

# Public Document Pack



## Cambridge City Council

### Planning

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

**Alternates:** Councillors Bird, Holland and Holt

*Published & Despatched: Tuesday, 19 April 2016*

**Date:** Wednesday, 27 April 2016

**Time:** 10.00 am

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

**Contact:** James Goddard Telephone 01223 457013

### AGENDA

#### 1 ORDER OF AGENDA

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

- **PART ONE**  
Major Planning Applications  
Start time: 10am
- **PART TWO**  
Minor/Other Planning Applications  
Start time: 12.30pm

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

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

## **2 APOLOGIES**

## **3 DECLARATIONS OF INTEREST**

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

## **4 MINUTES**

Minutes to follow.

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

<b>Part 1: Major Planning Applications (10am)</b>
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**5 15/2316/FUL - WESTS GARAGE, NEWMARKET ROAD** *(Pages 17 - 116)*

**6 15/2321/FUL - EASTFIELD PHASES 1 AND 2** *(Pages 117 - 158)*

<b>Part 2: Minor/Other Planning Applications 12.30pm</b>
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**7 16/0202/FUL - 96 CAVENDISH ROAD** *(Pages 159 - 166)*

**8 15/1940/FUL - 48 NEW SQUARE** *(Pages 167 - 206)*

**9 15/1941/FUL - 48 NEW SQUARE** *(Pages 207 - 226)*

**10 16/0117/FUL - BEAULANDS CLOSE** *(Pages 227 - 242)*

**11 15/1855/FUL 1 FITZWILLIAM ROAD** *(Pages 243 - 268)*

**12 15/2044/FUL 29-31 HARDING WAY** *(Pages 269 - 288)*

**13 15/2378/FUL - LANGHAM HOUSE, HISTON ROAD** *(Pages 289 - 304)*

- 14      15/2171/FUL - DITCHBURN PLACE, MILL ROAD** *(Pages 305 - 324)*
- 15      16/0025/FUL - 24 GRANTCHESTER STREET** *(Pages 325 - 346)*
- 16      15/2276/FUL - 338 CHERRY HINTON ROAD** *(Pages 347 - 362)*
- 17      15/1858/FUL - LAND AT 3 VICTORIA ROAD** *(Pages 363 - 388)*

## Meeting Information

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

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

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

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

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

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

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

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

**Development  
Control  
Forum**

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

**Public  
Participation**

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

Members of the public who want to speak about an

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

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

For further information on speaking at committee please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

Further information is available at

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

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

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

## **Representations on Planning Applications**

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

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

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

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

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

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

**Facilities for disabled people** Level access to the Guildhall via the Peas Hill entrance.  
A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

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

For further assistance please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**Queries on reports** If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

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

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

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

(updated August 2015)

### **1.0 Central Government Advice**

**1.1 National Planning Policy Framework (March 2012)** – sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

### **1.2 Planning Practice Guidance (March 2014)**

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

Guidance is provided in relation to the following:

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

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

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

**1.4 Community Infrastructure Levy Regulations 2010**

Paragraph 122 Places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

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

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

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

have been entered on or after 6th April 2010

**Development Plan policy**

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



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

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

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

### 3.0 **Cambridge Local Plan 2006**

- 3/1 Sustainable development
- 3/3 Setting of the City
- 3/4 Responding to context
- 3/6 Ensuring coordinated development
- 3/7 Creating successful places
- 3/9 Watercourses and other bodies of water
- 3/10 Subdivision of existing plots
- 3/11 The design of external spaces
- 3/12 The design of new buildings
- 3/13 Tall buildings and the skyline
- 3/14 Extending buildings
- 3/15 Shopfronts and signage

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

- 5/1 Housing provision
- 5/2 Conversion of large properties
- 5/3 Housing lost to other uses
- 5/4 Loss of housing
- 5/5 Meeting housing needs

- 5/7 Supported housing/Housing in multiple occupation
- 5/8 Travellers
- 5/9 Housing for people with disabilities
- 5/10 Dwelling mix
- 5/11 Protection of community facilities
- 5/12 New community facilities
- 5/15 Addenbrookes
  
- 6/1 Protection of leisure facilities
- 6/2 New leisure facilities
- 6/3 Tourist accommodation
- 6/4 Visitor attractions
- 6/6 Change of use in the City Centre
- 6/7 Shopping development and change of use in the District and Local Centres
- 6/8 Convenience shopping
- 6/9 Retail warehouses
- 6/10 Food and drink outlets.
  
- 7/1 Employment provision
- 7/2 Selective management of the Economy
- 7/3 Protection of Industrial and Storage Space
- 7/4 Promotion of cluster development
- 7/5 Faculty development in the Central Area, University of Cambridge
- 7/6 West Cambridge, South of Madingley Road
- 7/7 College and University of Cambridge Staff and Student Housing
- 7/8 Anglia Ruskin University East Road Campus
- 7/9 Student hostels for Anglia Ruskin University
- 7/10 Speculative Student Hostel Accommodation
- 7/11 Language Schools
  
- 8/1 Spatial location of development
- 8/2 Transport impact
- 8/4 Walking and Cycling accessibility
- 8/6 Cycle parking
- 8/8 Land for Public Transport
- 8/9 Commercial vehicles and servicing
- 8/10 Off-street car parking
- 8/11 New roads
- 8/12 Cambridge Airport
- 8/13 Cambridge Airport Safety Zone
- 8/14 Telecommunications development
- 8/15 Mullard Radio Astronomy Observatory, Lords Bridge
- 8/16 Renewable energy in major new developments
- 8/17 Renewable energy
- 8/18 Water, sewerage and drainage infrastructure
  
- 9/1 Further policy guidance for the Development of Areas of Major Change
- 9/2 Phasing of Areas of Major Change
- 9/3 Development in Urban Extensions

9/5 Southern Fringe  
 9/6 Northern Fringe  
 9/7 Land between Madingley Road and Huntingdon Road  
 9/8 Land between Huntingdon Road and Histon Road  
 9/9 Station Area

10/1 Infrastructure improvements

#### Planning Obligation Related Policies

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

#### 4.0 Supplementary Planning Documents

- 4.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.
- 4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential

and commercial developments. It provides advice on assessing planning applications and developer contributions.

- 4.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 4.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 4.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.
- 4.6 **Old Press/Mill Lane Supplementary Planning Document (January 2010)** Guidance on the redevelopment of the Old Press/Mill Lane site.
- 4.7 **Eastern Gate Supplementary Planning Document (October 2011)** Guidance on the redevelopment of the Eastern Gate site. The purpose of this development framework (SPD) is threefold:
- To articulate a clear vision about the future of the Eastern Gate area;
  - To establish a development framework to co-ordinate redevelopment within
  - the area and guide decisions (by the Council and others); and
  - To identify a series of key projects, to attract and guide investment (by the Council and others) within the area.

## 5.0 **Material Considerations**

### 5.1 **City Wide Guidance**

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

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

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

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

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

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

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

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

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

**Cambridge City Council (2011) - Open Space and Recreation Strategy:**  
Gives guidance on the provision of open space and recreation facilities through development. It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

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

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

**Balanced and Mixed Communities – A Good Practice Guide (2006) –**  
Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

**Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)**  
- Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change and as a material consideration in the determination of planning applications and appeals.

**A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006) -**  
Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

**Cambridge Sub-Region Culture and Arts Strategy (2006) -** Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

**Cambridgeshire Quality Charter for Growth (2008) –** Sets out the core principles of the level of quality to be expected in new developments in the Cambridge Sub-Region

**Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012) -** sets out in more detail how existing council policy can be applied to proposals for tall buildings or those of significant massing in the city.

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

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

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

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

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

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

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

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

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

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

## 5.2 Area Guidelines

**Cambridge City Council (2003)–Northern Corridor Area Transport Plan:**  
**Cambridge City Council (2002)–Southern Corridor Area Transport Plan:**  
**Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:**  
**Cambridge City Council (2003)–Western Corridor Area Transport Plan:**

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

**Brooklands Avenue Conservation Area Appraisal (2013)**  
**Cambridge Historic Core Conservation Area Appraisal (2006)**  
**Castle and Victoria Road Conservation Area Appraisal (2012)**  
**Chesterton and Ferry Lane Conservation Area Appraisal (2009)**  
**Conduit Head Road Conservation Area Appraisal (2009)**  
**De Freville Conservation Area Appraisal (2009)**  
**Kite Area Conservation Area Appraisal (1996)**  
**Mill Road Area Conservation Area Appraisal (2011)**  
**Newnham Croft Conservation Area Appraisal (2013)**  
**New Town and Glisson Road Conservation Area Appraisal (2012)**  
**Riverside and Stourbridge Common Conservation Area Appraisal (2012)**  
**Southacre Conservation Area Appraisal (2013)**  
**Storeys Way Conservation Area Appraisal (2008)**  
**Trumpington Conservation Area Appraisal (2010)**  
**West Cambridge Conservation Area Appraisal (2011)**

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

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

## **Christs Pieces/New Square Conservation Plan (2001)**

Historic open space guidance.

**Hills Road Suburbs and Approaches Study (March 2012)**

**Long Road Suburbs and Approaches Study (March 2012)**

**Barton Road Suburbs and Approaches Study (March 2009)**

**Huntingdon Road Suburbs and Approaches Study (March 2009)**

**Madingley Road Suburbs and Approaches Study (March 2009)**

**Newmarket Road Suburbs and Approaches Study (October 2011)**

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

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

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

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

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

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



## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/2316/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th December 2015	<b>Officer</b>	Lisa Lamb
<b>Target Date</b>	17th March 2016		
<b>Ward</b>	Abbey		
<b>Site</b>	West's Garage Ltd	217 Newmarket Road	
	Cambridge CB5 8HD		
<b>Proposal</b>	Erection of student accommodation with 195 student rooms (following the demolition of existing buildings), together with ancillary accommodation comprising common/study rooms, laundry room, management office, plant room, bin and bicycle enclosures, landscaping and associated infrastructure including a sub-station.		
<b>Applicant</b>	Unicity XXI Cambridge SARL		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The scale and amended massing of the development respond appropriately to the context, including the conservation area.</p> <p>The building would not cause unacceptable impacts on daylight or sunlight to neighbouring residential properties, and the proposal would not have any other unacceptable impacts on the residential amenity of neighbours.</p> <p>The building provides an acceptable level of residential amenity for future occupiers.</p> <p>The appeal against the previous refusal 14/1154/FUL has been allowed (see Appendix 1) which establishes the principle of student accommodation at the site.</p>
RECOMMENDATION	APPROVAL

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

- 1.1 The site is a roughly rectangular site of 0.36 ha at the corner of Newmarket Road and River Lane. It has been occupied since the 1950's by a motor vehicle business. Vehicle repair operations on this site have gradually diminished in favour of vehicle sales. The desire to create additional vehicle sales space lies behind the present site owners' wish to relocate
- 1.2 The site is not allocated in the Cambridge Local Plan (2006), nor in the Cambridge Development Plan 2014 Draft Submission. It lies within the area of the Eastern Gate SPD, and within the Eastern Gate Opportunity Area in the Draft Submission.
- 1.3 The site falls outside any conservation area, but the boundary of the Riverside section of City of Cambridge Conservation Area No.1 (Central) runs along the western and northern boundaries of the site. There are three rowan trees just outside the northeast boundary of the site (within land owned by the City Council) which are protected by their position within the conservation area.
- 1.4 The site falls within the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks full planning permission for: Erection of student accommodation with 195 student rooms (following the demolition of existing buildings), together with ancillary accommodation comprising common/study rooms, laundry room, management office, plant room, bin and bicycle enclosures, landscaping and associated infrastructure including a sub-station.
- 2.2 The proposed development is arranged in 3 'cores' with two amenity spaces (courtyards) and circulation spaces incorporated in between. The blocks are visually and physically separated along River Lane and in views from Godesdone Road. The main pedestrian access would be from Newmarket Road opposite the junction with Coldhams Lane and this main entrance is double height. The communal and office/management facilities are housed in the block fronting Newmarket Road with student accommodation above.

- 2.3 The main block fronting Newmarket Road would be 3 storeys with additional accommodation in the roof (3+1 storeys when viewed from Newmarket Road) with a lower ground floor element providing additional student rooms and access to the courtyard areas. The block has a flat roofed central element accentuating the main entrance and a pitched roof with dormer windows serving the upper level student rooms. To the east of the block there is a gable feature adjacent to the Corner House, Public House, which is on the opposite side of River Lane.
- 2.4 The other two blocks would be sited to the north of this frontage block. They would be 3 storey and 2+1 storeys respectively (12m and 9m) and would front onto River Lane.
- 2.5 The application as originally submitted was accompanied by the following information:
- |  |   |
|--|---|
| <input type="checkbox"/> Design and Access Statement                 | <input type="checkbox"/> Public Art Delivery Plan   |
| <input type="checkbox"/> Planning Statement                          | <input type="checkbox"/> Tree Survey & Arboricultural Method Statement                          |
| <input type="checkbox"/> Flood Risk Assessment                       | <input type="checkbox"/> Letter of support/interest from ARU (appendix A to Planning Statement) |
| <input type="checkbox"/> Drainage Statement                          |   |
| <input type="checkbox"/> Utilities                                   |   |
| <input type="checkbox"/> Landscape Statement                         |   |
| <input type="checkbox"/> External Lighting Layout                    |   |
| <input type="checkbox"/> Air Quality                                 |   |
| <input type="checkbox"/> Archaeology written scheme of investigation |   |
| <input type="checkbox"/> Heritage Statement                          |   |
| <input type="checkbox"/> Land Contamination Assessment               |   |
| <input type="checkbox"/> Statement of Community Involvement          |   |
| <input type="checkbox"/> Sustainability Statement Checklist          |   |
| <input type="checkbox"/> Noise Report                                |   |
| <input type="checkbox"/> Energy Statement                            |   |
| <input type="checkbox"/> Transport Statement                         |   |
| <input type="checkbox"/> Travel Plan                                 |   |
| <input type="checkbox"/> Ventilation Strategy                        |   |
| <input type="checkbox"/> Daylight/Sunlight report                    |   |
| <input type="checkbox"/> Student Management Plan                     |   |
| <input type="checkbox"/> Verified Views                              |   |

2.6 Since the original submission of the application the scheme has been amended as follows:

- ☐ The ridge on Newmarket Road is reduced by 829mm through an alteration in roof form.
- ☐ The ridged roofs onto the rear gardens of Godesdone Road and to the north towards Rowlinson Way have also been reduced in height as shown on drawings 1513\_PL\_203A and 1513\_PL\_204A respectively.
- ☐ The planters onto River Lane (five planters) have been removed and replaced with three tree pits. The updated landscape information also shows the removal of synthetic turf.

2.7 The following additional information has also been submitted:

- ☐ Technical Highways note
- ☐ Revised drainage information
- ☐ An addendum to the Design and Access statement to address the Walking and Cycling Officer comments.
- ☐ Revised waste information

### 3.0 SITE HISTORY

There is extensive history on this site in connection with the garage use, stretching back from 2006 to the 1960's, but the only relevant previous applications are shown below.

Reference	Description	Outcome
14/1154/FUL	The erection of new student housing (202 study bedrooms) and associated communal facilities, cycle parking, and external landscaping following demolition of the existing	Refused. Appeal allowed 18.03.16
13/1780/FUL	buildings.  The erection of new student housing (257 study bedrooms) and associated communal facilities, cycle parking, and	Withdrawn

external landscaping following  
demolition of the existing  
buildings.

A copy of the Inspector's Decision letter in relation to the appeal is attached as Appendix 1.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012
	National Planning Policy Framework – Planning Practice Guidance March 2014
	Circular 11/95

Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p> <p>Eastern Gate Supplementary Planning Document (October 2011)</p>
Material Considerations	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2002)–Eastern Corridor Area Transport Plan</p> <p>Riverside and Stourbridge Common Conservation Area Appraisal (2012)</p> <p>Newmarket Road Suburbs and Approaches Study (October 2011)</p>

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

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

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

22 Eastern Gate Opportunity Area

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management and Growth and Economy)**

First Comments dated 27 January 2016 (Transport Assessment)

- 6.1 It is important to note that the Transport Strategy for Cambridge and South Cambridgeshire should not be prejudiced by the West Garage development proposals. This document has not been referred to as part of this section and should be included.

#### *Existing Transport Network*

- 6.2 The existing pedestrian, cycle and public transport sections are agreed.

#### *Accident Data*

- 6.3 The accident data analysis provided dates from 2010 to 2014. The County Council require the accident data provided to be the most recent 60 months of data, and therefore request that a more recent analysis be undertaken.

#### *Trip Generation and Distribution*

##### *Existing Trip Generation*

- 6.4 The September 2013 survey results indicate that the site was used as a through route for pedestrians and cyclists. The County Council have calculated that 117 trips are associated with trips travelling through the Wests Garage site, which will continue to operate along River Lane and Newmarket Road after the development is built out and therefore should be treated as such and not included in the existing development trip calculation.
- 6.5 The applicant has undertaken a separate survey of the site when it was no longer operational to identify the number of trips travelling through the site not associated with the development. This indicates that the site is used as a cut through currently

now that Wests Garage is no longer in operation. As already stated above the number of trips associated with pass-through trips has already been identified by the County Council are part of the previous application submission.

#### *Future Trip Generation*

- 6.6 The use of the Tripos Survey data is acceptable on this occasion. The Transport Statement identifies that the only vehicles captured during the survey period were taxis' and therefore servicing was not captured as part of the survey. The servicing is to be undertaken via River Lane and therefore details of the number vehicles servicing the site and staff numbers including how they are expected to travel to the site, should be provided as part of the Transport Statement.

#### *Transport Impact*

- 6.7 The development is expected to have fewer motorised vehicular movements associated with it compared to the existing use, although details of staffing number have not been disclosed at this stage. However, overall person trips particularly those travelling by cycle or foot are expected to increase.

#### *Transport Contributions*

- 6.8 The development is expected to reduce motorised vehicular traffic on the highway network although pedestrian and cyclist movements are expected to increase. The County Council considers that the contributions towards local cycle and pedestrian infrastructure improvements will help to improve facilities for vulnerable road users travelling to and from the site. The County Council will comment on this further once the outstanding issues concerning accident analysis and trip generation have been addressed.

#### *Car Parking*

- 6.9 The Transport Statement identifies that occupants of the accommodation will be under the control of the appropriate student parking control policies and will not be permitted to own and run a car whilst resident in Cambridge at The University of Cambridge and Anglia Ruskin.



### *Cycle Parking*

- 6.10 The Transport Statement identifies that the development will provide 112 secure cycle parking within a designated cycle store located within the building and accessed from River Lane. In addition there will be 57 spaces located adjacent to the main cycle store for use by visitors. The total number of cycle parking spaces is in keeping with Cambridge City Cycle Parking Standards.

### *Travel Plans*

- 6.11 The full Travel Plan should be submitted and agreed prior to occupation. The Travel Plan should demonstrate how students will be encouraged to travel by sustainable travel and how safer routes will be promoted to students. The Travel Pack should include advised pedestrian and cycle routes to key destinations. The Travel Packs listed in the Transport Statement should also be supplied to staff to encourage them to use sustainable modes of transport to get to and from work. The contents of the Travel Packs should be submitted and agreed with the County Council prior to occupation.

### *Conclusions*

- 6.12 Having reviewed the supporting information associated with the application there are a number of outstanding issues which need to be addressed by the applicant in order for the development impacts to be considered and assessed in full. Therefore the County Council recommend a **holding objection** at this stage.

### Second comments dated 24 February 2016

- 6.13 The application continues to seek two disabled spaces to be provided on-street. This proposal must be withdrawn. Blue badge holders can park in residents' bays and pay and display bays without charge. It is not necessary to amend on-street bays unless there are exceptional circumstances requiring this.
- 6.14 There are still no details provided of where it is intended for servicing vehicles to stop: further information has been provided as to frequency of servicing, which will inform the process when the location has been identified.

- 6.15 The removal of the segregated footway on the corner of Newmarket Road/River lane is accepted.
- 6.16 The encouragement of cyclists to use the footway on the corner of Newmarket Road/Coldhams Lane is still of concern. Cyclists will be encouraged to rejoin the carriageway immediately south of a give way where drivers will be concentrating on vehicles approaching from the left. This proposal must be removed.
- 6.17 Cyclists will already have crossed to the south side of Newmarket road and can use the existing left turn and give way junction. This is a simpler arrangement than that proposed and avoids the potential conflict of cyclists joining the carriageway unexpectedly south of the existing junction without a full merge facility.
- 6.18 The Highway Authority recommends that the proposal be **REFUSED** planning permission.

Third Comments dated 4 March 2016

- 6.19 The latest additional information does not overcome the issues previously raised by the Highway Authority.

Fourth Comments dated 22 March 2016

- 6.20 The application has removed the proposal to seek two disabled spaces to be provided on-street. The applicant has provided details of anticipated levels of servicing and how this will take place.
- 6.21 I consider that, given the level of servicing, the arrangements will not cause significant detriment to the operation of the public highway. The proposal encouraging cyclists to use the footway on the corner of Newmarket Road/Coldhams Lane has been removed, overcoming the Highway Authority's previous concerns.
- 6.22 The Highway Authority is therefore satisfied that our previous concerns have been addressed and we are able to withdraw our holding objection.

- 6.23 It is important to note that the Transport Strategy for Cambridge and South Cambridgeshire should not be prejudiced by the West Garage development proposals. This document has not been referred to as part of this section and should be included. This has not been addressed in the Technical Note.

#### *Accident Data*

- 6.24 The accident data analysis provided dates from 2010 to 2015, this is considered acceptable to the County Council. The Newmarket Road/ Coldhams Lane/ River Lane junction and Elizabeth Way roundabout are accident cluster sites identified by the County Council. Both the Technical Note and Transport Statement identifies that each of the incidents can be attributed to a combination of driver error, volume of traffic and/ or poor road safety awareness.
- 6.25 The development is expected to reduce motorised vehicular traffic on the highway network although pedestrian and cyclist movements are expected to increase. The County Council considers that the contributions towards a crossing facility detailed below will help to improve facilities for vulnerable road users travelling to and from the site.
- 6.26 In addition it is advised that residents of the development be offered cycle training classes through the Travel Plan initiatives to ensure they are made of road safety.

#### *Future Trip Generation*

- 6.27 Further details concerning the servicing numbers have been provided as part of the additional information submitted. However, there are expected to be a limited number to the site although it is not clear where they will stop. A service management plan should be secured in the event planning permission is granted.

#### *Transport Impact*

- 6.28 The development is expected to have fewer motorised vehicular movements associated with it compared to the existing use, although details of staffing number were requested in our previous response this information has not been provided.

### *Transport Contributions*

- 6.29 The development is expected to reduce motorised vehicular traffic on the highway network although pedestrian and cyclist movements are expected to increase. The County Council considers that the contributions towards local cycle and pedestrian infrastructure improvements will help to improve facilities for vulnerable road users travelling to and from the site. For those travelling from the development to the Beehive Centre and Anglia Ruskin Newmarket Road poses a barrier. Therefore the County Council require the applicant to contribute £120,000 to the County Council for the installation and maintenance of a crossing facility on Newmarket Road to be located between Abbey Walk and Cheddars Lane to facilitate movements to and from the development to the south side of Newmarket Road including the retail park and Anglia Ruskin.

### *Car Parking*

- 6.30 It is recommended that suitable measures be included in the Travel Plan to ensure that students are prevented from owning and having a car in Cambridge whilst living at the student residents. This should be monitored through the Travel Plan. A student management plan should be secured which identifies how drop offs and pick up will work at the beginning and end of term, including where parents will park, how they will be informed of their time slot and what they should do in the event they are early or late to site.

### *Travel Plans*

- 6.31 The full Travel Plan should be submitted and agreed prior to occupation and be updated in accordance with the comments provided in our previous response. The Travel Plan should include a commitment to provide cycle training for all students attending the site to ensure they are made aware of road safety and advice for those travelling to and from the site via cycle.

## *Conclusions*

6.32 Should the Local Planning Authority be mindful to grant planning permission the County Council require the following to be secured through S106/ Planning condition:

- ☐ A Travel Plan, Service Management Plan and Student Management Plan should be provided prior to occupation.
- ☐ A contribution £120,000 to the County Council for the installation and maintenance of a crossing facility on Newmarket Road to be located between Abbey Walk and Cheddars Lane to facilitate movements to and from the development to the south side of Newmarket Road including the retail park and Anglia Ruskin.

## **Environmental Health**

6.33 Raise no objection to the scheme subject to the imposition of conditions and informatives and provide the following detailed comments:

### *Construction/demolition pollution*

6.34 Pollution from the demolition and construction phases has the potential to affect the amenity of surrounding properties if not controlled. In the interests of amenity, the standard construction/demolition/delivery noise/hours and dust conditions are recommended.

### *Traffic noise*

6.35 Section 6.0 advises on the double glazing and mechanical ventilation systems to serve particular blocks. Whilst I agree that purge ventilation can be utilised during short periods of time via an open window (in the case of painting, burnt toast etc), a suitable alternate to opening a window for thermal comfort is required for block A due to the elevated noise levels. This has been discussed in detail within the ventilation section below.

6.36 It is required that living rooms achieve the BS8233:2014 standard of 35 dB  $L_{Aeq}$  during the day. It is required that

bedrooms achieve the standard of 35 dB  $L_{Aeq}$  during the day and 30 dB  $L_{Aeq}$  at night.

- 6.37 Where windows are required to be kept closed to achieve acceptable noise levels inside, a ventilation system is required to provide sufficient comfort ventilation to enable occupant's adequate ventilation rates without the need to open windows due to external noise. During warmer weather the ventilation system needs to be able to cope with the need for increased ventilation. This necessitates an increase control for the occupier which may result in elevated noise levels. Acoustic treatment of the extract system needs to be taken into consideration in these cases.
- 6.38 Ventilation strategy reports that have been assessed in previous planning applications to appease amenity requirements recommend 4 air changes per hour within living rooms and at least 2 within bedrooms (with windows closed) to achieve comfort ventilation during warmer weather.

#### *Plant noise*

- 6.39 Page 25 of the noise study recommends design targets for plant. Whilst I agree with the night time target rational, I do not agree with the daytime. It is required that 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 ( $L_{90}$ ) during the day and night, at the **boundary of the premises** subject to this application and having regard to noise sensitive premises.
- 6.40 The exact plant specifications to be installed will be required and calculations to ensure the site boundary limits above are complied with prior to occupation of the proposed development.

#### *The Corner House PH*

- 6.41 The conclusion that music breakout from the pub does not adversely affect the development is reasonable, based on the submitted data and comparisons.

### *Substation noise*

- 6.42 A new substation is proposed within the site. Electrical substations can produce very low frequency tonal humming which has the potential to cause noise disturbance to neighbouring properties.
- 6.43 It is recommended that the applicant carries out post installation testing of the components in order to satisfy the local planning authority that the emissions fall within required standards.

### *Noise conclusions*

- 6.44 A noise compliance condition to ensure the recommendations concerning glazing specification are implemented as per the Red Acoustic recommendations.
- 6.45 A plant condition (and associated informative) is recommended to provide information in accordance with the above plant and substation information.
- 6.46 A ventilation condition is recommended due to concerns regarding the suggested mechanical systems to achieve the requirements of the noise, ventilation and air quality sections to ensure health and quality of life are protected.

### *Ventilation*

- 6.47 Calford Seaden have submitted a ventilation strategy dated 13<sup>th</sup> November 2015. The stated ventilation systems may not provide adequate ventilation for amenity. Large sections of the site are subjected to elevated noise levels, as discussed above and will require a suitable alternative to opening windows to achieve comfort/summer ventilation.
- 6.48 Section 8.4.5.4 of BS8233:2014 states that windows may remain openable for rapid or purge ventilation or at the occupants choice. However, in noisy environments where closed windows are the only option to achieve internal noise levels (as stated above and within note 4 of section 7.7.2), a suitable alternative ventilation system other than opening windows needs to be available.

- 6.49 Within sites subjected to noisy traffic sources, utilising an open window will not achieve the internal noise requirements of BS8233:2014. Therefore the windows may remain closed if the user wants to protect themselves from noise. The user will then require a suitable ventilation system which replaces the need to open the window and to achieve the ventilation rate that an open window will. Previous acceptable assessments have achieved 2-4 ACH.
- 6.50 National Planning Policy Framework, Planning Practice Guidance on Noise states that factors which can influence whether noise could be a concern includes “whether adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time. In both cases a suitable alternative means of ventilation is likely to be necessary. Further information on ventilation can be found in the Building Regulations.”
- 6.51 It is also important to be aware of noise production from any installed mechanical ventilation. Sections 4.34 – 4.36 of Approved Document F discuss this. Full details of the ventilation system to achieve the requirements detailed above will be required as part of the ventilation condition.

#### *Artificial Light*

- 6.52 Artificial light associated with the development can have adverse impact on the amenity of the area. A full lighting prediction assessment will be required to protect amenity in accordance with the ILP guidance notes for the reduction of obtrusive light GN01:2011 including vertical illuminance light intrusion. A bespoke lighting condition is recommended.

#### *Contaminated Land*

- 6.53 The desktop study identified potential contamination issues on the site; intrusive investigation will be undertaken in order to assess the extent of any contamination. All these issues can be covered by the contaminated land conditions which should be attached to this application if permission is granted.



## *Air Quality*

- 6.54 Consideration should be given to the protection of health of the future residents and people working on the busy and frequently congested Newmarket Road. To a certain extent, the design of the building has considered this – there are no windows on the front lower ground floor Newmarket Road façade in the habitable rooms. There are no habitable rooms on the ground floor front façade, where the administrative and utility rooms are located. I recommend consideration of protection from noise and traffic fumes for the administrative block. System 4 type mechanical ventilation is proposed for the front façade. Purge ventilation using opening windows is required for System 4. Providing that the mechanical ventilation system proposed is adequate for the requirements of the building, occasional purge ventilation should be acceptable, if not ideal. Plans showing intake and extract details have not been provided; this can be covered by planning conditions.

## *House in Multiple Occupation (HMO) Management*

- 6.55 The Student Management Plan should more particularly but not exclusively include the following information:
- ☐ Management arrangements for on-site security and CCTV provision.
  - ☐ Arrangements for daytime on-site management.
  - ☐ Arrangements for out of office hours and weekend management.
  - ☐ Details of the procedure of dealing with complaints of noise nuisance.

## **Walking and Cycling Officer**

First comment dated 08 February 2016

### *Access*

- 6.56 The applicant has tried to provide a by-pass to the signals for cyclists but this is to the detriment of pedestrians with a narrow footway and inconvenient crossing point over River Lane. It

also requires cyclists to exit onto the carriageway right on the corner where a conflict may occur with traffic turning left. A solution would be to provide an approach cycle lane of 1.5m (which could be advisory) on the carriageway to an advanced stop lane so that cyclists can by-pass queuing traffic. The traffic lanes could be reduced in width or the existing kerb line brought back to provide the space for the approach lane.

### *Cycle Parking*

6.57 This appears generally acceptable although some clarification is needed:

- ☐ Entrance to the cycle stores – it is not clear whether there is a door or it has open access – given this is a secure site the latter would be preferable
- ☐ The area marked for bin collection would appear to block the main entrance to the cycle parking area, this would not be acceptable if this is the case

6.58 Some on-street visitor parking is needed. This could be located either under the canopy near the main entrance – the gate could be set back to allow for this, or at an angle outside the common room. 2 or 3 racks should also be provided at the other end of the development at the corner with Rowlinson Way for short term/ visitor use.

### Amended comment dated 09 February 2016

### *Access*

6.59 The applicant has ignored the fact that there is a large retail centre across the road from this site, including a supermarket, which will be very attractive to students living at this site. The problem is that there is no pedestrian phase at the junction to allow them to cross safely. The applicant suggests that students can use the crossing which is situated 100m away but this is unlikely to be attractive and most will try to cross at the junction. I am concerned that this development will encourage pedestrians and cyclists to try and cross from this site to Coldham's Lane and that this not safe.

6.60 The applicant has tried to provide a by-pass to the signals for cyclists but this is to the detriment of pedestrians with a narrow footway and inconvenient crossing point over River Lane. It

also requires cyclists to exit onto the carriageway right on the corner where a conflict may occur with traffic turning left. A solution would be to provide an approach cycle lane of 1.5m (which could be advisory) on the carriageway to an advanced stop lane so that cyclists can by-pass queuing traffic. The traffic lanes could be reduced in width or the existing kerb line brought back to provide the space for the approach lane.

### *Cycle Parking*

6.61 This appears generally acceptable although some clarification is needed:

- o Entrance to the cycle stores – it is not clear whether there is a door or it has open access – given this is a secure site the latter would be preferable
- o The area marked for bin collection would appear to block the main entrance to the cycle parking area, this would not be acceptable if this is the case

6.62 Some on-street visitor parking is needed. This could be located either under the canopy near the main entrance – the gate could be set back to allow for this, or at an angle outside the common room. 2 or 3 racks should also be provided at the other end of the development at the corner with Rowlinson Way for short term/ visitor use.

### **Refuse and Recycling**

#### First comment 07 March 2016

6.63 Food waste is the heaviest of all separated material streams and as such cannot be collected in containers larger than 240lt with 140lt being preferred. Ensuring non-contamination of this stream is also critical to guarantee scheduled collection. In shared accommodation like this examples of successful food waste separation are unknown and not recommended.

6.64 The access/egress to and from both bin stores to the road are difficult with corners due to low planters and possible slopes (looking at the existing site) – furthermore neither store appears to have doors and is therefore not providing secure storage of waste as is required by the Waste Regulations (England and Wales) 2012. As it stands both bin stores are liable to be subject to illicit dumping and miss-use.

- 6.65 The proposed Refuse Collection Vehicle stopping/collection point appears dangerously close to the corner with Newmarket Road and too far away from the smaller of the bin stores. 10m being the maximum drag distance for large 1,100lt bins. A plan with marked distances on would be of use.
- 6.66 Bin stores should be ventilated, well lit and secure, ideally covered from the elements. Any doors between them and the road should open fully, folding back out of the way of collectors and staying open so as not to hinder the movement of bins.
- 6.67 Any staff employed by the development should ensure they have removed contamination from recycling bins and have all bins roadside by 7am on the agreed morning of collection.

Second comments dated 11 March 2016 (following revisions)

- 6.68 No objection subject to the imposition conditions relating to waste management.

**Urban Design and Conservation Team (UDC Team)**

First comments dated 5 January 2016

*Eastern Gate Development Framework*

- 6.69 In March 2011, a Supplementary Planning Document (SPD) was adopted for the 'Eastern Gate Area'. The SPD provides clear guidance on the City Council's aspirations for the area by providing a framework that co-ordinates redevelopment. The document went through significant public consultation with local residents and stakeholders to shape the content and aspirations contained within it. With regards to the West's Site, this is identified within the framework which provides guidance on the overall heights likely to be acceptable and appropriate. The SPD also identifies significant views looking north and north-east across the Riverside Area and views looking north-west towards the Museum of Technology Chimney. The SPD makes a brief assessment on some of the key characteristics of the study area including the remnants of the Newmarket Road 'high street' and finer grained buildings that characterise the Riverside Conservation Area.

### *Heritage Statement*

- 6.70 The Heritage Statement gives an assessment of the proposals and their impact on the Conservation Area as it abuts the site. It is agreed that the existing buildings on the site detract from the setting of the adjacent Conservation Area.
- 6.71 The reference to the site being 'transitional' between the larger scale buildings on the south side of Newmarket Road and the domestic scale of the north side is accepted. The articulation of the roofs, the scale of the blocks and the stepping down of the heights along River Lane help the scheme to work with the character of the setting of the Conservation Area and the adjacent buildings which are close to the proposed development. The stepping back of the building line, and the breaking up of the block along River Lane, when compared to the previous scheme, help the proposed development to mitigate its impact on the adjacent properties.
- 6.72 Of great importance to the success, or otherwise, of the scheme will be the pallet of materials and the workmanship in construction. These will help any scheme that may be approved to sit comfortably alongside the existing buildings and to make a positive impact on the setting of the Conservation Area.

### *Scale and massing*

- 6.73 The SPD identifies in Figure 39: Built Form, Scale and Massing Strategy (page 45) that the Wests site could allow buildings up to 3+1 storeys (the +1 either being accommodation in the roofspace or a setback upper floor) along the frontage and stepping down from 3+1 to 2 storeys along River Lane. These heights were informed by the sensitivity of views across the Riverside Conservation Area and other recently approved and/or constructed schemes along Newmarket Road.
- 6.74 The buildings on River Lane are angled to reduce the impact on properties opposite. The proposals range from 2-3 storeys with accommodation set within a pitched roof on the Newmarket Road frontage and in part on the River Lane frontage. The overall approach to the scale and massing creates an articulated roofscape and breaks the scheme into a series of blocks that respond to the changing characters of Newmarket Road, River Lane and Rowlinson Way.

### *Newmarket Road*

- 6.75 Drawing 1513\_PL\_200 shows the proposed elevation fronting on to Newmarket Road. Measured to the parapet it is 10m and to the top of the ridge 14m to the section closest to the River Lane junction. The section above the parapet is configured as a pitched roof with dormer windows consistent with the wording in the SPD of 'accommodation in the roofspace'.
- 6.76 The section of the building that does not accord with the SPD height is at the point furthest away from the Conservation Area. Given the diminishing plane of the roof the difference in height between 13m and 14m will not be significant and on balance the height is considered to be acceptable.

### *River Lane*

- 6.77 The SPD identifies a range of heights along River Lane of 2-3+1 equating to a range in heights of 6m and 12m.
- 6.78 Drawing 1513\_PL\_201 shows the proposed elevations fronting River Lane. It shows how the scheme is broken into 3 distinct elements which step down in scale towards the Conservation Area.
- 6.79 The overall height of the block at the Newmarket Road end has been discussed above. It presents a gable to the River Lane and has a projecting bay to provide articulation.
- 6.80 The middle block is 12m to the ridge and 7.8m to the eaves. The height is consistent with the SPD guidance and considered to be acceptable.
- 6.81 The block adjacent to the existing terraced houses is 9m to the ridge and 5.2m to the eaves. This block has accommodation set within the roofspace. The approach taken is consistent with the SPD guidelines and acceptable in design terms.

### *Rowlinson Way*

- 6.82 The SPD does not provide specific guidance for the Rowlinson Way frontage but it is assumed that 2 storeys is appropriate as this is at the lower end of the range and given the interface with the Conservation Area.
- 6.83 Drawing 1513\_PL204 shows that the maximum ridge height for the building is 10.6m. The section closest to River Lane is

9.6m. The height difference of 1m is caused by level change on Rowlinson Way. The scale and massing is considered acceptable.

- 6.84 Other scale and massing relationships are considered below in our assessment of the submitted verified views.

*Verified views*

- 6.85 Verified views of the key approaches to the site, the view from Elizabeth Way Bridge, local views from surrounding streets and from back gardens of existing properties have been produced to demonstrate how the scheme will sit within the surrounding context. The images show a current situation and then the view with the development proposals. The methodology for creating the images is clearly explained in the document and we have no reason to doubt the accuracy of the images presented.

*Elizabeth Way Bridge (View 10)*

- 6.86 When considering the impact of the scheme on the Conservation Area, the view from Elizabeth Way Bridge, that affords an elevated view across the Conservation Area, has long been a key vantage point to assess the impact of schemes on Newmarket Road. The view submitted in support of the application demonstrates that the impact of the scheme from this point will be minor due to the broken form of the proposals, pitched roofs and dark roofing colour.

*Newmarket Road (View 1 West and View 3a & 3b East)*

- 6.87 The views are consistent with the scale and massing shown in the submitted elevations and demonstrate how the proposals scale down towards the Coopers Furniture shop.

*Coldham's Lane (View 2)*

- 6.88 This shows how proposed development will fit in with the changing character of the Coldham's Lane and Newmarket Road junction.

*River Lane (View 7a)*

- 6.89 This view shows how the massing of the building creates a more varied and articulated form, when compared to the refused scheme (14/1154/FUL).

*Godesdone Road (View 4 and View 5)*

- 6.90 These views and the consideration of the impact of the scheme on the amenity of residents has been a key concern throughout progression of the various applications for development on the site.
- 6.91 The existing views show the large scale 'sheds' on the garage site which present blank gables to the gardens safeguarding privacy of residents. The pitched roof forms create a degree of articulation and variation.
- 6.92 The proposed view demonstrates how the overall form of the buildings on the site creates articulation and variation although does demonstrate that the view will undeniably change. Projecting privacy screens are proposed (Drawing 1513\_PL\_202) on windows closest to the Godesdone Road properties will ensure that privacy between developments is not compromised. The detailed design of the scheme and the accompanying daylighting assessment demonstrate that neighbour amenity will not be compromised as a result of the redevelopment.

*Beche Road (View 6)*

- 6.93 The existing view shows how the roof of the largest shed is visible along with a section of the Premier Inn beyond. The proposed view demonstrates that development on the site will be more visible from this viewpoint but the scale and detailing is not considered to be harmful to the character of the conservation area.

*Rowlinson Way (9a)*

- 6.94 This area is in use a garage block and parking area and therefore of low significance to the conservation area. The proposals are more visually prominent than the existing sheds but have been designed to prevent overlooking of existing properties and are well articulated.

*Daylight and sunlight (overshadowing) assessment*

- 6.95 Daylight has been assessed using three methods; Vertical Sky Component (VSC), No-Sky Line Contour (NSC) and Average Daylight Factor (ADF). For sunlight the Annual Probable Sunlight Hours (APSH) has been used.



6.96 The potential impact of the scheme on surrounding properties at 2-22D Godesdone Road, 231 Newmarket Road, 6-24 River Lane and 33-47 River Lane have all been assessed as well as the internal daylighting of rooms. The results for the daylight assessment show that the scheme is fully compliant with the BRE criteria.

6.97 The internal daylighting of all study bedrooms meets or exceeds the thresholds identified in the BRE guidelines. The submitted D&A Statement (page 44) shows how the scheme was adjusted to ensure that all study bedrooms received adequate daylighting. The report indicates that one of the common rooms falls marginally below the threshold but this is considered acceptable in the wider context of the development.

*Sunlight (overshadowing) surroundings*

6.98 This assessment demonstrates that there is 'no material change to the shading levels of any of the neighbouring gardens' (EB7 report paragraph 6.36). Consequently the scheme fully meets the assessment targets identified by the BRE.

*Sunlight (overshadowing) with the proposed scheme  
Northern courtyard*

6.99 This space has been assessed and will receive 2 hours or more of sunlight on the 21<sup>st</sup> March and is therefore fully compliant with the BRE guidelines.

*Southern courtyard*

6.100 The assessment reveals that 30% of the space will receive 2 hours or more of sunlight on the 21<sup>st</sup> March. This is below the threshold identified by the BRE but the report concludes that it is acceptable. Our view is that it is unfortunate the space falls below the 2 hour threshold but the courtyard has been designed to place seating in the sunniest part and with suitable materials and plant species will be a successful space.

