicle visibility at the junction. I therefore consider the development proposed within this application would not have an adverse impact upon highway safety, and the Highways Authority shares this view.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.18 The material planning concerns raised within the third party representations have been addressed within the body of this report.
- 8.19 The owner of No.2 Carisbrooke Road has referred to the existence of restrictive covenants that require the agreement of this owner for any development/building work on the land. Clauses contained within legal covenants are not material planning issues and permission cannot be withheld on this basis. The applicant would however need to ensure before carrying out any development that all necessary consents are obtained and would separately need to investigate the terms of any applicable covenants.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

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

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

5. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

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Application Number	15/2249/FUL	Agenda Item	
Date Received	4th December 2015	Officer	Mairead O'Sullivan
Target Date	29th January 2016		
Ward	Coleridge		
Site	41 Birdwood Road Cambridge Cambridgeshire CB1 3ST		
Proposal	Part two storey part single storey rear and side extension and roof extension incorporating rear dormer		
Applicant	Mr Max Bautin 133 Warren Close Cambridge Cambridgeshire CB2 1LE United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal will not be harmful to the character of the area</p> <p>The proposal will not significantly impact on the amenity of the surrounding occupiers.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a two storey part brick part render semi-detached property on the north western end of Birdwood Road.
- 1.2 Birdwood Road is a predominantly residential area characterised by semi-detached family homes.
- 1.3 There are no site constraints

2.0 THE PROPOSAL

- 2.1 The proposal is for a part two storey, part single storey rear and side extension and a roof extension incorporating rear dormer.

- 2.2 The rear extension has been amended since the original submission to reduce the length of the first floor element.
- 2.3 The ground floor element of the rear extension extends 6m from the rear wall. It is set away from the common boundary with No. 39 Birdwood Road by 0.4m. It has an eaves height of 2.45m with a roof which slopes away from the boundary. The highest point of the ground floor extension is 3.2m.
- 2.4 The first floor element of the proposal extends 4m from the rear wall of the property. It is 6.9m at its highest point with a pitched roof which drops to 5m at the eaves. The first floor extension extends to the side for a length of 2.7m and then drops down to ground floor level where the proposal continues to the front wall.
- 2.5 A roof extension which involves a change from hip to gable with a rear dormer window is also proposed.
- 2.6 The application has been called in to Planning Committee by Councillor Owers on the grounds that it is contrary to policy 3/14.

3.0 SITE HISTORY

Reference	Description	Outcome
15/0340/CL2PD	Application for a Certificate of Lawfulness under Section 192 for external wall insulation finished with red brick slips.	Certificate granted

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 3/14 4/16 8/2

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comments

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.2 The Development is acceptable subject to the inclusion of a condition relating to flood resilient construction (Condition 5)

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:

- 21 Fox Rd Balsham (on behalf of 39 Birdwood Rd) x3
- 43 Birdwood Rd x2

7.2 The representations can be summarised as follows:

Representation	
Residential amenity	
1	The first floor element will dominate and overshadow No.39.
2	A smaller extension at No.45 was refused on amenity grounds. Other developments pre-date the Local Plan
3	The extension will move the property closer to No.43. The new aspect will be a featureless brick wall which will dominate the view from the kitchen and result in a loss of light.

4	The proposal will overlook the garden of No. 43 resulting in a loss of light and a loss of privacy
Drawings	
5	There are no elevation drawings provided for the westerly elevation, which may better show the view from the rear of No.39 (adjoining) property perspective.
6	There is no inclusion on any of the drawings of the conservatory at the rear of No. 39
7	The boundary wall is marked incorrectly/there is ambiguity in relation to the location of the boundary
Design	
8	The scale of the proposal is out of character
Civil matters	
9	The drawings do not leave space for the guttering. This cannot overhang.
Construction Hours	
10	Time scales and work schedules would need to be discussed to minimise disturbance of the adjoining occupants.
11	Construction will cause noise and disruption from dust. These properties have single skinned solid walls on the party wall. Could there be a provision for sound proofing these walls of the existing properties?

Revised Drawings

Representation	
Residential amenity	
1	The effects of the proposal would be overpowering and would cause overshadowing
2	The proposal will result in a loss of light to the conservatory at No.39.
3	A smaller extension at No. 45 was refused on amenity grounds
4	The proposal is contrary to policy 3/14
5	Concerned it will set a precedent which will impact on the landscape and privacy of the neighbourhood
Design	
6	Only minor amendments have been made which do not address the fundamental issues
7	The proposal is excessive and increases the ground floor footprint by 100%
8	It is out of character

9	The footprint remains unchanged from the previous drawings
10	The proposal should be limited to 3.1m to the rear and single storey only.
Construction	
11	Concerned about dust and noise disruption from construction

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces (and impact on heritage assets)
2. Residential amenity
3. Highway safety
4. Third party representations

Context of site, design and external spaces

8.2 The proposed roof extension and side extension would be visible from the street scene. It is not uncommon for semi-detached properties to be extended in this fashion. The first floor extension is subordinate in scale. The ridge height is not increased and the extensions would be finished to match the existing house in matching bricks and tiles. A number of other properties in the area have visible side and roof extensions. As a result, I do not consider that the proposal would negatively impact on the character of the area. It is acceptable in terms of design.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

No.39 Birdwood Road

- 8.4 The ground floor element of the rear extension is marginally set away from the common boundary with No.39 and has a low eaves height of 2.45m which slopes away at a shallow pitch from the boundary. This element is 6m in depth and encroaches into the 45 degree line taken from No.39's rear dining room window. As a result, it may lead to some loss of light and outlook. However, I do not consider that it would significantly overshadow or unduly dominate the neighbour at No.39 given its dimensions and that any loss of light would be for a limited time in the mornings.
- 8.5 The first floor element of the rear extension is set away from the neighbour's boundary at No.39 by 2.7m. This element has been amended and the length has been reduced from 6m to 4m which is typically an acceptable depth of extension for a semi-detached property of this period. I consider the reduction in length to be acceptable as it will result in the proposal appearing less dominant when viewed from both neighbouring properties.
- 8.6 The proposed first floor element would not obstruct the 45 degree angle from the first floor bedroom window at No.39. The pitch of the 2 storey element would be subservient in height to the main ridge and set away from the common boundary with No.39. No 39 is located to the north west of the proposal site and the proposed extension may result in some loss of light in the mornings but this would be for a limited time and I do not consider this to be significant enough to warrant a refusal.

No.43 Birdwood Road

- 8.7 The proposal extends past the side elevation by 1.2m which will bring the property line closer to that of the neighbour at No.43. A set back of approximately 1m remains between the proposal and the common boundary, with a further 1.8m between the building line of No.43 and the common boundary. The application originally proposed a first floor element projecting to a depth of 6m from the rear elevation. This has since been reduced to a depth of 4m, which allows for an unobstructed line of sight from the upper floor bedroom and ground floor kitchen of No.43. I therefore consider the 2m reduction in length of the

upper floor element to be acceptable and consider that it will not appear unduly dominant when viewed from No. 43

- 8.8 The ground floor element of the proposal remains unchanged. This element will be set away from the common boundary by 1m with a low eaves height. The proposal does not break the 45 degree rule and will allow for an unobstructed line of view from the kitchen window at No.43. As a result of the set away and the low pitched roof I consider that this element will not overshadow or visually enclose the neighbour at No.43 to an unacceptable degree.
- 8.9 There are a number of rooflights proposed for the side elevations. Condition 4 will be imposed to control the height of these windows to prevent any possible issues relating to overlooking. This ensures that they will not be set any lower than 1.7m from the finished floor level.
- 8.10 The proposed roof extension rear dormer does not break the ridge line. It is similar in size to that which could be developed under the remit of permitted development. As a result I consider that this element would be difficult to resist and is acceptable.
- 8.11 In my opinion the proposal, as amended, adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Highway Safety

- 8.12 The Highway Officer does not consider there to be any issues in relation to highway safety. I share this view.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

Original drawings

Representation		Response
Residential amenity		
1	The first floor element will dominate and overshadow	The length of the first floor element has been

	No.39.	reduced. I consider this to be acceptable. See paragraph 8.5
2	A smaller extension at No.45 was refused on amenity grounds. Other developments pre-date the Local Plan	Every application is assessed on its own merits. The application at No.45 was flat roofed and ran hard against the boundary with the attached neighbour.
3	The extension will move the property closer to No.43. The new aspect will be a featureless brick wall which will dominate the view from the kitchen and result in a loss of light.	I have addressed this in paragraph 8.6
4	The proposal will overlook the garden of No. 43 resulting in a loss of light and a loss of privacy	There are existing upper floor windows facing the rear garden from the rear elevation. I therefore do not consider that the proposal will result in any significant further overlooking. I have addressed loss of light in paragraphs 8.7 and 8.8.
Errors/ambiguity in drawings		
5	There are no elevation drawings provided for the westerly elevation, which may better show the view from the rear of No.39 (adjoining) property perspective.	An elevation was missing from the original plans. The amended plans include all 4 elevations
6	There is no inclusion on any of the drawings of the conservatory at the rear of No.39	The conservatory is not shown in the drawings but I am aware of the location from my site visit
7	The boundary wall is marked incorrectly/there is ambiguity in relation to the location of the boundary	This is a civil matter