*Elevations and Materials*

6.101 The Eastern Gate SPD provides an analysis of the prevailing character of Newmarket Road in Figure 40. It highlights how the buildings along this road are characterised by an '*orderly composition and grouping of elements which creates a strong vertical rhythm*'. It also highlights the variation in rooflines and local variations in the scale of adjacent buildings.

6.102 The submitted D&A Statement (page 29) identifies how the scheme has attempted to respond to this context and character to break down the overall massing. The elevations allow a further refinement of the massing with the Newmarket Road frontage broken into 2 elements with a linking entrance section between them. The section to the west has a more set back top floor which creates variation in the roofscape. A series of 100mm recesses help to break the elevation down further and respond to the plot widths of existing development on the north side of the road.

6.103 An overall grid is created by horizontal and vertical brickwork with large windows set into it. We have suggested the introduction of a spandrel panel or fretted section to the lower part of these windows on the Newmarket Road and River Lane frontages to improve the privacy of occupiers and to ensure that the elevations are not cluttered by belongings being piled up against the windows. The applicant is proposing a film on the inside face of the glazed unit to resolve this issue (Drawing 1513\_PL\_111). This has the potential to work although we would need to see a sample prior to confirming its acceptability. A more robust method would be to introduce a transom that would further break down the scale of the window openings, and the provision of a solid panel. This element should be conditioned if the application is approved.

#### *Materials*

6.104 The proposed materials have been chosen to respond to materials prevalent in the local area. The use of a buff brick is acceptable although will need to be carefully selected to work with the existing buildings surrounding the site. Standing seam zinc roofing is acceptable and so are the proposed aluminium windows. A sample panel on site will be required and details will be covered by condition should the application obtain approval.

#### Second comments dated 18.03.16

6.105 Amendments have been received to the above application. With regards to Urban Design & Conservation issues, the amendments relate to:

1. Revisions to the roof details (lowering of ridge height)
2. Verified views and CGIs

### 3. Tree pit details

6.106 The overall height of the building fronting on to Newmarket Road exceeded the overall heights identified in the Eastern Gate SPD by 1m. This exceedance was considered acceptable given the diminishing plane of the roof and particularly so when viewed from street level and as demonstrated in Views 1, 2, 3a and 3b contained within the Verified Visual Assessment photomontages report produced by Robert Watson Studio.

6.107 Notwithstanding that we considered the overall height to be acceptable, the applicant and their design team have reviewed the overall height of the proposals and through redesigning the roof form have managed to reduce the eastern section by 829mm and the western section by 255mm. As such the eastern section of the proposed building is now 171mm taller than the maximum height in the SPD at 13.171m. The western section is reduced to 12.8m.

6.108 The same split roof treatment has been introduced across each of the roof forms on the scheme with a consequential reduction in overall ridge heights across the rest of the scheme.

6.109 The revised roof forms are acceptable in design terms and the reduction in the ridge heights across the scheme considered acceptable.

#### *Verified views*

6.110 The Verified Visual Assessment prepared by Robert Watson Studio has been amended to incorporate the amended roof profiles and show the reduction in the ridge height when compared to the originally submitted images.

#### *Tree pit details*

6.111 The approach to planting trees along River Lane has been amended to remove the planters. The changes reduce the number of trees from 5 to 4, but will ensure that they more likely to establish and survive long term. Landscape colleagues will provide detailed comments on the proposed specification.

### **Planning Policy Manager**

6.112 Policy 7/10 Speculative Student Hostel Accommodation of the Cambridge Local Plan 2006 should be applied to this site, which

is not allocated for any particular form of development in either the Cambridge Local Plan 2006 or the Cambridge Local Plan 2014: Proposed Submission. In order to ensure that this scheme is occupied by Anglia Ruskin University or University of Cambridge full time students (see criterion A of Policy 7/10), this matter should be dealt with as part of the legal agreement for the site. It should not be occupied by other institutions during term-time, given the ongoing growth of both Anglia Ruskin University and the University of Cambridge and their established need for student accommodation. This application can only be considered to be compliant with the Cambridge Local Plan 2006, if a legal agreement is entered into in order to secure the use of the student accommodation units by full time students of Anglia Ruskin University and/or the University of Cambridge.

6.113 It is noted that of the 195 student accommodation units proposed, 186 are study bedrooms within cluster flats of between 4 and 6 bedrooms, whilst 9 units are studio units. Whilst the council is largely supportive of the scheme in terms of the predominance of cluster flats, the council has no certainty that studio accommodation is acceptable to Anglia Ruskin University or the University of Cambridge. Studio accommodation can be more expensive and less appealing to some students as it is entirely self-contained and reduces social contact with other students, unlike less expensive cluster flats. The council would not wish to see student accommodation developed, which cannot be let due to its design and layout. It would be helpful if either or both universities could confirm in writing their interest in occupying the studio element of the development. Appendix A of the applicant's Planning Statement does not supply confirmation that Anglia Ruskin University would be willing to take on nomination rights for the studio units.

6.114 It is noted that the applicant's Planning Statement makes reference to Policy 46: Development of Student Housing in the Cambridge Local Plan 2014: Proposed Submission. This policy cannot be given considerable weight, as although the plan has been submitted to the Secretary of State for examination, Policy 46 is subject to a number of objections.

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

6.115 In accordance with the requirements of policy 3/1 of the Cambridge Local Plan 2006, the applicant has submitted a Sustainability Statement, outlining the applications approach to achieving sustainable development through the application of the principles of sustainable design and construction. A variety of measures are proposed including:

- ☐ The hierarchical approach to reducing energy use and carbon emissions;
- ☐ The provision of travel packs for students, and I would suggest that a useful addition to these packs might be information about car clubs operating in the area for those students who might need occasional access to a car;
- ☐ The use of LED lighting;
- ☐ The use of water efficient appliances and sanitary ware to target potable water consumption of no greater than 105 litres/person/day;
- ☐ The targeting of A rated materials where possible.

All of these measures are supported.

6.116 The Sustainability Statement makes reference to the solar shading strategy including careful consideration of solar control glazing and external shading, and indeed the slight glazing setbacks on east and west elevations included in the scheme and the projecting privacy screens will provide some shading, which is welcomed. I do, however, have some concerns about overheating in the student rooms located along the Newmarket Road frontage, which due to noise concerns, quite understandably are to be ventilated using mechanical ventilation with heat recovery. In order to ensure that the MVHR does not lead to inadvertent internal heat gains in the summer, it will be important to ensure that the model selected has a summer bypass function. I would also strongly recommend that the glazing on this elevation be specified as solar control glazing, and it would be helpful if the applicant were able to confirm the g value of the glazing to be used on this elevation so that we can be confident that overheating has been designed out of the scheme as much as possible so as to avoid the use of mechanical cooling.

6.117 With regards to renewable energy provision and the schemes approach to meeting the requirements of Policy 8/16 of the

Cambridge Local Plan 2006, the applicant is proposing to use both renewable and low carbon energy technologies. A 124m<sup>2</sup> photovoltaic array is to be utilised, along with gas fired CHP to provide for the accommodations hot water demand and to provide low carbon electricity for the landlord supply. When set against baseline emissions of 403,147 Kg/CO<sub>2</sub>/annum, this approach reduces carbon emissions by 65,687 Kg/CO<sub>2</sub>/annum, which represents a 16% reduction in emissions. This approach, which exceeds the requirements of Policy 8/16 is supported.

6.118 While the use of CHP is supported, it will be important to ensure that it does not contribute to a reduction in air quality in this area, particularly as the site is located within the AQMA. With this in mind, it is recommended that the CHP system chosen meets one of the following emissions standards:

- ☐ Spark ignition engine: less than 150 mgNOx/m<sup>3</sup>
- ☐ Compression ignition engine: less than 40 mgNOx/m<sup>3</sup>
- ☐ Gas turbine: less than 50mgNOx/m<sup>3</sup>

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

#### First Comments dated 11 January 2016

6.119 Trees in planters on the street are not acceptable. All street trees must be planted in bespoke pits in the ground utilising root cell treatments where required to avoid conflicts with services.

6.120 Synthetic turf is not an acceptable treatment in this context. A combination of hard paving and soft landscape is recommended. We note that the area where this is suggested is a shady, north-facing area.

#### Second comments dated 17 March 2016

6.121 We support the current proposals which replace trees in planters with trees in hard paving. We are comfortable with the level of underground support the trees are receiving. Please note that a note on drawing 101 – Landscape Layout still says ‘Trees in Planters.’ Please update.

6.122 The planting provided to the area formerly proposed to be artificial turf is acceptable.

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

### First comments dated 08 February 2016

- 6.123 The applicant has tried to provide a by-pass to the signals for cyclists but this is to the detriment of pedestrians with a narrow footway and inconvenient crossing point over River Lane. It also requires cyclists to exit onto the carriageway right on the corner where a conflict may occur with traffic turning left. A solution would be to provide an approach cycle lane of 1.5m (which could be advisory) on the carriageway to an advanced stop lane so that cyclists can by-pass queuing traffic. The traffic lanes could be reduced in width or the existing kerb line brought back to provide the space for the approach lane.

### *Cycle Parking*

- 6.124 This appears generally acceptable although some clarification is needed:

- o Entrance to the cycle stores – it is not clear whether there is a door or it has open access – given this is a secure site the latter would be preferable
- o The area marked for bin collection would appear to block the main entrance to the cycle parking area, this would not be acceptable if this is the case

- 6.125 Some on-street visitor parking is needed. This could be located either under the canopy near the main entrance – the gate could be set back to allow for this, or at an angle outside the common room. 2 or 3 racks should also be provided at the other end of the development at the corner with Rowlinson Way for short term/ visitor use.

### Second comments dated 09 February 2016

### *Access*

- 6.126 The applicant has ignored the fact that there is a large retail centre across the road from this site, including a supermarket, which will be very attractive to students living at this site. The problem is that there is no pedestrian phase at the junction to allow them to cross safely. The applicant suggests that students

can use the crossing which is situated 100m away but this is unlikely to be attractive and most will try to cross at the junction. I am concerned that this development will encourage pedestrians and cyclists to try and cross from this site to Coldham's Lane and that this not safe.

- 6.127 The applicant has tried to provide a by-pass to the signals for cyclists but this is to the detriment of pedestrians with a narrow footway and inconvenient crossing point over River Lane. It also requires cyclists to exit onto the carriageway right on the corner where a conflict may occur with traffic turning left. A solution would be to provide an approach cycle lane of 1.5m (which could be advisory) on the carriageway to an advanced stop lane so that cyclists can by-pass queuing traffic. The traffic lanes could be reduced in width or the existing kerb line brought back to provide the space for the approach lane.

### *Cycle Parking*

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- o Entrance to the cycle stores – it is not clear whether there is a door or it has open access – given this is a secure site the latter would be preferable
- o The area marked for bin collection would appear to block the main entrance to the cycle parking area, this would not be acceptable if this is the case

- 6.129 Some on-street visitor parking is needed. This could be located either under the canopy near the main entrance – the gate could be set back to allow for this, or at an angle outside the common room. 2 or 3 racks should also be provided at the other end of the development at the corner with Rowlinson Way for short term/ visitor use.

### Third Comments dated 05 April 2016

- 6.130 There is no pedestrian phase at the Coldham's Lane junction to allow students to cross safely. The large retail park which is accessed from Coldham's Lane will be a strong attractor to the resident students and the provision of a crossing, as requested by the Highway Authority, at a distance from the junction is unlikely to be used. I am concerned that this development will



encourage pedestrians and cyclists to try and cross from this site to Coldham's Lane and that this not safe.

- 6.131 The applicant has tried to provide a by-pass to the signals for cyclists but this is to the detriment of pedestrians with a narrow footway and inconvenient crossing point over River Lane. It also requires cyclists to exit onto the carriageway right on the corner where a conflict may occur with traffic turning left. A solution would be to provide an approach cycle lane of 1.5m (which could be advisory) on the carriageway to an advanced stop lane so that cyclists can by-pass queuing traffic. The traffic lanes could be reduced in width or the existing kerb line brought back to provide the space for the approach lane.

#### Cycle Parking

- 6.132 This appears acceptable.

### **Cambridgeshire County Council (Flood and Water Management)**

First comments Dated 26 January 2016

- 6.133 In the absence of an acceptable surface water drainage strategy within the Flood Risk Statement (M1716 / Nov 2015) we **object** to the grant of planning permission and **recommend refusal** on this basis for the following reasons:

- ☐ The applicant has not demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.
- ☐ The applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water generated on site, in line with the Planning Practice Guidance to the National Planning Policy Framework and the Non-statutory Technical Standards for Sustainable Drainage Systems, which requires development to give priority to the use of SuDS
- ☐ The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including

an appropriate allowance for climate change, will not exceed that of the existing site. This may increase the flood risk on site and in surrounding areas.

Second Comments dated 12 February 2016

6.134 I have reviewed the materials and I agree with Simon Bunn (Drainage Engineer), the information provided is not adequate enough to overcome the objection.

6.135 Although the applicant has demonstrated where the attenuation tank is likely to be located, without detailing the proposed discharge rates/storage volume calculations it's unclear from our perspective as whether the proposed scheme will be able to accommodate for all rainfall events up to and including the 1 in 100 year rainfall event (+ 30% cc).

6.136 The applicant details that the groundwater level is too high, I would greatly appreciate it if the applicant is able to submit the evidence to demonstrate it. If, the use of infiltration SuDS is not feasible due to the high groundwater level etc we would advise the applicant to use non infiltrating SuDS (reference should be made to CIRA (C753) The SuDS Manual). We are content with the use of an attenuation tank.

Third comments dated 22 February 2016

6.137 We are in agreement with the Drainage Consultant (Simon Bunn) and request that the issues raised by him are addressed.

6.138 In addition we would strongly advise that adequate water quality treatment is provided on site e.g. by using catchpits and additional SuDS

Fourth comments dated 16 March 2016

6.139 The applicant has proposed to manage surface water on site by using attenuation tanks and limiting run off to 5l/s, which outfalls into the surface water sewers located on River Lane and Newmarket Road sewer.

6.140 The applicant has therefore met the minimum requirements of the NPPF. We recommend a condition requiring further details to be submitted.

Fifth comments dated 21 March 2016 (corrected run off rate quoted)

- 6.141 The applicant has proposed to manage surface water on site by using attenuation tanks and limiting run off to 35l/s, which outfalls into the surface water sewers located on River Lane and Newmarket Road sewer.
- 6.142 The applicant has therefore met the minimum requirements of the NPPF. We recommend a condition requiring further details to be submitted.

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

First Comments dated 19 January 2016

- 6.143 The proposals are unacceptable for the following reasons:
- ☐ The proposals are to match the existing surface water drainage flow rates without an understanding of what they are. The Cambridge and Milton Surface water drainage strategy requires a minimum of 20% reduction in post development flow based on actual discharge from the site.
  - ☐ Formalising the drainage without an adequate assessment or consideration of where any attenuation will be provided could potential increase flood risk to downstream properties.

Second comments dated 19 February 2016

- 6.144 The application in my opinion as it stands will increase flood risk and does not offer any betterment. I am also discussing this issue with colleagues at Anglian Water.

Third comments dated 11 March 2016

- 6.145 No objection: The proposals are to match the existing runoff rates from the site and the City Council would ideally prefer a greater reduction in the runoff rates from the site.

6.146 The City Council would support any reduction in flows required by Anglian Water. There is no management and maintenance plan associated with the application.

**Environment Agency**

6.147 No Objection

**Anglian Water**

6.148 No response received.

**Cambridge International Airport**

6.149 No objection.

**Cambridgeshire Constabulary (Architectural Liaison Officer)**

6.150 No objections, recommendations, or further observations.

**Cambridge Fire and Rescue Service**

6.151 No response received

**Disability Consultative Panel (Meeting of 26 January 2016) & Access Officer Comments**

6.152 Room layouts. The designers are advised to look again at the internal door arrangements as the plans show a clash between the bathroom door and front door.

6.153 Access and adaptability. The Panel welcome the reasonable level of provision proposed but would still recommend the inclusion of grab rails in every shower unit.

6.154 Kitchens. These appear to be remote from the accessible rooms. Greater consideration should therefore be given to the location of communal facilities in relation to the students with access needs. The Panel were however comfortable with the accessibility of the surfaces and facilities within the kitchens.

6.155 Refuse arrangements. The Panel regarded the refuse arrangements as sensible, particularly the inclusion of a waste collection service from the accessible rooms.

6.156 Conclusion: This latest submission reflects the past comments made by the Panel and City Council officers. The improvements made as a result are welcomed.

### **Design and Conservation Panel (Meeting of 7 October 2015)**

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

#### *Scale and massing.*

6.158 Located at the prominent junction with Coldham's Lane on one of the important arteries into the city; the Panel were pleased to see a fundamental reassessment of this proposal. In terms of scale and massing, the scheme was presented as a transition between the neighbouring domestic scale Victorian buildings and the taller hotels opposite. Newmarket Road is currently undergoing considerable change and the role of this development in that sequence was not explored. The coherence of the elevation to Newmarket Road was seen as critical. More key views down Newmarket Road illustrating how the scheme relates to these larger scale buildings would have been helpful.

#### *Entrance from Newmarket Road.*

6.159 The Panel felt the architectural expression of the entrance needs further design development as it fails to unite the two halves of the building and provide a readable opening. Further consideration should be given to framing and signaling the entrance. At ground level, entrance doors might be needed to control the ingress of air pollution from Newmarket Road.

#### *Alignment of entrance with Coldham's Lane.*

6.160 Views across this junction are one of the critical viewing points of the new development. The Panel were informed that the internal layouts prohibited exact alignment with Coldham's Lane. This was regarded as unfortunate, but perhaps not absolutely critical to the success of the scheme.

6.161 *River Lane frontage.*

Defining the River Lane frontage is important as the existing development along the street is quite fragmented. It was felt

that a scheme that followed the street line would be more successful, even if set back to allow a zone for planting. Whether this frontage would receive sufficient sunlight for a planted amenity space to flourish needs to be further explored.

*Bin store.*

- 6.162 The location of refuse stores right on the entrance from River Lane seemed to be unfortunate in such a public area.

*Public art.*

- 6.163 The Panel would encourage the proposal for an imaginative commission for public art at the corner 'gateway' to River Lane, possibly incorporating some subtle lighting.

*Courtyards.*

- 6.164 The permeability and double courtyard arrangement was welcomed by the Panel. It was pointed out that these spaces would still be largely in shadow however, making conditions difficult for grass to grow well. Such an environment would need a robust landscaping approach and should try to mitigate the limited light levels.

*Verified views.*

- 6.165 The Panel understands that residents on Godesdone Road in particular had expressed concerns in terms of massing and the scheme had been pushed back in response to this. The provision of views from these western residential buildings (both existing and proposed) was regarded as crucial in understanding what these residents would experience. Looking eastwards, the impact on the River Lane dwellings needs to be informed by shadow studies while the extent of potential overlooking for Rowlinson Way residents also needs to be fully understood.

*Trees along Newmarket Road frontage.*

- 6.166 Concern was expressed as to the success of any trees along this narrow 3m wide pavement. As there are no expectations to transform this busy artery into a formal boulevard, the designers are advised against creating hostages to fortune.

*Room layouts.*

- 6.167 The newly developed room layouts were generally welcomed by Panel. There were some detailed questions; over the ventilation particularly to Ground floor rooms, the fenestration to the north facing rooms especially along Rowlinson Way and

whether the head heights in the dormer rooms would enable them to work as reasonable habitable spaces.

*Cluster arrangements and corridors.*

- 6.168 The Panel questioned the linear cluster arrangement of rooms along paired non-day lit corridors. This is unusually restrictive for student accommodation in Cambridge; layouts of rooms clustered around the common room are felt to offer a more sociable grouping of rooms. There was also concern that the long narrow corridors could not be navigated easily by disabled residents.

*Future adaptability.*

- 6.169 With the market for student accommodation in Cambridge likely to eventually reach saturation point, the designers are advised to consider whether these plans, particularly with the long corridors, would be sufficiently robust to accommodate a change of use to flats in the future.

*Conclusion.*

- 6.170 This scheme has improved significantly from its previous iterations. The three-block arrangement with improved permeability and level changes are all welcomed, as are the gable ends facing Godesdone Road. The Panel felt that the process of design development needs to be continued to ensure that this is a really strong scheme for this important site.
- 6.171 The Panel note the drop in storey height on the western block in recognition of the smaller scale Cooper Furniture buildings. Although this and other changes were made following strong feedback from residents, the architects are reminded of the importance of the elevation to Newmarket Road and how future change may bring with it different demands.
- 6.172 The inclusion of the 3D 'walk through' graphics presentation was appreciated.

**VERDICT – AMBER (6), GREEN (2)**

- 6.173 I have consulted the following Service Managers regarding potential mitigation measures to address demands for Informal Open Space and Indoor/Outdoor Sports Facilities:

- 6.174 Development Manager (Streets and Open Spaces)

6.175 Recreation Services Manager

6.176 Their comments are summarised in the section on Planning Obligations (s106 Agreement) below.

6.177 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:

52 Abbey Road  
86 Beche Road  
10 Godesdone Road  
11 Godesdone Road (2 Letters)  
12 Godesdone Road  
14 Godesdone Road  
18 Godesdone Road  
20 Godesdone Road (2 letters)  
45 River Lane (2 letters)  
30 Riverside (2 letters)

7.2 Representations have also been received from:

CHS Group 6 – 24 River Lane, the housing association responsible for houses in River Lane, Rowlinson Way and Stevenson Court.

Riverside Area Residents' Association (4 letters)

7.3 The representations can be summarised as follows:

### Principle

- ☐ The scheme is not significantly different to the previously refused scheme. There is only a reduction of 7 students.
- ☐ Intensity of use
- ☐ The previous reasons for refusal have not been addressed.
- ☐ The scheme does nothing to address the fundamental housing supply issue close to the city
- ☐ Introduces transient population



### Context and design

- ☐ Scheme does not respond to Conservation Area
- ☐ Scheme violates SPD height and form guidelines
- ☐ 60% of the frontage will 'read' as four storeys.
- ☐ Scale of building, height and massing
- ☐ Dominant structure
- ☐ Transition to a lower height at the western end is inadequate
- ☐ No attempt has been made to satisfy the SPD aspiration to green Newmarket Road
- ☐ Tree planting shown on River Lane cannot be achieved
- ☐ Block B is higher than the refused scheme when viewed from Godesdone Road properties
- ☐ Overdevelopment of the site.
- ☐ The Design and Conservation Panel recorded only two 'green' verdicts all of the remaining were amber (in need of significant improvements to make it acceptable)
- ☐ The development is pushed to the boundary of the site on all sides
- ☐ Materials are inappropriate - masonry and glass

### Neighbour amenity

- ☐ The rear block is even more visually dominant for Godesdone Road houses.
- ☐ Overlooking to surrounding houses
- ☐ The Rowlinson Way wing will dominate and overbear properties on Godesdone Road.
- ☐ Overbearing to properties on River Lane
- ☐ Loss of light to properties in River Lane
- ☐ Security concerns relating to boundary wall to rear of Block B
- ☐ Overspill of students into the surrounding residential streets
- ☐ Antisocial behaviour
- ☐ Management plan only addresses issues within the site and does not seek to control behaviour outside of the site.

### Amenity for future occupiers

- ☐ Sunken courtyards will lack sunlight and will be dominated by tall buildings.
- ☐ Study rooms in general are small and overlooked. The ones in the roof of block C will have poor amenity – sloping ceilings, lack of light and lack of floor space.
- ☐ Lack of outdoor amenity space
- ☐ The common room does not provide enough space for 195 students, it is north facing, adjacent to Newmarket Road and fully glazed

- ☐ Lack of toilet facilities near the common room and management office

#### Highway issues

- ☐ Cycle entrance/exit point is dangerously located.
- ☐ There will be cyclist/pedestrian conflicts
- ☐ Travel plans must reflect likely behaviour and is unacceptable
- ☐ No realistic attempt has been made to block taxi visits to the site.
- ☐ Drop off/pick up arrangements will cause problems at the start/end of each term.
- ☐ Increase in trip generation will be harmful to amenity
- ☐ The visibility onto Newmarket road from River Lane should be improved
- ☐ There should be an additional pedestrian/cycle crossing point of Newmarket Road

#### Car parking

- ☐ No credible response to ensure that occupants do not keep cars
- ☐ No parking provided for disabled students
- ☐ No provision is made for servicing and deliveries
- ☐ The three parking spaces on River Lane close to the junction with Newmarket Road is dangerous

#### Other issues

- ☐ Images are misleading
- ☐ Proposals do not accord with planning policies or the NPPF
  - ☐ This is a wholly new application which should be considered anew without preconception.
- ☐ The building heights set out in the SPD are mandatory and maximum.
- ☐ Description of the existing buildings on site is misleading and is not of bulky warehouses. The comparison of the existing buildings on site is not justified as there is no similarity whatsoever
- ☐ The applicants should not be allowed to 'buy' their way out of providing outdoor space via a S106 agreement.
- ☐ The planning statement refers to buildings on the opposite side of Newmarket Road that have now been removed and replaced with the Travelodge.
- ☐ Bin collection
- ☐ Long term maintenance/survival of proposed trees
- ☐ Concern about site management
- ☐ Lack of reception facility out of hours and at weekends

- ☐ No council tax will be paid by residents
- ☐ There will be no wider benefit to the local economy
- ☐ Newmarket Road will become a 'wind tunnel'
- ☐ The refused scheme is at appeal and this application should not be determined until the outcome of this is known.

7.4 The additional representations received following revisions to the scheme can be summarised as follows:

- ☐ The amendments do not provide sufficient information for the proposals to be assessed by either the public or officers.
- ☐ A full three weeks should be given for re-consultation
- ☐ The images are produced using a wide angle lens and are misleading
- ☐ The developer should be asked to provide further views and the re-consultation should start from when these are provided so that residents are not handicapped.

7.5 Following the appeal decision in respect of 14/1154/FUL (appeal allowed) the Riverside Area Residents Association have confirmed their previous objections to the scheme is now withdrawn.

7.6 Councillor Johnson made the following comments:

- ☐ I note that several amendments to application 15/2316/FUL have been submitted by the developer.
- ☐ I am concerned that residents will not have had enough time to properly formulate a considered and appropriate response to the amendments, which are significant in nature and in scope. In addition, the developer have not provided a number of important images - images which will help highlight any impact on residential amenity, etc, of the amended application.
- ☐ I would be grateful if the following requests can be actioned:
  - An extension for making representations on the amendments from 14 to 21 days
  - A formal appeal to the developer to provide the missing images previously requested by residents

- ☐ In both cases the 'clock' for responses to be submitted really should be 21 days from the date uploaded onto the planning portal.
- ☐ Request that the application is determined at committee rather than at delegated level.

7.7 Councillor Ashton agreed with and seconded the comments made by Councillor Johnson as outlined above.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Public Art
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Other Environmental Impacts
11. Third party representations
12. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The appeal decision for the previously refused scheme at the site (14/1154) was issued on 18 March 2016 and the inspector allowed the appeal. Where appropriate I have referred to the appeal decision letter in my assessment. The key issues that the Inspector identified in his consideration of the appeal (paragraph 4) were:

- ☐ The effect of the proposed development on the character and appearance of the Conservation Area including the setting of the adjacent City of Cambridge Conservation Area.
- ☐ Whether the future occupiers would be likely to experience acceptable living condition, particularly in respect of the proposed communal space;
- ☐ Whether it has been demonstrated that there is a need for student accommodation in this location having regard to the principles of sustainable development and;
- ☐ Whether the proposal makes adequate provision for infrastructure comprising open space and sport facilities, waste facilities and public art.

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

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

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

#### Response to context

#### Scale and massing

8.5 The proposed buildings would be split onto 3 'cores' or 'blocks' the highest of which would front onto Newmarket Road. The blocks are arranged running from west/east and are set to the north of the main block fronting onto Newmarket Road in a parallel alignment.

8.6 The main block fronting Newmarket Road increases in height from west to east. At the far western end immediately adjacent to the existing commercial units it would be two storey. This then

risers to 2+1 storey moving towards the main entrance of the building and beyond the central access it would be 3+1 storey.

- 8.7 The latest re-design of the roof form of the Newmarket Road block has reduced the eastern section by 0.829m and the western section by 0.255m. As such the eastern section of the proposed building is now 0.171m taller than the maximum height in the SPD at 13.171m. The western section is reduced to 12.8m. The same split roof treatment has been introduced across each of the roof forms on the scheme with a consequential reduction in overall ridge heights across the rest of the scheme.
- 8.8 I have assessed the scale and massing of the proposal against the existing built form which surrounds the site and against the guidance given in the Eastern Gate SPD. I have also considered the advice given by the Urban Design and Conservation team. I also note the concerns very strongly expressed in representations that the storey heights of the proposal do not correspond to the guidance in the SPD and that the proposal does not adhere to the maximum storey heights set out in Figure 39 of the SPD.
- 8.9 It is accepted that the maximum heights have been marginally exceeded by the Newmarket Road block. However, the SPD makes it clear in Section 3.4 that the heights are recommendations, that the creation of varied heights is important, and that proposals seeking to exceed the recommended storey heights must be tested in a robust way. In my view, the verified images submitted provide this robust testing, and when coupled with the very small scale of the exceedance I am of the view that the Newmarket Road block does produce a form of development in line with the spirit of the aspirations of the SPD in relation to building heights. The SPD very clearly recommend an increase from the present heights in any future development. The appeal Inspector also noted at paragraph 12 of the decision that verified images were sufficient to 'robustly test' an exceedance in the heights in the SPD.
- 8.10 The remaining two blocks to the north of the Newmarket Road block would front onto River Lane and would be 3 storey and 2+1 storeys respectively (12m and 9m). These two blocks would also be prominent in views from properties on Godesdone Road and Rowlinson Way.

8.11 The existing commercial buildings to the north of the site are single-storey, but they have high gabled roofs, and in my view, notwithstanding neighbour representations, the heights proposed for two blocks to the north of the Newmarket Road block fronting onto River Lane would be appropriate in terms of scale. The pitched roofs are in my view an appropriate allusion to the forms of the commercial roofs currently in place, and relate well to the character of the conservation area. Paragraph 3.4.14 of the Eastern Gate SPD states: '[policy]... is intended to avoid long unvaried rooflines of large new buildings forming dominant and intrusive horizontal bands on the skyline, which would detract from the roofscape of the conservation area and the skyline of the city...]. It is my view that the two rear blocks are well-articulated, and their form would not have a harmful impact on the character of the conservation area in line with the above paragraph from the SPD. The importance of achieving varied roof heights is also noted by the appeal Inspector and is set out at paragraph 8 of the appeal decision.

8.12 The verified images submitted comply with the requirements of Paragraph 3.4.9 of the Eastern Gate SPD, and confirm my view that the design is compliant with that guidance and acceptable. I am satisfied that the proposal would not have a harmful impact on the conservation area, and is appropriate in its context on the north side of Newmarket Road. I concur with the advice of the UDC team that the scale and massing is acceptable in design terms.

#### Architectural detail and Materials

8.13 There are a number of elements which break up that mass of the blocks and emphasize verticality. On the Newmarket Road block the main entrance is articulated by a full height void with brise solei detailing to the stairwell. The windows have a vertical emphasis and there is recessed brickwork to create the visual appearance of 'bays' within the overall frontage. The corner detailing to the eastern end of the block also relates well to the Corner House PH and in my view successfully turns the corner onto River Lane. The two rear block have pitched roofs and again, vertically proportioned window emphasis with timber privacy screens and projecting brick edge detailing to the window openings.

- 8.14 It is my view these features would diminish the perceived mass of the building and create a more comfortable relationship with the conservation area to the north and west.
- 8.15 The proposed materials have been chosen to respond to materials prevalent in the local area. The building would be clad in buff brick with pale mortar, standing seam zinc roofing is proposed with aluminium windows. In my view these materials would respond well to the local context. Appropriate quality could be secured by condition.
- 8.16 In my view, the detailing and materials of the proposal are appropriate for the context and in accordance with policies 3/4 and 3/12 of the Cambridge Local Plan 2006, and the guidance in paragraphs 3.4.18 to 3.4.20 of the Eastern Gate SPD.

### Landscaping

- 8.17 The application proposes two sunken courtyards separating the three blocks. A detailed landscaping proposal has been submitted which indicates that the courtyards would have formal seating and dining furniture as well as less formal seating (around retaining walls etc). Some ornamental and screening planting is proposed. The species have been selected so that they can flourish in more shady conditions that will be afforded by the Courtyards. The landscape team have confirmed that they are content with the proposals and I share this view.
- 8.18 It is also proposed to provide planting along the River Lane frontage and details of the services and tree pits have been provided for consideration. Although in the latest review of the plans the number of trees is reduced from 5 to 4, the landscape team are confident that these trees can be provided and would have good survival prospects so long as the tree pit detail is adhered to. This can be controlled by a suitably worded condition.
- 8.19 In my opinion, the landscaping proposals, both in the courtyard and the street, are acceptable. In this respect, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 4/4 and 4/11.



## Design and Conservation Panel comments

8.20 The Key points raised by D&C Panel meeting of 7 October 2015 are identified in the table below. It should be noted that issues relating to the internal configuration of the building are not a planning matter.

	D&C Panel comment	Resolution/evidence
Scale and massing	Panel were pleased to see a fundamental reassessment of this proposal. Further views along NMR to see the relationship to the larger scale buildings would have been helpful.	We have provided our own assessment of the scale and massing in relation to guidance in the Eastern Gate SPD and based on an assessment of the verified views and submitted plans, elevations and sections.
Entrance from Newmarket Road	Panel felt the entrance needed further design development to provide a readable opening and unite the two parts of the building.	Revisions undertaken after the panel meeting resulted in a more recessed entrance and refined detailing to make it more legible.
Alignment of entrance with Coldham's Lane	Panel felt that the failure of the scheme to align the main entrance with the centre line of Coldham's Lane was unfortunate but not critical to the success of the scheme.	Page 35 of the D&A Statement indicates how a strong visual connection is created between the alignment of Coldham's Lane and the proposed entrance.
River Lane frontage	It was felt that a scheme that followed the street line would be more successful particularly given the fragmented character of this end of River Lane.	The previous refused scheme (14/1154/FUL) had a continuous alignment and less broken form. The impact on properties opposite in terms of daylighting was greater as a result, although considered acceptable by an independent assessment of the scheme, given the urban nature of the

		location. These proposals have no impact on daylighting levels beyond what is considered acceptable by the BRE guidelines. Accordingly the more broken frontage is considered to be acceptable in design terms.
Bin store	The bin store location on the River Lane entrance was considered unfortunate.	This entrance is not the main route into the building and we are confident that through good design and detailing its impact has been successfully mitigated.
Courtyards	The likelihood of the courtyards being heavily shaded was identified by panel although was felt to be resolvable through robust landscaping.	A BRE assessment has been undertaken which demonstrates that the northern courtyard satisfies the assessment criteria. The southern courtyard does not meet the minimum levels identified by the BRE but has been designed to ensure seating is positioned in the sunniest places. Landscape colleagues have suggested amendments to the landscape scheme to resolve concerns about the landscape specification of the courtyards.

Verified views	Views from Godesdone Road were considered to be particularly important in the assessment of the acceptability of the proposals.	Verified visual assessment montages showing existing and proposed views have been prepared to accepted industry standards. We have assessed these images along with the Daylighting and Sunlighting (Shadow) study.
Trees along Newmarket Road	Concern was expressed as to the success of any trees along this narrow 3m wide pavement. As there are no expectations to transform this busy artery into a formal boulevard, the designers are advised against creating hostages to fortune.	Planting along Newmarket Road was investigated but discounted.
Room layouts	The approach to room layouts was welcomed with detailed questions about head heights in the dormer rooms and ventilation strategies.	Page 27 of the D&A Statement shows how the study bedrooms can be configured. Ventilation louvres are proposed and well integrated into the elevations. Head heights in the attic rooms appear to be adequate given the floor to floor heights.
Cluster arrangements and corridors	The Panel questioned the linear cluster arrangement of rooms along paired non-day lit corridors. This is unusually restrictive for student accommodation in Cambridge; layouts of rooms clustered around the common room are felt to offer a more sociable grouping of rooms. There was also	A number of the corridors are not day lit and ideally we would like to see some natural daylighting of these circulation spaces. There will be a degree of deferred light given the positioning of common rooms at the end of these circulation spaces. Issues relating to disabled access will be covered by the Access Officer.

	concern that the long narrow corridors could not be navigated easily by disabled residents	
Future adaptability	The designers were advised to consider whether these plans, particularly with the long corridors, would be sufficiently robust to accommodate a change of use to flats in the future.	Page 50 of the submitted D&A Statement demonstrates how the study bedrooms could be converted to create additional 'accessible rooms'. Page 52 of the submitted D&A Statement shows how the scheme could be adapted to create private residential accommodation.

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

### **Public Art**

8.22 The applicants' have agreed to the principle of providing public art on site, and the public art delivery plan submitted with the application sets out the broad principles for the provision of public art within the site. I am satisfied that the detail of the public art can be adequately controlled by the imposition of suitably worded conditions.

8.23 Subject to conditions to secure the provision of on-site public art, the proposal is in accordance with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

### **Renewable energy and sustainability**

8.24 The application proposes the use of photovoltaics, combined heat and power and the provision of some small areas of sedum roofing. The Sustainability officer is content that the carbon savings generated by the scheme would exceed the 10% required by policy. The noise implications of air source heat pumps would need to be controlled by condition.

8.25 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in

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

### **Disabled access**

- 8.26 The Council's access officer has not raised any objection to the proposals and concurs with the Disability Panel comments. Whilst I acknowledge that the Disability Panel have raised concerns relating to the clash between doors within the units, this is outside of the planning remit and is a requirement of Building Regulations. The applicants agent has responded to this and advised that power assisted doors can be provided within the accessible units and I consider that this is a reasonable solution. Overall there are not considered to be any issues relating to accessibility.
- 8.27 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

Sunlight and daylight

- 8.28 The potential impact of the scheme on surrounding properties at 2-22D Godesdone Road, 231 Newmarket Road, 6-24 River Lane and 33-47 River Lane have all been assessed as well as the internal daylighting of rooms. The results for the daylight assessment show that the scheme is fully compliant with the BRE criteria.

### **Privacy**

Godesdone Road.

- 8.29 Numbers 2 – 20 Godesdone Road back directly onto the application site, which is currently vacant and so are not currently overlooked by residential properties. Properties further along Godesdone Road to the north (numbers 22a onwards) do have some sense of existing mutual overlooking from the rear of properties on River Lane. With regard to the windows on the Newmarket Road block, the westernmost windows which could give an oblique view across the gardens

towards the rear of numbers 2 – 20 Godesdone Road are treated with angled screens so that views are directed back into the site, across the courtyard. I consider that this will protect against overlooking from these windows. The central block is sited to the far east of the site and would be a total of 50m from the rear of the properties on Godesdone Road. There is planting proposed on the western boundary to provide some visual screening, but even if it were possible to achieve a view across I am of the opinion that the distances are so great, that there would be no undue loss of privacy. There are no windows giving any outlook directly to the west (eg across the gardens to numbers 2 – 20 Godesdone Rd) on the northernmost Block. There are windows which give outlook on the north elevation and these are angled windows directing views obliquely to the north east. Oblique views could be possible to the rear properties north of 22a at a distance of approximately 26m. That said, there are the Rowlinson Way Garages in between the two sets of buildings and windows giving this outlook are only present on level 2. At level 3, there are three dormer windows that give outlook to the north. As such I consider that there would be an acceptable relationship between the proposals and the surrounding properties on Godesdone Road in terms of privacy.

#### Beche Road

- 8.30 Given that the rear of the Newmarket Road block would be approximately 75m from the properties on Beche Road there will be no significant overlooking impacts.

#### River Lane

- 8.31 The south side of the curtilage of No.33 is currently not overlooked, and the arrangement of angled windows on the northern elevation of the northern most block at level 1 would effectively eliminate such overlooking from the scheme. At level 3 the windows are reduced to 3 dormer windows. It is my view that this would also reduce overlooking to gardens further north on River Lane, and given the mutual overlooking which already exists, no significant loss of privacy would occur in this direction.
- 8.32 The northernmost and central blocks are set back from the edge of the footway on River Lane and as such the distances

between the front elevations of these blocks and the front of the houses on the eastern side of River Lane is a minimum of 18m. I consider these separation distances to be acceptable in terms of maintaining an acceptable level of amenity for the existing residents on River Lane. I am also mindful that the proposed tree planting and landscaping will to some extent shield direct views across the street and more oblique views from Rowlinson Way. The appeal Inspector drew similar conclusions in relation to the refused scheme at paragraph 24 of the appeal decision.

#### Visual domination

- 8.33 The present scheme has pulled the whole of the River Lane blocks back from the highway, and provides a separation distance between No.6 River Lane and the closest part of the development to approximately 19m. The current scheme has also reduced the massing of building at the west end of the Newmarket Road block. Having studied the verified views now provided, I am of the view that the buildings proposed would not cause an unacceptable degree of visual domination in either of these locations. I do not consider that the relatively modest heights at the west end of the northernmost block would lead to unacceptable visual domination of houses in Godesdone Road, which would be at a distance of approximately 18m. Issues of visual dominance do not arise elsewhere around the site. The appeal Inspector concluded at paragraph 17, that the previous scheme for an unbroken and higher block on this elevation would not visually dominate the properties opposite. Given these conclusions, and coupled with the fact that the current scheme is for blocks which allow views/light through to the west and that the blocks are lower, I am of the opinion that there are no grounds to resist the scheme in relation to visual dominance.

#### Noise and disturbance

- 8.34 I note neighbour concerns on this issue. However, Newmarket Road is a very busy road, there is also a substantial distance of the building from its neighbours. In addition to this, the student accommodation is not likely to lead to a large number of motor vehicle movements, the positioning of the main entrance on Newmarket Road and a relatively low proportion of the student rooms face outwards towards nearby houses. On this basis, I do not consider that the impacts of noise, movement and light from the building on neighbouring occupiers would be

unacceptable. I am also mindful of the fact that the premises could revert to vehicle repair activity, which generates considerable noise, without requiring planning permission. I am of the view that the particular issues associated with pick-up and drop-off at the beginnings and ends of university terms could be addressed by a condition requiring a management plan. I do not consider that the impact of increased pedestrian traffic to Tesco, or additional rubbish collections would cause significant harm to neighbouring occupiers. The Inspector concluded that noise issues could be controlled via a condition (paragraph 25) and I am satisfied that this approach will also be appropriate for the current scheme.