Design		
8	The scale of the proposal is out of character	See paragraph 8.2
Civil matters		
9	The drawings do not leave space for the guttering. This cannot overhang.	This is a civil matter
Construction		
10	Time scales and work schedules would need to be discussed to minimise disturbance of the adjoining occupants.	A construction hours condition (Condition 6) will be added to the decision notice.
11	Construction will cause noise and disruption from dust. These properties have single skinned solid walls on the party wall. Could there be a provision for sound proofing these walls of the existing properties?	Sound proofing would be a civil matter

Revised Drawings

Representation		Response
Residential amenity		
1	The effects of the proposal would be overpowering and would cause overshadowing	See paragraphs 8.4-8.11
2	The proposal will result in a loss of light to the conservatory at No.39.	See paragraph 8.4
3	A smaller extension at No. 45 was refused on amenity grounds	Every application is assessed on its own merits. I have assessed this in the previous table as a response to point No.2.
4	The proposal is contrary to policy 3/14	I have assessed the application in terms of design and impact on amenity in paragraphs 8.1-8.11 and consider that the application is

		compliant with policy 3/14
5	Concerned it will set a precedent which will impact on the landscape and privacy of the neighbourhood	Each application is assessed on its own merits.
Design		
6	Only minor amendments have been made which do not address the fundamental issues	The amendments made reduce the depth of the first floor element. I consider that this addresses the dominant appearance of the original proposal.
7	The proposal is excessive and increases the ground floor footprint by 100%	The proposal has a large footprint however it is located on a large plot. I have assessed design and amenity issues and consider it to be acceptable.
8	It is out of character	See paragraph 8.2
9	The footprint remains unchanged from the previous drawings	The footprint remains unchanged but much of the bulk from the upper floors has been removed which I consider to be acceptable.
10	The proposal should be limited to 3.1m to the rear and single storey only.	I can only assess the application as proposed
Construction		
11	Concerned about dust and noise disruption from construction	A construction hours condition will be added

9.0 CONCLUSION

- 9.1 The proposal will not have a harmful impact on the character of the area. I do not consider that the proposal will have any significant impact on the amenity of the adjoining properties at No.39 and 43 Birdwood Road. I acknowledge that the revisions

to the proposal have not fully overcome the objections that have been made and that there would be some impact in terms of both enclosure and light, but I do not consider that it would be significantly harmful as to justify a refusal of planning permission. As a result I consider that the proposal will be acceptable.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

4. The rooflights hereby approved shall be 1.7m above the finished floor level.

Reason: To protect the amenity of the surrounding occupiers in accordance with Cambridge Local Plan 3006 policy 3/4 and 3/14

5. Prior to commencement of development details of flood resilient construction employed should be submitted to and approved in writing by the local planning authority.

Reason: In accordance with policy 4/16 of the Cambridge Local Plan 2006

6. 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)

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Application Number	15/2241/FUL	Agenda Item	
Date Received	3rd December 2015	Officer	Michael Hammond
Target Date	28th January 2016		
Ward	Queen Ediths		
Site	37 Kinnaird Way Cambridge Cambridgeshire CB1 8SN		
Proposal	Proposed new dwelling to land rear of 37 Kinnaird Way with associated landscaping and access arrangements following demolition of existing garage		
Applicant	Mr & Mrs Justin Lindermann 37 Kinnaird Way Cambridge CB1 8SN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed subdivision of the existing residential curtilage to create a new residential plot is considered to be acceptable as it would be compatible with existing residential context of the area; <input type="checkbox"/> The design and scale of the proposed dwelling is appropriate for this site. The modern design and form would contrast well with the traditional house types in this area. The scale is considered to be modest and would not appear out of place in this context. <input type="checkbox"/> The proposed dwelling would not have a detrimental impact on the residential amenity of the adjoining neighbour or those in the host property.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is comprised of land to the rear of no.37 Kinnaird Way which is currently occupied by a single-storey pitched roof garage building. Almoners Avenue runs along the side of the site and Queen Ediths Way is situated to the north of the site. The land is currently used in association with the residential garden at no.37 Kinnaird Way.
- 1.2 The surrounding area is residential in character and properties are typically two-storeys in height and designed in brick, although there are some cases of render in the wider area. The majority of properties are either hipped or ridge and the urban grain of the area is that of dwellings situated linear to the pattern of the road.
- 1.3 There are no site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for the erection of a new dwelling on land to the rear of no.37 Kinnaird Way.
- 2.2 The proposed dwelling would be designed with a saw-tooth style roof with one smaller mono-pitched roof element meeting a larger mono-pitched roof element. The roof would measure 6.75m at its highest point and 2.8m at its lowest point. The dwelling would occupy a floor area of roughly 100m² and would be two-storeys in height. The dwelling would be designed in a combination of zinc cladding and through coloured render.
- 2.3 An outdoor garden and patio area of 74m² in area would be positioned to the west of the dwelling. A cycle and bin store would be situated along the northern boundary and one car parking space with access onto Almoners Avenue would be provided.
- 2.4 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Drawings
 3. Shadow study

3.0 SITE HISTORY

Reference	Description	Outcome
C/73/1082	Erection of one detached dwelling house	Approved.
C/73/0559	The erection of one detached dwelling house	Permitted.

3.1 Planning permission was granted by the Planning Committee at the meeting of 2nd September 2015 for the erection of a two storey dwelling on land to the rear of 92 Queen Edith's Way (15/1038/FUL). The application site of the dwelling approved by this adjacent permission at 92 Queen Ediths Way (15/1038/FUL) is situated immediately to the north of the application site for this proposed dwelling at 37 Kinnaird Way. The construction of this adjacent permission has not commenced at the time of writing this report.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/4, 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 The development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application. Conditions and informatives recommended.

Environmental Health

- 6.2 No objection, subject to conditions.

Streets and Open Spaces Team

- 6.3 No comment received.

Landscape Team

- 6.4 No objection.

Drainage

- 6.5 No objection.

- 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.

7.1 REPRESENTATIONS

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

- 88 Queen Ediths Way
- 90 Queen Ediths Way
- 92 Queen Ediths Way

7.2 The representations can be summarised as follows:

- The boundary line has been drawn incorrectly
- The proposal is overdevelopment and not in keeping with the character of the area.
- Visual enclosure/ dominance
- Loss of light/ overshadowing
- Overlooking
- The height should be reduced.
- Construction noise/ traffic
- Overcrowding
- The proposal will have a negative impact on the residential amenity of the approved dwelling at no.92 Queen Ediths Way (15/1038/FUL) due to its close proximity.
- The proposal is contrary to policies 3/4, 3/10 and 3/12 of the Local Plan (2006).
- The side boundary of the recently approved dwelling has been incorrectly drawn.
- Lack of amenity space for future occupiers.
- Lack of car parking/ impact on on-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 and Impact on Trees
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

Principle of Development

- 8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.
- 8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.
- 8.4 As the proposal is for the subdivision of an existing residential plot, Local Plan policy 3/10 is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the subdivision of existing plots, subject to compliance with specified criteria. However, in this instance, Section d and f of the policy are not relevant as the proposal would not adversely affect the setting of a listed building (d) and would not prejudice the comprehensive development of the wider area (f).
- 8.5 Residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) have a significantly adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic or noise nuisance;
 - b) provide inadequate amenity space, or access arrangements and parking spaces for the proposed and existing properties;
 - c) detract from the prevailing character and appearance of the area.
 - e) adversely affect trees, wildlife features or architectural features of local importance located within or close to the site.

- 8.6 I set out below my assessment of the proposal in relation to the above.
a) Residential amenity

Impact on no.90 Queen Ediths Way

- 8.7 No.90 Queen Ediths Way is comprised of a two-storey detached property with a long rear garden which shares a boundary with the application site and is situated to the north-west of the site.
- 8.8 The rear windows of no.90 would be over 25m away from the proposed dwelling and so I do not consider the proposal would harmfully enclose, overshadow or overlook these windows.
- 8.9 The proposed dwelling would be set approximately 1.9m off the garden boundary of this neighbour and so the impact of overshadowing and visual enclosure of this garden needs to be weighed. However, as the proposed dwelling is situated to the east of this boundary and this neighbour benefits from a very long garden, I believe the proposal will not be perceived as visually enclosing from this garden. Furthermore, as the highest part of the dwelling is set 6.9m away from this rear boundary and there is a strong degree of planting along this boundary, I do not deem the level of overshadowing over this garden will be so significant as to warrant refusal.
- 8.10 The views from the rear (west) facing first-floor bedroom window would allow for limited views across this neighbours garden but the view would be relatively oblique and only cover the latter part of the garden. The en-suite bathroom velux window on the side (north) elevation would be positioned high in the roof slope and would not be used as a main outlook for this proposed dwelling by virtue of the function of the room.

Impact on no.92 Queen Ediths Way

- 8.11 No.92 Queen Ediths Way is comprised of a two-story detached property with a long rear garden and is situated immediately to the north of the application site.
- 8.12 The rear windows on no.92 would be over 23m from the proposed dwelling and so I do not consider the proposal would harmfully enclose, overshadow or overlook these windows.

- 8.13 The proposed dwelling would be set 1.9m away from the boundary of this neighbour's garden and so consideration as to the potential visual dominance and loss of light this proposed dwelling could cause on this garden needs to be considered. There is currently a high hedge, approximately two-thirds of the way down this neighbour's garden whilst the latter third (closest to the application site) is comprised of a small area of hardstanding, small green house and a washing line. After visiting the site, I believe the garden land closer to the main property to be of a higher amenity value than the hard standing area closest to the boundary.
- 8.14 A shadow study has been submitted following concerns raised by the occupier of no.92 regarding the loss of light the proposal would cause. The shadow study demonstrates that the proposed dwelling would result in a slight increase in overshadowing over a limited portion of the latter part of this neighbour's garden in the winter months where the sun's path is at its lowest. However, as the overshadowing would be limited to a small portion of the hardstanding area at the end of this neighbour's garden and any noticeable levels of light loss would be limited to the winter months, I do not consider the amenity of this neighbour would be adversely affected by the proposal in terms of overshadowing.
- 8.15 Similar to the assessment of no.92 in paragraph 8.10 of this report, I believe that as the main bulk of the dwelling has been shifted approximately 6.9m away from this boundary and the roof of the smaller element of the dwelling slopes away from the boundary of this neighbour, the proposal will not be perceived as visually dominant from this neighbouring property. The high hedge of no.92 will also help to provide a soft buffer between the proposed dwelling and this neighbour's garden.
- 8.16 It is acknowledged that concerns have been raised from no.92 regarding the views from the first-floor en-suite velux window and the first-floor corner bedroom window and how these would overlook this neighbour. I do not judge that the view from the velux window will harmfully overlook this neighbour due to its position high in the plane of the roof and because of the secondary nature of the room it would serve. With respect to the first-floor corner window, the orientation of this window facing out to the street will naturally draw the eye of future occupiers of

this room to look out to the east rather than to the north. In any instance, even if future occupiers do decide to look out to the north towards this neighbour's garden, the view of the main garden space would be blocked by the high hedge of no.92 and so I do not consider the view would compromise the privacy of this neighbour.

Impact on no.35 Kinnaird Way

- 8.17 No.35 Kinnaird Way is formed of a large detached property with a sizeable garden situated to the south-west of the application site. In terms of loss of light, I do not consider the proposal would have any significant impact on this neighbour in this respect by virtue of this neighbour's orientation to the south-east of the site. The proposed dwelling is set roughly 6m away from the boundary of this neighbour's garden and there is a dense hedgerow which runs along this boundary and so I am content that the proposal will not visually enclose this neighbour. The roof lights in the side (south) elevation would serve for natural lighting purposes and would not offer any direct views across to this neighbouring property because of their high level in the roof slope which would prevent future occupiers from looking out. The view from the proposed first-floor bedroom window at the rear (west) would allow for views across the latter half of this neighbour's garden. Nevertheless as the views would be limited to the end of the garden and the outlooks to the remainder of the garden would be relatively oblique, I do not regard this overlooking to be harmful to this neighbour's amenity.

Impact on approved dwelling on land to the rear of no.92 Queen Ediths Way (15/1038/FUL)

- 8.18 The recently approved dwelling at no.92 Queen Ediths Way would be situated immediately to the north of the application site with a small garden situated to the south of the dwelling abutting the boundary of the application site.
- 8.19 The shadow study provided by the applicants demonstrates that overshadowing over the garden and south elevation of this adjacent dwelling caused by the proposed dwelling would be limited to a minor increase in the winter months. The levels of light reaching this adjacent dwelling in the spring, summer and autumn months would not be significantly affected by the proposal. Therefore, while I appreciate the levels of light

reaching this neighbouring garden/ windows will be decreased by the proposed development, I do not consider this loss will be so significant as to warrant refusal.

8.20 The height of the wall of the proposed dwelling adjacent to the north boundary would be 2.8m which is not considered to be an oppressive mass when viewed from the garden of the approved dwelling at no.92. The height of this dwelling would gradually increase up to a height of 6.75m as the roof slopes away. This peak height would be situated roughly 13m from the rear living room window of this adjacent approved dwelling. As part of the permission granted for this adjacent dwelling, a row of trees would be planted along the south boundary. As a result, while I understand that the proposed dwelling will likely be visible from the rear windows and terrace of this approved dwelling adjacent, I believe, that as the roof slopes away from the boundary of this neighbour and will be buffered by a degree of planting that, on balance, the proposal will not harmfully enclose this neighbour.

8.21 The main consideration of overlooking is the impact of the first-floor corner bedroom window of the proposed dwelling. For the same reasons as set out in paragraph 8.16 of this report, I do not believe the en-suite velux window will harmfully overlook this neighbour. With respect to the potential overlooking from the first-floor corner bedroom window, I believe that this can be dealt with through an obscure glazing condition, whereby the north facing element is obscure glazed to prevent overlooking to the north whilst still providing an outlook to the east for future occupiers.

Impact on no.37 Kinnaird Way

8.22 No.37 Kinnaird Way is the host dwelling of the application site and the garden would be sub-divided to accommodate the proposed dwelling. In terms of loss of privacy, there would be no direct overlooking opportunities from the proposed dwelling towards this neighbour at first-floor level and so I consider the privacy of this neighbour will be retained. The proposal is also positioned directly to the north of the site and so there will no harmful loss of light experienced at this neighbouring property.

8.23 The proposed dwelling would be situated approximately 16.3m from the rear windows of the main property. However, as the

height of the proposed dwelling adjacent to the rear boundary of no.37 would be 4m and the roof would slope away from this garden before rising to a height of 6.75m, I consider this relationship in terms of visual enclosure to be acceptable. At its highest point, the proposal would be in excess of 20m from the rear windows of no.37 and so the separation distance is considered sufficient so as to not be visually enclosing. The proposal would be situated close to the boundary of the rear garden of no.37, but as the mass would be sloping away from this boundary and there are still reasonable open vistas out to the east and west of no.37's large garden, I am content that the proposal will not be perceived as visually dominant from this garden.

Other residential amenity matters

- 8.24 It is acknowledged that concerns have been raised regarding the overcrowding of the site and the additional noise that the use of this site would cause. I do not consider that the additional dwelling would result in an increase in noise disturbance from future occupiers. The existing site is used as a residential garden and so the proposal will not introduce any new noise issues into this area.
- 8.25 I do not consider the proposal would lead to a significant increase in on-street parking in the surrounding area. The proposal provides one car parking space for future occupiers, which is in accordance with the maximum standards of the Local Plan (2006). The proposal provides sufficient cycle spaces and is within close proximity of bus stops along Queen Ediths Way and so the future occupiers would not be reliant on private car as their only means of transport.
- 8.26 A construction hours and collection/ delivery hours condition has been recommended by the Environmental Health team and so I do not believe the proposal would significantly impact on neighbour amenity in terms of construction.
- 8.27 Conditions to remove permitted development rights relating to 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) have been recommended to protect the amenity of neighbouring occupiers.

8.28 I am therefore satisfied that the proposed dwelling would not have a significantly adverse impact on the residential amenity of the neighbour occupiers.

b) Amenity space, access and parking

8.29 The proposed subdivision of the plot would result in two defined curtilages. I have recommended a condition (8) to ensure the curtilage of the proposed dwelling is retained. There is a proposed outdoor patio and garden area to the west of the dwelling which would provide 74m² of outdoor amenity space for future occupiers. Whilst this is noticeably smaller than that of the rear gardens of properties along Kinnaird Way and Queen Ediths Way, I still consider this level of private outdoor amenity space to be acceptable for this scale of development. Whilst this sub-division would take up garden land for the host dwelling, the occupier of the host dwelling would still enjoy a relatively generous amount of private amenity space of over 290m².

8.30 Both plots would include off street parking. The host property would maintain the existing off street car parking at the front of the site and the proposed dwelling would have an off-street parking space with access onto Almoners Avenue.

c) Detract from the prevailing character of the area

8.31 The built form of the area is characterised by a mix of house styles and features, particularly on Almoners Avenue. The prevailing feature of the rear is of projecting gables. The proposed dwelling would be orientated facing onto the highway thus reflecting the gable feature in the area. The design of the dwelling, which includes a saw-style roof and use of zinc cladding, although unusual, is not, in itself, considered inappropriate; there is no uniformity amongst existing houses in the vicinity, and there are examples of gables facing the street close by. The proposed external materials of render and zinc cladding are contemporary and unique but I feel it contrasts successfully with the surrounding area. I am therefore satisfied that the proposed dwelling would sympathetically assimilate into the site context and character of the area without appearing as an alien form. A condition has been recommended in relation to the details of the cycle and bin store.

e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site.