- 8.35 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

- 8.36 I consider that the external courtyards, including planting and outdoor seating/socialising areas together with a part double-height internal common room leading into the southernmost courtyard would provide a high-quality space and give a high amenity value to future occupiers. The daylight/sunlight assessment has confirmed that the levels of daylight and sunlight available to the courtyard, and to rooms looking on to it are acceptable. There are adequate cycle storage and bin arrangements all rooms have outlook, and privacy screens and planting are in use (in relation to courtyard facing rooms) to protect overlooking into the student rooms (as well as protecting against overlooking towards the existing residential properties) and I have no other concerns in relation to the quality of the space for the future occupiers.
- 8.37 I acknowledge that the two courtyard spaces are relatively small. However, a single courtyard was proposed in the appeal scheme and the Inspector found (para 12 of the decision) that a courtyard would not be a 'poor environment' notwithstanding the height of the surrounding buildings and the size of the space. The buildings in the current scheme are lower than previously proposed and the courtyard areas are (in total) a similar size to that previously proposed. Given the conclusions of the appeal



Inspector, I do not consider that there would be any grounds to resist the proposals on the basis of amenity space or living conditions for the future occupiers.

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

### **Refuse Arrangements**

- 8.39 I am of the view that adequate space is provided for the storage of waste and recycling on site. A management plan would be necessary to ensure satisfactory arrangements for collection and retrieval of bins, but this could be addressed by condition.
- 8.40 In my opinion, subject to such a condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012).

### **Highway safety**

- 8.41 The Highway Authority initially raised concerns in relation to the level of servicing required and car parking spaces for disabled users being specified. Following amendments to the scheme the highway concerns have been addressed and these objections have been removed. The Highway Authority is now of the opinion that the level of servicing, and proposed arrangements will not cause significant detriment to the operation of the public highway. The proposal encouraging cyclists to use the footway on the corner of Newmarket Road/Coldhams Lane has been removed.
- 8.42 I note the comments of the Walking and Cycling Officer in the latest comments dated 05 April 2016 and I am satisfied that the financial contribution of £120,000 as set out at paragraph 8.55 to improve crossing facilities to the south of the site, including access to the retail park will overcome these concerns. I am also content that as the works fall outside of the application site (and outside of the applicant's control), that a S106 agreement is the appropriate mechanism to address this issue.

- 8.43 In the light of the revised comments from the Highway Authority, I am content that there would be no detriment to highway safety and that the proposals would be compliant with Policies 8/2 and 8/10.

### **Car and Cycle Parking**

- 8.44 The proposal provides no car parking space on site. Student use of cars can be precluded by a Section 106 agreement, and I do not consider that the application would increase pressure on car parking in the area, which is controlled. Pick-up and drop-off of students at term ends can also be controlled, by a management plan, secured by condition. The disabled parking originally proposed has been removed through amendments, but as the highway officer has pointed out, disabled badge holders can park in the surrounding streets in any case. I consider this arrangement to be acceptable. The cycling officer has indicated that the cycle parking proposed is adequate.
- 8.45 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Other Environmental Impacts**

- 8.46 It is inevitable that a scheme of this size will have some impacts during the construction phase of the development. Notwithstanding the fairly noisy location of the site adjacent to Newmarket Road, I still consider that a construction hours condition is appropriate, as is a condition controlling piling and delivery hours. A traffic management plan for construction vehicles has also been conditioned and I am satisfied that with these conditions in place that the impacts on the surrounding neighbours will be adequately controlled.

### **Refuse Arrangements**

- 8.47 I am of the view that adequate space is provided for the storage of waste and recycling on site. A management plan would be necessary to ensure satisfactory arrangements for collection and retrieval of bins, but this could be addressed by condition. I also note that the Waste Officer has confirmed that there are no objections to the scheme, I agree with this advice.

8.48 In my opinion, subject to such a condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Archaeology**

8.49 This was raised as an issue by third parties in respect of the previous scheme. The Inspector allowed the appeal (see Appendix 1) and in so doing he imposed a condition (number 16) in relation to archaeology. Given that this is a recent decision and a material consideration I consider it reasonable to impose a condition in this regard in relation to this application.

### **Other Matters**

#### **Third Party Representations**

<b>Issue</b>	<b>Response or paragraph where addressed</b>
<b>Principle</b>	
The scheme is not significantly different to the previously refused scheme. There is only a reduction of 7 students.	8.2, 8.3
Intensity of use	8.3
The previous reasons for refusal have not been addressed.	8.2
The scheme does nothing to address the fundamental housing supply issue close to the city	8.3
Introduces transient population	8.3
<b>Context and design</b>	
Scheme does not respond to Conservation Area	8.11, 8.12
Scheme violates SPD height and form guidelines	8.8, 8.9
60% of the frontage will 'read' as four storeys.	8.5 – 8.12
Scale of building, height and massing	8.5 – 8.12
Dominant structure	8.33
Transition to a lower height at the western end is inadequate	8.7, 8.11

No attempt has been made to satisfy the SPD aspiration to green Newmarket Road	No policy basis to require this
Tree planting shown on River Lane cannot be achieved	Amendments to scheme to secure tree pits to ensure planting can be delivered/maintained
Block B is higher than the refused scheme when viewed from Godesdone Road properties	The refused scheme has been allowed at appeal. The current proposals have been assessed on their own merits although the allowed appeal for a larger scheme overall is a material consideration.
Overdevelopment of the site.	8.3
The Design and Conservation Panel recorded only two 'green' verdicts all of the remaining were amber (in need of significant improvements to make it acceptable)	8.20 and subsequent table analysis.
The development is pushed to the boundary of the site on all sides	8.5 – 8.12
Materials are inappropriate - masonry and glass	8.15
<b>Neighbour amenity</b>	
Loss of light to properties in River Lane	8.26 – 8.28
Overlooking to surrounding houses	8.29 – 8.32
Management plan only addresses issues within the site and does not seek to control behaviour outside of the site.	A management plan will be required by a condition and will control use of the site as far as possible, but it may not be possible to control behavior away from the site.
Overbearing to properties on River Lane	8.31, 8.33
Antisocial behaviour	8.34
Overspill of students into the surrounding residential streets	This is not something that can be controlled via the planning remit

Security concerns relating to boundary wall to rear of Block B	I have no reason to believe that this would be an issue.
<b>Amenities for future occupants</b>	
Sunken courtyards will lack sunlight and will be dominated by tall buildings.	8.36
Study rooms in general are small and overlooked. The ones in the roof of block C will have poor amenity – sloping ceilings, lack of light and lack of floor space.	8.36
Lack of outdoor amenity space	8.36
The common room does not provide enough space for 195 students, it is north facing, adjacent to Newmarket Road and fully glazed	8.36
Lack of toilet facilities near the common room and management office	The internal arrangements such as these cannot be controlled via planning.
<b>Car and cycle parking</b>	
No credible response to ensure that occupants do not keep cars	This can be controlled via a S106 agreement.
No parking provided for disabled students	8.41 and no objection from the Access Officer
No provision is made for servicing and deliveries	controlled by condition
The three parking spaces on River Lane close to the junction with Newmarket Road is dangerous	No highway objection received
<b>Highway safety</b>	
Cycle entrance/exit point is dangerously located.	No objection received from the Highway Authority.
There will be cyclist/pedestrian conflicts	8.41
Travel plans must reflect likely behaviour and is unacceptable	Controlled by condition/S106
No realistic attempt has been made to block taxi visits to the site.	This is not possible within the planning remit.

Drop off/pick up arrangements will cause problems at the start/end of each term.	This will be addressed by the management plan
Increase in trip generation will be harmful to amenity	8.34
The visibility onto Newmarket road from River Lane should be improved	There is no objection to the proposals from the Highway Authority in relation to the vehicular access. Given this there are no grounds on which to resist the application on this basis.
There should be an additional pedestrian/cycle crossing point of Newmarket Road	There is no objection to the proposals from the Highway Authority and there is a financial contribution secured via a S106 agreement to improve crossings outside of the site for wider safety.
Cycle entrance/exit point is dangerously located.	There is no objection to the proposals from the Highway Authority and there is a financial contribution secured via a S106 agreement to improve crossings outside of the site for wider safety.
<b>Other issues</b>	
Images are misleading	There is no reason to doubt the accuracy of the images. Inspector has accepted the accuracy of CGI's and given them weight in the determination of the associated appeal against 14/1154/FUL.
Proposals do not accord with planning policies or the NPPF	9.6
This is a wholly new application which should be considered anew without preconception.	8.2
The building heights set out in the SPD are mandatory and maximum.	8.7 – 8.9

Description of the existing buildings on site is misleading and is not of bulky warehouses. The comparison of the existing buildings on site is not justified as there is no similarity whatsoever	The existing buildings on site are a material consideration and the supporting documentation has described them accurately in my opinion.
The applicants should not be allowed to 'buy' their way out of providing outdoor space via a S106 agreement.	There is no Policy requirement for minimum levels provision of outdoor space within the site.
The planning statement refers to buildings on the opposite side of Newmarket Road that have now been removed and replaced with the Travelodge.	This does not undermine the planning statement as the Newmarket Road area is changing rapidly.
Bin collection	Controlled by condition
Long term maintenance/survival of proposed trees	Controlled by condition
Concern about site management	Controlled by condition
Lack of reception facility out of hours and at weekends	Controlled by condition
No council tax will be paid by residents	This is not a material planning consideration
There will be no wider benefit to the local economy	There is no policy basis to require any wider benefits
Newmarket Road will become a 'wind tunnel'	There is no evidence to suggest this would be the case.
The refused scheme is at appeal and this application should not be determined until the outcome of this is known.	There is no conflict in determining an application whilst an alternative scheme is at appeal. Since the submission of the application the appeal for the previously refused scheme has been issued (18.03.16). para 3.0

### **Planning Obligations (s106 Agreement)**

8.50 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.

8.51 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.

8.52 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:

Table 1 Open Space

1	Is any on-site facility proposed to mitigate the development?	No
2	Could the extra demands created by the new development be mitigated by the existing capacity of nearby facilities?	<p>It is likely that there will be an Increased demand for informal games and recreation including basketball, 5 aside football. The current nearby facilities operate as follows:</p> <p>AGS 04 Ditton Fields 53% Quality  P&amp;G 22 Coldhams Common 59% Quality  P&amp;G 20 St Matthew's Piece 59% Quality  CEM 13 Abbey Church 53%</p>



3	Is a mitigation project is proposed at a specific nearby location?	<p>Coldham's Common demonstrates a well-placed site 81% but with a low offer of 49%. Any collected S106 would be used to enhance the sites offer.</p> <p>Access improvements to include new benches, bins, noticeboards, interpretation boards, footpath surfaces signs.</p> <p>Tree planting and new boundary treatments ie hedges</p> <p>Fencing to segregate cattle to create new areas for recreation.</p>
4	How much S106 funding is requested from the developer?	£47,190 Calculated as 195 no 1 person rooms @ £242 per unit = £47,190.
5	Have any contributions for this specific project been agreed since 6 April 2015?	TBC

Table 2 Indoor Sports Facilities

1	Is any on-site facility proposed to mitigate the development?	No
2	Could the extra demands created by the new development be mitigated by the existing capacity of nearby facilities?	It is anticipated that students would be attending more activities at Abbey Sports Centre & Gym, Cambridge Parkside Pools and Kelsey Kerridge. Therefore the demand on the centres will be growing especially for sports hall team games at Kelsey Kerridge, along with gym and exercise class based activities at all three sites.

3	Is a mitigation project is proposed at a specific nearby location?	<b>Kelsey Kerridge – all prices currently estimated</b> <input type="checkbox"/> Studio conversion & more gym equipment - £55,000 <input type="checkbox"/> Contribution towards Projectile room conversion - £120,000
4	How much S106 funding is requested from the developer?	£52,455 Calculated as 195 no 1 person units @ 269 per person = 52,455.
5	Have any contributions for this specific project been agreed since 6 April 2015?	TBC

Table 3 Outdoor Sports Facilities

1	Is any on-site facility proposed to mitigate the development?	No
2	Could the extra demands created by the new development be mitigated by the existing capacity of nearby facilities?	<p>The dominant sporting demand from this new set of accommodations will be for use of the adult football pitches for games, training and recreational use, along with tennis and cycling which are also sporting preferences in these groups</p> <p><b>Logans Meadow</b>  As a site this is very near to the development accessed by the new foot and cycle bridge.  The pitch is currently designated as a colts pitch but it is highly likely the playing area would be used by students from the accommodations as a local training ground for any teams, and for recreational games which could impact on the wear</p>

		and tear and reduce the quality of the playing surface for junior games, therefore better pitch drainage and works to improve the pitch even an artificial surface could be considered. There is limited space to add any pavilion facilities on the meadow which may be prohibitive as it is on a flood plain, but the contribution could be used to create changing facilities in the nearby Scouting building.
3	Is a mitigation project is proposed at a specific nearby location?	<b>Logans Meadow - contribution towards:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Artificial Training pitch - £50,000</li> <li><input type="checkbox"/> Training pitch improvements and drainage - £35,000</li> <li><input type="checkbox"/> Changing rooms at Scout facility - £80,000</li> </ul>
4	How much S106 funding is requested from the developer?	£46,410 Calculated as 195 no I person units @ £238 per person = £46,410.
5	Have any contributions for this specific project been agreed since 6 April 2015?	TBC

6.53 In the event that the identified specific projects, for which S106 contributions are agreed and received, are not delivered the Council will be required to re-pay the commuted sum payments.

6.54 The following table is a summary of the s106 contributions that will be requested in relation to this development:

Table 6 Summary

Open Space	£47,190
Play Space	N/A – cannot seek contributions for schemes providing student accommodation
Indoor Sports	£52,455
Outdoor Sports	£46,410
Community Facilities	N/A – cannot seek contributions for schemes providing student accommodation

8.55 Subject to the completion of a S106 planning obligation I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8, 5/14 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

#### Transport

8.56 £120,000 to the County Council for the installation and maintenance of a crossing facility on Newmarket Road to be located between Abbey Walk and Cheddars Lane to facilitate movements to and from the development to the south side of Newmarket Road including the retail park and Anglia Ruskin.

8.57 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

#### Other Planning Obligations

8.58 The following will also need to be secured via a S106 agreement as set out in the report and consultee responses:

- ☐ Travel Plan
- ☐ Student Management Plan
- ☐ Management/monitoring of student car ownership
- ☐ Occupancy restriction

## Planning Obligations Conclusion

- 8.59 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010. The appeal Inspector also accepted the S106 requirements in relation to the refused scheme (14/1154/FUL) which were very similar to those requested for this application and as such the nature of the requests are considered appropriate.

## **9.0 CONCLUSION**

- 9.1 It is my view that the principle of student accommodation on site is acceptable.
- 9.2 Having assessed the proposed scheme and reviewed the consultee comments I am of the view that the proposed design and visual impact of the scheme is acceptable, as is the impact on the Conservation Area, subject to the imposition of conditions to control materials.
- 9.3 I am also of the view having reviewed the conclusions of the daylight/sunlight report and looked at the CGI images of the proposed buildings, that the impacts on the surrounding residents will, on balance be acceptable.
- 9.4 I am of the opinion that the proposals will provide a high quality living environment for the future occupiers of the scheme.
- 9.5 In the light of the recent appeal in relation to the previously refused scheme at the site (ref 14/1154/FUL) which was for a higher number of student rooms and for buildings which were larger and un-broken in their mass, I am of the opinion that the current scheme represents a significant improvement and reduction of impacts. As such, it is my view that this scheme is acceptable and there are no planning grounds on which it could reasonably be refused.
- 9.6 I am satisfied therefore, that the proposals would comply with the provisions of the relevant Development Plan Policies cited within the main body of the report and to the NPPF.

## 10.0 RECOMMENDATION

**1) APPROVE** subject to completion of the s106 Agreement by 1 August 2016 and the imposition of 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 assessing the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:

- Detailed history of the site uses and surrounding area (including any use of radioactive materials)
- General environmental setting.
- Site investigation strategy based on the information identified in the desk study.

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

## 7. Material Management Plan:

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

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

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

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



8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

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

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

13. The external building envelope glazing element sound reduction performance / index (Rw) specifications to mitigate against traffic noise from Newmarket Road as detailed / stated within the Red Acoustics, UNICITY XXI CAMBRIDGE SARL, C/O THREESIXTY DEVELOPMENT LTD, Environmental Noise Study (R1135-REP01-PB) dated 03 December 2015 shall be fully implemented prior to occupation and shall be maintained and retained thereafter. The sound reduction performance of the external building glazing elements shall be for the glazing window unit / package as a whole in their installed condition inclusive of the glazing, the frames, casing spandrel panels or mullions, all seals on any openable part of the system and any openings.

Reason: In the interests of the amenities of the future occupants of the new units Cambridge Local Plan Policy 4/13.

14. Before the development/use hereby permitted is occupied, a scheme for the insulation of plant and equipment 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 and shall be retained thereafter.

Reason: In the interest of residential amenity - Cambridge Local Plan Policy 4/13.

15. Prior to the installation of any lighting an external artificial lighting assessment and scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken (horizontal / vertical isolux contour light levels and calculated glare levels) . Artificial lighting on and off site shall meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

The artificial lighting scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interest of residential amenity and to ensure that the development has a satisfactory visual appearance - Cambridge Local Plan Policies 3/4, 3/7, 4/13 and 4/15

16. Prior to occupation/use of the development hereby permitted, details of CHP boilers to be installed in any building shall be submitted to, and approved in writing by the Local Planning Authority.

Any gas-fired CHP must meet an emissions standard of:

Spark ignition engine: less than 150 mgNO<sub>x</sub>/Nm<sup>3</sup>  
Compression ignition engine: less than 40 mgNO<sub>x</sub>/Nm<sup>3</sup>  
Gas turbine: less than 50 mgNO<sub>x</sub>/Nm<sup>3</sup>

The CHP boiler(s) shall be installed in accordance with the approved details before the first occupation of the development and shall thereafter be retained as such.

Reason: To protect human health in accordance with policy 4/14 of the Cambridge Local Plan (2006).

17. Prior to the commencement of construction on Block A, as part of a noise insulation scheme to protect future occupiers from the impact of traffic noise and air quality from Newmarket Road full details of the ventilation scheme / system for the units within block A on the Newmarket Road and River Lane façade as detailed in the Red Acoustics, UNICITY XXI CAMBRIDGE SARL, C/O THREESIXTY DEVELOPMENT LTD, Environmental Noise Study (R1135-REP01-PB) dated 03 December 2015 shall be submitted to and approved in writing by the local planning authority. If the internal noise limits can only be achieved with closed windows then alternative means of both background and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed. Air intake shall be from the roof and/or rear of the building, away from Newmarket Road. The scheme as approved shall be fully implemented before the use hereby permitted is commenced prior to the occupation and shall thereafter be retained thereafter as such.

Reason: To protect human health in accordance with policy 4/13 and 4/14 of the Cambridge Local Plan (2006).

18. Before starting any brick work, a sample panel (minimum 1x1m) 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).

19. Prior to the installation of any walling systems, full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing 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 and retained as such thereafter.

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

20. Full details of all windows and doors, including the obscure glazed sections on Newmarket Road and River Lane frontage, 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. The development shall be undertaken in accordance with the agreed and shall be retained as such thereafter.

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

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

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

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

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

23. Boundary treatment: No development shall take place other than demolition and below ground enabling works until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

27. The existing access to the adopted public highway shall be permanently closed off and returned to a full face kerbed footway within 21 days of the opening of the new access hereby approved.

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

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

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



29. No demolition/development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation.

Reason: To protect potential features of archaeological importance, Cambridge Local Plan Policy 4/9.

30. The four street trees shall be provided, prior to the first occupation of the development approved and shall be planted in accordance with the tree pit details shown on drawing number 301.

Reason: To ensure that the trees are suitably planted and retained in the interests of visual amenity, Cambridge Local Plan policies 3/4, 4/4.

31. The development shall not be occupied until a plan for the future management of the proposed street trees has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to thereafter.

Reason: To ensure that the trees are retained in the long term in the interests of visual amenity (Cambridge Local Plan Policies 3/4, 3/7 and 4/4)

32. 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)

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

Reason: to ensure the effective management of the site in the interests of residential amenity, Cambridge Local Plan Policies 4/13, 3/7

34. 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 + 40% 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 ensure that adequate provision is made within the site for suitable drainage, Cambridge Local Plan Policy 3/12

**INFORMATIVE:** It is a requirement of the Clean Air Act 1993 that no furnace shall be installed in a building or in any fixed boiler or industrial plant unless notice of the proposal to install it has been given to the local authority. Details of any plant to be installed should be provided using the Chimney Height Calculation form (available here: <https://www.cambridge.gov.uk/chimney-height-approval>)

**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:** Demolition/Construction noise/vibration report

The noise and vibration report should include:

- a) An assessment of the significance of the noise impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 1 Annex E - Significance of noise effects. It is recommended that the ABC method detailed in E.3.2 be used unless works are likely to continue longer than a month then the 2-5 dB (A) change method should be used.
- b) An assessment of the significance of the vibration impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 2 Annex B - Significance of vibration effects.

If piling is to be undertaken then full details of the proposed method to be used is required and this should be included in the noise and vibration reports detailed above.

Following the production of the above reports a monitoring protocol should be proposed for agreement with the Local Planning Authority. It will be expected that as a minimum spot checks to be undertaken on a regular basis at site boundaries nearest noise sensitive premises and longer term monitoring to be undertaken when:-

- Agreed target levels are likely to be exceeded
- Upon the receipt of substantiated complaints
- At the request of the Local Planning Authority / Environmental Health following any justified complaints.

Guidance on noise monitoring is given in BS 5228:2009 Part 1 Section 8.4 - Noise Control Targets and in Annex G - noise monitoring.

A procedure for seeking approval from the Local Planning Authority (LPA) in circumstances when demolition/construction works need to be carried out at time outside the permitted hours. This should incorporate a minimum notice period of 10 working days to the Local Planning Authority and 5 working days to neighbours to allow the Local Planning Authority to consider the application as necessary. For emergencies the Local Planning Authority should be notified but where this is not possible the Council's Out of Hours Noise service should be notified on 0300 303 3839.

Contact details for monitoring personnel, site manager including out of hours emergency telephone number should be provided.

#### **INFORMATIVE:** Dust condition informative

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

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

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

- Guidance on the assessment of dust from demolition and construction

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

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

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

**INFORMATIVE:** Notification to the Environmental Growth and Quality team will be required under the Environmental Permitting Regulations if an on site concrete crusher will be used during the demolition stage.

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

**INFORMATIVE:** The 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 20m<sup>3</sup> 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.

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

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

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

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

**INFORMATIVE:** The residents of the site will not qualify for Residents Permits (other than visitor permits) within the existing Residents Parking Schemes operating on surrounding streets.

The proposal will require alteration of the existing Traffic Regulation Order controlling on-street parking.

The amendment of the Order to remove the existing on-street parking space must be a pre-commencement Condition of any permission that the Planning Authority is minded to grant in regard to this application.

The alteration of the Traffic Regulation Order is subject to a consultation process, the outcome of which cannot be prejudged and that the applicant will be required by the Highway Authority to bear the full costs of this.

The principal areas of concern that should be addressed are when submitted details in respect of condition number 28 are

1. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
2. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
3. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
4. 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.

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



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## Appeal Decision

Site visit made on 26 January 2016

**by Kevin Gleeson BA MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 March 2016**

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**Appeal Ref: APP/Q0505/W/15/3137454**

**West's Garage Ltd, 217 Newmarket Road, Cambridge CB5 8HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by HUB Cambridge LLP against the decision of Cambridge City Council.
  - The application Ref 14/1154/FUL dated 15 July 2014, was refused by notice dated 1 May 2015.
  - The development proposed is described as the erection of new student housing (222 study bedrooms) and associated communal facilities, cycle parking, and external landscaping following demolition of the existing buildings.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of new student housing (202 study bedrooms) and associated communal facilities, cycle parking, and external landscaping following the demolition of the existing buildings at West's Garage Ltd, 217 Newmarket Road, Cambridge CB5 8HD in accordance with the terms of the application, Ref 14/1154/FUL, dated 15 July 2014, subject to the conditions in the schedule at the end of the decision.

### Procedural Matter

2. As submitted the application was for 222 study bedrooms. Changes to the scheme during the consideration of the application resulted in the number of study bedrooms being reduced to 202. I have determined the appeal on this basis and referred to the revised number in my formal decision.
3. The main parties have submitted a signed and dated Agreement in accordance with Section 106 of the Town and Country Planning Act 1990, containing a range of obligations including restrictions on the occupation of the accommodation, the keeping of cars by residents, the preparation of a servicing management plan and travel plan and contributions to infrastructure.

### Main Issues

4. The main issues are:
  - a) the effect of the proposed development on the character and appearance of the surrounding area including the setting of the adjacent City of Cambridge Conservation Area No. 1 (Central);

- b) whether future occupiers would be likely to experience acceptable living conditions particularly in respect of the proposed communal space;
- c) whether it has been demonstrated that there is a need for student accommodation in this location having regard to the principles of sustainable development; and
- d) whether the proposal makes adequate provision for infrastructure comprising open space and sports facilities, waste facilities and public art.

## **Reasons**

### *Character and Appearance*

5. The appeal site adjoins the City of Cambridge Conservation Area No. 1 (Central) which is characterised by the ancient Colleges, open spaces, the commercial heart of the city and a variety of residential buildings. The conservation area boundaries run along the northern and western boundaries of the appeal site. The Riverside section of the conservation area is primarily characterised by two storey Victorian terraced houses, with pitched roofs and projecting chimneys being particularly prominent. The appeal property was previously used as a motor vehicle business and the buildings, which include a number being of lightweight functional construction, are now vacant.
6. The development plan comprises the Cambridge Local Plan, 2006 with the Eastern Gate Development Framework Supplementary Planning Document (SPD), 2011, setting out further guidance about the development of the site and the local area.
7. With regard to building heights, the SPD sets parameters to achieve a varied skyline and roofscape. It seeks to avoid long unvaried rooflines which would detract from the adjoining conservation area and the wider city skyline. Additionally the SPD advises that on development sites with long frontages building heights should vary across individual buildings.
8. The proposed development would incorporate a variety of building heights on the Newmarket Road and River Lane frontages including upper storeys set back from the frontages. On the River Lane frontage the development would step up from two storeys adjacent to the terraced housing to the north of Rowlinson Way to four storeys on the corner with Newmarket Road. On the Newmarket Road frontage a step down from four storeys on the corner to three storeys on the western boundary is proposed. On the Godesdone Road and Rowlinson Way elevations variety in height would be achieved through a series of pitched roofs. Consequently I find that the proposals would achieve the objective within the SPD to generate a variety of building heights.
9. The SDP sets out a range of recommended storey heights as a starting point for the consideration of scale. It addresses building heights in terms of indicative storey heights. Whilst the SPD describes maximum storey heights it also provides for proposals to exceed the guidance should it be demonstrated, following robust testing, that the proposal will not unduly impact upon the surrounding context.
10. Properties on the north side of Newmarket Road between the appeal site and Godesdone Road are either single storey or two storeys and reflect the low rise character of the Riverside part of the conservation area. In contrast, recent

developments on the south side of Newmarket Road comprising hotel developments on either side of Coldham's Lane are considerably higher. The scale and form of the proposed development would be lower than that on the south side of Newmarket Road, reflecting this different local character.

11. The SPD indicates that on the Newmarket Road frontage, within the appeal site development of three storeys with a fourth storey set back would be appropriate. It also envisages an increase in height on the adjoining frontage to the west should it be redeveloped. The proposed development would comprise a three storey element with a fourth storey set back two bays from the western end of the block. Given the distance of the fourth floor from the houses on the eastern side of Godesdone Road I find that the proposal would not have an unacceptable sense of visual domination on occupiers of those properties. Consequently I find that three storey development on the Newmarket Road frontage with the additional set back storey would be appropriate in terms of the SPD's massing strategy.
12. The four storey section of the development on the corner of Newmarket Road and River Lane would not correspond with the SPD in terms of recommended height. However, the proposals have been robustly tested through verified images and I find that the proposed form is appropriate as it would contribute to the variety of building heights and provide visual presence. The set back of the River Lane frontage would reduce the dominance and provide an appropriate response to the height of the public house opposite.
13. The height of the Rowlinson Way and Godesdone Road elevations would reflect the existing scale of development and overall bulk on this part of the appeal site. Whilst floor to ceiling heights would be greater than those in nearby properties, the creation of two storey buildings with pitched roofs on each elevation would not be out of character with the two storey houses in Godesdone Road, River Lane and Beche Road. The articulation of the elevations through devices such as the introduction of blank windows to the brick bays of the Godesdone Road elevation and a different expression of form for the central bay, and a step back to allow trees to be planted in place of existing trees on the Rowlinson Way elevation, would help reduce the perceived bulk of these buildings. Such design measures would also address concerns about an overly horizontal form of development.
14. The distance from the houses in Godesdone Road, and Beche Road in particular is such that I do not consider the proposal would result in visual domination in the context of the existing outlook. With regard to the properties on the western side of River Lane, the set back of the block at the corner of River Lane and Rowlinson Way would also avoid visual dominance. Consequently, in respect of the Rowlinson Way and Godesdone Road elevations I find that the proposal would respond appropriately to the local context and to the character of the adjacent conservation area replacing existing buildings which detract from the character of the area with development which is sensitive to the location.
15. The River Lane frontage would be set back some distance from the existing site boundary. There would be a step up from two storeys adjacent to the conservation area boundary through a three storey section to three storeys plus an additional setback storey to four storeys on the corner with Newmarket Road. Whilst River Lane narrows toward Newmarket Road, because of the set

back from the site boundary the impact would not be overbearing or dominant in respect of the two storey residential properties opposite, even taking account of the fact that the fourth floor would not be set back in line with the guidance in the SPD.

16. The articulation of River Lane frontage, presented as a series of separate bays would include visual breaks in the elevation which would also ensure that the block would not overwhelm the properties opposite. Additionally, the introduction of trees and landscaping on this frontage would enhance the public realm, reduce the visual impact of the development and would highlight the point of entry into the residential area in line with the SPD guidance.
17. Consequently I find that the stepped form of development along River Lane would provide an appropriate response to the character of the adjoining properties within the conservation area and the buildings opposite. The proposed distance between the frontages would not result in the houses opposite being dominated visually or result in an unacceptable sense of enclosure.
18. The articulation of individual bays with a vertical emphasis on the River Lane and Newmarket Road elevations reflecting the proportions of nearby houses together with the roof form on the Godesdone Road and Rowlinson Way elevations would respect the local character and context including those of the adjoining conservation area.
19. Consequently I find that the proposal is in accordance with Policy 3/4 of the Cambridge City Council Local Plan 2006 which requires developments to demonstrate that they have responded to their context. The proposal also accords with Policy 3/12 which requires new buildings to demonstrate that they have a positive impact on their setting in terms of location on the site, height, scale, form and wider townscape. It is in line with the guidance in the Eastern Gate SPD and addresses the requirements of the National Planning Policy Framework (the Framework) in respect of good design.
20. The proposed development would also comply with Policies 3/1 and 4/11 of the Cambridge Local Plan, the former requiring development to meet the principles of sustainability, safeguarding and enhancing the historic built environment and the latter by enhancing the appearance of the adjoining conservation area. It would also meet the requirements of the Framework in respect of conserving and enhancing the historic environment.

#### *Living Conditions*

21. The proposed courtyard would be at lower ground level resulting in the surrounding buildings extending to three storeys above it. Proposals for a double height communal space within the Newmarket Road block would provide a visual connection from the courtyard through the block to the street which would emphasise access to it, relate well to the surrounding buildings and enhance the quality of the space. In addition, proposals for a high quality landscaped space to be secured through a planning condition would ensure that the courtyard provided attractive and stimulating living conditions for occupiers of the development. In spite of the height of the surrounding blocks and the size of the space I do not find that the courtyard would be a poor environment for its users.

22. Consequently I find that the proposals would meet the requirements of Policy 3/7 of the Local Plan which seeks to ensure that new development provides attractive, high quality, accessible, stimulating and socially inclusive living environments. It would appropriately address the requirements of Policy 3/11 of the Local Plan which require the design of external spaces and boundary treatments to relate to the character and function of the spaces and surrounding buildings. It would also accord with government guidance on good design as set out in the Framework.
23. A number of representations suggested that the courtyard would be overshadowed by the surrounding blocks and that the proposed development would have an adverse effect in respect of daylight and sunlight on properties on the eastern side of River Lane. Having reviewed the appellant's submission and the Council's review I consider that the daylight and sunlight analysis for central courtyard demonstrates that the light levels would be acceptable and that there would be no adverse impacts on the living conditions of neighbouring occupiers in respect of daylight and sunlight.
24. Concerns about the possibility of overlooking from windows in the western end of the Newmarket Road building affecting the privacy of residents in Godesdone Road can be adequately addressed through the provision of extended mullions on windows in the rear of the block. With respect to properties in River Lane and Beche Road I consider that in the case of properties closest to the proposed development detailed design elements would address any concerns about loss of privacy or overlooking and in general the distance between properties would be sufficient to ensure that there would be no harmful effect from overlooking.
25. The effects of noise arising from the proposed development can be appropriately addressed through a condition.

#### *Student Accommodation*

26. One of the Council's reasons for refusal was that occupancy of the student accommodation was not limited to full time students of the University of Cambridge or Anglia Ruskin University (ARU), nor did management arrangements exist to ensure occupiers do not keep cars in the city, nor could it be guaranteed that the location was suitably close to the educational institution involved.
27. Since the determination of the application the appellant has provided a letter of intent from ARU in support of the proposal. There is also a clause in the Section 106 Agreement restricting the occupancy of the accommodation to students of the University of Cambridge or ARU and with other restrictions during the summer recess. The Council stated that it did not intend to defend reason for refusal number 5, subject to the completion of the legal agreement. Having reviewed the agreement I am content that in respect of student accommodation it complies with the requirements of Policy 7/10 of the Local Plan relating to the development of speculative purpose-built student accommodation. I am also content that the provisions relating to student accommodation meet the tests set out in paragraph 204 of the Framework.

*Open Space and Sports Facilities, Waste Facilities and Public Art*

28. Another reason for refusal was that the proposed development did not make adequate provision for open space and sports facilities, waste facilities or public art.
29. The Section 106 Agreement makes provision for contributions towards outdoor and indoor sports facilities to reflect the additional demand arising from the provision of student accommodation. In addition the Council is no longer seeking commuted payments for waste facilities.
30. The Council has confirmed that it is no longer seeking financial contributions in respect of public art and is instead seeking on-site provision of public art projects. This is a matter which can be addressed by condition.
31. The Council confirmed that, subject to the completion of the legal agreement, it was not intending to defend reason for refusal number 6. I am content that in respect of open space and sports facilities the legal agreement complies with Policy 3/8 of the Local Plan which provides for commuted payments to the City Council in respect of open space and recreation provision, Policy 10/1 regarding infrastructure improvements and the Council's Open Space Standards Guidance for Interpretation and Implementation, 2010. It also meets the tests in Regulation 122 of the Community Infrastructure Regulations, 2010.

**Other Matters**

32. The Section 106 agreement provides for a car-free development, a servicing management plan, highways improvements and a travel plan. Together with specific elements of the scheme design, these provisions would ensure that the development would have no materially harmful impact on traffic, servicing, parking or highway safety. I am satisfied that these elements of the Section 106 agreement would meet the requirements of policies 8/6, 8/9 and 8/10 of the Local Plan, the tests in Regulation 122 of the Community Infrastructure Regulations, 2010 and paragraph 204 of the Framework.
33. The impact of the proposed development on archaeology which was raised in representations can be addressed through an appropriate planning condition. No other matters raised would provide sufficient grounds for dismissing the appeal.

*Conditions and Obligations*

34. I have had regard to the conditions which the Council has suggested in the light of Planning Practice Guidance. I note that the appellant has confirmed their agreement to these conditions.
35. In addition to the standard implementation condition I have imposed a condition specifying the relevant drawings as this provides certainty (Condition 2). Conditions are necessary for the benefit of the appearance of the development and its surroundings, including the adjoining conservation area (17, 18, 19, 20, 21, 22, 23, 26 and 27). Conditions are required in order to minimise the effects of the proposed development on the living conditions of occupiers of the proposed development and neighbouring residents and to address matters of highway safety during the construction phase (8 and 25).

36. It is necessary to impose conditions to address any ground contamination associated with the previous use and require its remediation before residential occupation (3, 4, 5, 6 and 7). Measures are also necessary to ensure a satisfactory acoustic environment for residential occupiers and neighbouring residents (9, 10 and 11). Conditions are also required to ensure appropriate arrangements for waste storage and collection from the site (24). Conditions to protect the quality of controlled waters in the local area, provide a satisfactory method of surface water drainage and prevent an increased risk of flooding are necessary (12, 13, 14 and 15) as is a condition to ensure that appropriate archaeological investigations are undertaken (16).
37. The measures provided for through the Section 106 Agreement are described above. They comply with the relevant development plan policies and supplementary planning guidance and meet the tests in Regulation 122 of the Community Infrastructure Regulations, 2010. In terms of Regulation 123 which requires obligations to relate to projects where fewer than five contributions have already been provided, I have no reason to believe that this test has not been met.

### **Conclusion**

38. For the reasons set out above, the appeal is allowed.

*Kevin Gleeson*

INSPECTOR

## CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2003-A-L-P-100 Rev 02, 2003-A-L-P-101 Rev 02, 2003-A-L-P-102 Rev 01, 2003-A-L-P-103 Rev 01, 2003-A-L-P-104 Rev 02, 2003-A-L-P-105 Rev 02, 2003-A-L-E-210 Rev 04, 2003-A-L-E-211 Rev 05, 2003-A-L-E-212 Rev 03, 2003-A-L-E-213 Rev 01, 2003-A-L-E-214 Rev 01, 2003-A-L-E-215 Rev 01, 2003-A-L-E-216 Rev 01, 2003-A-L-S-300 Rev 03, 2003-A-L-P-400, 2003-A-L-P-401 and 2003-A-L-P-402.
3. *Contaminated Ground: Submission of Preliminary Contamination Assessment.* Prior to the commencement of the development including 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 a 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, and (b) report setting out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.
4. *Contaminated Ground: Submission of Site Investigation Report and Remediation Strategy.* Prior to the commencement of the development 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, and (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.
5. *Contaminated Ground: Implementation of Remediation.* Prior to the first occupation of the development the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the approved schedule of works.
6. *Contaminated Ground: Materials Management Plan.* Prior to importation or re-use of ground fill material for the development a Materials Management Plan (MMP) shall be submitted to and approved in writing by the local planning authority. The MMP shall include: details of the volumes and types of material proposed to be imported or reused on site; details of the proposed source(s) of the imported or reused material; details of the chemical testing for all ground fill material to be undertaken before placement onto the site; the results of the chemical testing which must show the material is suitable for use on the development; 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 shall be undertaken in accordance with the approved document.

7. *Contaminated Ground: Unexpected Contamination.* If unexpected contamination which has not previously been identified is encountered whilst undertaking the development, 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 in accordance with condition 5.
8. Prior to the commencement of development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:  
(a) Demolition, construction and phasing programme; (b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures; (c) No construction/demolition work shall be carried out or construction plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays. (d) There shall be no collection from or deliveries to the site during the construction period outside the hours of 0730 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays and at no times on Sundays, Bank or Public Holidays, unless agreed in writing by the local planning authority in advance; (e) Soil Management Strategy; (f) Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009; (g) Maximum noise mitigation levels for construction equipment, plant and vehicles; (h) Vibration method, monitoring and recording statements in accordance with the provisions of BS5228-2: 2009; (i) Maximum vibration levels; (j) Dust management and wheel washing measures in accordance with the provisions of London Best Practice Guidance: The Control of Dust and Emissions from Construction and Demolition; (k) Use of concrete crushers; (l) Prohibition of the burning of waste on site during demolition/construction; (m) Site lighting; (n) Drainage control measures including the use of settling tanks, oil interceptors and bunds; (o) Screening and hoarding details; (p) Access and protection arrangements around the site for pedestrians, cyclists and other road users; (q) Procedures for interference with public highways, including permanent and temporary re-alignment, diversions and road closures; (r) External safety and information signing and notices; (s) Consideration of sensitive receptors; (t) Prior notice and agreement procedures for works outside agreed limits; (u) Complaints procedures, including complaints response procedures; (v) Membership of the Considerate Contractors Scheme.
9. 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 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 shall be

submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and Noise Reduction for Buildings – Code of Practice'. The approved scheme shall be fully implemented and a completion report submitted to the local planning authority prior to the occupation of the residential development. The approved scheme shall remain unaltered in accordance with the approved details.

10. Prior to the commencement of development, a noise report shall be submitted to and approved in writing by the local planning authority that considers the impact of noise from the neighbouring public house on the bedrooms/living rooms of the development. Following the submission of the noise report and prior to the commencement of development works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise 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 the occupation of the residential units and shall not be altered without the prior approval of the local planning authority.
11. Before the development 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 committed is commenced.
12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
13. Piling or other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
14. No development shall take place until such time as a scheme to provide surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.
15. Prior to the commencement of development a scheme for the provision and implementation of pollution control of the water environment shall be submitted to and approved in writing by the local planning authority.
16. No demolition/development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. No demolition/development shall take place

other than in accordance with the Written Scheme of Archaeological Investigation.

- 17.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. The development shall be carried out in accordance with the approved details.
- 18.No development shall take place until full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing have been submitted to and approved in writing by the local planning authority. This may consist of large scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to any variation in writing.
- 19.No development shall take place until full details of all windows and doors, as identified on the approved drawings, including materials, colours and surface finishes/textures have been submitted to and approved in writing by the local planning authority. This may consist of large scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to any variation in writing.
- 20.No development of a building shall take place until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique, coursing and colour and type of jointing and palette of materials to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 21.No development shall take place until full details of both hard and soft landscaping 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; hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground. Soft landscaping works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.
- 22.The development shall not be occupied until a plan for the future management of the proposed street trees has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to thereafter.
- 23.The development shall not be occupied until a programme for the planting of the proposed street trees in River Lane and Rowlinson Way has been agreed with the local planning authority. Tree planting shall be implemented in accordance with the agreed plan.

24. Prior to the commencement of development full details and plans of the on-site storage facilities for waste and recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed to enable collection from within 10m of the kerbside of the adopted highway/refuse collection vehicle access point. Details shall include the on-site storage facilities for waste, including waste for recycling, the storage facilities for the separation of waste for recycling and composting within the individual student flats/clusters, and the arrangements for the disposal of waste. These arrangements shall subsequently be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.
25. The development hereby approved shall not be occupied until an operational management plan for the site, which provides details of site management, security, delivery handling, waste collection management, litter control and term end pick-up and drop-off arrangements has been submitted to and approved in writing by the local planning authority. Occupation of the site shall take place only in accordance with the approved management plan.
26. Within six months of the commencement of development a Public Art Delivery Plan shall be submitted to and subsequently approved in writing by the local planning authority and shall include the following: details of the Public Art and artist commissioned; details of how the Public Art will be provided including a timetable for its provision; details of the location of the proposed Public Art on the application site; the proposed consultation to be undertaken with the local community. The approved Public Art Delivery Plan shall be fully implemented in accordance with the approved details and timetable.
27. Prior to the occupation of the development, a Public Art Maintenance Plan shall be submitted to and approved in writing by the local planning authority and shall include the following: details of how the Public Art will be maintained; how the Public Art would be decommissioned if not permanent; how repairs would be carried out; how the Public Art would be replaced in the event that it is destroyed. The approved Public Art Maintenance Plan shall be fully implemented in accordance with the approved details. Once in place, the Public Art shall not be moved or removed otherwise than in accordance with the Public Art Maintenance Plan.

## PLANNING COMMITTEE

27th April 2016

<b>Application Number</b>	15/2321/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th December 2015	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	15th March 2016		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Eastfield Chesterton Cambridge CB4 1SB		
<b>Proposal</b>	Erection of 50 new affordable houses, following demolition of 26 existing dwellings (Nos 46-60 and 66-75 Eastfield), and associated highway works, landscaping and public open space provision.		
<b>Applicant</b>	Ms Sarah Paxton 51 Scotland Road Cambridge CB4 1QW		

SUMMARY	<p>The development accords with the Development Plan.</p> <p>The scheme increases the density of development and provides 24 additional houses to meet housing need.</p> <p>The design and layout of the development responds positively to the site context.</p> <p>The development respects the amenity of nearby residents.</p>
RECOMMENDATION	Approval

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located at the north-eastern end of Eastfield and currently accommodates 26 two-storey dwellings. These are predominantly arranged around two separate cul-de-sacs, together with Nos. 45 & 46, which front directly onto Eastfield and adjoin a footpath link through to Warren Road. To the north are two-storey properties located in Warren Road and Chesterfield Road whilst, the east, the site adjoins the rear gardens of properties in Shirley Grove and the grounds of the Chesterton Primary School. To the south-east are houses in Evergreens and to the south two-storey residential dwellings in Eastfields. There are a number of mature trees within the

gardens and within the highway verges. None of these trees are protected.

- 1.2 The site lies outside the Conservation Area and there are no Listed Buildings on the site or in the surrounding area. The site lies outside the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks to demolish 26 existing dwellings (Nos. 45-60 and 66-75 Eastfield) and to erect 50 new dwellings on the site, all of which would be affordable. The application comprises Phases 1 and 2 of proposals by Hundred Houses Society and Icení Homes to redevelop Eastfields to provide 100% affordable housing. Phase 3 (which proposes the erection of 12 houses following the demolition of 8 existing dwellings) is the subject of a separate planning application (reference 15/2322/FUL). The 3 phases would together provide 62 dwellings at an overall density of 42 dwellings per hectare.
- 2.2 The proposed development comprises a range of dwelling types, including two-storey houses, bungalows and flats, together with associated car-ports, parking, cycle and bin stores and landscaping. There will be a mix of semi-detached dwellings, linked semis and terraces of houses and bungalows. Materials would consist of either brick or a mix of brick and render under tiled roofs. The dwellings would be accessed via a single cul-de-sac which would emerge onto Eastfield at the approximate point of the existing northernmost cul-de-sac. The existing junction at this point is extremely wide, thereby encouraging on-street parking and manoeuvring within the bell-mouth. The application proposes to reconfigure this entrance point by reducing the width of the road and providing wide grass verges in order to reduce vehicle speeds and address the problems associated with the existing layout. A 3m wide cycle/pedestrian path is proposed in place of the existing southernmost cul-de-sac, with this pathway exiting onto Eastfields between Nos. 65 and 75.
- 2.3 The proposal includes a new area of public open space towards the southern end of the site which would be accessible for new residents, as well as for existing residents via the proposed pedestrian and cycle path. In addition, existing mature trees that are deemed to be of amenity value have been retained and

incorporated into the proposed development, with additional new street tree planting.

2.4 The following mix is proposed:

Phase 1 – 28 dwellings

- ☐ 17 x 2-bed (14 houses & 3 bungalows)
- ☐ 4 x 1-bed flats
- ☐ 7 x 3-bed houses

Phase 2 – 22 dwellings

- ☐ 4 x 1-bed flats
- ☐ 13 x 2-bed (13 houses & 1 bungalow)
- ☐ 5 x 3-bed houses

Phase 3 (separate application ref 15/2322/FUL) – 12 dwellings

- ☐ 6 x 2-bed houses
- ☐ 6 x 3-bed houses

Total of Phases 1, 2 and 3 – 62 dwellings

- ☐ 8 x 1-bed flats
- ☐ 36 x 2-bed (incl 4 bungalows)
- ☐ 18 x 3-bed houses

2.5 The tenure for all 3 phases would be a 70%/30% split consisting of 43 social rented units and 19 shared equity units.

2.6 Following consideration of the consultation responses, the following changes have been carried out:

- ☐ The parking courts have been replaced with on-plot parking or Flats-over-garages (FOGs) (The housing mix and numbers remain as submitted.)
- ☐ Footpath layout revised at junction.
- ☐ Layby parking near plots 46-50 omitted
- ☐ Square feature added near plots 12-13 and 33-36
- ☐ Plots 8-11 changed to semi-detached to remove rear alleys
- ☐ Plots 14-21 – plots swapped around, parking court omitted, flat added over car port, and mix adjusted (add 1 x 2-bed, omit 1 x 1-bed)
- ☐ Plots 27-30 changed to semis
- ☐ Plots 31-32 – parking layout updated and secure garden added adjacent 'Evergreens'
- ☐ Plots 33-36 – Mix adjusted and parking added to frontage.

- ☐ Plots 37-39 – Parking and cycle store updates.
- ☐ Plots 40-50 - Mix adjusted, parking court removed, FOG added, rear alleys removed, garden size increased, private drive added opposite POS.

2.7 The application is accompanied by the following information:

- ☐ Design, Planning and Access Statement
- ☐ Transport Statement
- ☐ Arboricultural Survey and Implications Assessment
- ☐ Ecology Survey
- ☐ Bat Survey
- ☐ Waste Management Plan
- ☐ Energy Statement
- ☐ Archaeology Strategy
- ☐ Flood Risk Assessment
- ☐ Preliminary Surface Water Drainage Strategy
- ☐ Phase 1 Contamination Assessment

### 3.0 SITE HISTORY

3.1 There is no relevant planning history.

### 4.0 PUBLICITY

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

### 5.0 POLICY

5.1 Relevant Development Plan policies

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



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

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

	Cycle Parking Guide for New Resident Developments (2010)
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### 5.3 Status of Proposed Submission – Cambridge Local Plan 2014

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as submitted to the Secretary of State on 28 March 2014 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways)

#### Comments on original plans

- 6.1 A dimensioned plan showing access to the parking court is required. Pedestrian visibility splays also need to be shown on the drawing. Any consent will need to be subject to the following conditions:

- ☐ No unbound material
- ☐ Removal of permitted development rights for gates
- ☐ Vehicular access to County specification and retention free of obstruction
- ☐ Access drainage
- ☐ Provision of visibility splays
- ☐ Provision of manoeuvring areas
- ☐ Reinstatement of any redundant crossovers
- ☐ Traffic management plan

### Comments on amended plans

The application now includes additional areas to be stopped up that will need to be carried out prior to commencement of development. The long crossovers of the footway and verge may encourage vehicles to park outside properties obstructing the footway. Conditions are recommended as per previous comments.

### **Head of Environment**

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

- ☐ Construction hours
- ☐ Collection during construction
- ☐ Construction/demolition noise/vibration & piling
- ☐ Dust

### **Enabling and Development Team (Affordable Housing)**

#### Comments on original plans

6.3 The application doesn't comply with the Affordable Housing SPD. The provision of 100% affordable housing is supported. The tenure split of 70% rented and 30% intermediate does not meet the preferred 75%/25% ratio required by the SPD. However, as the scheme is providing 100% affordable units, it exceeds the number of rented units that would be secured from a market-led scheme, and this element would therefore be acceptable.

6.4 The bed space mix does not meet the SPD requirements, and the unit bed numbers do not reflect the needs identified in the Strategic Housing Market Assessment (SHMA).

- ☐ The proposal provides 16% 1-bed, and 76% 1 & 2-bed units. The SPD states there should be no more than 10% 1-bed, and 50% 1 & 2 bed dwellings.
- ☐ The proposal provides 24% 3-bed properties. The SPD seeks to achieve 50% 3 bed or larger but with no less than 20% 3-bed.

- If Phase 3 were taken into account as part of the overall application, this view might alter but, as the applications stand alone, this cannot be considered.

#### Comments on amended plans

The justification for the mix provided by Iceni is short-term with the need only determined from a small body of consultees. The mix does not reflect the wider need as outlined within the SHMA and is not therefore supported.

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

#### Comments on original plans

- 6.5 As it stands, the application cannot be supported in design terms, mainly due to significant issues associated with the car parking courts. Further details are set out below:

#### *Movement and access*

The overall approach to movement and access is acceptable in urban design terms. The sites appear to link well with the existing context. The existing overgrown footway/cycle link from Eastfields into Warren Lane, which provides a key route to Milton Road, will be improved through the proposal. The route will potentially feel much more open and legible, and will benefit from greater levels of natural surveillance from the new properties. Access points into both sites have been designed to ensure the retention of existing mature trees which will allow the character of the area to be maintained.

There appears to be an existing footpath link from the larger site into the rear of Chesterton Primary School. The status of this link needs to be clarified as to whether it is currently used or whether the existing school has a desire to improve this access point. As it stands it is currently unclear whether this link needs to be incorporated into the proposed scheme.

The positioning of the 'adoptable estate road' within the larger application site (15/2322/FUL) appears logical and the creation of a non-defined turning head by way of a shared surface space is supported. So too is the shared cycle/pedestrian only access point at the eastern end of the site, which provides a good

solution to a very constrained part of the site. However, there are significant concerns about the arrangement and detail of some of the spaces beyond the 'estate road', namely car parking courts which are discussed in further detail below.

### *Scale and massing*

The scheme, with the exception of the 4 proposed bungalows, consists mainly of two storey pitch roof dwellings, which is considered to be appropriate to the sites context.

### *Layout*

There are significant concerns about the parking courts. The proposed form and layout of the units within the northern corner (plots 12-21), the central area (plots 40-50) and south-eastern corner (plots 27-36) will create rogue parking within the street and in key spaces such as the non-defined turning head. This is due to the fact that car parking for most of these plots is poorly located for the dwelling it is intended to serve. From experience, parking courts which accommodate remote parking spaces simply do not get used and often lead to obstructed pavements, verge parking and parking displacement. This will not only have a negative impact upon the streetscape, but the risk of rogue parking within the turning head could potentially impede access for refuse trucks and emergency vehicles. Furthermore locating parking within rear parking courts can render front doors useless, affecting the levels of activity onto the street.

The layout of the units within the central area is particularly poor and not supported. Whilst there are no objections to the individual design of the unit types across the proposal as a whole, the arrangement and type of unit proposed within the central area is creating a large parking court to the rear. This area is not only sterile in character but also restricts the depth of rear gardens for plots 40-43. The quality of these rear gardens are further compromised by the location of bike and bin stores which severely limits the amount of useable amenity space within these northerly gardens. The rear parking area will also suffer from poor levels of ground floor natural surveillance, which could compromise the security of the bike stores for plots 47-50 and the rear gardens themselves. The convenience of locating bike stores for 2 bedroom dwellings within a rear parking court is also highly questionable.

A number of rear access 'alleyways' appear convoluted and create potential security and surveillance risks (eg – Plots 10-17 and 34). These should be simplified.

### *Elevations and materials*

The proposed elevations are generally supported but, due to the simple architectural expression, it will be crucial that the detailing of the elevations and materials is of high quality. The following issues should be addressed:

- ☐ No information has been provided regarding the design and location of flues and vents. Can they be grouped to minimise clutter on the facades? Roof cowls are suggested.
- ☐ Window reveals should be encouraged to add depth to the facades.
- ☐ The porches would be costly to construct. A more robust and simpler detail for the porches should be considered.
- ☐ There should be a family of materials for the metal work and finishes.
- ☐ A grey tile may be more in keeping with the area.
- ☐ A clear boundary treatment plan should be provided.
- ☐ Bin and bike storage details are also required.

### Comments on amended plans

The amended plans have taken on board many of the suggestions and significant design changes have been carried out to the layout of the scheme to design out car parking courts that were previously proposed for phases 1 and 2. However, the private amenity space for units 43 and 44 is poorly configured and it would be better to create one larger shared amenity space for these units whereby bike storage is grouped and the bin storage repositioned along the rear elevation of the FOG unit. This could be covered by condition. Conditions are also recommended for details of materials and bike stores. In conclusion, the amendments made have resolved our concerns and the application is now supported in design terms.

## **Landscape**

### Comments on original plans

6.6 Further information will be required in order to comment on the proposals. A drawing showing boundary treatments should be provided. There are concerns about 3 of the parking areas within the proposals:

- ☐ Central car park – poor functionality
- ☐ Eastern car park – placement does not allow for good natural surveillance
- ☐ Northern car park – too many units accessed from rear

The retention of trees is welcomed and the open space is adequate in size and location but is lacking detail and interest. The inclusion of a Local Area for Play (LAP) and addition of shrub planting is encouraged. Details regarding the depth of cover of the water attenuation tanks should be provided and feasibility of providing this within root protection zone of trees. The use of rain gardens in the verges is supported.

The team would like to see changes to improve access, parking and open space provision. Any consent should be subject to conditions requiring: hard and soft landscaping; landscape maintenance; and boundary treatment details.

### Comments on amended plans

Previous concerns regarding the layout and parking arrangements have been addressed. The central car park has been removed and car parking is mainly returned to on-plot provision. The eastern car park has much better relationships between parking and unit/plot, and changes in the area of the northern car park are greatly improved by the introduction of a FOG and return to on-plot parking for some of the other units. With regard to landscape details, details of the landscape treatment and drainage of the public open space can be dealt with by condition. Clarification should be sought as to whether the previously proposed rain gardens would be retained. In addition, the Cycling and Walking Officer has requested a pedestrian link between the development and primary school, and the Landscape Team would support this in principle should it prove viable.

The development is now acceptable subject to conditions relating to: hard and soft landscaping; landscape works maintenance; and boundary treatments.

### **Streets and Open Space (Trees Officer)**

- 6.7 No comments received. Any comments will be reported on the Amendment Sheet or orally at Committee.

### **Nature Conservation Officer**

- 6.8 No comments received. Any comments will be reported on the Amendment Sheet or orally at Committee.

### **Waste**

- 6.9 No comments received. Any comments will be reported on the Amendment Sheet or orally at Committee.

### **Sustainability Officer**

#### Comments on original plans

- 6.10 The development fails to meet adopted policy in relation to renewable energy provision and the application cannot therefore be supported. A Sustainability Statement and Checklist in line with requirements of Policy 3/1 are required, and a Renewable Energy Strategy as required by Policy 8/16. An energy strategy has been submitted but no renewable energy provision has been made, with the strategy noting this is due to a desire to reduce maintenance requirements. PV panels require little in the way of maintenance and should be considered.

#### Comments on amended plans/details

After considering the additional information, the following conditions should be added to any consent. This would give a situation where the scheme is delivering greater levels of carbon reduction than the Code Level 3 referenced in the energy strategy and not far off the Code Level 4 requirements being delivered on other schemes, and provides justification for taking an approach that is different to adopted policy position.



- No development of dwelling to take place until a Predicted Energy Performance Certificate has been submitted demonstrating all dwellings will achieve at least 12% improvement on Part L.
- Prior to occupation, or within 6 months, Final EPC which evidence the 'as built' performance shall be submitted demonstrating that all dwellings have achieved at least a 12% improvement on Part L.

### **Cycling and Walking Officer**

- 6.11 A link to the footpath that connects to the back of Chesterton Primary School should be provided. If the school do not wish for this access to be used, sufficient space should be left to allow for potential future use. The cycle/pedestrian link between Eastfield and Warren Rd is an important strategic cycle link as well as a route to school and should be as wide as possible to accommodate all users. This should be widened to 3.5m, the minimum width for a shared path bounded on both sides. The section of path that then connects to the carriageway should be widened or an additional separate cycle path of 2.5m provided to the junction.

Access to the cycle provision is not acceptable for some of the properties, with very narrow side or back paths. Paths must be at least 1.2m wide. Access to 34 could easily be blocked, Nos. 12, 13, 31, 32 and 35 appear to have no provision, and the location of parking for plots 19/20 is not acceptable.

Comments on the amended plans are currently awaited and will be reported on the Amendment Sheet or orally at Committee.

### **Sustainable Drainage Engineer**

- 6.12 No objections subject to a condition requiring a detailed surface water drainage scheme.

### **Access Officer**

- 6.13 This is a missed opportunity to provide wheelchair accessible housing. All the bungalows and possibly some of the other houses should be built to wheelchair housing standards.

## **Disability Consultative Panel**

- 6.14 This is a good quality, diverse development with a welcome variety in bungalow sizes. It is unclear whether any of the bungalows had been designed to be specialist wheelchair accessible units, but the Panel conclude this may not have been part of the remit. Further consideration should be given to the size and orientation of the ground floor WC's as they appear too small to be usable.

## **Lead Local Flood Authority**

### Comments on original plans

- 6.15 Insufficient information submitted to demonstrate the systems will provide the required storage for the site. Object and recommend refusal in the absence of an acceptable surface water drainage strategy/FRA.

### Comments on amended plans

The applicant has demonstrated that surface water can be dealt with on site by using rainwater butts, permeable paving, storage tanks and rain gardens. The proposal is acceptable and we wish to remove our objection.

## **Police Architectural Liaison Officer**

- 6.16 The only concern relates to the rear parking courts. They are likely to remain unadopted and should therefore include column-mounted lighting. This should be secured by way of condition.

## **Cambridgeshire Fire & Rescue**

- 6.17 No comments received. Any comments will be reported on the Amendment Sheet or orally at Committee.

## **County Archaeology**

- 6.18 The site lies in an area of high archaeological potential. It is likely that significant archaeological remains survive in the area and that these would be severely damaged or destroyed by the proposed development. There are no objections, but the site should be subject to a programme of archaeological

investigation, which can be secured by way of planning condition.

## **7.0 REPRESENTATIONS**

### Comments on original plans

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

- ☐ 52 Eastfield
- ☐ 61 Eastfield
- ☐ 22 Evergreens
- ☐ 24 Evergreens
- ☐ 23 Maitland Avenue
- ☐ 320 Milton Road
- ☐ 28 Pepys Court
- ☐ 5 Ramsden Square
- ☐ 7 Shirley Grove
- ☐ 8 Shirley Grove
- ☐ 30 Warren Road
- ☐ 34 Warren Road
- ☐ 43 Warren Road

7.2 The representations can be summarised as follows:

#### *Access*

- ☐ There is an opportunity to create alternative access to Chesterton Primary School from Phases 1 & 2 of the development.
- ☐ The cycle route from Warren Road to Eastfield is very well used. An opportunity to improve this route is not being taken. The scheme introduces 90 degree corners to what is currently a straight route. Cycle routes in the new development should be made obvious with signage, coloured surfaces and markings on the ground. The cycle and pedestrian route could be improved by widening it.
- ☐ Increased risk of conflict between cyclists and pedestrians at the point the path from Warren Road to Eastfield emerges. Switching the locations of the cycle and vehicle access would be safer.

- ☐ Blocking Eastfield to motor traffic to the west of the junction with the cycle route to Warren Road would be safer.
- ☐ Segregated cycle provision should be provided where possible.
- ☐ Disagree that the site has excellent connections to the local cycle network.

### *Residential Amenity*

- ☐ It is understood close-boarded fencing is proposed to the boundaries. This should be added to the plans.
- ☐ The balcony to plots 31-32 overlooks gardens of properties in Evergreens (Nos. 22 & 24). It should have a screen at the south-east end to preserve privacy.
- ☐ The landscaping around the car park near plots 31-34 is inadequate. This should be deeper and higher to protect the privacy and security of neighbours.
- ☐ The car park at plots 31-34 has little surveillance and would result in noise disturbance to adjacent residents.
- ☐ The bin storage location in the plots 31-34 car park is unacceptable. This should be in gardens.
- ☐ Proximity of bins to adjacent gardens would result in noise disturbance to residents of 34 Warren Road, 22 & 24 Evergreens, and 7 & 8 Shirley Grove. The bin locations would also result in nuisance in terms of smell and vermin.
- ☐ Plots 31-32 have no windows overlooking 22 Evergreens at present. The plans should not be altered to include any windows here.
- ☐ Plots 18-25 would overlook gardens in Shirley Grove, accentuated by the height difference (the new houses are approximately 1m higher than houses in Shirley Grove), the increase in the number of houses adjoining the garden and by coming around 7m closer than the existing dwellings. The number of windows overlooking No.8 Shirley Grove should

be reduced. Reducing the number and height of dwellings should also be considered.

- ☐ The above plots would also cause significant overshadowing and loss of light, especially as they are to the south, and be overbearing and dominate the outlook from properties in Shirley Grove.
- ☐ The car park and cycle stores for plots 18-20 are too close to 8 Shirley Grove. The bins for these plots also have to be moved to a collection point, resulting in noise and disturbance to neighbours.
- ☐ The car park serving plots 18-20 has no buffer to the fence.
- ☐ Security associated with cycle stores in the north-west corner, as people could climb onto these and over the fence into neighbouring gardens. This is also the case for the sheds for Plots 19-20.

### *Parking*

- ☐ The development would make the existing parking situation even worse.
- ☐ The new layout restricts parking outside 61-65 Eastfield

### *Trees*

- ☐ The tree adjacent 34 Warren Road is dangerous and should be removed, as should the eucalyptus further back.
- ☐ Willow tree has been retained to parking area. This area is unlikely to be used as a result.

### *Other*

- ☐ The public consultation undertaken by the developers was not sent to people regularly using the route.
- ☐ Hedgehogs are present in the area on which it is proposed to site Plots 14-26. The hedgehogs should be safely relocated.

- 7.3 Councillor Manning supports the detailed objections raised by local residents of properties in Shirley Grove and Evergreens in particular. The cycle access from Warren Road should be a straight line and should not have to cross the road entrance. It should also have right of way over oncoming traffic.

Comments on amended plans

- 7.4 The following residents have commented on the amended plans:

- ☐ 53 Chesterfield Road
- ☐ 22 Evergreens
- ☐ 24 Evergreens
- ☐ 320 Milton Road
- ☐ Councillor Manning, 28 Pepys Court
- ☐ 5 Ramsden Square
- ☐ 7 Shirley Grove
- ☐ 8 Shirley Grove
- ☐ 43 Warren Road

- 7.5 The concerns raised are as follows:

- ☐ The replacement of the shared use cycle/pedestrian path between Eastfield and Warren Road with a footpath exacerbates the concerns raised in the original objection. The application should be rejected as it results in the loss of a key cycle route.
- ☐ Councillor Manning states that the alteration to the cycle route from Warren Road contravenes Policy 8/4.
- ☐ The pedestrian/cycle link should be widened to 3.5m.
- ☐ The plans still include bricks/block paving on roads that may be adopted.
- ☐ There is still no attempt to preserve the access through to the primary school. If the school do not wish for this access to be used now, sufficient space should be left for potential future use.
- ☐ Removal of the rear access paths will make the development feel safer.

- The changes near Evergreens are a huge improvement, with reduced car parking and better siting for bins, and address most of the concerns raised by 22 and 24 about security, noise and privacy. The construction of a 2m fence is very reassuring. However, plots 31 and 32 are closer to Evergreens, resulting in potential overlooking and a loss of privacy especially from the balcony. The rules for separation between these properties and adjacent properties in Evergreens should be checked.
- Plots 14-21 create a new concern for 7 Shirley Grove. The internal layout should be modified so that the sitting/dining room swaps position with the kitchen.
- The application should include a shadow fall analysis that assesses the impact on properties in Shirley Grove.
- The amendments fail to address the objections raised by No.8 Shirley Grove. The continuous building line of plots 17-25, including plots 19-20 being placed closer to the boundary than originally proposed, and increased number of plots abutting the garden, would result in a significant loss of privacy, loss of light, and an overbearing sense of enclosure. The impact would be exacerbated by the fact the proposed houses are around 1m taller than properties in Shirley Grove. It would also result in an unreasonable level of noise and nuisance due to the high number of new properties, cars and bins close to the boundary.
- The boundary between plots 9-13 and the adjacent property at 53 Chesterfield Road is not clearly defined on the plans. However, there are objections to the bin stores for plots 14-16 which are next to the side wall and garden fence, kitchen and patio of No. 53. The increased noise, smell and vermin is unacceptable. The bins should be sited next to the properties they relate to. The associated footpath would also create security issues and noise disturbance, as would the cycle stores. FOG 1b would have a major impact in terms of security, privacy and noise, and result in overlooking of two side windows.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Affordable housing
3. Context of the site design and external spaces
4. Landscape and trees
5. Residential amenity
6. Highway safety
7. Car and cycle parking
8. Refuse arrangements
9. Renewable energy and sustainability
10. Flooding and surface water drainage
11. Biodiversity
12. Disabled access
13. Third party representations
14. Planning Obligation Strategy

### **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site lies in a residential area and, in my opinion, the principle of demolishing the existing dwellings and erecting a greater number of properties in their place is acceptable.
- 8.3 Policy 5/4 resists the loss of housing unless the lost accommodation is replaced by at least an equivalent amount of new residential floorspace. As the development proposes to increase the number of dwellings, the requirements of this policy would be satisfied.
- 8.4 Local Plan Policy 5/5 requires the provision of 40% affordable housing on sites proposing 15 or more dwellings. This application, which has been submitted on behalf of Hundred



Houses Society Ltd, proposes 100% affordable housing and therefore accords with the requirements of this policy.

- 8.5 In my opinion, the principle of the development is acceptable and is in accordance with policies 5/1, 5/4 and 5/5 of the Cambridge Local Plan.

### **Affordable housing**

- 8.6 The scheme would provide 100% affordable housing and this would exceed the policy requirements. However, the Enabling & Development (Affordable Homes) team has objected to the proposal on the basis that the bed-space mix does not meet the Affordable Housing SPD requirements and does not reflect the wider need outlined within the Strategic Housing Market Assessment.
- 8.7 Whilst I appreciate the concerns raised in the above comments, consideration should be given to the fact that the scheme is providing 100% affordable housing which far exceeds the policy requirements for 40% provision. In my opinion, the standards can only reasonably be applied to 40% of the scheme rather than to the entire development. In addition, the Housing Association has made it clear that the housing mix proposed within the application has been designed to enable the existing residents (within 11 of the properties) to relocate to the new development, thereby ensuring that those that wish to do so, have the opportunity to stay within the local community. The mix also takes account of the changing needs of existing residents and is designed to enable elderly residents to downsize, and families to relocate into similarly sized properties. The remaining houses would be available for others on the list with a Housing Need and shared owners.
- 8.8 Taking the above into consideration, in my opinion the proposal is acceptable subject to the prior completion of a S106 Legal Agreement to secure the provision of 100% affordable housing.

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

- 8.9 The site lies within an established residential area, with existing properties mostly dating from the 1930's and consisting of 2-storey semi-detached forms and short runs of terraces that occupy generous plots with sizeable back gardens. The existing

layout predominantly comprises dwellings arranged around two separate cul-de-sacs.

- 8.10 The proposal seeks to use the site more efficiently by increasing the number of units from 26 dwellings (existing) to 50 (proposed), a density almost double that of the existing. This has been achieved by removing the two cul-de-sacs and having a single vehicular access point at the northern end of the site with the southern access point (running between 65 and 75 Eastfield) being altered to a 3m wide pedestrian and cycle link.
- 8.11 The Urban Design Team has advised that the overall approach to movement and access is acceptable and links well with the existing context. Some concern was initially raised regarding what appears to be a footpath link to the school at the eastern side of the site and, subject to clarification of its status, whether a link should be included within the scheme. A number of local residents have also raised concerns about the lack of such a link within the scheme. The applicant's agent has since clarified that this link is overgrown and has not been used for some time. In discussions with the school, they did not wish to see it reinstated, preferring to see a single secure access point to the front of the school. The Landscape Design Officer has queried whether such a link could be provided at the south-eastern corner, which would come in at the front of the school. Whilst this could be achievable, my concern is that this would give rise to amenity and security problems to the adjacent properties in Evergreens. It would also probably be necessary to reduce the number of dwellings in order to accommodate such a link, and the applicant's agent has made it clear that any reduction in numbers would compromise the overall viability of the scheme.
- 8.12 The scheme predominantly comprises two-storey pitched roof dwellings with brick and brick/render finishes, whilst four bungalows are proposed at the north-western and south-eastern corners of the site (Plots 1, 2, 3 and 39). The existing houses that would be demolished are semi-detached and the surrounding area is characterised by a mix of semi-detached properties, terraces and bungalows. The proposed scheme includes a mix of semi-detached houses, linked semis, terraced houses, bungalows and flats. In my opinion, the scale, design and mix of the proposed dwellings would be in-keeping with the character of the area and appropriate to the context of the site.

- 8.13 With regard to the layout of the development, there were significant shortcomings with the original scheme mainly arising from the three parking courts in the centre and corners of the site. These issues have been addressed within the amended scheme, within which the layout has been significantly altered to design out the car parking courts. The most notable changes are in the centre of the site, where the parking is now proposed to be provided to the front/on-plot, and in the north-western corner where flats are proposed above garages (FOGs) in order to introduce a greater level of surveillance to the corners of the site.
- 8.14 The Urban Design Team considers the proposal is now largely acceptable. I have requested a minor amendment to alter the amenity space to Plots 43-44 to address the single outstanding comment that cannot be satisfactorily resolved by way of planning condition. I will report further on this amendment on the Amendment sheet or orally at the meeting.
- 8.15 In my opinion the design of the scheme, as amended, is acceptable and the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 5/2.

### **Landscape and Trees**

- 8.16 The Landscape Officer raised some concerns regarding the original layout, most notably in respect of the shared parking courts, and these objections have been sufficiently addressed in the amended drawings that any outstanding issues can be dealt with by way of planning condition.
- 8.17 There are a number of mature trees within the existing garden areas and also within the highway verges, the latter of which contribute to the character of the area. The proposal has sought to retain as many of the existing trees of amenity value as possible. 43 trees are proposed for removal in phases 1 and 2, which are argued within the accompanying arboricultural impact assessment as being of poor quality and/or low amenity value.
- 8.18 No comments have been received to date from the Council's Trees Officer. However, the application was submitted following extensive pre-application discussions between the applicants and the Trees Officer, and my understanding is that there are no objections to the loss of the trees identified for removal within

the application. This will be confirmed on the Amendment sheet (or orally at the meeting) once the Trees Officer's comments have been received. Subject to this confirmation, my opinion is that the proposal is compliant with Policy 4/4 of the Cambridge Local Plan (2006).

## **Residential Amenity**

### *Amenities of adjacent residents*

- 8.19 The site is bounded by the gardens of 34 and 53 Warren Road, and 53 Chesterfield Road to the north; 7 & 8 Shirley Grove to the east; 22 & 24 Evergreens to the south-east, 22-28 Ashfield Road to the south; and 61-65 & 75-78 Eastfields to the west. The key concerns regarding the residential amenity impacts of the development have been raised by the occupiers of Nos. 7 & 8 Shirley Grove, 22 & 24 Evergreens, and 53 Chesterfield Road, and I agree that these are the dwellings that will be most affected by the development.
- 8.20 The application proposes to redevelop the site at a higher density than the existing estate and, as a result, properties are generally sited closer to the boundaries with neighbouring dwellings than at present. On the whole, the properties have been designed with minimum 9-10m deep rear gardens. Plots 1-3 and 39 have significantly smaller gardens but these plots are occupied by bungalows and development of these plots would not therefore give rise to overlooking or overshadowing of adjacent properties (53 Warren Road and 28 Ashfield Road). Plots 35-38 are two-storey dwellings with shorter rear gardens than the 9-10m referred to above. However, these dwellings overlook the bottom section of long rear gardens of Nos. 24-28 Ashfield Road and, in my opinion, would not result in a significant loss of amenity to neighbouring occupiers. Plots 27-32 in the south-eastern corner also have a very limited rear garden depth but these plots are sited adjacent to the Primary School and do not overlook adjacent residential properties.
- 8.21 Nos. 22 & 24 Evergreens are two-storey dwellings located beyond the south-eastern corner of the site. The residents of these properties raised strong concerns to the original layout due to the proximity of the car parking court and bin storage to their boundaries. Both have commented that the revised scheme, which sets the parking and bin storage areas much

further from the boundary, addresses these concerns but have questioned whether re-siting the dwellings on plots 31-32 closer to their garden boundaries gives rise to any harmful overshadowing or overlooking issues. In my opinion, at a distance of approximately 18m away, the development would be sited sufficiently far from windows in the rear elevations of the adjacent properties to avoid any harmful impact by reason of loss of enclosure or outlook. I concur with their concerns that the balcony proposed to the front elevation has the potential to overlook their private gardens and, with this in mind, I recommend that a condition be added to any consent requiring a solid minimum 1.8m high screen to be included on the southern side of the balcony prior to occupation of the applicable dwelling and retained as such thereafter.

8.22 Nos. 7 & 8 Shirley Grove are a semi-detached pair of properties located beyond the eastern boundary of the site that have long gardens extending to the west and east respectively. The occupiers of No.8 Shirley Grove have raised significant concerns about the impact of the development on the grounds of overlooking, overbearing, loss of light and noise. This property currently has a two-storey semi-detached dwelling sited approximately 27m away. The proposed scheme would result in two houses directly to the rear as well as a row of dwellings extending along the length of the garden area. Although the proposed dwellings (plots 18-20) would be closer to No.8 than the existing property, the rear gardens would be around 9-10m in depth and there would be a distance of 19-20m between opposing windows. I consider this distance to be sufficient to prevent significant adverse harm by reason of overlooking and overshadowing. On this basis, I do not consider there would be justification for requiring non-habitable rooms only to this elevation.

8.23 The dwellings on plots 14-18 are sited a similar distance away from No.7 Shirley Grove and, again, I consider this separation to be sufficient to avoid significant adverse harm by reason of overshadowing or overbearing. I note that the owner of this dwelling has expressed a preference for the internal layout to be revised. Whilst I cannot insist on such a change for the same reasons as cited in the preceding paragraph, I have raised this with the applicant's agent and queried whether they would be amenable to altering the plans accordingly. I will report further on this on the amendment sheet or orally at Committee.

- 8.24 The occupiers of No.53 Chesterfield Road to the north have raised concerns regarding the revised layout and problems arising from the proximity of plots 14-16 to their boundary. I do have some sympathy regarding their concerns about the proximity of the bin stores to their main private garden. Whilst I consider the impact could be mitigated through the construction of a suitable boundary fence/wall (which could be secured by way of planning condition), I have asked the applicant's agent to consider amending the location to ameliorate this impact. The footpath at the side of plots 14-16 and cycle stores to the rear adjoin a single-storey garage element of No.53 and pass close to the side and front rather than the private garden space and I do not therefore consider this impact is unacceptable. The owners of this adjacent property have also expressed concern that the flat over the garage on plot 14 overlooks their side windows. The nearest front elevation window in plot 14 is a rooflight serving a kitchen which, in my opinion, would not give a direct view into No.53's side windows.
- 8.25 The dwellings on plots 6-13 are two-storey dwellings with 9.5+m deep back gardens. Given the separation between these properties and No.34 Warren Road and 53 Chesterfield Road, I consider they would not give rise to significant adverse overlooking of their gardens.
- 8.26 Nos. 61-65 Eastfields to the west have approximately 12m deep rear gardens. In my opinion this separation is sufficient to ensure the occupiers would not suffer an unacceptable level of overshadowing or overbearing from the dwellings on plots 40 and 50.
- 8.27 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) Policies 3/4, 3/7, 3/12 and 5/2.

### **Highway Safety**

- 8.28 The layout and design of the proposed development takes into account the highways engineer's requirements, which have been discussed in detail at pre-application stage with the Highways Authority. The design of the existing cul-de-sacs does not meet current standards in terms of width, circulation and

turning space, and the lack of off-street parking results in parking on highway verges. The proposed highway design includes a 5-metre wide adoptable road, in the form of a single cul-de-sac, with 2m wide footways on each side and some grassed verge areas (with the latter also incorporating 'rain gardens' as part of the overall surface-water drainage strategy for the site).

8.29 The Highways Authority has advised that the development is acceptable from a highway safety perspective subject to the inclusion of a number of planning conditions and informatives.

8.30 A number of concerns have been raised by local residents on the basis that the scheme does not include improvements to the existing link between Warren Road and Eastfields. This concern has been echoed by the Cycling and Walking Officer who has requested that this link be increased to 3.5m in width. Concerns have also been raised by residents and users of this through-route to the revisions to the highways layout at the point at which the cycle/pedestrian route from Warren Road meets Eastfield.

8.31 In my opinion, the scale of the proposed development, which is for 24 additional dwellings on Phases 1 & 2, and 4 additional properties in Phase 3, is not significant enough that improvements to this route could be argued to be necessitated by the scheme. I note that the proposed highways layout at this point does introduce two 90 degree bends that need to be negotiated. However, this would have the effect of slowing vehicle and cycle speeds compared to the existing layout which would be to the benefit of the safety of all users of the highway. Whilst a straighter route may be desired by cyclists, the Highways Authority has considered the proposal and deemed it acceptable from a highway safety perspective.

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

### **Car and Cycle Parking**

8.33 With regard to car parking requirements, the site lies outside the Controlled Parking Zone. Based on the mix of dwellings proposed within the application, the development requires the provision of a maximum of 74 car parking spaces. 68 are

proposed, with the parking provided at a ratio of 1 space per 1 & 2 bed property and 2 spaces per 3-bed dwelling, together with 6 visitor spaces. In the schemes discussed at pre-application stage, the applicants sought to provide a higher ratio of car parking that far exceeded the maximum standards. In order to improve the layout and ensure compliance with the maximum standards, Officers advised that the number of spaces would need to be reduced and that a significant proportion of the units should be provided with just one space. The submitted scheme has addressed these comments.

- 8.34 Whilst the parking provision is 6 fewer than the maximum standard, experience suggests that car ownership amongst occupiers of affordable housing schemes tends to be relatively low. In addition, the site is in a sustainable location that offers excellent access by walking, cycling and public transport to local facilities and services and the City Centre. I therefore consider the level of parking provided is acceptable in this location.
- 8.35 Cycle storage is provided for each proposed dwelling in accordance with the standards set out in the adopted Local Plan. The storage includes a mix of in-built stores to the front, sheds in rear gardens and cycle lockers for the flats. The Cycling and Walking Officer raised concerns regarding access to the cycle provision in the originally proposed layout. I am currently awaiting a further response in respect of the amended layout and these comments will be reported on the Amendment sheet or orally at the meeting.
- 8.36 In my opinion, subject to confirmation from the Cycling and Walking Officer that the revised layout is acceptable, the proposal would be compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Refuse Arrangements**

- 8.37 The proposal includes storage for three refuse/recycling wheeled bins per property, either in the front or rear gardens. The level of storage provided accords with the RECAP Waste Management Design Guidance. With regard to the location and accessibility of the storage, no confirmation has been received to date from the Council's Waste Team that the details are acceptable. These comments will either be reported on the



Amendment sheet or orally at the meeting. Subject to this confirmation, the proposal would be compliant with Cambridge Local Plan (2006) policy 3/12.

### **Renewable energy and sustainability**

- 8.38 Policy 8/16 of the Local Plan requires at least 10% of the development's total predicted energy requirements to be obtained from renewable energy sources. The application does not propose any renewable energy provision. This is partly due to a desire to minimise maintenance costs and partly because the Housing Association are unable to claim any Feed in Tariff. As a result, the application proposes a fabric-first approach with the aim of achieving a 10% reduction in energy consumption across the whole development.
- 8.39 The Council's Sustainability Officer initially objected to the proposal in view of the absence of any renewable energy proposals. Further information has been provided by the applicant's agent seeking to demonstrate that the dwellings would achieve a 10% reduction in energy consumption. In response, the Sustainability Officer has advised that this approach would be acceptable subject to a condition requiring the dwellings to achieve at least a 12% improvement on Part L of the Building Regulations. This would result in the scheme delivering greater levels of carbon reduction than Code Level 3 and almost to Code Level 4 standards.
- 8.40 In my opinion, subject to the condition recommended, the proposal is in accordance with Cambridge Local Plan Policy 8/16 and the Sustainable Design and Construction SPD 2007.

### **Flooding and surface water**

- 8.41 The site lies in Flood Zone 1 but there are known surface-water drainage issues in the area and, as a result, a flood risk and surface-water drainage report has been submitted with the application. The County Council (Lead Local Flood Authority) initially objected to the proposal, stating that insufficient information had been submitted to demonstrate that the proposed surface-water approach would provide the required amount of storage for the site. Further information has since been provided by the applicant's agent demonstrating that surface water can be dealt with on site by using rainwater butts,

permeable paving, storage tanks and rain gardens. On this basis, the County Council has removed its holding objection and the Council's Sustainable Drainage Engineer has raised no objections subject to the inclusion of a standard surface-water drainage condition.

### **Biodiversity**

- 8.42 An ecological evaluation and impact assessment has been submitted with the application, and this concludes that the ecological value of the site is negligible. A separate bat report concludes that the site has a low but significant probability that the site supports bat roosts.
- 8.43 A local resident has commented that hedgehogs are present in part of the site and has expressed concern that these would be disrupted as a result of the proposals.
- 8.44 I am presently awaiting comments from the Council's Nature Conservation Officer and these will be reported on the Amendment sheet or orally at the meeting.

### **Disabled Access**

- 8.45 The Council's Access Officer has commented that there is a missed opportunity to provide wheelchair accessible housing. However, the information in the Design and Access Statement confirms that the internal layout of the dwellings will be designed to comply with Building Regulations, with all new internal doors at ground level designed to enable full wheelchair access.

### **Third Party Representations**

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

### **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 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.
- 8.49 I am in the process of liaising with service managers to establish whether there are deficiencies in the provision of sports, open space and community facilities in the area, and whether there are grounds for seeking commuted payments to secure improvements to these facilities.
- 8.50 Notwithstanding the above, the Design and Access Statement explains that a separate (confidential) report has been prepared on the economic viability of the proposals and the essential need to provide at least 62 new dwellings to ensure the funding requirements and existing tenants' re-housing needs are met.
- 8.51 A Development Appraisal Tool has been submitted that seeks to demonstrate that policy requirements could render the scheme economically unviable. The proposal includes the provision of an area of public open space that, at 575m<sup>2</sup> in area, is below the amount that would be required by planning policy (936m<sup>2</sup>). The supporting statement explains that providing a policy compliant level of open space would reduce the number of dwellings that could be achieved, thereby compromising the viability of the scheme. It is also argued that any commuted sum payment would also make the scheme economically unviable.