8.32 The proposal would involve the removal of a small tree on the site. This tree is not protected. There are two larger trees along the footpath of Almoners Avenue which are more visible from the street scene. In my opinion, as the tree proposed to be removed is not of a significant stature and contributes less positively to the street than that of the two trees adjacent along Almoners Avenue, I consider the loss of the tree acceptable and not of any significant importance to the character of the area.

8.33 In my opinion, subject to condition, the principle of the development is acceptable and in accordance with policies 3/4, 3/7, 3/10, 3/11, 3/12, 4/4 and 5/1.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.34 As set out in paragraphs 8.8 to 8.24 above. 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

8.35 All habitable rooms would be served by windows and there would be a reasonable sized garden for future occupiers to use. The proposal includes sufficient cycle parking, is well served by public transport links, and is within walking distance of the Wulfstan Way local centre and the Nightingale Avenue recreational grounds.

8.36 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

- 8.37 The proposed plan indicates that the bins (3 receptacles) would be stored adjacent to the northern boundary with two of the three bins being within the shared cycle and bin store. However, no details of the type of enclosure of this cycle and bin store has been provided. Therefore whilst I am satisfied that there is sufficient space within the plot to accommodate bins, I have recommended a condition so that details of the type of enclosure is provided for our consideration. Subject to the submission of details, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.
- 8.38 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.39 The Highway Authority has not raised any objection to the proposal on the grounds of highway safety, subject to condition, and I agree with this advice.
- 8.40 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.41 The proposal provides one off-street car parking space which is in accordance with the maximum standards of the Local Plan (2006). The existing off-street car parking space at the front of no.37 Kinnaird Way would be retained.
- 8.42 The proposal includes three cycle parking spaces which is in accordance with the minimum levels of the Local Plan (2006). An enclosed cycle store would be provided, although details of the height of this structure have not been provided. A condition has been recommended to provide details of this store, prior to commencement of the development.
- 8.43 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.44 The majority of the third party representations raised have been addressed in the main body of this report.
- 8.45 A revised proposed site plan (drawing no. PI(90) 01 Rev P1) has been submitted to clarify the edge of the boundary following the concerns raised by the occupier of no.90 Queen Ediths Way. The concrete posts and fence of no.90 are now outside of the red-line of this plan.
- 8.46 The concern regarding the inaccuracy of the side boundary of the approved dwelling at no.92 Queen Ediths Way on the section drawing does not impact on the validity of the application. This recently approved drawing has been drawn on for indicative purposes and it is only required that the proposed dwelling which is subject of this application is drawn accurately and to scale.

Planning Obligations (s106 Agreement)

- 8.47 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.

- 8.48 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.

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

9.0 CONCLUSION

9.1 The proposed residential development of this ancillary rear garden site is considered acceptable in principle. The design and scale of the proposed dwelling would sympathetically assimilate into the site and street scene without appearing as an alien form. The scheme is considered to provide a high-quality living environment and an acceptable standard of residential amenity for future occupiers and its neighbours. The proposal would also make efficient use of garden land for additional housing. As such, I recommend the application be approved.

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

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

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

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

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

6. No 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

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. 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.

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

Reason: In the interests of highway safety.

10. 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 vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

12. Notwithstanding the provisions of Schedule 2, Part 1, 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), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed 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).

13. Notwithstanding the provisions of Schedule 2, Part 1, Class 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).

14. The north facing side of the first-floor window identified as serving "Bed 2" on drawing no.PL(21)01 Rev P2 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the dwelling and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

15. No development shall commence until details of facilities for the covered, secured cycle/ bin store 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 the development commences and shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of waste and bicycles. (Cambridge Local Plan 2006 policies 3/12 and 8/6)

16. The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.

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.

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Application Number	15/2362/FUL	Agenda Item	
Date Received	18th December 2015	Officer	Michael Hammond
Target Date	12th February 2016		
Ward	West Chesterton		
Site	39 Springfield Road Cambridge Cambridgeshire CB4 1AD		
Proposal	Change of use from residential property (C3) to a bed and breakfast (C1).		
Applicant	Miss Celesta Braithwaite 39 Springfield Road Cambridge Cambridgeshire cb4 1ad United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal accords with policy 5/4 of the Local Plan. - The proposal complies with policy 6/3 of the Local Plan. <p>The proposal would not significantly impact on residential amenity.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site comprises a two storey residential property situated on the west side of Springfield Road, set back from the established building line of the terraced properties along Springfield Road. The site has a small front patio garden area and a forecourt which is divided from the patio by a high brick wall and fence. The forecourt has an enclosed bin store and cycle stands. The surrounding area is predominantly residential in character and is formed primarily of two-storey terraced properties, although Whichcote House adjacent to the site is an anomaly to the more traditional character along this road.

1.2 The site falls outside of the controlled parking zone and there are no other site constraints.

2.0 THE PROPOSAL

2.1 The proposals seek full planning permission for a change of use from residential dwelling to Bed and Breakfast. There would be no physical external alterations proposed to the property.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1824/FUL	Two storey side extension - 1 bedroom self contained annex	WDN 20.02.2014
12/0208/S73	Application to vary condition of planning application ref: 08/1070/FUL for single storey front extension and bike/bin store to front of dwelling	PERM 13.04.2012
08/1070/FUL	Single storey front extension and bike and bin store to front of dwellinghouse	PERM 04.09.2008

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 4/13 4/15 5/4 6/3 8/1 8/2 8/4 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No off-street car parking provision is made for the bed and breakfast visitor accommodation.
- 6.2 The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.3 The applicant must show the dimensions for the proposed car parking spaces, which should measure 2.5m x 5m. Please provide this information to the Highway Authority for comment prior to determination of this application.

Environmental Health

- 6.4 The proposals are acceptable subject to a condition relating to construction hours and a food safety informative.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:
24 Springfield Road (2 letters)
- 7.2 The representations can be summarised as follows:

Parking/vehicle movements

- As already noted within the consultee comment by

Cambridgeshire Highways, the development will have a significant deleterious impact on residential amenity as a result of the additional parking demands imposed. It is widely acknowledged that Springfield Road and neighbouring streets cannot support such additional traffic. This is even more pertinent should the proposed loss of parking on Milton Road go ahead. We are particularly concerned about the disruption and blockages to traffic flow that would be caused during the arrival and departures of bed and breakfast guests either by private cars or taxis as, with the extremely limited off road parking, these cars/taxis will inevitably stop on the single lane road while passengers and/or luggage are transferred.

Noise and disturbance

- As noted above, the unavoidable increase in vehicles, especially when offloading or picking up passengers and/or luggage will lead to increased noise and disturbance on such a narrow road. The majority of house fronts are within 2.5 metres of the road, so traffic noise within these homes can be significant if vehicles idle outside.

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 . Residential amenity

- 3 . Refuse arrangements
- 4 . Highway safety
- 5 . Car and cycle parking
- 6 . Third party representations

Principle of Development

- 8.2 Policy 5/4 of the Local Plan (2006) states that the redevelopment of existing dwellings or the change of use of residential accommodation to other uses will not be permitted unless it can be demonstrated that:
- a) The property is unfit for human habitation and cannot be rehabilitated;
 - b) It is a subsidiary part of a non-residential property without any practical means of separate access being provided;
 - c) It is a Listed Building which can best be preserved through change of use;
 - d) It is necessary for the provision of community facilities for which there is a need in Cambridge; or
 - e) The lost accommodation is replaced by at least an equivalent amount of new residential floorspace. Such provision will be made on site unless otherwise agreed.
- 8.3 I consider the proposal to be compliant with criteria E of this policy. There would still be a dedicated permanent residential accommodation floorspace for the owner of the site. Furthermore, the proposal will still be providing a means of residential accommodation in the city for up to four other persons, albeit on a more temporary basis.
- 8.4 Policy 6/3 of the Local Plan (2006) states that development which maintains, strengthens and diversifies the range of short-stay accommodation will be permitted. Provision should be made for disabled visitors. In the case of change from residential use, part of the accommodation must be retained as permanent residential accommodation.
- 8.5 With respect to the provision for disabled visitors, the explanatory text in the Local Plan (2006) regarding this policy explains that accommodation with over six guest bedrooms should have at least one accessible room. As the application is for four short-stay bedrooms the proposal does not have to provide a dedicated accessible room. Two of the bedrooms

would be on the ground floor, and having visited the site, it is confirmed that the breakfast room double doors would provide level access into the premises if required. Part of the site would be retained for permanent residential accommodation to be used by the owner.

- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policies 5/4 and 6/3 of the Local Plan (2006).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 As there are no external alterations proposed, there would not be any overshadowing, visual enclosure or overlooking towards neighbouring properties resulting from this change of use.
- 8.8 I do not believe the proposed change of use would result in any significant noise disturbance to neighbouring properties. The proposal is for four bedrooms so there would only be a maximum of eight short-stay visitors at any one time. The existing property could be occupied by six people as a dwelling house or a house in multiple occupation without the need for planning permission, and so I do not consider the additional two people that the proposal would introduce beyond this would be a significant increase. The patio garden area is already in use in a residential manner and so I do not consider the change of use would lead to a significant increase in noise and disturbance compared to the existing use. A condition has been recommended to limit the numbers of visitors on-site to no more than eight people at any one time.
- 8.9 It is acknowledged that a concern has been raised regarding the noise and disturbance the proposed change of could cause by way of offloading/ picking up of passengers to and from the site. However, I consider that given the proposal only includes four short-stay bedrooms, the intensity and frequency of visitors being dropped off/ picked up outside the site would not be so significant as to adversely impact on the amenity of properties in the surrounding area. The concept of imposing a management plan by way of condition has been considered, but the offloading/ dropping off would most likely take place on the road of Springfield Road and outside of the applicants control

as it is not within the red-line plan. Therefore, I do not consider it would be reasonable or enforceable to impose this type of condition as the activity it would relate to is outside the red-line of the location plan and could not be enforced by the local planning authority.

- 8.10 The proposal retains the existing parking space on the forecourt of the site which would remain in use for the owner of the property. No dedicated parking would be provided for short-stay visitors. Springfield Road is a one-way street which is the subject of a high volume of on-street parking due to the lack of dedicated parking for residents of Springfield Road. A concern has been raised in relation to the increase in traffic/ parking that would result from the proposed change of use. However, as the site would be within walking distance of bus stops along Milton Road and Chesterton Road, coupled with the fact that the City Council has maximum parking standards, I do not consider the change of use would warrant refusal in terms of the impact of parking on residential amenity.
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Refuse Arrangements

- 8.12 There is already a dedicated bin store on the forecourt of the site which would provide adequate space for bin storage.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.14 The highway authority has recommended details of the proposed parking space be provided. However, as the parking arrangements are identical to that of the existing arrangements, I do not consider this additional information necessary.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.16 The proposal provides one car parking space for the permanent occupiers of the property and no parking for short-stay visitors. This is in accordance with the maximum car parking standards of the Local Plan (2006).
- 8.17 Ten cycle spaces would be provided for users of the site and this is above the minimum cycle parking standards for this type of development.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.19 The majority of the concerns raised have been addressed in the main body of this report.
- 8.20 I do not consider that taxis using Springfield Road would block the road for such extensive amounts of time to cause significant harm to neighbour amenity. The number of short-stay rooms would not be so great as to likely lead to considerable numbers of trip to and from the site.

9.0 CONCLUSION

- 9.1 The principle of development complies with Local Plan policies. The proposal would not adversely impact on neighbour amenity. Approval is recommended

10.0 RECOMMENDATION

APPROVE subject to the imposition of the following conditions:

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

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

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

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

3. The bed and breakfast shall be occupied by no more than eight visitors at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

Application Number	15/2333/FUL	Agenda Item	
Date Received	16th December 2015	Officer	Michael Hammond
Target Date	10th February 2016		
Ward	Queen Ediths		
Site	31 Gunhild Close Cambridge Cambridgeshire CB1 8RD		
Proposal	Change of use to create 3 bed house and 1 studio flat		
Applicant	Mr P KHAN 31 Gunhild Close Cambridge Cambridgeshire CB1 8RD United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal provides a high quality living environment for future occupiers. - The proposed studio would not adversely impact on neighbour amenity in terms of noise and disturbance. - The proposal would not significantly increase parking pressure on the surrounding streets.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site comprises a semi-detached two storey dwelling situated on the south-eastern end of Gunhild Close. The existing house occupies a plot which is at the end of the turning head and so it is narrow to the front and then the site widens to the rear. The area is predominantly residential in character.

1.2 The site falls outside of the controlled parking zone and there are no other site constraints.

2.0 THE PROPOSAL

2.1 The proposals seek full planning permission for a change of use of the single storey side extension to the existing property to provide a studio flat.

2.2 The existing single-storey side extension is attached to the host dwelling and is designed with a flat roof. The only external changes proposed are a small bin store and a cycle stand at the front of the dwelling. The access to the studio would be to the rear of the extension. The studio would have its own garden/amenity area to the side and rear of the property. Bike and bin storage is shown to the southern boundary of the site for the studio, whilst storage for the existing house would be out to the front of the site. Two parking spaces are marked on the site location plan to the front of the host property.

3.0 SITE HISTORY

Reference	Description	Outcome
C/79/0641	Erection of two storey extension to existing dwelling house	PERM

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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 information has been provided as to how car parking will be allocated between the two properties.
- 6.2 The development has potential to impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Environmental Health

- 6.3 No objection subject to a condition relating to construction hours.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

26 Gunhild Close (2 letters)

29 Gunhild Close (2 letters)

7.2 The representations can be summarised as follows:

- Parking situation in Gunhild Close is already at saturation point
- The proposals will create more parking demand
- The conversion of the garage will lead to loss of existing parking
- People park on the pavement which means that pedestrians have to walk in the road, including school children.
- Increased number of residents will result in an increase in noise and disturbance.

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 supports residential development on windfall sites subject to the existing land use and compatibility with existing land uses. There is no conflict with this policy.

8.3 Policy 5/2 states that the conversion of single residential properties and the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

- a) The residential property has a floorspace of less than 110m²;
- b) The likely impact upon on-street parking would be unacceptable;
- c) The living accommodation provided would be unsatisfactory;
- d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.4 For the reasons stated the succeeding sections of this report, the proposal is deemed to comply with this policy.

8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/2 of the Local Plan (2006).

Context of site, design and external spaces

8.6 The only external changes proposed are that of a small bin shelter and a cycle stand outside the front of the site. Whilst this arrangement is acceptable in principle, no details of how this bin shelter or cycle stand would appear from the street scene have been submitted. As a result, conditions requiring the applicant to provide drawings and details of the bin and cycle storage have been applied.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.8 As no significant external changes are proposed, I do not consider the proposal would adversely overshadow, visually enclose or overlook neighbouring properties.

8.9 It is acknowledged that concerns have been raised in relation to the increased parking pressure that the proposed development would cause. The proposal retains the existing parking availability for the three-bedroom house but no dedicated parking is provided for the occupier of the proposed studio. In my opinion, I do not consider the proposed studio would result in a significant increase in parking demand on the adjacent

street. The Council has maximum parking standards and the site is within walking distance of bus stops along Wulfstan Way, Cherry Hinton Road and Mowbray Road. The proposal also includes sufficient cycle storage and is within walking distance of the Wulfstan Way and Adkins Corner Local Centre's. Consequently, I do not consider the future occupier of the proposed studio would result in a significant increase in on-street parking so as to warrant refusal of the application. A car club informative has been applied.

- 8.10 A concern has also been raised in relation to the increase in noise and disturbance the proposed studio would cause. However, I believe the levels of comings and goings to the site and subsequent noise levels will be similar to that of the existing dwelling house. The existing garden would be sub-divided in half so that the future occupier of the studio would have their own garden space. As this garden is already in residential use, I do not consider the use of this space by the occupier of the studio unit would significantly exacerbate the level of noise disturbance from the use of this garden space. I do not consider that the levels of comings and goings to the site would be significantly different to that of the three bedroom house on site and so I am content that the proposal would not harm the amenity of neighbouring properties in this respect.
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.12 The proposal would provide a one-bedroom studio dwelling in a suburban location. All habitable rooms would have acceptable visual outlooks and both the studio and the existing house would each have their own private outdoor amenity space of approximately 90m². A condition has been recommended to ensure that the sub-division of this garden occurs before the studio is occupied. Cycle and bin storage would be relocated to the front of the dwelling for the existing property, and the storage for the proposed studio would be situated around the side of the property behind a side entrance next to the rear garden. Conditions have been attached which require details of the bin and cycle storage to be provided prior to the proposed

change of use occurring. The site is considered to be sustainable as it is within walking distance of public transport links, as well as local shops and services.

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

Refuse Arrangements

- 8.14 The proposed block plan indicates that bin storage would be sited at the front and sides of the site. A condition has been attached requiring details of how the bin storage would be sheltered from the street.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.16 The Highway Authority has requested details regarding how the parking will be allocated between the two properties. The applicant has since confirmed that the parking would be retained for use by the existing property and would not be used by the studio. The parking arrangements are identical to that of the existing and so the proposal is not considered to pose a threat to highway safety.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.18 Two car parking spaces would be retained for the existing dwelling. No car parking is designated for the proposed studio dwelling. The Council has maximum car parking standards and so the absence of any car parking is considered to be compliant with planning policy.
- 8.19 The proposal designates two cycle parking spaces for the proposed studio and two spaces for the existing dwelling. No details of the type of cycle storage have been provided but

cycle parking will likely be provided by way of Sheffield stands or cycle hoops to lock cycles against. This arrangement and level of provision is acceptable but a condition has been recommended to agree these details before the change of use occurs.

- 8.20 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.21 The majority of the third party representations have been addressed in the main body of this report.
- 8.22 With respect to the concern regarding the conversion of the garage and how this will lead to the loss of existing parking, the garage has already been converted into habitable space for use by the existing property at no.31 Gunhild Close. As a result, the loss of the garage does not form part of this application and so is not relevant to the determination of this application.
- 8.23 The concern regarding people illegally parking on the pavement and the highway safety of this is not a planning consideration and is a matter for the police.