- 8.52 In view of the information provided within the confidential report, I am minded to support the scheme in its existing form but I will provide further clarity on the Amendment sheet.

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider the proposed scheme represents a suitable redevelopment of the existing site at a higher density, and achieves this in a way that is in keeping with the character of the area and avoids undue harm to the amenities of local residents and highway/pedestrian/cycle safety.

## **10.0 RECOMMENDATION**

**APPROVE** subject to completion of a s106 Agreement to secure the provision of affordable housing and the following conditions:

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

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

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

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

3. Prior to commencement of development, samples and details of the colour of the materials to be used in the construction of the external surfaces of the buildings, which includes external features such as windows, doors, porch details, timber cladding, dormer windows, garage doors, external metal work and coping shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (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)

5. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. 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 that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary 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)

7. No unbound material shall be used in the surface finish of the driveways 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. (Policy 8/2 of the Cambridge Local Plan 2006).

8. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular accesses unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

9. Prior to the first occupation of any of the dwellings, hereby permitted, the vehicular accesses where they cross the public highway shall be laid out and constructed in accordance with the approved drawings and to Cambridgeshire County Council construction specification. The accesses shall thereafter be retained free of obstruction.

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

10. The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent surface water discharging to the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

11. 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 each 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, in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

12. Prior to the first occupation of the dwellings, hereby permitted, the manoeuvring areas shall be provided as shown on the drawings and retained free of obstruction.

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

13. Prior to the first occupation of the dwellings, hereby permitted, any redundant vehicle crossover of the footway must be returned to normal footway and kerb.

Reason: For the safe and efficient operation of the public highway, in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

14. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be implemented 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.

15. No development of a residential dwelling shall take place until a Predicted Energy Performance Certificates have been submitted to the local planning authority demonstrating that all proposed dwellings will achieve at least a 12% improvement on Part L (2013). Within six months of first occupation of the dwellings, Final Energy Performance Certificates which evidence the 'as built' performance shall be submitted to and approved in writing by the local planning authority, demonstrating that all proposed dwellings have achieved at least a 12% improvement on Part L (2013).

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2006 policy 8/16 and Supplementary Planning Document 'Sustainable Design & Construction' 2007)."

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

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

17. 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)



18. The south-east side elevation of the balcony at the front of plots 31-32 shall be fitted with a minimum 1.8 metre high solid screen in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The screen shall be fitted prior to the occupation of these dwellings and shall be maintained in accordance with these details thereafter.

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

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

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

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

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

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

20. 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

21. 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)

22. 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)

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

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

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

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

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

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

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

**INFORMATIVE:** With regard to condition 14, the principal 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:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

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

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

**INFORMATIVE:** The noise and vibration report should include:

a) An assessment of the significance of the noise impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 1 Annex E - Significance of noise effects. It is recommended that the ABC method detailed in E.3.2 be used unless works are likely to continue longer than a month then the 2-5 dB (A) change method should be used.

b) An assessment of the significance of the vibration impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 2 Annex B - Significance of vibration effects.

If piling is to be undertaken then full details of the proposed method to be used is required and this should be included in the noise and vibration reports detailed above.

Following the production of the above reports a monitoring protocol should be proposed for agreement with the Local Planning Authority. It will be expected that as a minimum spot checks to be undertaken on a regular basis at site boundaries nearest noise sensitive premises and longer term monitoring to be undertaken when:-

- Agreed target levels are likely to exceeded
- Upon the receipt of substantiated complaints
- At the request of the Local Planning Authority / Environmental Health following any justified complaints.

Guidance on noise monitoring is given in BS 5228:2009 Part 1 Section 8.4 - Noise Control Targets and in Annex G - noise monitoring.

A procedure for seeking approval from the Local Planning Authority (LPA) in circumstances when demolition/construction works need to be carried out at time outside the permitted hours. This should incorporate a minimum notice period of 10 working days to the Local Planning Authority and 5 working days to neighbours to allow the Local Planning Authority to consider the application as necessary. For emergencies the Local Planning Authority should be notified but where this is not possible the Council's Out of Hours Noise service should be notified on 0300 303 3839.

Contact details for monitoring personnel, site manager including out of hours emergency telephone number should be provided.

**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.

<b>Application Number</b>	16/0202/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th February 2016	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	4th April 2016		
<b>Ward</b>	Romsey		
<b>Site</b>	96 Cavendish Road Cambridge CB1 3AF		
<b>Proposal</b>	Retrospective conversion and extension of garage to habitable annexe and construction of outbuilding		
<b>Applicant</b>	Mr David Baigent 96 Cavendish Road Cambridge CB1 3AF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The development complies with development plan policies 3/4, 3/7 and 3/14 (2006).</li> <li>2. The development is acceptable within the Conservation Area.</li> <li>3. The development is not harmful to the amenity of neighbouring occupiers.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.96 Cavendish Road, is a two storey end of terrace property with a small rear garden situated on the corner of Cavendish Road and Cavendish Place. The surrounding area is predominantly residential and is formed mainly of similar sized terraced properties.
- 1.2 The application is located within the Conservation Area and falls outside of the controlled parking zone.

### 2.0 THE PROPOSAL

- 2.1 The planning application seeks retrospective planning permission for the conversion of the approved single storey side

extension into a habitable annexe and attached outbuilding to the rear of the annexe which would lead into the garden space

- 2.3 Planning permission was granted in 2015 (ref: 14/1819/FUL) at the January 2015 Planning Committee for a ground floor side extension to the north of the existing building. The approved extension, which has been completed, projects out to the side of the main dwelling by approximately 2.9m, with an eaves height of 2.2m and ridge height of approximately 4.4m in a mono-pitched roof design.
- 2.4 A single storey outbuilding has also been attached onto the rear of the approved extension, and did not form part of the 2015 approval (above). The attached outbuilding projects off the rear elevation of the approved extension by 4.5 metres along the back edge of the pavement. The outbuilding is set slightly below the ridge height of the approved extension and uses a translucent sheet on the roof. The outbuilding has an inward opening door in the northern elevation facing the pavement to provide access. The outbuilding is not accessible from the approved side extension but would be from the main garden for no.96.
- 2.4 The application is brought to committee because the applicant is a Cambridge City Councillor.

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/1819/FUL	Side extension and conversion of garage to habitable space	APPROVED
10/0259/FUL	Roof extension to rear of property, removal of two chimney stacks.	APPROVED

### **4.0 PUBLICITY**

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



## 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for

consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

## **6.0 CONSULTATIONS**

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

- 6.1 No additional off street car parking provision is proposed for the new accommodation. The development may impose additional parking demands upon on street parking in the surrounding streets. The proposal is unlikely to result any significant adverse impact on highway safety.

### **Environmental Health**

- 6.2 The proposed development is acceptable.

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

- 6.3 The proposed development is acceptable subject to a condition relating to the roof details.

### **Network Rail**

- 6.4 No objections.
- 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 No third party representations have been received for this application.

## **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 Conservation Area
2. Residential amenity

### **Context of site, design and external spaces and Impact on Conservation Area**

8.2 The retrospective conversion of the single storey side extension (annexe) to a habitable annexe in connection with the main dwellinghouse is acceptable has no visual different impact than the 2005 approval. There is an internal doorway from the main dwelling into the annexe and vice-versa. The retrospective construction of the additional single storey extension to the rear of the approved extension is also acceptable as it is of a subservient scale in relation to the main dwelling. The outbuilding is stepped down in height from the approved extension, which helps to break the ridgeline and use of alternative materials such as translucent roof, brick work and weatherboarding helps to give the outbuilding a domestic appearance. The outbuilding does not have any adverse impact on the character or appearance of the Conservation Area such that it should warrant refusal. The Conservation Officer does not consider the outbuilding as having a material impact on the area.

8.3 In terms of the use of the annexe, as it has all the facilities to be used as a separate/self contained residential unit, I have recommended a condition to restrict the use so that it is solely used in connection with the main house at no.96 Cavendish Road and a functional and physical link remains for any future occupier of the annexe, as this is how the annexe is presented used. The reason for this is because a separate unit would not have any outdoor space or provision for separate bin and cycle storage. Whilst this is not what has been applied for, I feel this condition gives the Council sufficient control over the future occupation and use.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.4 The retrospective conversion and the outbuilding do not result in any impact on the amenity of neighbouring properties opposite along Cavendish Place and Cavendish Road as there is a considerable separation distance from the application site to these properties. There are no windows that cause any unacceptable levels of overlooking towards properties to the north or east.
- 8.5 The extensions, which are relatively modest in scale, retain a sufficient amount of private garden space for the occupier of no.96.
- 8.6 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

## **9.0 CONCLUSION**

- 9.1 The conversion and extension of the garage to create an annexe and extension of an outbuilding do not cause any significant detrimental impact on the character or appearance of the Conservation Area or adversely affect the amenity of the neighbouring properties.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

2. The annexe hereby approved shall retain a physical link with, and be accessible from and to the main dwellinghouse at no.96 Cavendish Road and the occupier of annex shall have unrestricted access to the rear garden through no.96. The internal door between the dwellinghouse on the site and the annexe shown on the approved plan shall remain unlocked and unblocked for this purpose.

Reason: To ensure the occupier of the annex has sufficient amenity. (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/14)

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## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/1940/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th October 2015	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	8th December 2015		
<b>Ward</b>	Market		
<b>Site</b>	48 New Square Cambridge CB1 1EZ		
<b>Proposal</b>	Conversion of existing end terrace known as No.48 New Square, 3No. self-contained flats, demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.		
<b>Applicant</b>	Mr Simon Hawkey		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal would not be detrimental to the character or appearance of the Conservation Area or setting of adjacent Listed Buildings</p> <p>The development would not have a significant adverse impact on the amenities of adjacent residents</p> <p>The proposals would not be detrimental to highway safety</p> <p>The loss of trees can be adequately mitigated against through replacement planting and landscaping</p>
RECOMMENDATION	Approval

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.48 New Square is a Grade II Listed dwelling located within the Central (Kite) Conservation Area on the north side of New

Square. New Square is an open space enclosed on three sides by dwellings all of which are Grade II listed.

- 1.2 The property is double-fronted and, unlike the other houses in the terrace, faces westwards into its own plot rather than towards the green space in the middle of New Square. There is a single garage to the west/front of the property that is accessed from New Square. The site bounds Willow Walk to the north and includes four car parking bays that are accessed from Willow Walk. These currently lie outside the garden boundary but are included in the application site.
- 1.3 Beyond the northern boundary of the site is a terrace of Grade II listed houses located on the northern side of Willow Walk. To the east, is a row of 2 storey terraced houses along New Square with rear gardens backing onto Willow Walk. To the south is New Square, an area of open space that links to Christ's Pieces further to the west. Immediately to the west, is a three storey dwelling, No.49 New Square.
- 1.4 The site lies within the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application proposes to provide 6 flats in total on the site. The proposal consists of: the conversion of the existing house to form 3 flats (1 x 2-bed and 2 x 1-bed units); the demolition of the garage on the west side of the house and its replacement with a 1½ storey building containing a single 1-bed dwelling; and the erection of a detached two-storey building with 2 x 1-bed flats in Willow Walk in place of the existing car park.
- 2.2 The building proposed in place of the garage would be sited close to the south-western boundary of the site. It would be 5.1m high to the ridge and 3.4m high to the eaves, and would incorporate a single-storey lean-to at the front. The structure would be constructed from buff brick walls under a grey tile roof, with the accommodation consisting of an en-suite bedroom on the ground floor and living room and kitchen above.
- 2.3 The proposed block adjoining Willow Walk would be a detached two-storey structure standing 6.2m high to the ridge and 4m high to the eaves. It would be constructed from buff brick under a grey tiled roof. The accommodation would comprise a flat on



each floor with part of the ground floor of the building proposed to provide enclosed cycle storage.

2.4 The buildings would be arranged around a shared internal courtyard/garden area. The existing vehicular access to the site (off New Square) would be removed and no car parking would be provided as part of the development proposal. The site would have pedestrian and cycle access only, with this access being obtained solely from New Square. The proposals involve the removal of 11 trees from the site, all of which are classified as categories C or U in the accompanying tree survey. The existing lime tree in the south east corner of the site would be retained and pollarded and replacement tree planting undertaken behind a new boundary wall and fence.

2.5 The application has been amended since the original submission following comments made by the Urban Design and Conservation Team, and at the Development Control Forum. The following revisions/additional information have been received:

- ☐ Updated section drawing with accurate topographical survey levels. The section has been enlarged and includes levels and dimensions, and takes into account the slope of Willow Walk and the site.
- ☐ Submission of a BRE daylight and sunlight assessment.
- ☐ 1m reduction in width of ground floor window to Flat 5.
- ☐ Drawing updated to show retention of chimney breast to Flat 3, and to address discrepancy with stair positioning.

2.6 The application is accompanied by the following information:

- ☐ Planning Statement
- ☐ Design and Heritage Impact Assessment
- ☐ Visual Impact Appraisal
- ☐ Statement of Community Involvement
- ☐ Daylight and Sunlight Assessment
- ☐ Tree Survey

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/68/0404	Erection of 4 concrete garages	Approved

C/73/0781	Erection of 4 concrete garages (extension of period consent)	Permitted
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In addition to the above, there is an extensive planning history relating to the site with the majority of applications relating to tree works, secondary glazing and boundary wall.

## 4.0 PUBLICITY

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

## 5.0 POLICY

## 5.1 Relevant Development Plan policies

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

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

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

	Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Cycle Parking Guide for New Residential Developments (2010)  Kite Conservation Area Appraisal

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

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as submitted to the Secretary of State on 28 March 2014 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways)

- 6.1 The residents of the new properties would not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes in surrounding streets. This should be brought to the attention of the applicant by way of planning informative. Otherwise the proposal should have no

significant highway safety implications subject to the following conditions and informatives being incorporated into any planning permission: redundant vehicle crossover of footway to be returned to normal footway and kerb; traffic management plan.

## **Head of Refuse and Environment**

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

- ☐ Demolition and construction hours
- ☐ Demolition and construction delivery/collection hours
- ☐ Piling
- ☐ Airborne dust mitigation
- ☐ Scheme for insulation of plant

## **Urban Design and Conservation Team (Conservation)**

### Original comments

6.3 It is not possible to fully comment on the proposal, and the additional information set out below will be required in order to provide full comments:

#### *Willow Walk building*

The proposed new building on Willow Walk is on an area that was previously developed as can be seen on the historic maps in the Design and Heritage Impact Assessment. The proposed design takes the form of stabling which is appropriate for this location provided that the materials and finish are of a high quality. The fenestration pattern, the blind arches and the false doors give animation to the street and are traditional in character. However, the elevation facing the communal garden has more modern fenestration. This is acceptable. However, the very large ground floor window is oversized. Unless sufficient justification can be provided for this, it should be replaced with a smaller opening.

#### *48 New Square*

The existing plans for 48 New Square are incorrect in their depiction of the existing windows. Would they remain, as their replacement would not be supported? It is understood that the porch is to be replaced but there are no plans or drawings

showing what it will look like. Confirmation of the proposals should be required. The entrance for Flat 3 is through a new door in the side elevation with steps up to a raised landing. The plans do not show any form of handrail or guard for this. Will there be a requirement to fix one and, if so, what form would this take? The living room for Flat 3 does not show the chimney breast that can be seen in the basement and on the first floor. This must remain in situ. Also, the proposed new staircase from the living room up to the bedroom does not show how it will rise at the upper floor. Will there be a lobby or door? Revised plans showing these details need to be submitted.

#### *One and a half storey building*

The proposed new structure has a larger footprint than the existing garage and is taller, but the scale and massing are appropriate to the site. Clarification of the materials is needed. The materials need to work with those around so that it is tonally the same and does not detract from the listed buildings.

#### *External areas*

All the access would be through the communal garden resulting in a landscape plan that changes the setting of the building from overgrown vegetation to a heavily hard landscaped area. There might be an opportunity to introduce some more planting to soften the impact of the paving. The proposed new piece of railing in front of the one and a half storey building is supported. No details of its design have been provided but it should match the existing railings that form the front boundary to the New Square properties.

#### *Comments on documents*

It is also noted that the submitted Design and Heritage Impact Assessment is based on the previous Conservation Area appraisal rather than the one published in 2014, and there are some inaccuracies:

- (i) There are no longer derelict buildings at the eastern end of Willow Walk. These have now been replaced.
- (ii) Para 5.0 states the windows have horned sashes but it is believed they are still boxed sashes
- (iii) The dates regarding the development of New Square are incorrect

### Amended comments following response from applicant's agent

It is considered that all of the questions raised in the previous response have been addressed through the additional information and new plans submitted by the agent. The applications are therefore now supported subject to the following conditions:

- ☐ Details of any new, replacement or altered joinery
- ☐ All new joinery to be recessed back from the face of the wall
- ☐ Sample panel of facing materials
- ☐ Roofing details
- ☐ Full details of all metalwork

### **Urban Design and Conservation Team (Urban Design)**

- 6.4 The Urban Design Team have reviewed the submitted Daylight and Sunlight Study (dated 22<sup>nd</sup> January 2016, produced by Right of Light Consulting) and have the following comments to make. The study assesses the impact of the proposed development on the light received by the neighbouring properties at 4, 5, 6, 7, 8 and 9 Willow Walk and 46, 47 and 49 New Square. The study is based on the methodology set out within the BRE guide 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' 2011 and measures the amount of diffused daylight to all habitable rooms where daylight is required.

The guidance states that a window must fail all three of the tests below before a development can be deemed to have a significant impact.

#### **Test 1: Vertical Sky Component (VSC)**

Diffuse daylight may be adversely effected if, after a development, the VSC is both less than 27% and less than 0.8 its former value. The report provides VSC calculations for 41 separate windows for dwellings in Willow Walk and New Square. Only 2 windows receive less than these values; window 18 (6 Willow Walk) receives 0.89 and window 21 (7 Willow Walk) receives 0.88 of the former VSC value. Both of these dwellings are located immediately opposite the proposed Willow Walk building. Given that these windows will receive a VSC score of 30.1% (window 18) and 29.8% (window 21) with the proposed development in place diffuse daylight will not be

affected. All of the windows are in accordance with the BRE criteria.

### **Test 2: Daylight to windows (No Sky Line)**

The no sky line is a line which separates areas of the working plane that do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The results (provided for 5 Willow Walk) indicate that the lounge and two bedroom windows receive no loss of light. The dining room window will receive 0.86 of the former VSC value (representing a loss of 10%). The loss of daylight is in accordance with the BRE guidance.

### **Test 3: Sunlight availability to windows - Annual Probable Sunlight Hours (APSH)**

The report provides APSH results for 30 windows (serving habitable rooms) for dwellings in Willow Walk and New Square that face within 90 degrees of due south. These windows have been assessed against the three BRE criteria used to measure potential loss of sunlight (pages 16 and 17 of the BRE report).

The results show that window 21, a ground floor living room window at 7 Willow Walk, and window 25, a lounge window at 8 Willow Walk, have a 7% reduction in sunlight received over the whole year with the proposed development in place. This exceeds the BRE guidance which states that reduction in sunlight received over the whole year should not exceed 4% of APSH. However all of the windows receive more than 0.8 times the former total APSH with the proposed development in place.

The winter APSH (between 21<sup>st</sup> September and 21<sup>st</sup> March) shows that window 21 receives 0.74 and window 25 receives 0.75 of the former sunlight hours (minimum former sunlight hours is 0.8), however both of these windows receive significantly more than the minimum 5% APSH for winter with the proposed development in place (window 21 receives 20%, whilst window 25 receives 21%).

All windows assessed either meet the minimum probable sunlight hours (annual – 25% and winter – 5%) or receive more than 0.8 times the former sunlight hours or the reduction in sunlight over the whole year is no greater than 4% of APSH. No

single window fails all three of these tests; the loss of sunlight is therefore in accordance with BRE guidance.

#### **Test 4: Overshadowing to Gardens and Open Spaces**

The BRE guidance recommends that for amenity spaces to appear adequately sun lit throughout the year, at least half of the amenity area should receive at least two hours of sunlight on the 21<sup>st</sup> March. Three gardens have been assessed (46, 47 and 49 New Square), the results show that none of the gardens will receive any loss of sunlight on the 21<sup>st</sup> March as result of the proposed development. The development therefore passes the BRE overshadowing to gardens and open spaces test.

#### **Conclusion**

Based on the evidence provided in the submitted study, the loss of daylight and sunlight to existing houses in Willow Walk and New Square is minimal and is entirely within the acceptable limits recommended within BRE best practice. We have no reason to doubt the methodology used to assess the level of impact

#### **Landscape Design**

- 6.5 The development is acceptable subject to an adequate response to the following and to the imposition of conditions requiring the submission of a hard and soft landscaping scheme, and landscape maintenance and management plan.
- ☐ Remove potted box plants from drawing
  - ☐ Include intended clipping height of hedges
  - ☐ The hedge adjacent Willow Walk should include breaks and lowered areas at the false doors and windows
  - ☐ The planting against the western boundary wall could benefit from being a more shade tolerant species

#### **Streets and Open Spaces – Trees Officer**

- 6.6 The majority of trees are not a reasonable constraint to an otherwise acceptable proposal. The opportunity for replacement tree planting has not been fully explored. The replacement apple is acknowledged but insufficient alone to mitigate the loss of amenity brought by the extent of tree removals proposed. Subject to amendment of the proposed landscaping to include an additional and significant new tree and the following



conditions, there are no objections to the scheme subject to a condition requiring the submission and implementation of a phased Arboricultural Method Statement and Tree Protection Plan.

## **7.0 REPRESENTATIONS**

### Comments in respect of original submission

- 7.1 Councillor Bick requested the submission of a cross-section to show how the new building would fit into its context, stating this is vital to assist assessment of the impact and context of the proposed building in Willow Walk.
- 7.2 Councillor Gillespie requested that the application be called in to Planning Committee. His concerns were that this is a change of use that would increase density quite severely and sets a precedent that could see the whole street change in character. This is a protected heritage area and the green wall beside the parking slots on Willow Walk fit the character of the street. The planned changes may also cause loss of light and loss of amenity.
- 7.3 The owners/occupiers of the following addresses made representations objecting to the application as originally submitted.
- ☐ 26 Baldock Way
  - ☐ 1, 2 Brunswick Walk
  - ☐ 16, 18 Clarendon Street
  - ☐ 10, 12, 18, 22, 26, 34, 36, 51, 53 Maids Causeway
  - ☐ 49 New Square
  - ☐ 3, 5, 6, 7, 9, 10, 12, 13, 14, 16 Willow Walk

The main concerns raised can be summarised as follows.

- ☐ Willow Walk is a characterful street of unified Georgian design. The proposed new two-storey block adjacent to Willow Walk would harm the character of the Kite Conservation Area and setting of adjacent Listed Buildings, notably those in Willow Walk.
- ☐ The design of the Willow Walk building is out of keeping with the area, including a depressing blank eastern elevation and

muddled arrangement of windows on the Willow Walk side of the building.

- ☐ There was never a dwelling on the footprint of the proposed Willow Walk block. There was a stable that was removed a long time ago. The proposed building is not even on the footprint of the previous stable.
- ☐ The new building adjacent to Willow Walk should be omitted from the scheme.
- ☐ The Conservation Area description states that extensions should not be built on the backs of houses in New Square.
- ☐ The demolition of the existing garage is welcomed. However it is lower and smaller than the building proposed to replace it.
- ☐ The plot is too small to accommodate 6 dwellings and their associated bin and bike storage needs.
- ☐ A detailed landscaping plan for the courtyard area should be provided.
- ☐ The proposed building adjacent to Willow Walk would result in a loss of light to and overshadowing of properties on the opposite side of the road in Willow Walk. These properties have south facing ground floor and basement windows
- ☐ A daylight and sunlight assessment should be required that includes an assessment of overshadowing in the winter months. Afternoon sunlight from October-April would be particularly restricted.
- ☐ The development would result in overlooking of houses opposite.
- ☐ The service areas for the flats in the block adjoining Willow Walk would face the houses opposite, and discharges from the flues (smell, sounds, steam etc) could affect nearby residents.
- ☐ Willow Walk is narrow, and access will be made more difficult by the narrowing of the street.

- ☐ The proposal could set a precedent for similar development on Willow Walk, leading to the piecemeal destruction of the character of the area.
- ☐ A pre-application enquiry relating to the erection of a dwelling in the grounds of 49 New Square was recently resisted due to the impact on the setting of the listed building and potential loss of trees.
- ☐ Where would the new residents park? The development would result in the loss of 4 existing spaces.
- ☐ No site notices were evident in the area.

Comments received in response to amended and additional information

- 7.4 Councillor Sinnott expresses disappointment that the developer failed to adequately respond to issues raised at the DCF by the residents of Willow Walk.
- 7.5 The owners/occupiers of the following addresses made representations following the submission of additional information from the applicant's agent:
- ☐ Brunswick and North Kite Residents' Association
  - ☐ 33 Cow Lane, Fulbourn
  - ☐ 26 Maids Causeway
  - ☐ 5, 7, 9, 10, 11, 13 Willow Walk

The main concerns raised are as follows:

- ☐ The amendments, if any, are negligible, and take no account of the Forum process.
- ☐ The site section drawing provided by the agent is misleading as it shows the new structure as appearing subservient to the Willow Walk terrace. The land on the north side of Willow Walk is lower than on the south side, meaning the development will only be 9-18cm lower than the properties on the opposite side of the road.

- ☐ There seems to be a discrepancy in the distance shown between the new build and Willow Walk properties, between the site section drawing (8.05m) and proposed site plan (8.8m)
- ☐ The width of the properties in Willow Walk is misrepresented in the section drawing (8m rather than 6.17m)
- ☐ The ridge height of 5 Willow Walk is misrepresented in the drawings.
- ☐ The additional Daylight and Sunlight Assessment does not appear to accurately reflect winter sun exposure. The development would result in a loss of light to all of 6-9 Willow Walk's living room and basement windows.
- ☐ The consultants that carried out the Right of Light study did not access No.7 Willow Walk to do so. This raises concerns about the accuracy and impartiality of their findings.
- ☐ The amendments have failed to take account of the discussion at the DCF. On this basis, a 2<sup>nd</sup> DCF should be called.

### **Development Control Forum**

7.6 Residents from the following 26 addresses signed a petition requesting that the application be considered at a Development Control Forum (DCF):

- ☐ 3, 10, 11, 28 Clarendon Street
- ☐ 17 Emmanuel Road
- ☐ 8, 10, 14, 18, 36, 41, 49 Maids Causeway
- ☐ 40 Occupation Road
- ☐ 6, 12 Orchard Street
- ☐ 39 Oyster Row
- ☐ 31 Parkside
- ☐ 18 Richmond Road
- ☐ 3, 6, 7, 9, 10, 11, 12, 14 Willow Walk

The grounds for asking for a DCF were as follows, with the requested changes being the deletion of the two flats fronting Willow Walk.

“That the proposal for the erection of 2 self contained flats is highly damaging to the Kite Conservation Area and to the setting of the early Charles Humfrey listed terrace in Willow Walk.

Although the residents of Willow Walk support the bringing back into use of 48 New Square there is genuine concern over the impact of the Willow Walk element of the scheme which increases density on the application site and impacts on the Willow Walk street scene which is historically open in aspect along its New Square side.

The petitioners believe that if there is no value to Jesus College in maintaining the car spaces there is scope for enhancing the Conservation Area by means of including the car space land within the curtilage of No.48.”

7.7 The DCF was held on December 2015 and the minutes of this meeting are attached as an Appendix.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan 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 established residential area, and the principle of further residential development in the area would therefore be broadly in accordance with Policy 5/1.
- 8.4 Policy 5/2 of the Local Plan supports the conversion of large properties into additional dwellings recognising that conversion makes a useful contribution towards housing provision. This is subject to proposals meeting the various tests set out in the policy with regards to impacts upon residential amenity, on-street parking, provision of satisfactory bin and bike storage, and the standard of accommodation that would be provided.
- 8.5 Policy 3/10 of the Local Plan states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance.
  - b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties.
  - c) Detract from the prevailing character and appearance of the area.
  - d) Adversely affect the setting of Listed Buildings within or close to the site.
  - e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
  - f) Prejudice the comprehensive development of the wider area of which the site forms part.

Part f) is not of relevance to this application. Parts a-e inclusive will be discussed in further detail in the following sections of this report.

## **Context of site, design and external spaces including impact upon the Conservation Area and setting of Listed Buildings**

- 8.6 The site occupies a highly sensitive location within the Central (Kite) Conservation Area. It is occupied by a Grade II Listed Building and all other properties in the vicinity, grouped around New Square and in Willow Walk to the north, are also Grade II Listed.
- 8.7 The proposal includes three distinct elements and I will consider each of these in turn:

### *Conversion of No.48 to 3 flats*

- 8.8 The application includes the conversion of the existing listed house to 3 flats. At the pre-application stage, it was proposed to add a stairwell extension to the existing building in order to enable this conversion. Following concerns raised by Officers regarding the impact this would have on the setting of the building, this element has now been removed. In responding to the current proposal, the Conservation Officer still felt that further details and clarification of the plans was required. In response to this, the applicant's agent has confirmed the following:

- ☐ The existing sash windows would be retained and refurbished.
- ☐ It is proposed to replace the porch but it is requested this be conditioned as part of any permission to enable further detailed discussion.
- ☐ The entrance to flat 3 has intentionally been designed as a stepped access, and hand rails can therefore be avoided.
- ☐ The chimney breast will be retained and the drawing has been updated accordingly. The discrepancy with the new stair positioning has also been addressed in the amended plans.

- 8.9 Following clarification of the above, the Conservation Team has advised that the works to convert the building are acceptable, and I concur with their conclusions. However, I disagree with the agent's suggestion that the replacement of the porch could be dealt with by way of planning condition and, in my opinion, this would need to be the subject of a new planning application.

### *One and a half storey building*

- 8.10 The 2<sup>nd</sup> element of the proposal involves the demolition of the existing garage in the south-western corner of the site and its replacement with a 1½ storey building.
- 8.11 The Conservation Team has advised that the existing garage is of no architectural merit and its demolition is therefore supported. The proposed new structure has a larger footprint and is taller than the existing garage. In pre-application discussions, Officers raised concerns about the potential impact that a taller building in this location could have on the setting of the main dwelling and adjacent listed house at No.49. In response to these concerns, the design has been modified since the pre-application discussions to reduce its height, to set the building back into the site by approximately 3m, thereby enabling additional landscaping to be provided along the frontage, and to modify the roof form to incorporate a hipped element reducing in height towards New Square. The new building would be visually separate from, and appear as an ancillary outbuilding to, the main listed house, and the Conservation team have advised that its scale and massing are acceptable and appropriate for the site.

### *Willow Walk building*

- 8.12 The third part of the proposal involves the construction of a detached two-storey building on the southern side of Willow Walk. This element has resulted in significant concerns, most notably from residents on the north side of Willow Walk, about the impact the building would have on the character of the Conservation Area and setting of Listed Buildings. There are also residential amenity concerns relating to this building and these will be addressed later in the report.
- 8.13 In view of these significant concerns, the local residents sought, through the DCF process, to persuade the developers to either remove this block from the scheme altogether or, at the very least, to amend it to a single-storey structure. Neither of these requested revisions have been put forward, with the only modification since the original submission consisting of a reduction in size of a ground floor window to Flat 5 to address concerns raised by the Conservation Team in its original



comments. However, the application cannot be rejected on the grounds that it has failed to resolve the concerns raised at the DCF, and can only be assessed against the relevant material planning considerations.

- 8.14 With regard to the visual impact of the development, the Visual Impact Appraisal submitted on behalf of the applicants purports to demonstrate that the development would have a negligible impact when viewed from New Square as a result of existing and proposed tree cover and the location of the rear block relative to the frontage houses.
- 8.15 There are views across the site from New Square through to Willow Walk. In my opinion, given the size and location of the new building, it will be visible from New Square and will be seen against the backdrop of the listed dwellings on Willow Walk behind and in relation to the listed dwellings of New Square in the foreground. The building will also be a prominent feature in Willow Walk itself.
- 8.16 Although the building would be a prominent structure, the fact that it would be visible and would represent a change to the existing situation does not, however, automatically mean that it would be harmful to the Conservation Area and setting of these Listed Buildings.
- 8.17 The Conservation Team has commented that the proposed new building is on an area that was previously developed (as can be seen on the historic maps in the Design and Heritage Impact Assessment) and so there is historical evidence of a building in this approximate location. Whilst there is no photographic evidence showing the form and scale of the historic building, the Conservation Team has advised that the proposed design, which takes the form of stabling, is appropriate in this location, that the scale, being subservient to the host dwelling, is acceptable, and the detailing of the fenestration with blind arches and false doors is traditional in character and gives animation to the street. I give little weight to the historical precedent as it is unclear what any building/stable may have appeared like, what footprint it may have occupied together with its scale but, nonetheless, I accept the more general points regarding subservience of form in this location the Conservation Team are making.

- 8.18 With regard to the visual impact within Willow Walk, this part of the site presently comprises 4 parking bays enclosed by a high wall. The removal of this parking would, in my opinion, improve the appearance of this side of the street. Whilst there are no buildings immediately adjoining the site in Willow Walk, there are examples of dwellings on the southern side of Willow Walk further to the east and west so the proposal does not seek to introduce a new building into an otherwise undeveloped frontage. No.49 New Square is a three-storey structure that is situated directly adjacent to Willow Walk and, when approaching the site from the east, the new building would be seen against the backdrop of this dwelling whilst avoiding undue harm to its setting. Further to the east towards Fair Street is a modern terrace of two-storey dwellings against which the new building would be seen when viewed from the west.
- 8.19 In conclusion, the site occupies a highly sensitive location within the historic heart of Cambridge. Although the supporting documentation purports to demonstrate otherwise, my assessment is that the new development on the site would be very prominent in views from both New Square and Willow Walk, as well as views across the site from New Square through to Willow Walk. The new building on Willow Walk takes a subservient form in this location, whilst the new building fronting New Square would replace a poor quality garage. The works to the main house would not alter its character, whilst the scale, design and detailing of the two new buildings are concluded by the Conservation Team to be acceptable and of sufficiently high design quality to preserve the character of the area and the setting of adjacent Listed Buildings. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 4/10, 4/11 and 5/2.

### **Residential Amenity**

- 8.20 The conversion of the existing property proposes to utilize the existing fenestration and would not therefore give rise to any significant neighbour amenity issues. In addition, the building proposed in place of the existing garage, although taller than the existing structure, is sited sufficiently far from the adjacent property at No.49 to avoid any significant adverse impact in terms of its overshadowing or enclosure impacts.

- 8.21 The key area of concern from a residential amenity point of view relates to the impact of the proposed new building adjoining Willow Walk. This is a 6.2m high building located approximately 8 metres to the south of dwellings in Willow Walk, the most affected of which would be Nos. 6-9 (inclusive). Significant concerns have been raised by residents of all these dwellings regarding the impact the development would have upon light to their properties, particularly in the winter months (late September through to late March). In response to these concerns that were also expressed by local residents at the DCF, an additional Daylight and Sunlight Assessment based on the Building Research Establishment guidance has been carried out. The affected residents have voiced their concerns, however, that this does nothing to allay their original fears and have stressed that the Council should insist on a full Right-to-Light study being carried out.
- 8.22 The Urban Design Team has assessed and commented on the submitted study. In order to argue that a development would cause significant harm to daylight and sunlight levels, the impact on affected window(s) would need to fail all three of the tests referred to in the response set out in Paragraph 6.4 of this report. The sole ground floor living room window of No.7 Willow Walk (window 21) and the lounge window to No.8 (window 25) do fail one of tests. However, no single window fails all three tests and, as a result, it is concluded that the development would not have a significant impact in terms of loss of sunlight/daylight to nearby properties.
- 8.23 With regard to the request that the Council should require an assessment based on Right to Light legislation, it should be stressed that this is separate non-planning related legislation, and that a planning application can only be assessed (and decision made) against the relevant planning guidance issued by the Building Research Establishment. This has been undertaken and deemed acceptable.
- 8.24 Residents in Willow Walk have expressed concern that the new building in Willow Walk would be unduly dominant in the outlook from their south facing windows. Although the presence of this building would alter the existing outlook from these windows given its relatively low ridge and eaves heights (6.2m and 4m respectively) and approximately 8m separation, I consider this

would not have such a significant impact that a refusal could be justified on these grounds.

- 8.25 With regard to concerns about overlooking impacts of the building adjoining Willow Walk, the first-floor north-facing openings serve non-habitable rooms (2 x landing windows and a bathroom) whilst a rooflight to a study is at a high level. The only habitable room window in this elevation is at ground floor level and serves a bedroom. Given that the majority of the openings are to non-habitable rooms and that the relationship is to the front of properties where occupiers would already experience some overlooking and loss of privacy from pedestrians passing on the footpath, in my opinion this relationship is acceptable and would not give rise to a harmful level of overlooking of dwellings on the opposite side of Willow Walk to the north.
- 8.26 The south elevation of the Willow Walk block has lounge and bedroom windows at first floor level, both of which would look towards the shared courtyard area. The bedroom window would be just 10m from the rear of the adjacent property at 47 New Square. However, the top of the window would be just 1.1m above the internal finished floor level and the low height of this opening lower than the normal eye height level would, in my opinion, prevent any adverse overlooking of the adjacent property or garden.
- 8.27 The building proposed in place of the existing garage has first-floor openings to the front, east side and rear. As no openings are proposed in the west side elevation facing No.49 New Square's private garden, I consider the development would not give rise to overlooking problems of the neighbouring property and garden to the west.
- 8.28 The owner of No.7 Willow Walk has raised concern regarding discharge from the flues, extractor ducts, vent pipes, soil stacks etc. The Environmental Health Officer has been consulted on the proposal and has not raised any specific issues relating to these elements of the scheme. He has, however, raised some concern regarding the noise that could be associated with any air source heat pumps, and recommends a plant insulation condition to ensure such impacts are adequately assessed.

- 8.29 With regard to the amenities of future occupiers, the proposal includes a south-facing central communal garden space measuring 15m deep x 6m wide for the use of residents of all 6 properties. Whilst this is modest in size, it is sufficient to provide some sitting-out space for residents as well as space for storage of refuse bins (cycle storage would be accommodated within the Willow Walk building). Given this, together with the fact the site is located adjacent to the open space areas at New Square and Christ's Pieces, and within easy walking distance of the substantial areas of public open space at Midsummer Common and Jesus Green, I consider the level of amenity space provided to be appropriate for this site.
- 8.30 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) Policies 3/4, 3/7, 3/10 and 5/2.

### **Trees and landscaping**

- 8.31 The proposal includes the removal of 11 trees, which are all identified as Category C and U in the accompanying Tree Survey. The Trees Officer has raised no objections to the proposal although has stressed that any landscaping scheme should include a better quality of replacement planting than is currently shown. The Landscape Design Officer has raised some reservations regarding the proposed landscaping, but I consider these issues, together with those raised by the Trees Officer, can be considered further and resolved by way of conditions requiring detailed landscaping and landscape management proposals. In my opinion, the development is therefore compliant with Policy 4/4 of the Cambridge Local Plan.

### **Highway Safety, car and cycle parking**

- 8.32 The proposal involves the removal of the existing four parking spaces adjacent to Willow Walk, and the creation of 6 dwellings with no off-street parking provision. The Highways Authority has raised no objections to the highway safety implications of the development subject to conditions. In my opinion, a car-free development is entirely acceptable in this location within the Controlled Parking Zone. Future residents would have no need to own a car given the central location of the site and ease of access to a wide range of shops, services, facilities and public

transport. There is a Car Club in Cambridge that residents could make use of should they require occasional use of a car, and it is recommended that an informative advising of this service be attached to any planning permission.

- 8.33 Concerns have been raised by local residents that the development would result in the width of Willow Walk being narrowed to the detriment of highway safety. The space proposed to be occupied by the Willow Walk block is currently taken up with parking, and this space is not therefore available for manoeuvring, nor is there any footpath on this side of the road. I do not therefore consider the proposal will have any adverse highway safety implications on Willow Walk.
- 8.34 With regard to cycle parking, the application proposes a lockable store within the Willow Walk block designed to provide storage for a total of 12 cycles. This accords with the policy requirement and is therefore acceptable. The provision and future retention of this space would need to be secured by way of planning condition.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 5/2, 8/2, 8/6 and 8/10.

### **Refuse Arrangements**

- 8.36 It is proposed that large commercial refuse containers would be provided and stored within a designated area behind the southern boundary wall. Further details of the arrangements, and the provision and retention of suitable storage, would need to be secured by way of planning condition.
- 8.37 In my opinion, subject to such a condition, the proposal is acceptable in this respect and compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 5/2.

### **Third Party Representations**

- 8.38 I have addressed the majority of issues raised in the representations within the body of this report.
- 8.39 A number of concerns have been raised regarding the accuracy of the drawings. In response, the applicant's agent has confirmed that the plans are entirely accurate and based on

verified topographical surveys, and that there is no discrepancy between the site plan and cross-sections. Having checked the plans and visited the site and surroundings, my opinion is that the submitted drawings are accurate.

8.40 Concerns have also been raised that, if approved, this application could set a precedent for development on the south side of Willow Walk, and also within the garden of 49 New Square for which the Council has previously given negative pre-application advice. As each application is determined on its own merits, this would need to be assessed as part of any subsequent future applications and could not constitute a justifiable reason for rejecting the proposed development of this site.

8.41 I can confirm that a site notice was produced and, to the best of my knowledge, displayed on site. The application was also advertised in the Cambridge Evening News and consultation undertaken with neighbouring residents. I therefore consider that the relevant statutory notification requirements have been adhered to.

## **9.0 CONCLUSION**

9.1 In conclusion, the impact of the development is acceptable and I therefore recommend approval subject to conditions.

## **10.0 RECOMMENDATION**

Approve subject to the following conditions:

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

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

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

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

3. No new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (porch, doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

4. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation of new joinery. 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)

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

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



6. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only 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)

7. Prior to commencement of any alterations to the listed building, full details, in terms of materials, fixing, surface finish & colour, of all new/altered metalwork [stairs, balustrades, grilles, railings, brackets, window frames, columns, etc.] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Listed Building and Conservation Area. (Cambridge Local Plan 2006, policies 4/10 and 4/11).

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

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

9. 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 maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

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

10. Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and Local Planning Authority Tree Officer to discuss details of the approved AMS.

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

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

11. 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)

12. Prior to the first occupation of the dwellings, hereby permitted, the redundant vehicle crossover of the footway must be returned to normal footway and kerb.

Reason: For the safe and efficient operation of the public highway, in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

13. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be implemented 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.

14. Prior to the occupation of the dwellings, hereby permitted, the cycle storage facilities shall be provided in accordance with the approved details. 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 bicycles (Cambridge Local Plan policies 5/2, 3/10 and 8/6)

15. 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

16. 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)

17. 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)

18. 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)

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

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

20. Before the development/use hereby permitted is 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)

**INFORMATIVE:** With regard to condition 13, the principal 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:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

**INFORMATIVE:** 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 residents of the new dwellings will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

**INFORMATIVE:** 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.



## **DEVELOPMENT CONTROL FORUM**

9 December 2015  
10.00 – 11.15

**Present:** Councillors Blencowe, Bick, Hipkin, Sinnott and M. Smart

### **Officers:**

Principal Planner (City) – Chair: Tony Collins  
Planning Officer: Lorraine Casey  
Committee Manager: Toni Birkin

### **For Applicant:**

Chris Senior, Director of DPA Architects  
Peter McKeown, Carter Jonas Associates  
Tom Webb, DPA Architects

### **For Petitioners:**

Three Members of the Local Community

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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### **15/10/DCF Declarations of Interest**

Councillor Sinnott requested permission to address the committee and declared an interest she had recently moved into the area as a long-term, temporary resident.

### **15/11/DCF Induction by the Chair**

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

### **15/12/DCF Application and Petition Details 48 New Square 15/1940/FUL**

Application No: 15/1940/FUL  
Site Address: 48 New Square, Cambridge, CB1 1EZ  
Description: Conversion of existing end terrace known as No.48 New Square, 3No. self-contained flats, demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk

and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.

Applicant: Mr Simon Hawkey

Agent: Mr Chris Senior

Address: Once Architecture Ltd, The Gallery, 96 King Street, Cambridge, CB1 1LN

Text of Petition: That the proposal for the erection of 2 self- contained flats is highly damaging to the Kite Conservation area and to the setting of the early Charles Humfrey listed terrace in Willow Walk.

Although residents of Willow Walk support the bringing back into use of 48 New Square there is genuine concern over the impact over the Willow Walk element of the scheme which increases density on the application site and impacts on the Willow Walk street scene which is historically open in aspect along its New Square side.

The petitioners believe that if there is no value to Jesus College in maintaining the car spaces there is scope for enhancing the Conservation Area by means of including the car space land within the curtilage of Number 48.

#### Case by the Applicants:

1. Had noted the concerns of the residents regarding the Willow Walk aspect of the development.
2. Referred to photos of the area to demonstrate that development would complement the area.
3. Development conformed to National Policy Framework requirements for conservation area developments.
4. Have carried out extensive consultations with local residents.
5. Set out the expected timeframes for the next stage of the application.
6. Expected the application to go to the February Planning Committee.
7. Next door neighbours were supportive of the application.
8. Plans included protection of the existing facade.
9. Proposals offered adequate separation from existing properties.
10. Proposals were sympathetic to the character of the area.
11. Consultees such as Highways and Environment were happy with the proposals.

12. The Conservation and Design Panel were largely content with the proposals with the exception of minor reservations.

Case by Petitioners:

13. Not unhappy with the idea of development provided this was not to the detriment of the community.
14. Concern regarding the Willow Walk block.
15. Old building was a low, single storey stable.
16. Mass and large frontage to Willow Walk out of keeping with area.
17. Area currently enjoys open views.
18. The applications states that it is New Square but greatest impact would to Willow Walk.
19. Technical drawings do not allow accurate estimation of the size of the proposed building.
20. Old stable was converted to parking area.
21. Privacy would be lost as properties would be overlooked.
22. Window on Willow Walk side of development not needed.
23. Neighbours would suffer loss of light and over shadowing.
24. Shadow study alarming.
25. Sunlight study needs further investigation.
26. Planning applications submitted by existing residents subject to rigorous investigation.
27. New applications did not appear to be subject to the same rigor.
28. Willow Walk resident met and expressed their opposition to any access point from Willow Walk.
29. Residents were prepared to compromise on some matters.
30. No reciprocal concessions had been made by the developer.
31. Willow Walk was a special area.
32. Cross section drawing from developer were unclear.
33. Proposed footprint is larger than old building.
34. Overdevelopment of the area.
35. Community involvement statements did not adequately capture the views of local residents.
36. Local Plan requires developments to have a positive impact on the area.
37. Design does not reflect nature of the area.
38. Would compete visually with existing properties.
39. Trees would be lost.
40. Majority of residents do not agree that the proposals met the test for development in a conservation area.

Case Officers Comments:

41. Summarised additional consultations.
42. 22 local objections regarding: the block in Willow Walk, the one and a half storey building in New Square and pressures on parking.
43. Noted the comments of the officers regarding the trees.

### Non Planning Committee Members' Statement

#### Councillor Bick

- Acknowledged residents' concerns.
- Expressed disappointment the application lacked detail with regard to Willow Walk.
- Concerns regarding massing and proximity to Willow Walk.
- A proper cross sectional diagram was needed to demonstrate proximity to neighbouring buildings.
- Long term fears for Willow Walk and the future street scape.
- Relationship between Willow Walk and New Square should be retained.

#### Councillor Sinnott

- Willow Walk was part of the shared heritage of Cambridge and was of value beyond just those who lived there.
- Greatest impact of the development would be to Willow Walk.
- Suggested that the building footprint could be rotated to allow a side access route.
- Overlooking was a concern with current proposal.
- There was more room for compromise.

#### Councillor M Smart

- Concerned by the proposals.
- Property values appeared to be the driver.

### Members' Questions and comments:

44. Conservation appraisal seeks to identify the unique features of an area and these should be considered by planning officers.
45. Willow Walk needs to be considered in its entirety as the area (back gardens in particular) could be seen as a prime area for development.
46. Would the development have any access from Willow Walk?
47. Had an alternative orientation been considered?
48. Would the development be car free?

49. Is there a marked gradient across the street? If yes could this be highlighted in the next stage of the planning process?
50. Could members be provided with images of the old stable?

Response to Members' Questions:

51. The original application had access from Willow Walk but the revised plan has all access from the front of the development. The development was set back with only windows to the rear. Conservation and Urban Design had required the rear of the building to present an attractive façade to Willow Walk.
52. No alternative orientation had been proposed.
53. The development would be car free.
54. There was gradient across the street and detailed at the next stage of the planning process.

Summing up by the Applicants:

55. Development would not have a detrimental impact on the area.
56. New properties would be assimilated into the area and would enhance the street.
57. The impact on light levels would be minimal.
58. Detailed consultations had been undertaken.

Summing up by the Petitioner:

59. Local residents were concerned about the scale of the proposals.
60. Developers' drawings were misleading.
61. Conservation area decisions would always be subjective.
62. Need to protect the quality of the landscape for future generations.
63. Application lacks details for considered decisions.
64. Height projections do not take account of sloping nature of the street.
65. Light and shadow impacts on other residents not acceptable.
66. Alternative cycle and bin storage suggestions were needed.
67. Disappointed at lack of alternative proposals.
68. In making this application, Jesus College had been influenced by property values.
69. Gardens in the area were at risk.

Final Comment from the Chair

70. The Chair confirmed that the notes of the Development Control Forum would be made available to relevant parties and would be reported to the Planning Committee when the application is reported to them.

The meeting ended at 11.15 am

**CHAIR**

## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/1941/LBC	<b>Agenda Item</b>	
<b>Date Received</b>	13th October 2015	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	8th December 2015		
<b>Ward</b>	Market		
<b>Site</b>	48 New Square Cambridge CB1 1EZ		
<b>Proposal</b>	Listed building consent to convert existing end terrace known as No.48 New Square, 3No. self-contained flats, demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.		
<b>Applicant</b>	Mr Simon Hawkey		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposals would not be detrimental to the character of the Conservation Area or setting of adjacent Listed Buildings</p>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.48 New Square is a Grade II Listed dwelling located within the Central Conservation Area on the north side of New Square. New Square is an open space enclosed on three sides by dwellings all of which are Grade II listed.
- 1.2 The property is double-fronted and, unlike the other houses in the terrace, faces westwards rather than towards the green space in the middle of New Square. There is a single garage to the west/front of the property that is accessed from New Square. The site bounds Willow Walk to the north and includes four car parking bays that are accessed from Willow Walk. These currently lie outside the garden boundary but are included in the application site.

- 1.3 Beyond the northern boundary of the site is a terrace of Grade II listed houses located on the northern side of Willow Walk. To the east, is a row of 2 storey terraced houses along New Square with rear gardens backing onto Willow Walk. To the south is New Square, an area of open space that links to Christ's Pieces further to the west. Immediately to the west, is a three storey dwelling, No.49 New Square.
- 1.4 The site lies within the Central Conservation Area.
- 1.5 The Conservation Officer has outlined the heritage value of the buildings in their consultation response which I accept

## **2.0 THE PROPOSAL**

- 2.1 The application proposes to provide 6 flats in total on the site. The proposal consists of: the conversion of the existing house to form 3 flats (1 x 2-bed and 2 x 1-bed units); the demolition of the garage on the west side of the house and its replacement with a one and a half storey building containing a single 1-bed dwelling; and the erection of a detached two-storey building with 2 x 1-bed flats in Willow Walk in place of the existing car park.
- 2.2 The conversion of the existing dwelling to flats is the only element of the proposal that requires listed building consent and this report therefore focusses solely on this aspect. The other elements of the scheme are considered in the accompanying planning report (ref: 15/1940/FUL).

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/68/0404	Erection of 4 concrete garages	Approved
C/73/0781	Erection of 4 concrete garages (extension of period consent)	Permitted

In addition to the above, there is an extensive planning history relating to the site with the majority of applications relating to tree works, secondary glazing and boundary wall.



## 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 3/12
		4/10 4/11

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)

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

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as submitted to the Secretary of State on 28 March 2014 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

## 6.0 CONSULTATIONS

### Urban Design and Conservation Team

#### Original comments

- 6.1 It is not possible to fully comment on the proposal, and the additional information set out below will be required in order to provide full comments:

#### *Willow Walk building*

The proposed new building on Willow Walk is on an area that was previously developed as can be seen on the historic maps in the Design and Heritage Impact Assessment. The proposed design takes the form of stabling which is appropriate for this location provided that the materials and finish are of a high quality. The fenestration pattern, the blind arches and the false doors give animation to the street and are traditional in character. However, the elevation facing the communal garden has more modern fenestration. This is acceptable. However, the very large ground floor window is oversized. Unless sufficient justification can be provided for this, it should be replaced with a smaller opening.

### *48 New Square*

The existing plans for 48 New Square are incorrect in their depiction of the existing windows. Would they remain, as their replacement would not be supported? It is understood that the porch is to be replaced but there are no plans or drawings showing what it will look like. Confirmation of the proposals should be required. The entrance for Flat 3 is through a new door in the side elevation with steps up to a raised landing. The plans do not show any form of handrail or guard for this. Will there be a requirement to fix one and, if so, what form would this take? The living room for Flat 3 does not show the chimney breast that can be seen in the basement and on the first floor. This must remain in situ. Also, the proposed new staircase from the living room up to the bedroom does not show how it will rise at the upper floor. Will there be a lobby or door? Revised plans showing these details need to be submitted.

### *One and a half storey building*

The proposed new structure has a larger footprint than the existing garage and is taller, but the scale and massing are appropriate to the site. Clarification of the materials is needed. The materials need to work with those around so that it is tonally the same and does not detract from the listed buildings.

### *External areas*

All the access would be through the communal garden resulting in a landscape plan that changes the setting of the building from overgrown vegetation to a heavily hard landscaped area. There might be an opportunity to introduce some more planting to soften the impact of the paving. The proposed new piece of railing in front of the one and a half storey building is supported. No details of its design have been provided but it should match the existing railings that form the front boundary to the New Square properties.

### *Comments on documents*

It is also noted that the submitted Design and Heritage Impact Assessment is based on the previous Conservation Area appraisal rather than the one published in 2014, and there are some inaccuracies:

- (i) There are no longer derelict buildings at the eastern end of Willow Walk. These have now been replaced.

- (ii) Para 5.0 states the windows have horned sashes but it is believed they are still boxed sashes
- (iii) The dates regarding the development of New Square are incorrect

Amended comments following response from applicant's agent

6.2 It is considered that all of the questions raised in the previous response have been addressed through the additional information and new plans submitted by the agent. The applications are therefore now supported subject to the following conditions:

- ☐ Details of any new, replacement or altered joinery
- ☐ All new joinery to be recessed back from the face of the wall
- ☐ Sample panel of facing materials
- ☐ Roofing details
- ☐ Full details of all metalwork

## **7.0 REPRESENTATIONS**

Comments in respect of original submission

- 7.1 Councillor Bick requested the submission of a cross-section to show how the new building would fit into its context, stating this is vital to assist assessment of the impact and context of the proposed building in Willow Walk.
- 7.2 Councillor Gillespie requests that the application be called in to Planning Committee. This is a change of use that would increase density quite severely and sets a precedent that could see the whole street change in character. This is a protected heritage area and the green wall beside the parking slots on Willow Walk fit the character of the street. The planned changes may also cause loss of light and loss of amenity.
- 7.3 The owners/occupiers of the following addresses made representations objecting to the application as originally submitted.
- ☐ 26 Baldock Way
  - ☐ 1, 2 Brunswick Walk
  - ☐ 16, 18 Clarendon Street
  - ☐ 10, 12, 18, 22, 26, 34, 36, 51, 53 Maids Causeway

- ☐ 49 New Square
- ☐ 3, 5, 6, 7, 9, 10, 12, 13, 14, 16 Willow Walk

The main concerns raised can be summarised as follows.

- ☐ Willow Walk is a characterful street of unified Georgian design. The proposed new two-storey block adjacent to Willow Walk would harm the character of the Kite Conservation Area and setting of adjacent Listed Buildings, notably those in Willow Walk.
- ☐ The design of the Willow Walk building is out of keeping with the area, including a depressing blank eastern elevation and muddled arrangement of windows on the Willow Walk side of the building.
- ☐ There was never a dwelling on the footprint of the proposed Willow Walk block. There was a stable that was removed a long time ago. The proposed building is not even on the footprint of the previous stable.
- ☐ The new building adjacent to Willow Walk should be omitted from the scheme.
- ☐ The Conservation Area description states that extensions should not be built on the backs of houses in New Square.
- ☐ The demolition of the existing garage is welcomed. However it is lower and smaller than the building proposed to replace it.
- ☐ The plot is too small to accommodate 6 dwellings and their associated bin and bike storage needs.
- ☐ A detailed landscaping plan for the courtyard area should be provided.
- ☐ The proposed building adjacent to Willow Walk would result in a loss of light to and overshadowing of properties on the opposite side of the road in Willow Walk. These properties have south facing ground floor and basement windows
- ☐ A daylight and sunlight assessment should be required that includes an assessment of overshadowing in the winter

months. Afternoon sunlight from October-April would be particularly restricted.

- ☐ The development would result in overlooking of houses opposite.
- ☐ The service areas for the flats in the block adjoining Willow Walk would face the houses opposite, and discharges from the flues (smell, sounds, steam etc) could affect nearby residents.
- ☐ Willow Walk is narrow, and access will be made more difficult by the narrowing of the street.
- ☐ The proposal could set a precedent for similar development on Willow Walk, leading to the piecemeal destruction of the character of the area.
- ☐ A pre-application enquiry relating to the erection of a dwelling in the grounds of 49 New Square was recently resisted due to the impact on the setting of the listed building and potential loss of trees.
- ☐ Where would the new residents park? The development would result in the loss of 4 existing spaces.
- ☐ No site notices were evident in the area.

Comments received in response to amended and additional information

7.4 Councillor Sinnott expresses disappointment that the developer failed to adequately respond to issues raised at the DCF by the residents of Willow Walk.

7.5 The owners/occupiers of the following addresses made representations following the submission of additional information from the applicant's agent:

- ☐ Brunswick and North Kite Residents' Association
- ☐ 33 Cow Lane, Fulbourn
- ☐ 26 Maids Causeway
- ☐ 5, 7, 9, 10, 11, 13 Willow Walk

The main concerns raised are as follows:

- ☐ The amendments, if any, are negligible, and take no account of the Forum process.
- ☐ The site section drawing provided by the agent is misleading as it shows the new structure as appearing subservient to the Willow Walk terrace. The land on the north side of Willow Walk is lower than on the south side, meaning the development will only be 9-18cm lower than the properties on the opposite side of the road.
- ☐ There seems to be a discrepancy in the distance shown between the new build and Willow Walk properties, between the site section drawing (8.05m) and proposed site plan (8.8m)
- ☐ The width of the properties in Willow Walk is misrepresented in the section drawing (8m rather than 6.17m)
- ☐ The ridge height of 5 Willow Walk is misrepresented in the drawings.
- ☐ The additional Daylight and Sunlight Assessment does not appear to accurately reflect winter sun exposure. The development would result in a loss of light to all of 6-9 Willow Walk's living room and basement windows.
- ☐ The consultants that carried out the Right of Light study did not access No.7 Willow Walk to do so. This raises concerns about the accuracy and impartiality of their findings.
- ☐ The amendments have failed to take account of the discussion at the DCF. On this basis, a 2<sup>nd</sup> DCF should be called.

### **Development Control Forum**

7.6 Residents from the following 26 addresses signed a petition requesting that the application be considered at a Development Control Forum (DCF):

- ☐ 3, 10, 11, 28 Clarendon Street
- ☐ 17 Emmanuel Road

- ☐ 8, 10,14, 18, 36, 41, 49 Maids Causeway
- ☐ 40 Occupation Road
- ☐ 6, 12 Orchard Street
- ☐ 39 Oyster Row
- ☐ 31 Parkside
- ☐ 18 Richmond Road
- ☐ 3, 6, 7, 9, 10,11, 12, 14 Willow Walk

The grounds for asking for a DCF were as follows, with the requested changes being the deletion of the two flats fronting Willow Walk.

“That the proposal for the erection of 2 self contained flats is highly damaging to the Kite Conservation Area and to the setting of the early Charles Humfrey listed terrace in Willow Walk.

Although the residents of Willow Walk support the bringing back into use of 48 New Square there is genuine concern over the impact of the Willow Walk element of the scheme which increases density on the application site and impacts on the Willow Walk street scene which is historically open in aspect along its New Square side.

The petitioners believe that if there is no value to Jesus College in maintaining the car spaces there is scope for enhancing the Conservation Area by means of including the car space land within the curtilage of No.48.”

7.7 The DCF was held on December 2015 and the minutes of this meeting are attached as an Appendix.

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

## **8.0 ASSESSMENT**

8.1 The accompanying planning report (15/1940/FUL) considers the material planning issues raised in relation to this proposal. For this listed building application, the only issues that need to be considered relate to the alterations to the listed building itself.



- 8.2 The application includes the conversion of the existing listed house to 3 flats, which would be achieved by subdividing the building vertically. The conversion has been designed in a way that preserves the historic fabric of the building. The majority of the proposed works are internal, and there are a limited number of original features, the majority of which would be retained or reinstated as part of the proposal. The external works would consist of new light-well windows to serve the basement flat and a door to the rear to replace the existing one serving the rear of the basement.
- 8.3 At the pre-application stage, it was proposed to add a stairwell extension to the existing building in order to enable this conversion. Following concerns raised by Officers regarding the impact this would have on the setting of the building, this element has now been removed. In responding to the current proposal, the Conservation Officer still felt that further details and clarification of the plans was required. In response to this, the applicant's agent has confirmed the following:
- ☐ The existing sash windows would be retained and refurbished.
  - ☐ It is proposed to replace the porch but it is requested this be conditioned as part of any permission to enable further detailed discussion.
  - ☐ The entrance to flat 3 has intentionally been designed as a stepped access, and hand rails can therefore be avoided.
  - ☐ The chimney breast will be retained and the drawing has been updated accordingly. The discrepancy with the new stair positioning has also been addressed in the amended plans.
- 8.4 Following clarification of the above, the Conservation Team has advised that the works to convert the building are acceptable, and I concur with their conclusions. However, I disagree with the agent's suggestion that the replacement of the porch could be dealt with by way of planning condition and, in my opinion, this would need to be the subject of a new planning application.
- 8.5 In my opinion the works to the listed building are acceptable and would not detract from the character of the Listed Building or the character and appearance of the Conservation Area. In terms of the works to No.48, the development is therefore

compliant with Cambridge Local Plan (2006) policies 4/10 and 4/11.

## **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 consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended by section 51(4) 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 new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (porch, doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

4. Prior to commencement of any alterations to the listed building, full details, in terms of materials, fixing, surface finish & colour, of all new/altered metalwork [stairs, balustrades, grilles, railings, brackets, window frames, columns, etc.] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Listed Building and Conservation Area. (Cambridge Local Plan 2006, policies 4/10 and 4/11).

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## **DEVELOPMENT CONTROL FORUM**

9 December 2015  
10.00 – 11.15

**Present:** Councillors Blencowe, Bick, Hipkin, Sinnott and M. Smart

### **Officers:**

Principal Planner (City) – Chair: Tony Collins  
Planning Officer: Lorraine Casey  
Committee Manager: Toni Birkin

### **For Applicant:**

Chris Senior, Director of DPA Architects  
Peter McKeown, Carter Jonas Associates  
Tom Webb, DPA Architects

### **For Petitioners:**

Three Members of the Local Community

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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### **15/10/DCF Declarations of Interest**

Councillor Sinnott requested permission to address the committee and declared an interest she had recently moved into the area as a long-term, temporary resident.

### **15/11/DCF Induction by the Chair**

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

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and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.

Applicant: Mr Simon Hawkey

Agent: Mr Chris Senior

Address: Once Architecture Ltd, The Gallery, 96 King Street, Cambridge, CB1 1LN

Text of Petition: That the proposal for the erection of 2 self- contained flats is highly damaging to the Kite Conservation area and to the setting of the early Charles Humfrey listed terrace in Willow Walk.

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1. Had noted the concerns of the residents regarding the Willow Walk aspect of the development.
2. Referred to photos of the area to demonstrate that development would complement the area.
3. Development conformed to National Policy Framework requirements for conservation area developments.
4. Have carried out extensive consultations with local residents.
5. Set out the expected timeframes for the next stage of the application.
6. Expected the application to go to the February Planning Committee.
7. Next door neighbours were supportive of the application.
8. Plans included protection of the existing facade.
9. Proposals offered adequate separation from existing properties.
10. Proposals were sympathetic to the character of the area.
11. Consultees such as Highways and Environment were happy with the proposals.

12. The Conservation and Design Panel were largely content with the proposals with the exception of minor reservations.

Case by Petitioners:

13. Not unhappy with the idea of development provided this was not to the detriment of the community.
14. Concern regarding the Willow Walk block.
15. Old building was a low, single storey stable.
16. Mass and large frontage to Willow Walk out of keeping with area.
17. Area currently enjoys open views.
18. The applications states that it is New Square but greatest impact would to Willow Walk.
19. Technical drawings do not allow accurate estimation of the size of the proposed building.
20. Old stable was converted to parking area.
21. Privacy would be lost as properties would be overlooked.
22. Window on Willow Walk side of development not needed.
23. Neighbours would suffer loss of light and over shadowing.
24. Shadow study alarming.
25. Sunlight study needs further investigation.
26. Planning applications submitted by existing residents subject to rigorous investigation.
27. New applications did not appear to be subject to the same rigor.
28. Willow Walk resident met and expressed their opposition to any access point from Willow Walk.
29. Residents were prepared to compromise on some matters.
30. No reciprocal concessions had been made by the developer.
31. Willow Walk was a special area.
32. Cross section drawing from developer were unclear.
33. Proposed footprint is larger than old building.
34. Overdevelopment of the area.
35. Community involvement statements did not adequately capture the views of local residents.
36. Local Plan requires developments to have a positive impact on the area.
37. Design does not reflect nature of the area.
38. Would compete visually with existing properties.
39. Trees would be lost.
40. Majority of residents do not agree that the proposals met the test for development in a conservation area.

Case Officers Comments:

41. Summarised additional consultations.
42. 22 local objections regarding: the block in Willow Walk, the one and a half storey building in New Square and pressures on parking.
43. Noted the comments of the officers regarding the trees.

### Non Planning Committee Members' Statement

#### Councillor Bick

- Acknowledged residents' concerns.
- Expressed disappointment the application lacked detail with regard to Willow Walk.
- Concerns regarding massing and proximity to Willow Walk.
- A proper cross sectional diagram was needed to demonstrate proximity to neighbouring buildings.
- Long term fears for Willow Walk and the future street scape.
- Relationship between Willow Walk and New Square should be retained.

#### Councillor Sinnott

- Willow Walk was part of the shared heritage of Cambridge and was of value beyond just those who lived there.
- Greatest impact of the development would be to Willow Walk.
- Suggested that the building footprint could be rotated to allow a side access route.
- Overlooking was a concern with current proposal.
- There was more room for compromise.

#### Councillor M Smart

- Concerned by the proposals.
- Property values appeared to be the driver.

### Members' Questions and comments:

44. Conservation appraisal seeks to identify the unique features of an area and these should be considered by planning officers.
45. Willow Walk needs to be considered in its entirety as the area (back gardens in particular) could be seen as a prime area for development.
46. Would the development have any access from Willow Walk?
47. Had an alternative orientation been considered?
48. Would the development be car free?



49. Is there a marked gradient across the street? If yes could this be highlighted in the next stage of the planning process?
50. Could members be provided with images of the old stable?

Response to Members' Questions:

51. The original application had access from Willow Walk but the revised plan has all access from the front of the development. The development was set back with only windows to the rear. Conservation and Urban Design had required the rear of the building to present an attractive façade to Willow Walk.
52. No alternative orientation had been proposed.
53. The development would be car free.
54. There was gradient across the street and detailed at the next stage of the planning process.

Summing up by the Applicants:

55. Development would not have a detrimental impact on the area.
56. New properties would be assimilated into the area and would enhance the street.
57. The impact on light levels would be minimal.
58. Detailed consultations had been undertaken.

Summing up by the Petitioner:

59. Local residents were concerned about the scale of the proposals.
60. Developers' drawings were misleading.
61. Conservation area decisions would always be subjective.
62. Need to protect the quality of the landscape for future generations.
63. Application lacks details for considered decisions.
64. Height projections do not take account of sloping nature of the street.
65. Light and shadow impacts on other residents not acceptable.
66. Alternative cycle and bin storage suggestions were needed.
67. Disappointed at lack of alternative proposals.
68. In making this application, Jesus College had been influenced by property values.
69. Gardens in the area were at risk.

Final Comment from the Chair

70. The Chair confirmed that the notes of the Development Control Forum would be made available to relevant parties and would be reported to the Planning Committee when the application is reported to them.

The meeting ended at 11.15 am

**CHAIR**

## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	16/0117/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th February 2016	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	11th April 2016		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Beaulands Close Cambridge		
<b>Proposal</b>	Retrospective access control barrier to private road		
<b>Applicant</b>	Beaulands Close Management Co. Limited		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The barrier does not have a significantly harmful visual impact on the character of the area</p> <p>The use of the barrier does not give rise to adverse impacts on residential amenity</p>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is Beaulands Close; a residential development consisting of 52 apartments. The site is located to the south of De Freville Avenue. It can be accessed by car from De Freville Avenue and there is pedestrian access from Kimberley Road. A number of college boathouses back onto Beaulands Close.
- 1.2 The site does not fall within the Conservation Area but is visible from both the Central Conservation Area and De Freville Conservation Area.  
There are a number of trees protected by TPOs within the area but none are affected by the development.

### 2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for an access control barrier to a private road.

- 2.2 The barrier replaces a gate which previously secured the site.
- 2.3 The barrier has already been erected. The barrier sits at the entrance to Beaulands Close south of an existing speed bump. The barrier is located 6m further south than the gate which it replaces. The barrier spans the full width of the road. The footpath remains unenclosed to allow for pedestrian access. The barrier consists of a control box and rising barrier arm. The arm is 0.95m in height when closed. The control box is grey in colour. At the time of site visit the barrier arm was white and ref with a band of lighting on the top of the arm.
- 2.4 The application is accompanied by the following supporting information:
1. Drawings
  2. Covering letter
  3. Photographs

### **3.0 SITE HISTORY**

- 3.1 The application site has an extensive planning history; none of which are relevant to the current application.

### **4.0 PUBLICITY**

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

### **5.0 POLICY**

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

## 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 4/11 4/13 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)
	<u>Area Guidelines</u>  De Freville Conservation Area Appraisal (2009) Riverside and Stourbridge Common Conservation Area Appraisal (2012)

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan 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 proposal will have any significant adverse impact upon the public highway.

### **Environmental Health**

- 6.2 The Environmental Health Officer draws attention to complaints received by Environmental Health dating back to November 2015. These relate to alleged noise in the street, primarily from cars and people, caused as an indirect impact of the installation of the barrier.
- 6.3 He recommends that a condition should be imposed stating that the barrier is to be raised between 23.00 and 07.00.

### **Urban Design and Conservation Team (UDC Team)**

- 6.4 Lighting on the barrier is intrusive at night. But otherwise there are no material conservation issues.
- 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:

- ☐ 60 De Freville Avenue
- ☐ 66 De Freville Avenue
- ☐ 67 De Freville Avenue

- ☐ 68 De Freville Avenue
- ☐ 69 De Freville Avenue
- ☐ 71 De Freville Avenue
- ☐ 72 De Freville Avenue x 2
- ☐ 74 De Freville Avenue
- ☐ 75 De Freville Avenue
- ☐ 77 De Freville Avenue
- ☐ 81 De Freville Avenue
- ☐ 82 De Freville Avenue
- ☐ 83 De Freville Avenue
- ☐ 86 De Freville Avenue
- ☐ 87 De Freville Avenue
- ☐ 88 De Freville Avenue
- ☐ 89 De Freville Avenue
- ☐ 91 De Freville Avenue
- ☐ 3 Belvoir Road
- ☐ 37 Kimberley Road
- ☐ 22 Highworth Avenue
- ☐ 13 Pretoria Road
- ☐ 20 Pretoria Road
- ☐ 51 Beaulands Close

In support

- ☐ The Deerings, Harpenden (47 Beaulands Close)
- ☐ Alan Percival Court
- ☐ 27 Beaulands Close
- ☐ 1 Belvoir Road
- ☐ 15 Beaulands Close
- ☐ 81 Hurst Park
- ☐ 29 High Street, Harston x2
- ☐ 51 Beaulands Close
- ☐ 27 Beaulands Close

7.2 The representations can be summarised as follows:

### **Objections**

#### **Design**

- ☐ The barrier is ugly, unsightly and out of character with the Conservation Area
- ☐ The warning lights are intrusive and harm the visual environment at night
- ☐ If it were only closed during the day the lights would no longer be required

- ☐ Illuminations should be removed
- ☐ Barrier is wider than previous gate

#### Residential amenity

- ☐ The barrier causes excessive noise disturbance and pollution from cars/delivery with their engines left running waiting to be left in/out passed the barrier
- ☐ Ambient noise is low in the area but the barrier is now causing problem with traffic noise disturbance
- ☐ Taxis leave their engines running and headlights on while waiting to collect passengers outside the barrier. This often happens late at night
- ☐ Lorries/deliveries get trapped outside/inside causing further noise disturbance.
- ☐ Noise disturbance impacts on residents sleep. Cars and trucks often reverse into driveways with their headlights on causing disturbance.
- ☐ Children can no longer play on the street due to safety concerns

#### Highway safety

- ☐ It causes issues for vehicles who need to turn at the bottom of De Freville Avenue. Many have to mount the pavement to make a U-turn which is a safety hazard.
- ☐ Motorcycles and bicycles have to mount the pavement to access Beaulands Close. This is a hazard to both the cyclists and pedestrians using the street.
- ☐ Motorcycles and mopeds drive along the pavement at speed
- ☐ The barrier has caused an increase in the number of delivery vans parking at the bottom of De Freville Avenue
- ☐ The previous gate was manually operated which slowed traffic
- ☐ Residents of Beaulands Close speed up as they approach the barrier having opened it from far away using their fob

#### Access

- ☐ The barrier is not necessary and at odds with right of way and freedom of access
- ☐ It blocks access and ordinary usage suggesting a privileged status of the road
- ☐ There is no dropped kerb to allow bicycle/motorcycle access
- ☐ Suggest that the length of the arm be reduced to allow bikes to pass without mounting the kerb.
- ☐ Are there any details of unauthorised access to Beaulands Close?
- ☐ Lacks intercom for taxis/deliveries/visitors



- ☐ Not clear how resident allow access
- ☐ Suggest a keypad with a code which could be changed regularly.
- ☐ The previous barrier was rarely closed; its default position was open
- ☐ Concerned about emergency vehicle access
- ☐ Believe there is a historic right of way
- ☐ There is no wheelchair access to Beaulands Close

#### Other

- ☐ There are 8 supporter; only two of which live in Beaulands Close. The others are the landlords agents who have less investment in the local community
- ☐ Most of the residents at the southern end of De Freville Avenue have objected.
- ☐ Suspect that much of the traffic which gets stuck belongs to Beaulands Close
- ☐ There is a sense that non-resident owners are trying to create a gated community
- ☐ Question the level of disturbance and security worries prior to the erection of the barrier. How were these any different to those faced by residents of De Freville Avenue
- ☐ Suggest the use of collapsible lockable barriers on parking spaces to prevent illegal parking
- ☐ Suggest hiring a security company to monitor illegal parking
- ☐ Suggest that Beaulands Close join the residents parking scheme
- ☐ The new barrier was erected without consulting neighbour or planning permission
- ☐ Its unfriendly and divisive
- ☐ Beaulands Close should accommodate its own traffic and not export it to neighbouring areas.
- ☐ Have lived in Beaulands Close for 3 years and have not experienced any disturbance with people parking on the close but have had many issues since it has been erected
- ☐ The barrier has caused a decline in the quality of life in the development without any clear benefits

#### **Supporting**

##### Access/parking

- ☐ Prior to the erection of the barrier there were issues relating to damage to road surface/bollards/walls/etc. relating to illegal

access to Beaulands Close by lorries. This has to be remedied at the expense of residents

- ☐ In the past members of the Beaulands Close have had to stand guard to prevent vehicles entering Beaulands Close e.g. Fireworks on Midsummer Common
- ☐ The gate is a much needed deterrent especially with the high usage of the boathouses at weekends
- ☐ The fobs are effective from a long distance and can be opened from most blocks
- ☐ Access for random couriers has been more problematic. Most of these use smaller vehicles and as a result are likely to be parked within Beaulands Close as the barrier was erected as far back from the public highway as possible
- ☐ Lorries/driving schools/construction vehicles can no longer illegally access Beaulands Close
- ☐ The gate on Kimberley Road has been locked but the boathouses have been given an access code
- ☐ There has been a suggestion that the gate should be left open at night. The closed gate prevents theft and drug dealers accessing the site
- ☐ Pedestrian access is a long standing right of way and this is respected.
- ☐ Police have been present in the past to control crowds and prevent illegal parking e.g. Bonfire night
- ☐ In De Freville Avenue parking is protected by permit
- ☐ A dropped kerb will be fitted
- ☐ An intercom is not suitable and would cause greater noise and disturbance
- ☐ The Beaulands Close end of De Freville Avenue has a turning circle for De Freville Avenue. It is likely those turning here are De Freville traffic as otherwise they would turn within Beaulands Close
- ☐ A wider turning circle could be accommodated on De Freville Avenue if 1 or 2 parking spaces were removed
- ☐ Delivery drivers and taxi drivers are a normal part of living on a residential street

### Design

- ☐ Gate is unobtrusive
- ☐ The lights are a warning feature
- ☐ The lights and colour can be changed

### Site history

- ☐ There has been a gate for many years. It has been shut and regularly locked over the past two years
- ☐ Neighbours had no objection to the gate
- ☐ The main aim is to prevent illegal parking
- ☐ When the gate was locked residents felt vulnerable having to get out of their cars to open and close the gate
- ☐ The barrier was installed for safety and security reasons
- ☐ Each parking space belongs to a particular flat
- ☐ The car park is part of the deeds and should be as private as a garage or a drive behind a locked gate
- ☐ The land is private like any curtilage around a dwelling
- ☐ People ignore the sign which states that Beaulands Close is private property
- ☐ The gardener has complained about dog mess from visitors who park in Beaulands Close to access the river
- ☐ Bikes have been stolen before the barrier was erected
- ☐ Prior to the erection of the barrier there were issues with anti-social behaviour and littering; this is no longer an issue

### Residential Amenity

- ☐ When the barrier was first installed there were issues with disturbance caused by delivery drivers but the managing agents have worked with delivery drivers to resolve this e.g. Tesco drivers have been instructed to ring ahead to ensure the barrier is open
- ☐ The barrier has reduced traffic
- ☐ Children now often play ball games in front of the barrier as the road is so quiet
- ☐ The barrier will improve security for the residents of De Freville Avenue and Beaulands Close especially during public events
- ☐ Disturbance has been reduced
- ☐ The barrier is swifter and quieter than the gate that it replaces.

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 (and impact on heritage assets)**

- 8.2 The proposal is not located within the Conservation Area but is visible from the De Freville Conservation Area. The UDC Team consider that the lighting on the barrier is visually intrusive. In my view although the lights are visible the degree of adverse impact on the Conservation Area does not justify refusal of planning permission.
- 8.3 In any event I understand that the barrier arm` has been damaged; the Management Agency intends to erect a new arm without illumination. I consider that this would be a welcome change.
- 8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/4 and 4/10.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.5 The key concern that has been raised by residents is the noise and disturbance associated with the use of the barrier. In my opinion this is the only impact to be considered.
- 8.6 The closest properties to the barrier outside of Beaulands Close are 89 and 91 De Freville Avenue. There is a distance of approx. 20m between the barrier and each of these properties. The Environmental Health Officer notes that the barrier has no direct noise impact, as its operation is relatively quiet. As noted previously the barrier replaces a gate. If the gate were to be reinstated and lock the operation of this would likely cause a significant increase in noise from manually opening and closing of the gate. I therefore consider the automatic barrier, in terms of noise of its operation, to be a less obtrusive method of providing security and preventing unauthorised access to Beaulands Close.

- 8.7 The Environmental Health Officer notes that there is potential for indirect/secondary noise impact caused by an increase in vehicular activity at the end of De Freville Avenue as a result of the installation of the barrier. When the barrier is closed the end of De Freville Avenue becomes a turning circle as access to Beaulands Close is restricted. Visitor's vehicles may also not gain instant access causing noise disturbance as they wait for the barrier to be lifted.
- 8.8 The Environmental Health Officer has confirmed that the Council does not have any power to take enforcement action under statutory nuisance from noise in the street. He notes that low level noise emissions can cause a loss of amenity. He considers that the fundamental material consideration is whether the barrier would exacerbate noise and disturbance to a level to would have a significant impact on residential amenity and could be considered a statutory nuisance.
- 8.9 Whilst it is possible to refuse planning permission on the grounds of impact of noise which does amount to a statutory nuisance, in my view the comments of the Environmental Health Officer should be taken into account. I accept that the gate which was previously installed was left open much of the time but it could have been closed on a more regular basis and this would have resulted in a similar or greater level of noise disturbance to nearby residents. The presence of the gate is a material consideration. Whilst I understand some residents are disturbed by the consequences of having the barrier in place I do not consider there is sufficient evidence to justify a refusal of planning permission on these grounds.
- 8.10 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.

### **Highway Safety**

- 8.11 The Highway Engineer does not consider that the barrier has any significant adverse impact upon the operation of the highway network. I share this view.

- 8.12 A number of the notifications relate to concerns regarding highway safety. A number of people have raised concern regarding motorcycles/bicycles/mopeds mounting the pavement to avoid the barrier and access Beaulands Close. The Highway Officer has noted, within a correspondence with a neighbour of the application site, that this is an enforcement issue and not a valid reason for objection on the part of the Highway Authority.
- 8.13 The other highway safety concerns expressed relate to the small space left for turning at the bottom of De Freville Avenue and an increase in the number of cars and vans parking at the bottom of De Freville Avenue. The barrier replaces a gate which could be reinstated at any time. These issues would remain if that were the case.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Third Party Representations**

- 8.15 I have addressed a number of the representations within the main body of my report. I will address any outstanding issues in the below tables.
- 8.16 The occupiers of No. 89 De Freville Avenue have submitted a noise survey which was undertaken over the 4<sup>th</sup> to 8<sup>th</sup> March 2016. The main findings being that De Freville Avenue is a quiet cul-de-sac location where short high level events are enhanced by the low background noise. I can only give this limited weight because no evidence is provided regarding noise levels prior to the installation of the barrier. The residents of No. 89 have also provided a survey with video and photographic evidence of disturbances. It is unclear whether these reports were selective to only monitor disturbances involving residents/visitors to Beaulands Close or whether this was an unbiased report of noise incidents.

<b>Objection</b>	<b>Response</b>
Concerns are raised about the design of the barrier and its impact on the Character of the conservation area.	Paragraph 8.2 to 8.4

Neighbouring residents have expressed concerns regarding noise and disturbance from cars/taxis/deliveries awaiting access to and from Beaulands Close	Paragraph 8.5-8.10
Residents have raised concerns regarding highway safety	Paragraph 8.11-8.14
The barrier is not necessary and at odds with right of way and freedom of access	The barrier is located on private property and pedestrian access is maintained
It blocks access and ordinary usage suggesting a privileged status of the road	
Believe there is a historic right of way	Any grant of planning permission would not effect this right
There is no dropped kerb to allow bicycle/motorcycle access	The applicant has stated that it is their intention to install a dropped kerb but there are no grounds to secure this as part of the planning permission
Suggest that the length of the arm be reduced to allow bikes to pass without mounting the kerb.	The application needs to be considered on the basis of the application submitted
Are there any details of unauthorised access to Beaulands Close?	The representations in support of the barrier note that there were issues relating to unauthorised access but no information has been provided as part of the application
Lacks intercom for taxis/deliveries/visitors	An intercom is not present. Visitor/deliveries/taxis must contact the resident by phone to gain access. There are no grounds to require that an intercom is provided.
Not clear how resident allow access.	The residents open the barrier using a fob
Suggest a keypad with a code which could be changed regularly.	The application needs to be considered on the basis of the application submitted

The previous barrier was rarely closed; its default position was open	I have noted this in my report.
Concerned about emergency vehicle access	The applicant has stated that an emergency vehicle would break through the barrier if they needed to gain access. The Highway Officer has not raised any concerns regarding emergency access.
There is no wheelchair access to Beaulands Close	The applicant has stated that it is their intention to install a dropped kerb.
There are 8 supporters; only two of which live in Beaulands Close. The others are the landlords agents who have less investment in the local community	The representations have been summarised and where the objections have been received is noted.
Most of the residents at the southern end of De Freville Avenue have objected.	
Suspect that much of the traffic which gets struck belongs to Beaulands Close	The representation submitted by 89 De Freville Avenue states that a number of disturbances caused e.g. supermarket deliveries, were caused by visitors/residents of Beaulands Close. However it is unclear whether these reports exclusively took note of issues involving residents of Beaulands Close or whether all noise and disturbances were recorded. As a result I can only give this limited weight.