Planning Obligations (s106 Agreement)

- 8.24 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.

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

9.0 CONCLUSION

- 9.1 The proposed studio dwelling would not significantly impact on residential amenity. The proposal provides sufficient cycle storage and is well served by public transport links, such that it would not be reliant on private car. The proposal would not significantly increase the levels of on-street parking in the area. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to imposition of 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 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)

4. Prior to the commencement of development, full details of the on-site storage facilities for waste 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 how the bins will be sheltered/ enclosed. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained for their intended use thereafter unless alternative arrangements are agreed in writing by the local planning authority.

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

5. The garden fence as shown on the block plan (drawing no. 7485) shall be fully implemented prior to the occupation of the studio and retained thereafter in accordance with the plans.

Reason: To provide a high quality living environment for future occupiers, Cambridge Local Plan (2006) Policies 3/7 and 3/12.

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

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Application Number	15/2351/FUL	Agenda Item	
Date Received	17th December 2015	Officer	Michael Hammond
Target Date	11th February 2016		
Ward	West Chesterton		
Site	121 Milton Road Cambridge Cambridgeshire CB4 1XE		
Proposal	The proposal application is for change of use from D1 surgery to A1 sandwich bar.		
Applicant	Mr Serkan Arslan 36 Gladeside Cambridge CB4 1GA United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal complies with policy 5/11 in terms of the loss of the community facility. - The proposal complies with policy 6/7 in terms of the proposed A1 use of the site. - The proposal would not detrimentally impact on neighbour amenity.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated on the western side of Milton Road and is within a row of units designated as a Local Centre.
- 1.2 The site falls outside of the controlled parking zone and there are no other site constraints.

2.0 THE PROPOSAL

- 2.1 The proposals seek full planning permission for a change of use from D1 surgery to an A1 Sandwich Bar.
- 2.2 The application is accompanied by the following information:
- Plans
 - Design and access statement
 - Supporting evidence of marketing
 - Supporting letter from a nearby dental practice who has taken on some of the former patients of the dental practice.

3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0902	Change of use from shop (Class A1) to dental surgery (Class D1) on ground floor (1st floor to remain in residential use)	APC dated 05.02.1997
C/88/0107	CHANGE OF USE FROM GROUND FLOOR SHOP TO INSURANCE BROKERS (CLASS A2)	APC dated 23.03.1988
C/82/0757	Change of use from retail shop (part only) to office	PERM
C/71/038	Construction of shopfront and fascia	APC dated 16.08.1971

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 3/7 3/15 4/13 5/11 6/7 6/8 8/1 8/2 8/10 8/11

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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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 Highway Authority does not consider that the proposals will have any significant adverse impact on the operation of the Highway Network.

Environmental Health

- 6.2 No objection subject to the imposition of conditions and informatives.
- 6.3 Construction Noise/Shop Fitting: Pollution from the construction phase of development has the potential to affect the amenity of surrounding properties if not controlled. In the interests of amenity, it is recommend the standard construction hours condition is imposed.
- 6.4 Licensing Informative: The licensing team should be contacted for advice and information on requirements with regards to proposed licensed activities at the premises. A standard informative is recommended.
- 6.5 Food Standards Informative: The applicant is advised to contact the Council's food hygiene team for advice on premises registration. A standard informative is recommended.

Refuse and Recycling

- 6.6 No objection, subject to condition.

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

- 6.7 No response received

Planning Policy Manager

- 6.8 From the details provided in the supporting application and the requirement set out in paragraph 5.24 in saved policy 5/11 of the current Local Plan 20)6, the applicant has complied with the policy 5/11. The current or rather most recent dentist's

customers have been re-located and realistic attempts at marketing the premises for 'D1' have been demonstrated.

6.9 Nonetheless, if anyone objects to the proposal during the application consultation period who wishes to use the premises for D1 use then this would require further consideration on the part of the applicant. I.e. It would indicate there is demand to use the premises for D1 use. In this instance please re-consult me on this proposal.

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:

- 115C Milton Road (Prentis and Co LLP)

7.2 The representations can be summarised as follows:

- There are already take away establishments in the area.
- Rubbish and litter are already a problem
- There are already significant parking problems
- The proposed change of use will exacerbate both of these issues.

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

8.0 ASSESSMENT

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

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

- 6 . Car and cycle parking
- 7 . Third party representations

Principle of Development

- 8.2 Policy 6/7 of the Local Plan (2006) supports the additional development of A1 uses within District and Local Centres if it will serve the local community and is of an appropriate nature and scale to the centre.
- 8.3 Policy 6/8 of the Local Plan (2006) states that proposal for convenience shopping for smaller shops (up to 1,400m² net) will only be permitted in existing centres. As the site is within the Arbury Road/ Milton Road Local Centre, the proposal is deemed to be compliant with this policy.
- 8.4 As the unit is currently vacant and does not serve the local community at present, I consider the change of use to A1 would help to serve the local community and add to the range of shops available in this area. The scale of the unit would not be increased as a result of the proposed change of use. Therefore, I consider the proposal to be compliant with policy 6/7.
- 8.5 Policy 5/11 of the Local Plan (2006) states that development leading to the loss of community facilities will only be permitted if it can be demonstrated:
 - a) The facility can be replaced to at least its existing level and quality within the new development; or
 - b) The facility is to be relocated to another appropriate premises or site of similar accessibility for its users; or
 - c) 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.
- 8.6 The applicant has provided a letter from the Cambridge Dental Centre (36 Chesterton Road) which explains how the former patients of the dentist at no.121 Milton Road have transferred across to this nearby practice. Extensive marketing information has also been submitted as part of this application which details how the site has been marketed actively since September 2012 with no interest from potential D1 users. As a result, I consider the loss of the community facility acceptable and compliant with part c of policy 5/11 of the Local Plan (2006).

- 8.7 In my opinion, the principle of the development is acceptable and in accordance with policies 5/11 and 6/7 of the Local Plan (2006).

Context of site, design and external spaces

- 8.8 The proposal does not involve any significant changes to the existing building. The only noticeable change would be to the sign writing which does not require planning permission or advert consent as it is non-illuminated and the fascia is not changing.
- 8.9 In my opinion, the proposal is compliant with policies 3/4, 3/7 and 3/15 of the Local Plan (2006).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 As the use of the site would be that of a sandwich bar, there is not any ventilation or kitchen extraction equipment proposed as food would be served cold. Consequently, I do not consider there would be any harmful levels of odour or noise from day to day operations occurring for the proposed A1 use.
- 8.11 The levels of comings and goings would not be so significant as to warrant refusal as this parade of shops along Milton Road has frequent levels of foot traffic. The application states that the use would be operated by two full-time and two part-time staff which suggests the intensity of the use will be relatively low. The hours of use proposed are 7am – 7pm which are similar to other shops within this local centre and this would be controlled through condition. Therefore, I consider comings and goings to and from this site would not be so significant as to harm neighbour amenity.
- 8.12 It is acknowledged that a concern regarding increased litter has been raised. However, I do not consider the scale and intensity of the proposed use would result in a significant enough increase in litter in the surrounding area to warrant refusal.
- 8.13 A concern has also been raised regarding the increased parking pressure the proposal would cause. However, two parking spaces would be retained for staff at the rear of the site, and the

site is deemed to be sustainable in that it is well served by public transport links and is within walking distance of residential properties which are served by the local centre. The Highway Authority has raised no objection in relation to the level of parking that would be provided and so I do not consider a refusal could be sustained on this basis. Consequently, I do not consider the increase in parking pressure would be so significant as to warrant refusal of the application.

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

Refuse Arrangements

- 8.15 The floorplan indicates that bin storage would be sited at the rear of the site but no details as to how these bins would be enclosed or how they would be wheeled out for collection have been provided. The Waste Team are satisfied that this can be dealt with through condition and I agree with this advice.
- 8.16 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.17 The Highway Authority has raised no objection on the grounds of highway safety and I agree with this advice.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.19 The proposal would provide two dedicated staff parking spaces as the rear of the site using the existing parking arrangements. No dedicated car parking for future occupiers has been provided. There is some car parking outside the front of the site on the forecourt which is provided for all of the units along this parade of shops which could be used by customers. The site is well served by public transport and there is some cycle parking on the forecourt for customers. As a result, I consider the level of parking to be acceptable.

- 8.20 No dedicated cycle storage has been provided as part of this application. Whilst this is not ideal, given the constraints of the site and lack of scope to provide cycle parking safely on-site, I consider the absence of cycle parking acceptable. There is no practicable space to place cycle storage outside the front of the site without interfering with the public highway and there are some existing cycle hoops on the forecourt which could be used by customers.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.22 The third party representations have been addressed in the main body of this report.

9.0 CONCLUSION

- 9.1 In conclusion, I consider the proposed change of use would not impact on neighbour amenity and complies with policy in terms of the principle of the use. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

4. The premises shall not be open for members of the public outside the following hours:

Monday - Sundays and Bank Holidays 07:00 - 19:00

Reason: To protect the amenities of nearby properties (Local Plan 2006 policies 4/13).

5. Prior to the commencement of development, full details of the on-site storage facilities for commercial 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, or any other means of storage will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. 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

INFORMATIVE: As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. Contact the Commercial Team of the Refuse and Environmental Service at Cambridge City Council on telephone number (01223) 457890 for further information.

INFORMATIVE: A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email Licensing@cambridge.gov.uk for further information.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: Planning Committee

2 March 2016

WARDS: All

**Update on Public Art at the University Arms Hotel Site
(13/1087/FUL)**

1 INTRODUCTION

- 1.1 The purpose of this report is to allow members to see the details of the Public Art proposal for the University Arms Hotel following the granting of planning permission on 6th November 2013 where members sought to have the details of the Public Art once known to be brought back to Committee.

2. RECOMMENDATIONS

- 2.1 The applicants have provided a detailed Public Art Delivery Plan. The Public Art Officer has commented that this is now acceptable. In addition, Public Art Panel received a detailed update on 27th October 2015 and members of the Panel have given the project a green light rating. Informal discussions have been held with the Executive Councillor who is supportive of the new approach. The following is recommended:

1: To agree to the revised Public Art Delivery Plan

2: Not to seek a commuted sum for the remaining part of the 1% contribution, amounting to £83,000 of a total £235,000 (representing 1% of the capital construction costs) with a value of public art equivalent to £152,000 being delivered as part of the PADP, due to changes in the CIL regulations and to authorise officers to subsequently enter into a S106 deed of variation to agree this.

3. BACKGROUND

- 3.1 The first draft of the Public Art Delivery Plan proposed the installation of statues near to Regent Street. The Public Art Panel of 22nd July 2014 reviewed this approach and felt that this was not acceptable for a number of reasons:
- 1) It did not meet the Public Art SPD in terms of public engagement. It was felt that, *“the engagement ideas were simply added to the proposal, which was led by the architect and not the policy to provide a programme, which might comply with the Council’s policy...[for the art work] to have a public benefit”*;
 - 2) There wasn’t an appropriate location for the statues to be installed. *“The Panel also felt Regent Street is a particularly busy thoroughfare, and situating the artwork there would provide limited opportunities for people to stop and engage with it, [as well as] compromised the works of art and the architecture.”*
 - 3) The proposals were not sensitive to the site context, in particular taking the opportunity to examine the rich history of the building.
 - 4) The art works proposed were traditional and it was felt that the opportunity to deliver something contemporary and exciting was being missed.
- 3.2 The art consultant has spent time working up new proposals with the developers, owners and architects of the site as well as taken advice from City Council officers about the importance of community engagement.
- 3.3 The new PADP (attached as appendix 1) includes a range of temporary works which will involve participatory events with the local community and stakeholders, who will be included very early on in the process in order that the shape of the activities and events that will form the public art programme. The programme will be delivered in response to community needs.
- 3.4 The Public Art Panel reviewed the revision and commented that they were supportive of this proposed approach. Anglia Ruskin University was offered as a potential venue space for exhibition if needed. The appointed artist is suggested as forming partnerships

including with Parkside School, the YMCA, the Police and Fire Services, Park Terrace residents and the NCI Cricket Club.

- 3.5 The principal S106 agreement stated that the Public Art Delivery Plan shall be agreed and if no agreement can be reached then a sum of money equating to 1% of the Capital Construction Cost shall be lodged with the Council. The Members at 6th December Committee concluded that a scheme on site would be more beneficial and the agents have worked with their consultants and City Council to deliver an acceptable scheme on site.
- 3.6 In the meantime the Community Infrastructure Levy has been introduced and seeks to make appropriate use of obligation money. The CIL regulations set out three tests:
1. necessary to make the development acceptable in planning terms
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- 3.7 The value of the Public Art money under the CIL regulation would need to be delivered on site. With regards to the 1% tariff the CIL regulations would not be appropriate as this cannot demonstrate that the 1% is a fair and reasonable in scale and kind to the development. The reduced cost reflects the change in the approach to the delivery of Public Art on site and considering that there cannot be a pooled contribution of monies the shortfall cannot be expected to be received under the CIL regulations.
- 3.8 Officers recommend that the approach be supported as the development will deliver a project on site and would meet the tests of the CIL. Risks about perception of temporary art work will be mitigated by the approach to a rich programme of early community engagement on this project.

4 **CONSULTATIONS**

- 4.1 None.

5 **OPTIONS**

- 5.1 Not relevant

6 CONCLUSIONS

6.1 To accept the recommendation as set out at para 2.1.

IMPLICATIONS

- (a) **Financial Implications - None**
- (b) **Staffing Implications - None**
- (c) **Equalities and Poverty Implications - None**
- (d) **Environmental Implications – None**
- (e) **Community Safety - None**

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

None.

To inspect these documents contact Toby Williams on extension 7312

The author and contact officer for queries on the report is Toby Williams on extension 7312.

**University Arms Hotel
Delivery Plan**



October 2015

Content

Executive Summary

- 1. Summary of the history of the site.**
- 2. The temporary art programme**
- 3. Rationale for the temporary art programme**
- 4. The approach**
- 5. Outcomes**
- 6. Publication, web site / app**
- 7. The audience and participants**
- 8. Artist Selection**
- 9. Management and Steering Group**
- 10. Programme**
- 11. Budget**

Executive summary

This Delivery Plan relates to the application for Public Art at the University Arms Hotel. It is submitted to satisfy the requirements of the s106 agreement.

The developer [CUA Property Ltd] of the University Arms Hotel has reviewed and reconsidered the proposed approach to the expenditure of their public art contribution in relation to the redevelopment of the University Arts Hotel.

This project will seek to celebrate the fascinating history of the University Arm Hotel and its important relationship with Parker's Piece and the local community including the local schools. The Hotel has is an important landmark on the route into the city centre. The arts activities related to the redevelopment of the Hotel will result in a programme of high quality artist-led creative engagement and participatory work with local communities which tells the story of the site and celebrates its locality.

It is proposed that an arts group is appointed to develop and deliver a programme of activities with local schools and communities. It is anticipated that the artist appointment will be made during early 2016 to allow this programme to function over the life of the development period leading to a final event / performance linked to the opening of the hotel. Early development of the proposed art programme involved consultation with the Hotel's branding consultants Made Thought. This has allowed the Art Consultant to have some involvement in the discussions about the hoardings, their design and the possible use of them in relation to the outcomes of the artist's work. Made Thought have now concluded their work.

The priority of the art programme is to utilise the area of Parker's Piece immediately adjacent to the Hotel and where possible use the hoardings as a backdrop for the public art programme. Made thought have included windows within the hoarding for use by the artists to promote and raise awareness of their work.

The form of the engagement programme will be developed in collaboration between the appointed artist, InSite Arts and a local based curator, who will be appointed to work with the artists on a day to day basis.

The programme must seek ways to engage and involve as wide a community as possible with activities events on Parkers Piece over the duration of the arts programme would be encouraged.

The Programme will run from Spring 2016 to August 2017

The Section 106 allocation to the UAH Art Programme will be £152,000 with £83,000 of the S106 Contribution commuted to CCC.

1. Summary of the history of the site.

The University Arms Hotel is bounded by Regent Street to the west, Park Terrace to the north and Parkers Piece to the south and east. The Jack Hobbs Pavilion is sited to the northeast of the hotel. The University Arms was originally a coaching inn and has operated continuously as a hotel since it opened. The 1830s villa, which formed the original hotel, in the southwest corner of the site was demolished in the 1960s. However, the nineteenth century and 1920s and 1930s gault brick, neo-classical style extensions along Parker's Piece remain. The Regent Street side of the hotel was rebuilt in the 1960s in brown brick with a discordant jagged facade. The Park Terrace elevation is a composite facade which dates predominantly from the 1960s and 1970s.

The hotel is in an important location on one of the main approach roads to the city centre. It is situated at the point where the scale of the buildings begins to change, with smaller scale buildings to the south and larger scale buildings to the north. The current one-way traffic system gives further prominence to the hotel as most vehicles cannot go north of the hotel into the city but have to turn into Park Terrace and several bus routes also turn at the hotel.

In medieval times, the area known today as Parker's Piece was part of Middle Field. Trinity College sold the land to the Cambridge Corporation in 1612 and the land was used as pasture. The area where Park Terrace now stands, to the west of Parker's Piece, was built on what had been the Nuns' Garden, laid out by the nuns of St Radegund and which came to Jesus College when it was founded on the site of what by the end of the fifteenth century was the derelict nunnery. The site of the University Arms Hotel was not part of Parker's Piece but owned by Jesus College. The area around Parker's Piece began to develop in the early nineteenth century.