There is a sense that non-resident owners are trying to create a gated community	These are not material planning considerations
Question the level of disturbance and security worries prior to the erection of the barrier. How were these any different to those faced by residents of De Freville Avenue	
Suggest the use of collapsible lockable barriers on parking spaces to prevent illegal parking	The application needs to be considered on the basis of the application submitted
Suggest hiring a security company to monitor illegal parking	
Suggest that Beaulands Close join the residents parking scheme	
The new barrier was erected without consulting neighbour or planning permission	This is not a material planning consideration
Its unfriendly and divisive	
Beaulands Close should accommodate its own traffic and not export it to neighbouring areas.	
Have lived in Beaulands Close for 3 years and have not experienced any disturbance with people parking on the close but have had many issues since it has been erected	Paragraph 8.5 - 810
The barrier has caused a decline in the quality of life in the development without any clear benefits	

## 9.0 CONCLUSION

- 9.1 I have assessed the visual impact of the barrier and carefully considered the comments made by residents. I understand that the use of the barrier does have some noise and disturbance

impacts but in my view it is difficult to quantify the level of impact. In my view it is difficult to justify refusal of planning permission.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

<b>Application Number</b>	15/1855/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	6th October 2015	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	1st December 2015		
<b>Ward</b>	Trumpington		
<b>Site</b>	1 Fitzwilliam Road Cambridge CB2 8BN		
<b>Proposal</b>	Demolition of existing building and construction of six new dwellings and associated access and landscaping		
<b>Applicant</b>	Fitzwilliam Road (Cambridge) LLP		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <p>The scale, bulk and design of the proposal constitute overdevelopment of the site which will not preserve or enhance the character and appearance of the Conservation area.</p> <p>The use of the rooms, position and substantial amount of glazing used on the upper floors (first to third) on the rear facade of the proposal all contribute to the unacceptable loss of privacy and an unacceptable sense of enclosure to the occupiers of No. 3 Fitzwilliam Road and No. 21 Clarendon Road.</p> <p>The proposed development would endanger the health of two trees with TPO status</p>
RECOMMENDATION	REFUSAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated on the northern side of the junction of Clarendon Road and Fitzwilliam Road. The area of the site is 0.1 hectares in extent (0.23 acres). It is a corner plot and contains a late C20th brick building on three storeys under a slate roof. In 1948, the home was taken over by the Children's Society (formerly the Waifs & Strays Society) then from 1951 was run by Barnardo's. In 1972, the property was acquired by

Cambridgeshire & Isle of Ely County Council as a hostel for working-age boys, adapting the existing building. On the 14th September 1993, planning permission was granted to demolish the home and build a replacement hostel, which was implemented and the present building at 1 Fitzwilliam Road was constructed. The building is currently vacant.

- 1.2 It lies in the very south eastern corner of the Brooklands Avenue Conservation Area, which was designated in 2002. The Appraisal defines Nos. 3-9 Fitzwilliam Road (which are immediately to the west of the site) as Buildings of Local Interest. It states that this group is an austere but imposing terrace that dominates the street. The impact that the subject property makes to the character of the area remains undefined, but it is fair to describe its contribution as neutral.
- 1.3 There are no listed buildings in the vicinity and as such the conservation concern relates to the impact of the proposed work on the character and appearance of this part of the Conservation Area.

Across the road from the site lies the substantial contemporary development of Kaleidoscope, which has been the subject of major redevelopment in recent years. This development is not located in a Conservation Area.

- 1.4 There are two mature sycamore trees with TPO status located at the front of the site facing the junction of Fitzwilliam Street and Clarendon Street. The site is also located within a controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for the demolition of the existing building and construction of six new dwellings and associated access and landscaping.
- 2.2 The proposal is for four townhouses and two apartments, all contained within one overall building. The townhouses all comprise 4 bedroom properties, with two fronting Clarendon Road and two fronting onto Fitzwilliam Road. The two apartments form the junction between the townhouses. The ground floor apartment is a two bed property and the first floor

apartment is a 3 bedroom property. The townhouse units are labelled T1, T2, T3 and T4 and the apartments A1 and A2.

- 2.3 Each of the townhouses is three storeys with rooms in the roof, similar to many properties in the area. The nature of the sloping roof and its set back provides the impression of a three storey dwelling with rooms in the roof. Vehicle access is taken at ground level down to a basement parking area. This area has six car parking spaces and bicycle storage.
- 2.4 Regarding private amenity space, this comprises private back gardens for each of the townhouses whilst the apartments have private balconies to provide their amenity space.

### **Amendments**

- 2.5 After much discussion the agent on behalf of the applicant amended the scheme. Amendments included:

#### Building line

- 2.6 The building line of the proposal was recessed to be in line with the front of No. 21 Clarendon Road with only the bay piers T3 and T4 units projecting beyond. The building line of the proposal is also more consistent with the building line of Fitzwilliam Road. Only the bays of units T1 and T2 projected forward of this building line.

#### Massing

- 2.7 The width of the first floor was decreased, and one metre was taken off T1 and T4 respectively. This remains that the third floor is now further indented from both No. 21 Clarendon Road and No. 3 Fitzwilliam Road. Also the height of T4, the unit closest to No. 21 Clarendon Road, was decreased by 300mm.

#### Materials

- 2.8 The copper colour cladding to the corner has been taken to ground floor level. A mixture of glazed openings and spandrel panels has now been added to the third floor.

## Elevations

- 2.9 On Fitzwilliam road the fenestration has been altered. Two small projecting brick band courses have been introduced across the front, sides and rear.

## Amenity space

- 2.10 The proposed cycle store has been relocated to the basement carpark, giving more space to the rear gardens. An additional balcony space has been added to units A1 and A2.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
15/540/TTCA	T10 - European Larch: fell	Approved subject to conditions
	T11 - Silver Birch: fell	
C/88/1020	Erection of 2 no. Timber storage sheds	Approved subject to conditions
C/87/1064	Erection of aviary to accommodate pet birds.	Approved subject to conditions
C/73/0062	Erection of two storey and single storey extensions to existing hostel	Approved subject to conditions
C/72/0279	Change of use from Residential Children's Home to Offices	Approved subject to conditions

## **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	3/2 3/3 3/4 3/7 3/10 3/11 4/3 4/4 4/9 4/11 4/12 4/13 4/14 4/16 5/1 5/3 5/10 5/11 8/1 8/2 8/3 8/5 8/6 8/9 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)  Buildings of Local Interest (2005)
	<u>Area Guidelines</u>  Brooklands Avenue Conservation Area Appraisal (2013)

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

## 6.0 CONSULTATIONS

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

#### 6.1 NO OBJECTION

The Highway Authority had concerns with the original scheme. This regarded the ramp of the car park is only wide enough for a single vehicle at a time.

It is noted that the amended scheme does have an off street space sufficient for a vehicle to wait as another vehicle drives up the ramp. The Highway Authority found this amended scheme and the information provided by the applicant satisfactory to remove any concerns regarding highway safety.

### **Environmental Health**

#### 6.2 NO OBJECTION

There are no concerns with regards to 1 Fitzwilliam Road or the surrounding area. Pollution from the demolition and construction phases has the potential to affect the amenity of surrounding properties if not controlled. In the interests of amenity, therefore recommend the standard construction/ demolition/ delivery hours and dust conditions are recommended.



## Urban Design and Conservation Team

### 6.3 OBJECTION

#### 6.3.1 Comments regarding original scheme

The proposed development is a three storey brick structure with a fourth floor accommodated within a steeply sloping metal roof with a flat top. The scheme is considered inappropriate, from a conservation perspective. The height, depth and articulation are excessive.

The height is amplified by the very dark metal clad roof structure, which is as awkward as it is tonally inappropriate. This form of roof gathered popularity in a variety of large buildings during the late C20th. It is an ungainly approach to introducing a top floor whilst attempting to suggest a room in the roof. It is assumed the feature does not seriously try to suggest such a layout as it is rather contrived, partly because it involves a combination of dormers, vertical walls and roof clad in metal, but with the obvious employment of a large flat roof behind it. It is also unconvincing because it is so prominent. This cladding is so obtrusive that it does little to respect the existing dominance of the terrace to the west. On the north eastern corner the attempt to acknowledge the scale of the residential properties by hipping the metal roof simply pays lip service to the scale of the properties at its north, whilst the northern flank wall is almost as tall as the ridge at 21 Clarendon Road.

In terms of the depth of the building, oblique views looking south along Clarendon Road would show the projection of the blank brick wall adjacent to the domestic scale of property at 21. Not only is the proposed structure far taller than that adjacent, but it is deeper and projects towards the pavement beyond the building line of 21. Therefore, both its close proximity to, and height in comparison with, 21 results in a rather overbearing relationship. This is exacerbated by the lack of articulation, which gives it the air of an office block, particularly given its close proximity to the adjacent domestically scaled building.

This is an altogether uncomfortable juxtaposition which does little to preserve the character of this residential side of the road. It is pertinent to note at this point the eastern edge of the

Conservation Area is drawn along the front gardens of those office buildings on the eastern side of Clarendon Road, and its southern edge runs along the centre of Fitzwilliam Road, omitting the new development to the south. So, whilst it is clear that the proposed development is taking its cues from across the road, it would be more appropriate to draw inspiration from the scale, articulation and rhythm of the properties between which it is to sit.

### 6.3.2 Comments regarding amended scheme

The amended drawings were submitted following comments made by the local authority - but the scheme continues to cause concern. Essentially, the massing remains excessive. From a conservation perspective this means that the structure will impose awkwardly upon the BLIs on Fitzwilliam Road, (no.s 3, 5, 7 and 9).

Whilst the glazed top floor has been recessed somewhat beyond the front and side elevation walls, the difference between it and the masonry is considered insufficient, and in combination with the overall height of the structure, will appear overbearing and rather abrupt.

The architectural language monolithic elevations clad in glass and gault brick is becoming locally distinctive in the city, but is not an architectural panacea - and should not necessarily be employed, particularly in sensitive settings. It is accepted that the immediate location, opposite properties outside the Conservation Area, which are of quite a different character and language, creates a complex architectural climate. Nevertheless, these buildings should not be used as exemplars. Rather, it is the sensitivities of the site, and the articulation and massing of the dwellings either side, which should inform the scale and form of any new development.

At the Clarendon Road end of the site, the relationship between the property at no.21 and the proposed block is uncompromising. The scale remains excessive and would therefore not preserve the character of the place. It is appreciated that several attempts have been made to mediate between no.21 and the new development, but the current scheme does not meet expectations.

At the Fitzwilliam Road end, the balance between horizontal and vertical rhythm is understandable, as it loosely reflects the form of the Victorian properties adjacent, but in its execution it is awkward, and the horizontal banding does not tie in with the Victorian bands adjacent. The result is jarring, to the general detriment of the place.

In summary, the conservation team does not support the current proposal as it would neither accord with s.72 of the Listed Buildings Act, the principles of the NPPF nor the Local plan, policies 3/4, (responding to context), or 4/11 (which effectively reiterates the requirements of the Act.)

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

#### **6.4 OBJECTION**

##### **6.4.1 Comments regarding original scheme**

- ☐ The arrangement of bikes, bins and circulation to the rear of the development is not functioning well. The cycle parking provision spacing does not comply with the Cycle Parking Guide for New Developments, Feb 2010 SPD in respect to spacing. We query whether some portion of the cycle parking could be moved into rear gardens. Has provision been allotted for visitor parking? This rear area must be functioning as needed prior to providing full support for the development.
- ☐ The bin stores provided for the units are displayed in “L” shapes which suggest one bin will always be relatively inaccessible unless you remove one or more bins first. The image supplied shows attractive timber bin stores with large swinging, lockable doors. We do not feel that this design plus the “L” shape will function and a review needs to occur to ensure that everything works.
- ☐ It is unclear why a large paved area exists to the front of unit T1. As there is an existing retained (or refurbished? Please clarify) wall and planting, it is unlikely that this will be used for parking therefore we would encourage the placement of

planting at the boundary edge shared with the neighbouring property and allow for a simple walk way as the other units have.

- ☐ We support the retention of the large existing trees at the frontage and sympathise that the structure has been located to avoid conflict with them. However, we feel the functionality of the block is compromised by its size and shape.
- ☐ We support the use of underground parking to avoid further congestion of the surrounding streets but colleagues in Highways have highlighted concerns with one-way at a time access which may lead to unexpected conflicts.

#### 6.4.2 Comments regarding amended scheme

Adjustments have been made to the existing design in order to address concerns made against the initial submission. We feel that the problems encountered previously have been simply moved to other areas without addressing the fundamental issue of overdevelopment.

- ☐ The above ground cycle storage has been removed from the rear communal collection area and moved to the basement and further separated into individual user locations. Whilst this is desirable in one respect of freeing up the rear of the communal area, it is a poor arrangement to have cycles and vehicles both using the ramp and may result in conflicts. Also as the basement is gated, a cyclist is less likely to wait for this service and more likely to lock up a cycle wherever available such as railings. It is best to have the cycle storage at ground floor level and convenient to use. Visitor spaces must be provided in some capacity too, but we feel this could go on some of the large paved frontages.
- ☐ The area which was formerly cycle storage has been reconfigured to be bin storage. There is an issue with it not particularly fitting in well as the bins in the sharpest corner will be difficult to access and the structures create a pinch point at the exit where all the bins will have to filter through to reach the bin collection point. No formal collection point

has been identified so we have used the assumption that it will be to the side of the main driveway access. It appears that this could be well over 40m for some bins and contravenes the Recap Waste Management SPD.

- We support the retention of the large existing trees at the frontage and sympathise that the structure has been located to avoid conflict with them. However, we feel the functionality of the block is compromised by its size and shape.

#### 6.4.3 Conclusion:

Landscape does not feel that the amendments have gone far enough to demonstrate that a well-designed and functional scheme will be provided. The servicing and access continues to be compromised by the development itself. We feel this compromise has arisen out of overdevelopment of the site. The proposal does not accord with Local Plan Policies 3/4 Responding to Context; 3/11 The Design of External Spaces and 3/12 The Design of New Buildings

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

### 6.5 OBJECTION

#### Comments regarding amended scheme

While the condition of many of the trees on site is such that they would not normally be considered as reasonable constraints to development (under the recommendations set out in BS5837) and losses are therefore accepted, there are concerns regarding the lack of space available for replacement planting. Notwithstanding the scale of the buildings opposite in relation to the plot sizes, properties on the west side of Clarendon Road, north side of Fitzwilliam Road and east side of Shaftsbury Road are characterised by their large gardens and the space available for soft landscaping. The scale of the building, especially the basement significantly decreases the space available for replacement tree planting. In addition the scale of the basement will impact on the RPA of the two TPOd trees on the frontage especially as their main rooting area is within the site. The proposal will therefore have a significant and detrimental impact the site's contribution to the character of the area.

There has been a recent and separate tree work application to remove T10 and T11 on safety grounds. This was accepted but replacement planting was required. This replacement planting should be in the northeast corner of the site to mitigate the losses here. Any approved planning proposals should incorporate these replacement trees.

## **Archaeology**

- 6.6 It is noted that this area is an area of high archaeological potential and conditions have been recommended accordingly.
- 6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations to this application over two periods of consultation.

- ☐ 1 Clarendon Road
- ☐ 3 Clarendon Road
- ☐ 5 Clarendon Road
- ☐ 21 Clarendon Road
- ☐ 17 Clarendon Road
- ☐ 19 Clarendon Road
- ☐ 3 Fitzwilliam Road
- ☐ 5 Fitzwilliam Road
- ☐ 7 Fitzwilliam Road
- ☐ Flat 1, 5 Fitzwilliam Road
- ☐ 8 Aberdeen Square
- ☐ 4 Glenalmond Avenue
- ☐ 6 Glenalmond Avenue
- ☐ 20 Brooklands Avenue
- ☐ 3 Shaftesbury Road
- ☐ Brooklands Avenue Area Residents' Association
- ☐ City Councillor of Trumpington Zoe O'Connell

7.2 The representations of those supporting the proposal can be summarised as follows:

- ☐ Contemporary design fits in well with the conservation area, through its scale, massing and choice of materials.
- ☐ Basement parking will ease on street parking pressures.
- ☐ Re-use of vacant plot for family housing is welcomed.
- ☐ Location is highly sustainable and in line with NPPF.
- ☐ The applicant has a strong track record in building low energy and low carbon homes.

7.3 The representations of those objecting to the proposal can be summarised as follows:

7.3.1 Out of character with the Conservation Area and overdevelopment of site

- ☐ The existing building was designed to allow view of the interior of the Conservation Area. This is not the case with this proposal.
- ☐ Overdevelopment of site.
- ☐ The design is wholly out of context with the terrace of houses on the northern side of Fitzwilliam Road.
- ☐ The scale and bulk of the proposal are out of character with the conservation area.
- ☐ Four storeys are too tall when seen beside the two storey dwellings of Clarendon Road.
- ☐ Design references Kaleidoscope development across the road but not buildings it adjoins in the Conservation Area.
- ☐ Proposed footprint breaks the building line of both Fitzwilliam Road and Clarendon Road.
- ☐ Change of material at fourth floor does not mask the bulk of the proposal.
- ☐ Density per hectare is too high for the Conservation Area.
- ☐ It would detract from the tranquil atmosphere of the Conservation Area.
- ☐ Materials indicated including metallic roof surfaces, large plate glass windows are not in character with the Conservation Area. They also do not complement or form an acceptable contrast with the surrounding architecture of the Conservation Area.
- ☐ Contrary to Brooklands Avenue Conservation Area 2013 which states *development must respect the character, openness of the gardens should be preserved and enhanced*

*and views into the rear gardens of the houses are possible and focus on several fine trees.*

- ☐ Proposed building would dominate buildings of local interest adjoining.
- ☐ The addition of over ten balconies is not in keeping with other properties.
- ☐ Corner glazed features will stick out from established building line.
- ☐ 6 residential units comprising of 4 townhouses and 2 apartments would mean the development would have up to 22 bedrooms. This is overdevelopment of the site.

#### 7.3.2 Overlooking and overshadowing

- ☐ The proposal will severely overshadow the rear garden of 3 Fitzwilliam Road and other immediate neighbours.
- ☐ Overshadowing will also be felt on a number of properties as losing the gap between the subject building and No. 21 Clarendon Road.
- ☐ Many of the first, second and third floors of have rear windows from habitable rooms facing rear facade and garden of 3 Fitzwilliam Road.
- ☐ Not enough separation distance is left between the proposal and adjoining properties.

#### 7.3.3 Impact on noise, air and odour

- ☐ Concern from immediate neighbours about noise and vibration from proposed underground carpark. Especially as these neighbours have basements.
- ☐ The addition of so many new inhabitants to the area will cause noise and disturbance.
- ☐ Proposal comes right up to the boundary with No. 21 Clarendon Road with a ramp to an underground carpark. This would create much noise and disturbance.
- ☐ Bin store is located too close to the boundary.
- ☐ Unclear where bins will be left on day of collection.
- ☐ Traffic congestion in this area is already practically high and this development would increase this adding to noise and air pollution.

#### 7.3.4 Trees, parking and miscellaneous

- ☐ Removal of trees in rear garden would remove an amenity.



- ☐ Trees and TPOs on the site are at risk with such an extensive development proposed.
- ☐ Loss of open green space at the front.
- ☐ Proposed rear gardens are too small an amenity for future occupiers.
- ☐ Concerns there would be not enough parking.
- ☐ Proposed carpark would appear poorly designed with six tight spaces and no room for delivery vans or visitor's vehicles.
- ☐ Impact on on-street parking.
- ☐ Removal of green space will cause potential flood risks to surrounding properties.
- ☐ Entrance of car park just passed a corner is dangerous in visibility terms.

#### 7.3.5 Other issues

- ☐ Concerns about the basement parking exacerbating local surface water flooding issues.
- ☐ There are covenants on the site which the proposal does not respect. Brooklands Avenue Conservation Area Appraisal - May 2002 makes clear references to the 1854 Covenants which govern land use on the site in question.

### **Representations on amended scheme**

- 7.4 The amended scheme is very similar to the original submitted and the majority of the comments of objectors and those in favour of the proposal are still valid.

The letters of representation mainly reiterate the previous comments summarised under headings above. New points of concern include:

- ☐ The amended plans do not replace the trees removed in late 2015, which was a condition of the permission granting them being removed in the first place.
- ☐ The plans remove all trees from the rear of the site, removing any screening from overlooking.
- ☐ Building design does not follow principles used by the current building on site which has no overlooking rear windows.

- ☐ While the height of the building ‘tapers’ upwards its height is still grossly disproportionate to the height of No. 21 Clarendon Road.
- ☐ Plans do not show where carpark fumes would be vented.
- ☐ These amendments are only minor and cosmetic, all previous issues remain.

Letters of representation regarding the amended scheme were also received from Brooklands Avenue Area Residents’ Association whom could not support the scheme and City Councillor of Trumpington Zoe O’Connell whom objected to the proposal. Councillor O’Connell echoes points made by the residents including:

- ☐ The proposal pays no respect to the heritage assets of the conservation area and nearby buildings of local interest.
- ☐ Plans and photos largely avoid the view down Clarendon Road.
- ☐ The third floor of the proposal does not attempt to blend in with the sloped roofs of the surrounding properties.
- ☐ Mimics the more modern developments across the road and not in keeping with conservation area.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Response to Context
3. Residential Amenity of Neighbouring Properties
4. Impact on Landscape
5. Noise, Air and Odour Pollution

### **8.2 Principle of Development**

The Conservation Team has no objection to the principle of demolishing the late C20th brick three storeys building currently on the site. However, this is subject to a replacement scheme

remaining in keeping with the character of the conservation area and policy 4/11. The principle of developing residential on this site is also acceptable as the current building is vacant and unlikely to be re-used for its current use. The addition of housing to this site is also in accordance with policy 5/1 as this could be a windfall development contributing to housing provision in a central area. Four 4 bedroom townhouses are proposed and two 2 bedroom apartments. The principle of this housing mix is acceptable, it is considered larger units for families in this central location is also favourable and accords with policy 5/10.

However there are some major concerns regarding the scale, bulk and design of this proposal's impact on the Conservation Area, the amenity of adjoining neighbours and trees on site.

- 8.3 In my opinion, while the principle of residential redevelopment is acceptable, the current proposal is not. The reasons why it is not acceptable are set out below.

#### 8.4 **Response to Context**

##### 8.4.1 Height and Bulk

While effort has been made with amendments to make this scheme respond better to the surrounding built environment, not enough has been done to scale back the bulk and improve the design. As previously stated, the subject site is located in Brooklands Avenue Conservation Area. The Appraisal defines Nos. 3-9 Fitzwilliam Road (which are immediately to the west of the site) as Buildings of Local Interest. This terrace is three storeys tall with a hipped roof. The proposal is four storeys tall to flat roof. This fourth storey while slightly indented and scaled back by amendments, does little to respect the hipped roof form, instead the bulk of this storey even with its different material treatment dominates these Buildings of Local Interest.

The Conservation Officer states '*whilst the glazed top floor has been recessed somewhat beyond the front and side elevation walls, the difference between it and the masonry is considered insufficient, and in combination with the overall height of the structure, will appear overbearing and rather abrupt.*'

While the height of the proposal and Fitzwilliam Terrace are comparable, the height difference and proximity of footprint between the proposal and its other immediate neighbours on Clarendon Road is unacceptable. Clarendon Road contains properties mainly of two-storeys, detached or semi-detached that offer a sense of green landscaped spaciousness between them. It is considered that the relationship of two versus four stories (even with a stagger down in height) would have an unacceptable impact on the streetscene given the limited distance of 3.5 metres that would be between the proposal and no. 21, the staggered and assertive height of the storeys and the depth of the side return. It is noted that the glimpse view of the mature rear gardens of the Conservation Area between the current building and No. 21 Clarendon Street would be significantly diminished, with this gap narrowed from circa 10 metres to 3.5 metres. While the loss of this glimpse view is not considered a reason for refusal of itself, the impact of the overbearing nature of the Clarendon Road side on the property of No. 3 Fitzwilliam Road by the narrowing of this gap is a concern, as is the resulting cramped nature of the space that would be left between the new building and no. 21 compared to the existing more spacious layout of building footprints on this side of Clarendon Road. This will create an altogether uncomfortable and cramped juxtaposition of built form, which would do little to preserve the character or appearance of this residential side of the road within the Conservation Area.

*The Conservation Officer states 'at the Clarendon Road end of the site, the relationship between the property at no.21 and the proposed block is uncompromising. The scale remains excessive and would therefore not preserve the character of the place. It is appreciated that several attempts have been made to mediate between no.21 and the new development, but the current scheme does not meet expectations.'*

I agree with this assessment for the reasons as set out above.

#### 8.4.2 Design

The design of the proposal is considered unsympathetic to the architectural environment of Brooklands Avenue Conservation Area. In the view of the Conservation officer *'the architectural language monolithic elevations clad in glass and gault brick is becoming locally distinctive in the city, but is not an architectural*

*panacea - and should not necessarily be employed, particularly in sensitive settings.'*

The terrace adjoining the subject site on Fitzwilliam Road are Buildings of Local Interest. It is considered the proposed balance between horizontal and vertical rhythm is understandable, as it loosely reflects the form of the Victorian properties adjacent, but in its execution it is awkward, and the horizontal banding does not tie in with the Victorian bands adjacent. The result is jarring, to the general detriment of the streetscene.

The fourth glazed flat roof storey is also considered to not complement the gently sloped roofs of adjoining properties.

The Conservation officer states '*so, whilst it is clear that the proposed development is taking its cues from across the road, it would be more appropriate to draw inspiration from the scale, articulation and rhythm of the properties between which it is to sit.*'

The Brooklands Avenue Conservation Area Appraisal (2013) states '*the City Council will continue to protect the Conservation Area from inappropriate development, and where new development is allowed, will ensure that it is of the highest possible quality.*' Given that the scheme has a number of issues concerning its scale and massing, particularly on its return down Clarendon Road and that coupled with this, the Conservation Officer raises numerous issues with the detailed design, I can only conclude that the proposal is an overdevelopment of the site and of poor design, which would harm the Conservation Area.

- 8.4.3 For the reasons set out above, the proposal does not accord with s.72 of the Listed Buildings Act, the principles of the NPPF or the Local Plan, policies 3/4, 3/12 (responding to context) or 4/11 and 4/12 (which reflects the requirements in the Act to preserve or enhance the character and appearance of the Conservation Area).

## 8.5 Residential Amenity of Neighbouring Properties

### 8.5.1 Enclosure and overlooking

The rear facing first and second storey glazing of the existing building is nearly entirely hidden as is angled upwards with no direct views over the rear gardens of both No. 3 Fitzwilliam Road and No. 21 Clarendon Road. The proposal would have a total of 15 windows to habitable rooms from first floor and above now facing these immediate neighbouring rear gardens. 12 of these would be to bedrooms, 1 to a kitchen and 2 to offices. The nearest of these windows bedroom 3 and 2 of unit T3 would be located 11 metres from the boundary with No. 3 Fitzwilliam Road. While some overlooking from a new development could be expected when compared to the existing situation, the addition of 12 windows servicing habitable rooms is considered excessive and would detrimentally impact on the immediate neighbour's enjoyment of their rear garden. Having been on a site visit to the rear garden of No. 3 Fitzwilliam Road, there is currently a sense of privacy which would be lost with this proposal, because of the layout of the adjacent terraced properties and their immediate rooms.

The built form of the proposal compared to the existing situation would also lead to a sense of enclosure to the rear gardens of No. 3 Fitzwilliam Road and 21 Clarendon Road to which I also consider would lead to significant harm to residential amenity. This would result in a very dominant built form.

The 10 roof terraces/balconies are proposed to the front façade are located 20 plus metres away from the kaleidoscope apartments across the road. This distance coupled with the two TPO trees is determined sufficient to dispel any detrimental impacts.

### 8.5.2 Overshadowing

No shadow study information has been provided with this application. As the depth of the proposal would not surpass the rear of both adjoining properties and there would be a gap of 2.4 metres between the proposal and No. 21 Clarendon Road and 2.5 metres between the proposal and No. 3 Fitzwilliam Road no overshadowing of any windows on the rear façade of these neighbours is envisaged.

However, windows lighting the stairwell in the side elevation of No. 3 Fitzwilliam Road would lose a significant amount of daylight. Also an obscurely glazed bathroom window and a glazed side door in the side elevation of No. 21 Clarendon Street would be affected. As all of these windows are to non-habitable rooms/spaces, this loss of daylight is considered, whilst regrettable, not to amount to a reason for refusal.

Light into the rear garden of No. 3 Fitzwilliam Road in the early part of the day, would be likely to be reduced as the gap of currently circa 10 metres between No. 21 Clarendon Road would be reduced to 3.5 metres with this proposal. This loss of light will further lead to the sense of enclosure to these rear gardens. However, the garden of No. 3 is relatively long and I do not consider any harm would be that severe to warrant a reason for refusal.

- 8.5.3 In my view, the proposal inadequately respects the residential amenity of its neighbours and the constraints of the site and is not considered compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

## **8.6 Amenity of future occupiers**

It is considered as each town house will have a narrow rear private garden of circa 8.5 metres x 3 metres a balcony big enough for a table and 4 chairs (at first floor level) and a private terrace each at third floor level that there is a amount of amenity space for future occupiers of these units would be adequate.

The two apartments will both also have generous balconies and all units will have use of the communal front garden.

## **8.7 Landscape**

- 8.7.1 Consent was granted to remove two unprotected trees, a European Larch and a Silver Birch under reference 15/540/TTCA in December 2015 via a tree works application. The trees were removed due to decay leading to issues of structural integrity. From my recent site visit these trees have now been removed and this has led to an increased sense of openness from the rear garden of no. 3 looking towards the site, where previously in part the trees would have softened or

filtered this outlook. Condition 3 of the consent to remove the trees requires two suitable replacements of a size and species to be agreed with the Council and replanted in a similar location. Whilst the tree works application and its requirements form part of a separate process independent from the application for planning permission, in the consideration of an application for planning permission, my view is that the LPA must be comfortable that a scheme for tree planting can be delivered in the rear garden area via a suitably worded condition. Replanting may be currently possible, but I am doubtful, given the Tree Officer's comments, in the absence of any further information and the fact that a large underground basement would be constructed very close to the rear edge and corner of the site, that a landscaping scheme, sufficient to filter the visual impact of the proposal and overlooking from windows, is realistically achievable or that even if it was, that it would result in tree planting of a similar size when replanted as those that have recently be removed. I am less concerned about the role of these trees in terms of the wider conservation area than I am regarding their role in partially mitigating the impact of the proposed development, but the recent removal of them and the perceived difficulties in adequate replacements, adds to my concerns regarding the impact of the proposal on the residential amenity of no.3 Fitzwilliam Road in particular.

- 8.7.2 In addition, the Tree Officer also has concerns that the scale of the basement car park would impact on the root protection area of the two TPO'd Sycamore Trees located at the front of the site.

The Brooklands Conservation Area 2013 states of Trees, Landscapes and Open Spaces where the subject site is located:

*The eastern part of the Conservation Area, around Clarendon Road, Fitzwilliam Road and Shaftesbury Road, is still notable for the many trees which lie within private gardens, both front and back.*

- 8.7.3 Again in the absence any further comment from the Tree Officer or further supporting information from the applicants to demonstrate that the trees would be adequately protected, I consider that the proposal could have a significant and detrimental impact to the health and vitality of the frontage trees



and as a consequence to the site's contribution to the character and appearance of the Conservation Area. The scheme therefore fails to meet Local Plan policies 4/3, 4/4 and 4/11. If the applicants were to submit further information to deal with the frontage tree issue, it may well be that the reason for refusal could be overcome but I am not presently in a position to offer support to the scheme's impact on the frontage trees based upon the advice that I have received.

## **8.8 Movement and Access**

The Highways Department is happy with amendments made to this application and the Transport Statement by SLR Global Environment Solution dated Oct 2015 has satisfied their initial concerns. It is considered as the proposal is located in such a sustainable location close to many amenities and Cambridge City Centre six car parking spaces is sufficient for this development of six residential unit. This accords with the councils maximum parking standards. The use of this underground parking is also determined preferential for the aesthetics of the conservation area.

The amendment of relocating the cycle storage from the front communal garden of the proposal to the underground car park is less desirable. Whilst in one respect this amendment frees up the rear of the communal area, it is a poor arrangement to have cycles using a ramp and may result in conflicts. Also this basement is gated and a cyclist is less likely to wait for this service. If the committee is minded to approve details of cycle parking could be conditioned. Were assured the issues do not amount to a reason for refusal.

8.8.1 The proposal therefore currently fails to meet Local Plan policy 8/6.

## **8.9 Noise, Air and Odour Pollution**

Many residents had concerns that an influx of new residents would create additional impacts in the area of noise, air and odour pollution. Residents are especially concerned in regards to the underground car park element of this proposal. The construction of this car park will have to meet Building Control Standards. I have no evidence to suggest the basement would be incapable of being constructed.

Environmental Health have not voiced any concerns regarding the location of the bin store and potential odour impacts on adjoin residents. However, no formal location collection point has been identified so we have used the assumption that it will be collected off the main driveway access. It appears this collection point could be located well over 40 metres away for some bins. This contravenes the Recap Waste Management SPD. But, if the committee were minded to approve, details could be obtained via condition. These issues, to my mind, do not amount to a reason for refusal.

## 9.0 Response to third party representations

Issue	Response
Family housing	See 8.2
Location is highly sustainable	See 8.2
Design out of keeping with CA	See 8.4.1 and 8.4.2
Scale out of keeping with CA	See 8.4.1 and 8.4.2
Overdevelopment	See 8.4.1 and 8.4.2 and 8.10
Overlooking of immediate neighbours	See 8.5.1
Not enough separation distance between proposal and immediate neighbours	See 8.7
Overshadowing of immediate neighbours	See 8.7
Concerns regarding noise and air pollution regarding carpark	See 8.14 and 8.12
Removal of tree and threats to TPOs	See 8.10
Accessibility of carpark	See 8.12
Flooding of carpark	Building control issue
1854 Covenants	Not a planning issue

## 10.0 CONCLUSION

The scale, bulk and design of the proposal do not adequately respect the Brooklands Avenue Conservation Area and is an overdevelopment of the site. Detrimental impacts to immediate neighbours would be incurred in the shape of overlooking and enclosure. The layout of the proposal is poorly planned as there

has been no consideration of where trees will be replanted and how the roots of the TPOs will be impacted. The location of cycle storage and bin storage is also less than satisfactory, although these elements could be conditioned.

## **11.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The scale, bulk and design of the proposal would result in an overly dominant built form that would appear too prominent, cramped (significantly diminishing the existing space) and too deep in footprint in views from Clarendon Road and which would poorly reflect and inadequately relate to the adjacent Buildings of Local Interest along Fitzwilliam Road with regard to the detailed design but also the form and shape of the roofing elements. The result is a scheme which would constitute an overdevelopment of the site, which would neither preserve or enhance the character or appearance of the Conservation Area. The proposal has not demonstrated that it has responded to its context or drawn upon key characteristics of the surroundings. For these reasons, the proposal conflicts with policies 3/4, 3/7, 3/12, 4/11 and 4/12 of the Cambridge Local Plan (2006) and guidance within paragraph 64 of the NPPF (2012).
2. The use of the rooms, position and substantial amount of glazing used on the upper floors (first to third) on the rear facade of the proposal and the increased massing and dominance of built form from that existing would all contribute to the unacceptable loss of privacy and sense of enclosure to the occupiers of No. 3 Fitzwilliam Road and No. 21 Clarendon Road which are in close proximity to the site. In addition and in the absence of information to demonstrate otherwise, the lack of adequate space for landscaping, particularly tree planting, along the boundaries with these properties due to the proposed basement structure underneath, would mean that views of the proposed building could not be adequately or partially mitigated. For these reasons, the proposal would be contrary to policies 3/4 and 3/12 of the Cambridge Local Plan 2006.

3. There is insufficient evidence to suggest that the proposed development would not endanger the health of two trees with TPO status on the front of the site. These trees positively contribute towards the character and appearance of the Conservation Area. For these reasons, the proposal would be contrary to policies 4/3, 4/4 and 4/11 of the Cambridge Local Plan (2006).

## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/2044/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd November 2015	<b>Officer</b>	Mr Toby Williams
<b>Target Date</b>	28th December 2015		
<b>Ward</b>	Arbury		
<b>Site</b>	29-31 Harding Way Cambridge CB4 3RW		
<b>Proposal</b>	Erection of two semi-detached dwellings, and one detached dwelling, following demolition of two semi-detached bungalows and garages.		
<b>Applicant</b>	Mrs Sue Baggeley 9a Costa Road Long Benington Newark NG23 5DY		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>-The proposed houses would adequately respect the character and context of the surrounding area.</li> <li>-The scheme adequately respects the residential amenity of nearby occupiers</li> <li>-Previous issues regarding the dismissal of the scheme on appeal have been overcome.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the northern side of Harding Way and is formed of two rectangular garden plots, currently occupied by two semi-detached bungalows 29 –31 Harding Way.
- 1.2 To the north of the site is a private parking court from which several residential properties along Harding Way gain rear access to the their gardens. Number 29 Harding Way has a single storey garage (to be demolished) fronting onto the court.

- 1.3 The surrounding area is mixed in character. To the north, Acton Way comprises mainly 2 storey semi-detached and terraced brick and render properties. To the east are mainly red brick semi-detached properties. To the south of the site the road comprises a mixture of red brick semi-detached properties extending eastwards along Harding Way and detached gable fronted bungalows extending westwards. To the immediate west of the site is a pair of semi-detached bungalows, 25-27 Harding Way, which sit at an angle to the site and to the corner of Harding Way itself.
- 1.4 To the front and west of the application site is a relatively wide grass verge which is planted with street trees and defined by a low rise hedge.
- 1.5 The site is not within a Conservation Area or in the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks the demolition of the existing pair of bungalows and the erection of two semi-detached dwellings and one detached dwelling in their place. All properties would have three beds.
- 2.2 The pair of semis (plots 1 and 2) would be on the western side of the site and the detached property (plot 3) on the eastern side of the site. All of the properties would have their front doors facing onto Harding Way and would be constructed from gault brick with red toothed brickwork forming corner and verge details.
- 2.3 The application has been amended since it was initially registered and re-consultation with neighbours has taken place as a result. As amended, the proposal has been brought forward on the site and car parking for all three properties relocated to the rear of the plots. 2 car parking spaces (one garage, one external space) are proposed for each property. The proposed fenestration has also been amended and regularised. Most of the landscaping to the front has now been retained, with pathways to the front of the properties cutting through a hedge. Garden depths would be 9-12m long.

### 3.0 SITE HISTORY

Reference	Description	Outcome
14/1477/FUL	A terrace of four town houses to replace existing semi-detached bungalows and garages.	Withdrawn
12/0856/FUL	Erection of a terrace of four town houses following demolition of existing semi-detached bungalows and garages.	Refused/Appeal dismissed
10/0336/FUL	Replacement of existing pair of bungalows at 29-31 Harding Way with five 3-bed flats.	Withdrawn

- 3.1 A copy of the Inspector's decision letter in relation to the appeal for 12/0856/FUL is attached to this report.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

- 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/4 3/7 310 3/12 5/1 8/2 8/4 8/6

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95  Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015
Material Considerations	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 Ideally the eastern property should be accessed from the side passageway. Car parking spaces should be 2.5m x 5m. Recommends conditions relating to: no unbound material used for the driveways; no gates; details of the highway cross-overs;



surface water run-off; pedestrian visibility splays; manoeuvring areas; re-instatement of redundant cross-overs; and access widths.

## **Environmental Health**

- 6.2 No objection: recommends conditions relating to construction hours, collection/delivery hours, piling and dust (see recommended conditions 4-7)

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

## **7.0 REPRESENTATIONS**

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

27 Harding Way  
33 Harding Way  
38 Harding Way  
40 Harding Way  
44 Harding Way  
48 Harding Way  
50 Harding Way  
52 Harding Way  
58 Harding Way  
60 Harding Way

- 7.2 The representations can be summarised as follows:

### *Principle of Development*

- The bungalows form part of a harmonious street scene.
- Two storey houses unacceptable in principle

### *Design Issues*

- Gross overdevelopment
- Massing excessive, cramped development, too dense
- Bringing the plots forward emphasises the massing issues
- 2 storey houses on this site would set a precedent
- Design precedence

- Three trees on the grass verge should be retained/replanted
- Destruction of grass verge with cross-overs
- Proposed houses too close together
- No objection to the design
- The proposed houses will not be in keeping with the area.

### *Amenity Issues*

- Bringing the buildings forward would increase overlooking
- The size of the units do not meet draft standards in the emerging LP
- They would not be built to lifetime home standards in the emerging LP
- Impact of demolition
- The internal layout of the proposed houses is cramped with very small rooms.
- Overlooking to the front (side) of number 52 Harding Way.
- There will be a significant increase in people (bedrooms increase from 4 to 9), noise and traffic levels. Noise will be concentrated in a smaller space.
- Invasion of privacy to number 27.

### *Car parking*

- Car parking will become a hazard.
- Even though cars can be parked to the rear, occupiers of the properties will park to the front and obstruct the free flow of traffic and manoeuvring vehicles
- There is no dropped kerb to the front of the property.
- This is a narrow part of Harding Way

### *Other*

- The proposed refuse arrangements would result in bins being left on the pavement.
- The scheme is for profit only
- 14 day re-consultation is not long enough
- Inconvenience of building works.
- Impact on atmosphere of the area.
- Houses would not be built for personal use but let out.
- The appeal decision indicates this proposal should be refused.
- No different to previous refused application.
- If built, nothing to stop loft conversions from occurring.
- Harm to wildlife habitat, even with the amendments

- The houses would be rented and tenancies change regularly
- Plans incorrectly show adjacent car parking arrangements
- False statements on the application form regarding removal of hedges/trees etc.
- Issues with scale bars and inconsistencies between plans

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The provision of additional dwellings and higher density housing in sustainable locations is generally supported by central government advice contained within The National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The broad 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 which remains acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity

value gardens contribute to the City. The contribution that the existing garden land makes to the character of the area, the comparative density of the development and the visual impact of the new dwellings on the prevailing character of the area are all important considerations in assessing whether the proposed development is acceptable. These considerations are set out in my assessment but in principle, the development of this site is acceptable. In note that in relation to the Inspector's decision, that the principal was also considered appropriate.

- 8.4 In my opinion, the principle of the development is acceptable and the development would help meet housing need. The scheme is therefore in accordance with policy 5/1 of the Cambridge Local Plan (2006).