The University Arms opened in 1834 as a newly built hotel run by William Bird. At this time, the hotel was an elegant three storey building with basement below and an attic storey with dormers above. The street facade was three bays wide with an entrance portico and bay windows on the ground floor. The building along Parker's Piece was seven bays long whilst to the northwest was an enclosed yard with stabling and outbuildings. A successful coaching inn and hotel, the University Arms was extended repeatedly in the late 19th and early twentieth centuries. In the 1920s and 1930s, the stableyard was replaced was covered and a new entrance built. In the 1960s, the original Georgian building was knocked down and a modern edifice erected across the Regent Street frontage with car parking on the ground floor and accommodation above. Further alterations were carried out in the 1970s on the Park Terrace side of the hotel. For more information on the history of the hotel's development, see the *Heritage Statement* submitted with the original planning application (LPA Ref. 13/1087/FULL).

2. The temporary art programme

InSite Arts have been appointed to develop the approach and Delivery Plan for the University Arms Hotel temporary art programme. The Delivery Plan has been developed in consultation with the client team and their Branding Consultants, Made Thought, and officers from Cambridge City Council who will be a significant partner

in the evolution and interface between the temporary arts activities and the hotel during construction and the community. This is an important relationship that will underpin the outcomes of the temporary programme. The success of the project will be through the skills of exceptional artists to work with diverse communities and interpret these processes into high quality work that further animate the front facing presence of the hotel during construction, potentially the hoarding or building itself and significantly activities and event on Parkers Pieces.

The Key Principles for the arts at the UAH are to:

- engage creatively with local communities and schools through the construction period of the hotel;
- explore the history of the hotel site and its significance within the wider area of Parker's Piece; and
- develop a range of projects that using a diversity of media that offers access to a wider range of people and groups to be able to participate.

3. Rationale for a temporary art project.

Carried out with creativity and supported by good management and documentation it is without doubt that temporary projects can stay in the collective memory of those people who participate, or become an audience for the work. Temporary means embracing the potential of the ephemeral, the challenging, and frees up the potential art forms and media an artist can work with. Using these potential art forms and media, the artist can also explore different mechanisms for reaching out to the local people and uses of Parker's Piece.

It is clear from the plans and elevations of the new refurbished and extended hotel that the physical presence on the site affords little opportunity for artwork that is integrated into the fabric of the building, or that can be sited in a meaningful way within the demise of the building.

The significance of the hotel on Regent Street and in relation to Parker's Piece offers the developer an opportunity to explore this fact in a way that allows local communities, children, students, local business, sports clubs (football and cricket clubs which use Parker's Piece) as well as specialist interest groups to play a part in the arts project.

There are few locations in the City that can afford an artist such a rich and diverse set of people and groups to work with and a temporary programme will allow a meaningful dialogue to emerge over a period of time. The temporary structures that will encase the hotel, before it is revealed in its refurbished form, offer an exciting, challenging and intriguing back drop for the artists work and could support a range of art forms, from text, photography, light film, and illustration..

4. The Approach

The art programme will be delivered through a series of arts-led events and happenings, which will be developed by the appointed artist/group. It is anticipated that the artist(s) will have a strong geographical relationship with the City or can

demonstrate that they can invest appropriate time in the City to build robust and meaningful relationships with local groups and organisations.

It is anticipated that the appointed artists will become an important signifier, and easily recognisable, as part of the Hotel development. This artist/group will operate creatively in identifying groups and individuals to work with and should seek to, through their work, establish a creative community with a passion for Parker's Piece and, particularly, the hotel site.

The history of the site and the building itself is rich with tales and with remarkable characters which will be a valuable reference point for the development of this artist engagement programme. Further information about the history of the site and the evolution of the building is outlined in some detail within the conservation / heritage reports submitted with the original planning application (LPA ref. 13/1087/FULL and 14/0897/s73). Whilst the artist/group will carry out their own research, this resource will be made available to them to assist in the creation of a meaningful programme of work.

Whilst at the heart of this project is a creative process of engagement, the outcomes that will be realised at Parkers Pieces or on the temporary elevations of the hotel will be conceived and created by the artist/group. The work will be inspired and informed by the engagement work with the various groups.

At this stage it is neither possible nor appropriate to define the artwork of the appointed artist/group as the outcomes will be varied. The creative engagement processes may include; workshops, events, parties, meals, sports matches and other happenings.

5. Outcomes

It is anticipated that there will be a range of outputs:

- A final event to capture the work of the project;
- Interim activities with local schools or community venues away from Parkers Pieces that will be documented and shared with communities to encourage engagement with the programme;
- Visual imagery and narrative that may contribute to the animation of the hoardings around the site; and
- Activities that may take place adjacent to the site to raise dialogue about the project and the hotel

6. Publication / web site / app

The documentation and distribution of the outcomes of this work is an important part of the project. A small publication will be produced that captures the history of the site. The publication will be discrete and designed in such a way that it can be distributed to interested parties but will be available within the hotel, reception and / or rooms. A website has already been developed for the University Arms Hotel and it is the intention that an arts page will be integrated which and this will share

information about the project and the hotel itself. The appointed artists will contribute to the develop ideas on how the outcomes of the work will be disseminated.

<http://www.newuniversityarms.com/>

7. The audience and participants?

The significance of the University Arms Hotel for users of Parker's Piece, for local residents, as well as for people coming into the City from the railway station, is clear from the sites long and established history as a hotel or inn welcoming travellers.

Local schools and amenities such as the swimming pool and local food and retail outlets quickly demonstrate the potential for this project to engage with a diversity of people in Cambridge. Students from local colleges could play a part, however this project is about the people of Cambridge in its broadest sense. Aspirations must be clearly established and the appointed artist will work with the curatorial team, InSite Arts, to establish a clear rationale for the project partners.

It is the intention that InSite Arts will carry out consultant with potential project partners and communities in advance of the artist appointment to hear about experiences and aspirations which will inform the development of the artist's brief.

The appointed artist will be given a period of research and development time to establish links and partnerships with individuals and organisation in the immediate area but in the first instance will be talking to the immediate neighbours to the site which will include:

1. Parkside School
2. YMCA, Police
3. Fire Service
4. Park Terrace residents
5. Queen Anne Terrace Car Park
6. the Swimming Pool and Pavilion
7. NCI Cricket Club

With the support of the City Council officers it is the intention that the art consultant and the artist will also engage in dialogue with key Councillors and specialist interest groups such as Cambridge Past Present and Future, Save Our Spaces and the Friends of Kite group.

8. The Artist Selection

The artist will be selected as a result of their track record of working with people and on the basis of their past work. The artist/group will be appointed through a competitive interview process. The aspirations for the role are such that a genuine commitment to working with communities is vital. We expect to select an artist/group that has exceptional social skills as well as a high quality artistic practice.

The shortlist created for interview would, therefore, be developed by the Art Consultant, InSite Arts and local curator. The art team will research widely for these artists and the appointment will be based on the criteria outlined.

Criteria

- A established reputation in socially engaged practice;
- Creativity in reaching groups and individuals in the development of their work;
- A willingness to invest time in a consistent way into the project; and
- A quality of artistic practice appropriate for the public facing aspect of the commission.

The Artist brief

The full artist brief will be prepared following approval from the planning department. The brief will be prepared by InSite Arts with the local curator. It will, however, reflect the content of this delivery plan but will further develop after consultant with local stakeholders

9. Management and Steering Group

Due to the significance of the Hotel and its siting on Parker's Piece the ongoing consultation and partnerships with the City and it's communities is important. It is proposed that a small steering group is established to oversee the brief development, artist appointment and to oversee the development of the art programme.

Steering Group Membership

1. Client Representative x 2
2. Architect representative
3. Ward Councillor / representative from CCC
4. InSite Arts and Curator
5. Other to be confirmed

10. Programme (see appendix 1)

Key Actions and Dates

1. InSite Arts appointed October 2015
2. Consultation with local stakeholders and communities – InSite Arts November 2015
3. Development of brief and longlist development December 2015
4. Artist Appointment January 2015
5. Artist Research and Development Period January – March 2015
6. Commencement of Project
7. Final Event August 2017
- 8.

10. Budget		
UAH Hotel		
Temporary Programme Budget Breakdown		
Community Engagement activities		
Artist Community Engagement Fees		
2016		£10,000
2017		£20,000
Community Engagement Workshop and Materials costs		
2016		£8,000
2017		£10,000
Capital costs for any hoarding or structural work on Parkers Pieces		£50,000
final event performance / all development, documentation and production		£10,000
Total Community Engagement Budget		£106,000
Publication and app		
management of production/editorial		£3,000
production costs		£6,000
images and licenses		£1,000
app design - estimate		£5,000
Total Publication / app		£15,000
Curatorial / Project Management (InSite Arts and locally based curator)		
Artist appointment		
artist brief		
artist appointment		
partnership building		
Year one Community engagement		
overseeing community engagement work		
reporting		
curatorial review and development of year two community engagement activities		
Year Two Community Engagement		
ongoing community engagement work		
overseeing design and integration of work into hoardings		
prep and management of final event linked to opening		
Total Management Fees		£31,000
Total Project Budget		£152,000
106 contribution		£235,000
proposed some for community engagement activities		£152,000
Commuted sum		£83,000

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