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

- 8.5 The key issue is the design and appearance of the new dwellings in respect of the character of the street. The first issue to consider is whether the removal of the bungalows and replacement with two storey houses is appropriate. Paragraph 5 of the appeal decision deals with this issue. Whilst stating that the existing bungalows are attractively set within the street, the Inspector accepts that the appeal site is located where two areas of different character meet and that the introduction of a new housing type would not, by itself, cause harm. My view is that this constitutes a strong reason to accept a two storey form of development on this site.
- 8.6 The footprint and detailed design of proposal has been amended since it was first submitted. Crucially, the layout has changed so that the car parking to the plots has moved from the front to the rear of the site. I agreed with the concerns of third parties that the verge and the hedge form positive features of the street scene. That is why the amendments were requested. This has improved the setting of the proposed houses and preserved the character of the area and deals with the residual concerns raised in paragraph 8 of the appeal decision. Accordingly, I recommend a combined protective fencing and landscaping condition 9 to ensure the hedge and the trees are protected during construction times and landscaping is secured.
- 8.7 The scale of the houses is relatively modest and I do not consider that they would appear in any way out of keeping with

other two storey houses within the area. The footprint that the houses would occupy is not dissimilar in scale to the footprint of the bungalows to be removed. Garden depths would be between 9-12m between the backs of the properties and the garages. A distance of 2.5m would be provided between plot 2 and plot 3. The houses would be set approximately 2.5m back from the front verge. Their position slightly further forward on the plot, would not in my view, result in any harm to the street scene given that the design of the western facing side of plot 1 is resolved.

- 8.8 Unlike the dismissed scheme, this proposal is for 3 properties not a terrace of four. There are key design differences between this scheme and the previous dismissed scheme. Issues raised by the Inspector with regard to the design of the dismissed scheme related to the two-storey forward projections with small openings and the design of the roof of the western elevation appearing contrived, unbalanced and clumsy (see paragraphs 5 and 6).
- 8.9 The proposed scheme does not exhibit these elements. The front windows are much more generous. Two storey front projections do not form part of this proposal. The western elevation is much more traditional, with a straight gable form. I have also sought the introduction of a toothed red brick corner detail to the otherwise gault brick finish of the properties and a red brick soldier course detailing for the verges of the houses to reflect some of the attractive detailing on the existing bungalows. Subject to the approval of the materials via proposed condition 3, I am satisfied that the detailed design of the scheme would be of good quality.
- 8.10 Overall I do consider the proposal is either cramped or an overdevelopment of the site. The development would not detract from the verdant character of this section of Harding Way but add to its variety and be of a scale and form that would be acceptable. It would not set a precedent as each application is treated on its own merits.
- 8.11 In my opinion the proposal is an acceptable plot subdivision to redevelop the existing bungalows, which is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.12 The closest neighbour to the site is the occupant of no. 27 Harding Way, whose bungalow is to the west of the site and positioned at an angle to the road with a tapered rear garden. The development would have some visual impact upon no. 27 Harding Way because of its proximity (approx. 6m from the centre of plot 1's gable to the centre of no. 27's side wall. I initially had some concerns that the two storey element of plot 1 projected too far back into the site beyond the rear of no.27. On this basis, I sought amendments to the scheme which have pulled the footprint forward. This has lessened the visual impact of the two storey part of the scheme on the rear garden area and outlook from rear facing windows of no. 27. I appreciate that no.27 also has a side facing ground floor window but the development, because it is angled away from it, would not significantly enclose its outlook or in my view diminish light entering into it and I have approached the amendments on the basis that the rear of no.27 affords more amenity value to its occupants than its side. On this basis and given the amendments, I am satisfied that there would be minimal impact in terms of visual enclosure on the occupants of this property.
- 8.13 Given the orientation of the site, additional overshadowing is only likely to occur during the early morning and, given that the footprint has been brought forward, this will have lessened any loss of morning sunlight further.
- 8.14 No. 27 has also raised an issue of overlooking. Plot 1 has two rear facing bedroom windows at first floor level that would provide an oblique view into the rear garden of this property. This is to a certain extent inevitable, given the angled slant of no. 27's rear garden and a two storey form being proposed. From my site visit, I noted that the rear garden of no. 27 is already relatively open to the application site. I do not consider the presence of two bedroom windows, which are more than likely to be used at times when the garden is not in use, would result in significant harm to the pre-existing situation.
- 8.15 The proposed houses face towards number 52 Harding Way and to other dwellings to the south, which I understand in relation to no. 52's representation, is side onto the street. I note

the concern with regard overlooking and privacy from the proposed houses, but these sides or fronts to the existing and proposed houses are to the street and this is a conventional relationship of dwellings that would not diminish the privacy of these properties to any significant degree. I do not consider that the re-siting of the houses further forward on the site to have significantly altered the impact.

8.16 Concerns have been raised that the overall density of development would result in noise and disturbance from comings and goings, particularly because the dwellings would be let and because of the increase in number of bedrooms. This was not an issue raised by the Inspector in the consideration of the appeal for 4 houses. I do not consider that noise which could be typically expected from three family homes to be harmful to residential amenity or out of character with the site context. Whether the houses are let or bought is not within the control of the Council and I attach little weight to the concern that rented property would necessarily result in short tenancies that would disrupt the enjoyment of nearby properties.

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

#### Amenity for future occupiers of the site

8.18 The proposed new houses would provide desirable accommodation with useable rear garden areas. The ground floor living areas would have south facing lounge/dining room spaces with kitchens facing onto the gardens. In my opinion, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

#### **Refuse Arrangements**

8.19 Refuse storage would be provided alongside the rear outbuildings with a drag distance to the front of approximately 20m via the side passageways of the houses to the front verge. I consider this arrangement to be acceptable. Whilst I

understand the concerns that bins could be left on the roadside, this is outside of the control of the Council.

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

### **Car and Cycle Parking**

- 8.21 The application provides 2 car parking spaces to serve each house; one external space and one garage space. This level of provision is the maximum allowed through the Council's parking standards and is appropriate for the size of housing and the location of the site. I appreciate that representations suggest that future occupiers would still park on the road-side to the front of the properties, but the Council has no control over the highway and if occupiers or residents choose to park here they would be within their rights to do so. From my site visit, I did not observe a particular problem with on-street parking levels. I assume this is because many of the properties in the area are able to accommodate frontage car parking of one or two spaces. I have no concerns with the parking arrangement and consider the amenity benefits of locating this to the rear is outweighed by the possibility that parking on the highway to the front might occasionally inconvenience other users of the road.

- 8.22 I note the Highway Officers comments regarding the dimensions of the spaces and confirm that these would measure 5 x 3.2m

- 8.23 No dedicated space is set aside for cycles to park albeit that there is plenty of room within the gardens for this to occur. I have proposed condition 8 to deal with this.

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

### **Highway Safety**

- 8.25 I am not in receipt of a highway objection from the County Highways Engineer. At the time of writing this report no further advice has been received regarding the amended layout which has reduced the impact on the adopted highway itself. As a result, I consider that the conditions proposed are no longer necessary. I note the third party representations that the



amended proposal would result in on-street parking to the front which would obstruct the free flow of traffic on this part of Harding Way which is narrow. However, on-street parking to the front of the existing properties can and does already occur and I do not consider that this proposal would make the existing situation necessarily any worse or that the applicants could be reasonably expected to control where future residents of these houses parked their vehicles. From my site visit, it appeared possible for moving cars to pass cars parked on the highway.

### Third Party Representations

- 8.26 I have dealt with the substantive third party issues in the main body of the report. I set out in the table below those remaining issues and my response to them.

Amenity Issues	Officer Response
The size of the units do not meet draft standards in the emerging LP	This is not adopted policy. The draft policies have been superseded by national guidance which does not come into effect unless and until LPA's adopt space standard policies.
They would not be built to lifetime home standards in the emerging LP	This is not adopted policy. Local Plan policy 5/9 is not applicable as this is not a major development. The development would have to meet part M of the Building Regulations for disabled access.
Impact of demolition	I recommend conditions 4 - 7 to mitigate the impact of this.
The internal layout of the proposed houses is cramped with very small rooms.	The kitchens are small but the lounge/dining rooms appear fairly generous and the bedroom sizes range from double rooms to single rooms. I do not consider the layout to be cramped and outlook from rooms is either onto the gardens or to the front. The Council does not have any

	adopted internal space standards.
<b>Other</b>	
The scheme is for profit only	Not a material planning consideration.
14 day re-consultation is not long enough	This is standard practice but I would have received late comments on request.
Inconvenience of building works.	I recommend conditions 4 - 7 to mitigate the impact of this.
Houses would not be built for personal use but let out.	Not a material planning consideration.
If built, nothing to stop loft conversions from occurring.	That is correct to the rear. I have not suggested the removal of pd rights for lofts because a conversion to the rear to my mind would not necessarily be unacceptable.
Harm to wildlife habitat, even with the amendments	The site is not formally designated. I have recommended condition 9.
Plans incorrectly show adjacent car parking arrangements	Noted, but not a significant factor in my recommendation
False statements on the application form regarding removal of hedges/trees etc.	These issues have been addressed through the amendments
Issues with scale bars and inconsistencies between plans	These issues have been addressed through the amendments

### **Planning Obligations (s106 Agreement)**

8.27 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.

- 8.28 Given the scale of the development, which would result in a net increase of one dwelling, I do not consider that it would be reasonable or necessary to pursue planning obligations towards open space.

## **9.0 CONCLUSION**

- 9.1 As amended, the proposed scheme has addressed the issues raised by the Inspector in dismissing the previous appeal and has improved on other matters, such as with the relocation of the car parking and the improvement to the frontage of the site. The development would help meet housing need and would adequately respect the residential amenity of adjacent occupiers.

## **10.0 RECOMMENDATION**

**APPROVE** subject to following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. No occupation shall occur until facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted have been provided for each house within the rear garden area of the properties on the basis of 1 space per bedroom.

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

9. 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 means of enclosure; car parking layouts, hard surfacing materials; 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; measures to protect existing trees and hedging on the front of the site 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).

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

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

-Guidance on the assessment of dust from demolition and construction  
[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

**INFORMATIVE:** 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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# Appeal Decision

Site visit made on 25 June 2013

**by G J Rollings BA(Hons) MAUD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 September 2013**

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**Appeal Ref: APP/Q0505/A/13/2193997**  
**29-31 Harding Way, Cambridge, CB4 3RW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Susan Baggaley against the decision of Cambridge City Council.
  - The application Ref 12/0856/FUL, dated 5 July 2012, was refused by notice dated 28 November 2012.
  - The development proposed is a terrace of four town houses to replace existing semi-detached bungalows and garages.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have used the site address as given on the appeal form and Council's decision notice, as this provides an accurate description of the site.

## Main Issue

3. The main issue is the effect of the proposed development on the character of the street scene.

## Reasons

### *Character and appearance*

4. Harding Way is a residential street containing several housing types within two distinct character areas. The appeal site and the area to the immediate west comprise detached and semi-detached bungalows. To the east, the character of the street changes, to incorporate detached and semi-detached two-storey houses, and one small block of flats, Probus House. The appeal site is located on the corner of a short cul-de-sac, which gives access to a parking area at the rear.
5. The appeal site is located where the two areas meet, and the bungalows currently on the site appear as part of the character area to the west. These dwellings are attractive within this context and contribute to this character. The proposed development would involve demolition of the bungalows and replacement with four 2-storey terraced houses. This would introduce a new housing type to the street, but I do not consider that this, by itself, would cause harm. The houses would have rear gardens which are smaller than those of the surrounding houses, but I do not consider that this would be sufficient to make

the proposal appear cramped on the site. In these circumstances I do not consider that the principle of the development is unacceptable.

6. The appearance of the dwellings would be distinctly modern, although some design cues would be taken from surrounding development, such as the materials and the proposed front-facing gables. The overall appearance would be relatively simple and plain, but the 2-storey forward projections, which would contain only small window and door openings, would appear unduly bulky.
7. Many of the buildings in the street have a symmetrical pattern, although some of these have been altered through extensions. The proposed design would adopt some of this symmetry. However, the pitched roof over the single-storey element on the western side of the building, which appears to be intended as a response to the adjacent bungalow, appears contrived. In my view, the result is a building which would be unbalanced and clumsy alongside the plain gable and pitched roof of the adjacent bungalow. It would appear as an incongruous element in the street scene.
8. The development would also result in the loss of other features which contribute to the character of the street, such as trees and front boundary planting, although this could be remedied with a suitable landscaping plan. Nonetheless, because of the massing and design of the proposed building, the development would have a negative impact on the street scene. I therefore conclude that the proposed development would have a detrimental effect on the character of the street scene. It would not comply with Local Plan<sup>1</sup> Policies 3/4 and 3/12, which state that development will be permitted when it responds positively to existing features of local character, and where it can be demonstrated that the development would have a positive impact on its setting, among other factors.

#### *Other issues*

9. The appellant pointed out examples where other new development has occurred within a suburban context. I am not fully aware of the circumstances under which these were allowed and due to the differing site surroundings, do not consider them to be directly relevant to this appeal. In any case, I have considered this appeal on its own merits.
10. I note that within its Committee Report, the Council sought a planning obligation for the development. However, the absence of an obligation was not given as a reason for refusal. In any case, submission of an obligation as part of the appeal would not have overcome or negated my concerns regarding the harm caused to the character and appearance of the area, for the reasons given above.

#### **Conclusion**

11. For the above reasons, and having had regard to all other matters before me, I conclude that the appeal should be dismissed.

*G J Rollings*

INSPECTOR

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<sup>1</sup> Cambridge City Council Local Plan 2006.



## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/2378/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th January 2016	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	4th March 2016		
<b>Ward</b>	Arbury		
<b>Site</b>	Langham House Histon Road Cambridge CB4 3HP		
<b>Proposal</b>	Erection of a one bed unit and store		
<b>Applicant</b>	Mr Gavin Morris 39 New Road Over CB24 5PJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposal will not negatively impact on the character of the area</li> <li><input type="checkbox"/> The proposal will not impact on the amenity of surrounding occupiers</li> <li><input type="checkbox"/> The proposal will provide good quality living accommodation to future occupiers</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is land to the rear of Langham House. The site is located on former garden land of 216 Gilbert Road. The site is located on the eastern side of Histon Road immediately north of the junction with Gilbert Road. The immediate area is predominantly in residential use.
- 1.2 Langham House is a two storey, art deco style building with flat roof which accommodates 6 no. flats. A further 4 flats have also been approved and are under construction on the site (15/0557/FUL). This is of a similar art deco style to Langham House but at a height of 3 storeys with the third floor set back from the front elevation.
- 1.3 The proposal will not be visible from the public realm.

1.4 The application site does not fall within the Conservation Area or the Controlled Parking Zone

1.5 There are two TPOs to the front of the site.

## **2.0 THE PROPOSAL**

2.1 The proposal is for the erection of a one bed unit and store.

2.2 The proposal is to be located on former garden land of 216 Gilbert Road and extends the communal garden area for the residents of Langham House and the adjacent new residential development.

2.3 The proposed one bed unit has a large footprint. It is located in the north eastern corner of the site. It has an L-shaped form; with a length of 13.5m and total depth of 8.4m. The proposal is to be flat roofed with a height of 3.1m.

2.4 The proposed store is located to the south of the proposed new unit. It runs against the rear boundary of No. 216. This is also to be flat roofed with a height of 3.1m. The proposed store is to have a length of 9.5m x depth of 4m.

2.5 The application is accompanied by the following supporting information:

- ☐ Drawings
- ☐ Design and Access Statement
- ☐ Tree Survey
- ☐ Amended drawings

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/1349/FUL	Demolition of 6 garages and erection of 5 apartments with associated parking, bin storage and landscaping.	Withdrawn
14/1350/FUL	Exterior insulation and render to existing external walls to all apartments and extension to form additional storey over apartments.	Withdrawn

15/0557/FUL	Demolition of 6no. garages and erection of 4no. apartments with associated parking, bin storage and landscaping.	Permission granted
15/0558/FUL	External insulation and render to existing external walls to all apartments. Additional window and doors to front and rear elevations	Permission granted
C/03/1109	Conversion of 2No. two bed flats to 4No. one bed flats on ground floor.	Permission granted
C/03/1275	Erection of second floor extension to provide an additional 4no one bed flats.	Refused

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/10 3/11 3/12
		4/4
		5/1
		8/2 8/7 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>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

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

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 The Highway Officer does not consider that the development will have any significant impact upon the public highway.

### **Environmental Health**

- 6.2 The Environmental Health Officer considers the proposal to be acceptable subject to two conditions relating to construction hours and piling (cond 3 and 4)

### **Urban Design and Conservation Team (UDC Team)**

- 6.3 The Urban Design Team do not support the proposal. They consider that the proposal will result in poor legibility and way finding. They consider that there will be overlooking issues and inter-relationship issues with users of the communal space and occupants within the ground floor units of Langham House. They consider that the store may overshadow the communal amenity space. They are concerned that the new dwelling and store will appear prominent from the garden of 212 Gilbert Road. They also express concern regarding the impact on an existing mature tree on the northern site boundary.

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

- 6.4 The Tree Officer requested that the applicant provide an Arboricultural Implications Assessment as she was concerned about the proximity of the proposed new dwelling to an existing mature tree on site. The applicant provided this information. The Tree Officers considers the proposal to be acceptable subject to the imposition of a condition (cond 6).

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

- 6.5 The Landscape Team do not support the proposal. They consider that the proposal has a poor relationship with its surrounding as it is not visible from Histon Rd and will be overlooked by the flats at Langham House. The Landscape Officer states that the private amenity space is awkward with little privacy. She notes that the hedge is too close to the kitchen which will block light and hinder clipping. She states that the access from the south is poor and dependent on a car parking bay being free. She states that the relationship to the northern access is poor as it is long and winding. She is concerned that the dwelling is not secure as the hedge does not protect the whole boundary of the dwelling. She is also concerned about overshadowing of the communal space by the proposed store.
- 6.6 A number of amendments have been made to address the Landscape Officer's comments.

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

- 6.7 The Sustainable Drainage Officer considers the proposal to be acceptable subject to a condition relating to surface water drainage (cond5).
- 6.8 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:

☐ 212 Gilbert Road

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

☐ Residents of Langham House  
☐ 216 Gilbert Road

7.3 The objection can be summarised as follows:

- ☐ The proposed new buildings will loom over the garden and result in a loss of light to 212 Gilbert Road.
- ☐ Concerned about drainage
- ☐ The extension at 216 is underrepresented in terms of size and will further reduce soak away.
- ☐ Concerned about nearby tree in Gilbert Close and need for a tree survey
- ☐ Overdevelopment of the site

7.4 The supporting comments can be summarised as follows:

- ☐ Does not have a negative impact on Langham House
- ☐ The extra amenity space will be a big improvement to the living standards of the residents of Langham House.
- ☐ The movement of the cycle store will be a big improvement especially to those on the ground floor.
- ☐ The proposal is in keeping with the existing building of Langham House
- ☐ The proposal will not overlook the neighbouring gardens.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces (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 proposal is located in a predominantly residential area. Policy 5/1 states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. As a result the proposal meets with the criteria of this policy.
- 8.3 The proposal relates to the sub-division of the plot, therefore condition 3/10 is relevant. This policy requires consideration to be given to the impact on amenities of neighbours (part a), amenity space/car parking (b), impact on the character of the area (c), effect on listed buildings/BLI (d), impact on trees (e) and whether the proposal would compromise comprehensive redevelopment (f). In this case parts (d) and (f) are not relevant. I have addressed the other parts of policy 3/10 below.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1 of the Cambridge Local Plan (2006).

## **Context of site, design and external spaces (and impact on trees)**

- 8.5 Both the proposed store and new dwelling will be shielded from view by Langham House. The Urban Design Team considers that the new dwelling has a poor relationship with Histon Road as the unit and its entrance are not visible from the street. There are a number of examples of backland development on former garden land in the wider area. As a result in my view the proposal would not be out of character with the wider surrounding area.
- 8.6 There is an existing mature tree which is close to the location of the proposed new dwelling. The Tree Officer is satisfied that the proposal will not negatively impact on the tree subject to condition (cond 6)
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/4.



## **Residential Amenity**

### **Impact on amenity of neighbouring occupiers**

- 8.8 The proposed dwelling is single storey with a height of 3.1m. It is to be located in the north eastern corner of the site close to the boundary with the neighbouring development at Gilbert Close. The nearest neighbours to the proposed new dwelling are No's 42 and 45 Gilbert Close who are separated from the proposal by 5m. Given that the proposal is single storey I do not consider that it will overshadow or appear unduly prominent from either of these neighbouring properties.
- 8.9 The proposed store is to run close to the new boundary with No. 216 Gilbert Road. The store is to be single storey with a height of 3.1m. Given its relatively small size and as the store is to be north of the garden of No. 216 I do not consider that this will overshadow or visually enclose the retained garden space.
- 8.10 The neighbours at 212 Gilbert Road have objected to the proposal as they consider that both the new dwelling and store will result in a loss of light to their garden. Both proposals are single storey at 3.1m in height. The store is set away 0.5m from the common boundary and the new dwelling is set away by 1.1m. The garden of No.212 is very long at approx. 60m and there is a significant distance between the proposed store and the dwelling at No.212. As a result the proposal will not result in any loss of light to the dwelling at No.212. The garden of No.212 is located to the east of the proposal so the development may result in some loss of light to the rear garden but I do not consider that this will be significant given that both elements are single storey.
- 8.11 The proposed new dwelling is set back from the host dwelling at Langham House by 9m. As a result the new dwelling will not overshadow the occupiers of Langham House.
- 8.12 The Urban Design Team and Landscape Team are concerned that the proposed store will overshadow the communal garden area. The residents of Langham House currently do not have any outdoor garden space. The current proposal extends the outdoor space associated with Langham House by utilizing former garden land from 216 Gilbert Road. While the store is quite large and may result in some overshadowing of the

garden space I consider the benefit of the extended garden space to outweigh the overshadowing impacts. I am of the view that the space can be designed and laid out with planting appropriate to a shady environment.

- 8.13 The Urban Design Team and Landscape Team also raised concerns about overlooking between the proposed new unit and the host dwelling at Langham House. There is 9m between Langham House and the proposed new dwelling. The ground floor of Langham House accommodates 2 flats which have a number of large windows and two glass doors. The new dwelling will be somewhat screened by yew hedge. While some overlooking between the two is likely I consider this to be acceptable given the shared arrangement with the new unit having access to the communal garden and sharing bike and bin storage with the residents of Langham House.
- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

Amenity for future occupiers of the site

- 8.15 A number of amendments have been made to the original drawings which will improve amenity for future occupiers. The car parking bays have been reconfigured at the south entrance to the site to provide unobstructed access. The car parking space for the unit has also been moved to this bay which improves access for future occupants. A pathway has been provided through the amenity space to provide a line of sight access to the unit. The hedge around the unit has been extended around the unit to provide security and space has been provided between the hedge and the kitchen window to prevent loss of light. A further window has been provided on the south elevation of the bedroom; this will allow some further light into this room.
- 8.16 The amended plans provide good quality, secure living accommodation. The private garden space is relatively small but I consider this to be acceptable given that the unit will have access to the communal garden and given that it is a one bedroom unit.

- 8.17 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

### **Refuse Arrangements**

- 8.18 The refuse arrangements are to be shared with the residents of Langham House. The bin store area is to the west of the site and approx. 11m from the front door of the proposed new dwelling. I consider this to be acceptable.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.20 The Highway Engineer considers that the proposal will not have a significantly adverse impact upon the public highway. I share this view.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.22 One car parking space is provided for the unit. I consider this to be acceptable.
- 8.23 Cycle parking is to be provided with the residents of Langham House. A total of 24 spaces are provided on the site. I consider this to be acceptable.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.25 I have addressed the issues raised in my assessment with the exception of drainage. With regard to the potential impact on soak away from 212 Gilbert Road, the Drainage Officer has not referred to this as a potential problem.

## **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 confirm that in this case no contributions are being sought. Contributions were not sought in relation to the previous application 15/0557/FUL.

## **9.0 CONCLUSION**

9.1 The proposal will not be highly visible from the street scene and as a result will not negatively impact on the character of the area.

9.2 The new dwelling and store are both relatively small in size and will not impact on the amenity of the surrounding occupiers through overshadowing or visual dominance.

- 9.3 While there will be some overlooking between the proposed new unit and the existing flats in the development I consider this to be acceptable given that the new unit will share bike and bin facilities with Langham House and will have access to the communal gardens. The amended drawings provide good quality living accommodation for future occupiers with some private outdoor space and access to a larger communal garden space.

## **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 development hereby approved shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The 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 + 40% an allowance for climate change. The submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - ii. provide a management and maintenance plan for the lifetime of the development.
  - iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

Reason: to protect a visually important tree located within Gilbert Close (Cambridge Local Plan (2006) policy 4/4)

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## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/2171/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd December 2015	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	27th January 2016		
<b>Ward</b>	Petersfield		
<b>Site</b>	Ditchburn Place Mill Road Cambridge CB1 2DR		
<b>Proposal</b>	Creation of larger Extracare flats, construction of an extension to provide 6 no. new Extracare flats and demolition of Burmaside House.		
<b>Applicant</b>	Mr Mark Wilson Mandela House 4 Regent Street Cambridge CB2 1BY		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development complies with policy 5/7 of the Local Plan (2006).</li> <li>- The demolition of Burmaside House is deemed acceptable and not harmful to the character of the Conservation Area or the Building of Local Interest.</li> <li>- The proposed extension would not be harmful to the character or appearance of the Conservation Area and would not harm neighbour amenity.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, Ditchburn Place, is comprised of a large block of buildings which are used as sheltered housing (C2) on the north side of Mill Road, opposite the vehicle junction with Tenison Road. The main block of buildings are set back from Mill Road with a mature landscaped garden at the front of the site. On the south-east corner of the site lies Burmaside House,

a detached two-storey building, situated closer to Mill Road, although partially screened by a row of trees along the south site boundary. The buildings all have hipped slate roofs, range between two and three-storeys in height and are designed in buff facing brickwork.

- 1.2 The areas to the north, east and west of the site are predominantly residential in character and are formed typically by two-storey terraced properties set linear to the pattern of the road. To the south of the site, there are a variety of local centre restaurants, shops and professional services which front Mill Road.
- 1.3 The site falls within the Central Conservation Area.  
The central/ south-western wing of the main block of buildings is designated as a Building of Local Interest. Burmaside House is not a Building of Local Interest.  
There are four Tree Preservation Orders in the front landscaped garden area.  
The site falls within the Mill Road West District Centre.  
The site falls within the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal, as amended, seeks planning permission for the creation of larger Extracare flats, construction of an extension to provide 6 no. new Extracare flats and demolition of Burmaside House.
- 2.2 The proposal would replace Burmaside House with a three-storey extension with an eaves and ridge height level with that of the existing three-storey buildings on-site. The proposal would be designed in predominantly brick with a hipped slate roof. There would be timber cladding and render panels around the proposed window openings. Photovoltaic panels would be installed on the west and east elevations of the roof. The proposed extension would accommodate six new flats, with two flats on each of the three floors.
- 2.3 Internal alterations to the existing buildings are also proposed to increase the size of some of the existing flats. This would involve the loss of six of the existing flats in the existing buildings. Therefore, there would be no increase in the number of flats on-site for the provision of the C2 use.

2.4 The application is accompanied by the following information:

1. Drawings
2. Waste Management Plan
3. Tree Survey
4. Design and Access Statement
5. Transport Assessment

### **3.0 SITE HISTORY**

3.1 The site has an extensive planning history. There are no previous planning applications which are directly related to this planning application.

### **4.0 PUBLICITY**

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

### **5.0 POLICY**

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p>
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> <p>Buildings of Local Interest (2005)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</p>

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

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

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

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

## **6.0 CONSULTATIONS**

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

6.1 No objection.

### **Environmental Health**

6.2 No objection subject to the following conditions and informatives:

- Construction Hours
- Collection during construction
- Construction/ demolition noise/ vibration and piling.
- Dust
- Building envelope/external noise
- Plant noise insulation
- Dust condition informative
- Housing health and safety rating system

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

6.3 The demolition of Burmaside House is acceptable. The proposal would not harm the nearby BLI or the Conservation Area. The amended scheme is supported, subject to the following conditions:

- Sample panel of facing materials
- Non-masonry walling systems
- Photographic record of Burmaside House

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

6.4 The application is supported, subject to the following conditions:

- Hard and soft landscaping.

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

6.5 No objection, subject to the following condition:

- Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP)

## **Access Officer**

6.6 The application is supported.

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

## **7.0 REPRESENTATIONS**

7.1 The owner/occupier of the following address has made a representation:

- Mill Road History Project Group (69 Glisson Road)

7.2 The representation can be summarised as follows:

- The Design and Access Statement is historically inaccurate and therefore invalidates the consultation process.
- Burmaside House should be designated as a Building of Local Interest.
- The demolition of Burmaside House is not supported.
- In the process of applying to Historic England for Grade II listing for the whole site now called Ditchburn Place, including the 1984-88 City Council Housing scheme.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

## **8.0 ASSESSMENT**

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

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

### **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 Policy 5/7 of the Local Plan (2006) states that the development of supported housing will be supported 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 The application has been assessed against each of these criteria below:

#### A) The potential impact on the residential amenity of the local area

8.5 The proposed extension is not considered to harmfully enclose, overlook or overshadow any neighbouring properties. Nos.83 and 83a Mill Road to the east of Burmaside House do not have any windows on the side gable which face towards the proposed extension. There is a window on the rear elevation at first-floor level of the upper floor flat at this adjacent property, but this window is sited a reasonable distance to the east of the proposed extension and the proposal would not break the 45° line from this window. The views out to the north-east would only look out onto a car park and so I am content that the

privacy of any neighbours will not be infringed by the proposed development.

- 8.6 As the number of units on-site is not increasing as a result of the proposed works, I do not anticipate the proposed works will harm neighbours, or those existing residents, in terms of comings and goings. The south facing windows of lounge rooms of existing flat nos. 65, 66, 70, 71, 96 and 97 will be physically filled in or visually enclosed by the proposed development. However all of these rooms are served by outlooks on the east and west elevations respectively and so these rooms will still have acceptable outlooks.
- 8.7 As the proposal does not involve an increase in the number of units on site, I do not believe there will be a significant increase in parking pressure on the surrounding streets.
- 8.8 I agree with the conditions recommended by the Environmental Health Team with respect to the demolition/ construction process and these have been attached accordingly. These conditions have been applied to protect the amenity of nearby properties during these phases.
- 8.9 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

B) The suitability of the building or site

- 8.10 The proposed extension would have internal and external access linking it to the main buildings of the existing flats and the associated facilities of this. The proposed new flats within this extension would all have suitable outlooks for habitable rooms and the rooms have been designed with sufficient room for wheelchair use for occupiers with impaired mobility. The internal alterations to the existing building have been designed to improve the quality of existing extra care flats. The Access Officer is supportive of the proposal and I agree with this advice.
- 8.11 In my opinion, the internal alterations and proposed extension would be suitable for the proposed use.



C) The proximity of bus stops and pedestrian and cycle routes, shops and other local services.

- 8.12 The site is highly sustainable as it is well served by shops, local services and frequent bus services within the immediate area along Mill Road. It is noted that no additional cycle parking is provided as part of this application. However, as the end user of these flats will generally be elderly people and/or people with impaired mobility, the lack of additional cycle parking is acceptable in this case.
- 8.13 Overall, I consider the site to be well served by shops and services within walking distance, and future occupants would have access to bus stops along Mill Road. The scheme is deemed to meet this criterion.
- 8.14 To summarise, the proposal is deemed to comply with Cambridge Local Plan (2006) policy 5/7.

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

Response to context

- 8.15 The main consideration is whether the demolition of Burmaside House and the subsequent replacement of this with the proposed extension would be harmful to the character or appearance of the Conservation Area. The third party representation received from the Mill Road History Project is focused on the demolition aspect and requests for Burmaside House to be retained as a building of local interest (BLI) or a listed building.
- 8.16 Burmaside House is not designated as a BLI and is not a listed building. It is not specifically identified with any designation within the Mill Road Conservation Area Appraisal (2011) Townscape Analysis. Cambridge Local Plan (2006) policy 4/10 (listed buildings) is applied to developments which involve the demolition of buildings that contribute to the character of the Conservation Area. As previously stated, this building is not identified as a positive building and is considered to have a neutral contribution to the character of the Conservation Area. Consequently, the tests for demolition in policy 4/10 have not been applied in this instance. Paragraph 134 of the NPPF

(2012) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 8.17 The Conservation Team has assessed the demolition aspect of the proposed works and considers this demolition to be acceptable. Their reasoning has been set out below:

*“During the pre-application process the possibility of retaining Burmaside House and including it within the scheme was discussed. However, due to the fact that the floor levels would not tie into the existing extension and that there would need to be a great deal of alteration to make it fit for the purpose that it is needed for, it was considered that it would not leave much of the original building intact.*

*Burmaside House has been altered externally with the replacement of the original metal windows with UPVC which has altered its character. However, it remains of some interest due to its original purpose and link with the former Workhouse. Against this there is the public benefit in the new extension’s additional accommodation. It is also notable that the existing building is not clearly visible from the public highway. Should the application be approved, a recording condition should be added so that it is comprehensively photographed and described for historic records.”*

- 8.18 I agree with the reasoning provided by the Conservation Team and consider the public benefits of the proposal outweigh any less than substantial harm the proposed demolition would cause.
- 8.19 It is acknowledged that the Mill Road History Project Group has submitted documentation to the Conservation Team requesting that Burmaside House be designated as a BLI. This documentation was submitted on 22<sup>nd</sup> March 2016. At the time of writing this report, no formal action has been taken by the Conservation Team in assessing or processing this request. Therefore, as this request for the building to be nominated as a BLI is at a very early stage in the process, I do not believe significant weight can be attached to this request at this stage. The Conservation Team has not decided to alter their

comments in light of this late request and so their previous comments are still relevant. Furthermore, correspondence has been received which informs the Local Planning Authority that the Mill Road History Project Group are currently in the process of applying to Historic England for Grade II listing for the whole site now called Ditchburn Place, including the 1984-88 City Council Housing scheme. However, as this process is at an early stage and no formal action has been taken, I do not believe significant weight can be attached to this request at this stage.

- 8.20 A condition has been attached, as recommended by the Conservation Team, regarding the recording of the building photographically prior to its demolition.

#### Layout

- 8.21 The layout of the site is supported by the Conservation Team:

*“The proposed extension will be set back from the road, going no further forward than the footprint for Burmaside. This will enable the trees in this area to be retained. By keeping the extension back from the edge of the site, and the junction with Mill Road, the landscaping will soften the impact of this three storey building.”*

- 8.22 The internal layout of the rooms means there will be an active frontage towards the street scene of Mill Road, as well as over the landscaped garden area at the front of the site. The proposal will allow for a means of access through the front landscaped garden and internally through the corridors of the existing buildings.

#### Scale and massing

- 8.23 The Conservation Team is supportive of the proposed scale and massing:

*“The scale and massing is greater than Burmaside House. However, it does not go beyond the footprint of the Mill Road elevation of Burmaside House, and the west elevation is generally in line with the existing extension. The hipped roof will help to reduce the massing on the Mill Road elevation.”*

- 8.24 I agree with the reasoning provided by the Conservation Team. The eaves height would match that of the existing building to which it would adjoin onto which relates positively to the context of the site. The proposal would not, in my view, appear visually dominant compared to the BLI and other buildings on-site.

#### Open Space and Landscape

- 8.25 The proposal would involve works to the existing soft and hard landscaping on the current site. There would be new hedging around the west, south and east elevations of the proposed extension, and there would also be a new tarmac path to connect the entrance of the proposed new flats to that of the landscaped garden area. The existing trees and landscaping at the front of the site would be retained to help soften the views of the built form from public viewpoint. The Landscape Officer and Tree Officer are both supportive of the proposed works subject to conditions and I agree with this advice.

#### Elevations and Materials

- 8.26 The Conservation Team had originally raised concerns with the application due to the treatment of the south elevation. Following these comments, the applicant amended the scheme so that the south elevation now has a double storey bay and larger windows above it. The Conservation Team is now supportive of the elevation treatment as it is now more interesting and less regimented than previously proposed.
- 8.27 The proposed use of brick and slate tiles is generally supported as it would relate well to the existing buildings on site. The proposed render and timber cladding panels around window frames is considered to provide a degree of uniqueness to the fabric of the building and help break up the massing of the building. The proposed extension has a residential style of appearance and the rhythm and spacing of windows relates well to the existing facades on this site.
- 8.28 Overall the proposed extension is deemed to be in keeping with the character of the area and respectful to the sensitive context of the site.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/4, 4/11 and 4/12.

### **Disabled access**

- 8.30 The Access Officer is supportive of the internal arrangements and accessibility of the proposed flats and I agree with this advice.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.32 No additional refuse arrangements have been proposed due to the fact that the number of units on-site will not be increased as a result of the proposed development.
- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.34 The proposal does not involve any works to the public highway and the Highway Authority has raised no objection to the application.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.36 There are only five spaces on-site currently available although it is assumed that these are used by staff. Nevertheless, as the number of units on-site is not increasing, I do not consider it necessary to provide any additional car parking. A car club informative has been recommended.
- 8.37 The lack of cycle parking has been addressed in paragraph 8.12 of this report.
- 8.38 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.39 The concerns regarding the demolition and request for Burmaside House to be a BLI have been addressed in the main body of this report.
- 8.40 Whilst I do not contest the point that there are inaccurate references in the Design and Access Statement, I do not deem these inaccuracies to invalidate the application. The Conservation Team was aware of these inaccuracies when writing their comments and their advice is not dependent on the descriptions within the applicants Design and Access Statement.

## **9.0 CONCLUSION**

- 9.1 In conclusion, the proposed extension is considered to be in keeping with the character of the area and the demolition of Burmaside House would not be harmful to the special interest of the BLI or the character of appearance of the Conservation Area. The proposal would improve the quality of accommodation for the occupants of this sheltered housing.

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

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

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

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

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

7. Prior to the commencement of development/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 first occupation of the building and thereafter be retained as such.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan 2006 policies 3/4, 3/7 and 4/13)

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

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

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



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

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

Reason: In the interests of the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11)

11. No development shall take place until a full photographic record has been made depicting the exterior and interior of Burmaside House and a copy deposited with each of the following organisations: the Cambridgeshire Collection of the Central Library, Lion Yard, Cambridge; the County Archive, Shire Hall, Castle Hill, Cambridge, and the local planning authority. The precise number and nature of the photographs, drawings and samples to be taken is to be agreed in advance with the local planning authority and the format in which they are to be displayed and titled is to be agreed with the local planning authority before the deposit is made.

Reason: to foster understanding of the building's importance in the Cambridge context, and to ensure proper recording of any aspects of the building's special interest which are to be lost or altered. (Cambridge Local Plan 2006, policy 4/10)

12. 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)

13. Prior to the commencement of development and with reference to BS 5837 2012, details of tree removals, retentions and replacements and 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).

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

Reason: Protection of Trees (Local Plan 2006 Policy 4/4)

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

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

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

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## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	16/0025/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th January 2016	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	4th March 2016		
<b>Ward</b>	Newnham		
<b>Site</b>	24 Grantchester Street Cambridge CB3 9HY		
<b>Proposal</b>	Rear, side and loft extension involving raising the ridge to provide additional living area on the ground floor, a larger bedroom on the first floor and an additional bedroom in the loft. General internal and external refurbishment, complete replacement of existing sash windows with timber framed double-glazed units.		
<b>Applicant</b>	Mr Andrew Fiddian-Green 24 Grantchester Street Cambridge CB3 9HY		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The contemporary composition of the proposed extensions and use of modern materials represents an attractive and contrasting intervention which successfully integrates with the traditional form of the existing dwelling.</li> <li>- The proposed extensions would not appear intrusive or detract from the character and appearance of the Conservation Area.</li> <li>- The proposed extensions would not have a significantly detrimental impact on the residential amenity of the immediate and surrounding neighbours.</li> </ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site consists of a two storey bay-windowed Edwardian end of terrace dwellinghouse in brick and slate roof construction. The terrace properties have small front gardens and two storey rear wings. The rear garden joins onto a side passage which runs alongside the side boundary of no.1 Chedworth Street.
- 1.2 The built form of the area is predominantly characterised by two storey terrace housing. To the south of the site is a 1980s housing development consisting of three staggered two storey properties. There is a gap between the application site and the modern terrace to the south. I understand this area was occupied by a substation before it was relocated. The land is now in split ownership with the applicant owning the rear half and the occupier of no.22 Grantchester Street owning the front half.
- 1.3 The application site is located within the Newnham Croft Conservation Area and an Air Quality Management Area. There are no listed buildings or buildings of local interest within close proximity to the site.
- 1.4 In the Newnham Croft Conservation Area Appraisal (June 2013) it states on page 26, *“nos. 24-32 (even) form a row of bay-windowed Edwardian houses, constructed in brick with slate roofs. These houses are symmetrical in design, and have original, attractive features.”*
- 1.5 The terrace within which the application site is located is also identified as “Buildings Important to Character” and also views north from the southern end and south from the northern end of Grantchester Street are identified as “Important Positive Views”

## **2.0 THE PROPOSAL**

- 2.1 The proposal consists of three elements; a single storey ground floor rear extension; a first floor side extension; and a roof extension. All three elements have been designed to appear as modern interventions through the use of zinc cladding and extensive glazing.

- 2.2 The single storey ground floor extension to the rear of the property would project 2.9 metres off the rear elevation of the rear wing and 5.85 metres off the main rear elevation. The extension would be set off the southern boundary by 0.67m and at a height of approx. 3 metres. The extension would have a sloped roof pitch which increases from approx 3 metres from south to 3.66 metres at the north point. The proposed extension would be 4.25 metres wide and set off the northern boundary by 200mm.
- 2.3 The proposed first floor side extension would project off the rear wing by 1.75 metres with a depth of 3.25 metres. The extension would be set off the rear elevation of the main dwelling by 1.94 metres to create a light well into the proposed conservatory and to allow the bathroom to have an external window. The extension would increase the size of the existing bedroom. The extension would have a sloping roof which is of a slightly shallower than the pitch of the existing roof of the wing. Again the frame of the extension would be of zinc cladding with a large window in the rear elevation facing the garden.
- 2.4 The proposed roof extension consists of a pitched roof rear dormer which slopes back from the main ridge. At the centre of the rear elevation would be a brick chimney which project 900mm above the ridgeline of the proposed dormer and 1.55 metres above the main ridgeline (excluding the pots). The proposed dormer would project 750mm above the main ridgeline of the dwelling. The slope of the dormer would continue at the same angle of the front roof pitch. The roof dormer would also be set in from the side gable by 300mm and set back from the eaves line. The proposal does not include any alteration to the main ridge or eaves line of the dwellinghouse.
- 2.5 The original proposal included a full height window but following concerns with appearance of full height glazing and potential overlooking issues the applicant introduced mullions and additional cladding which has mitigated my concerns to an acceptable level. The applicant was requested to mirror the triangular window on the south side of the roof extension to create a sense of symmetry. However, the applicant was not keen on this approach due to wanting to maximise light into the roof dormer.

2.6 The planning application includes the following documents:

- o Design and Access Statement
- o Plans
- o Sun Study
- o Overlooking Assessment

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/03/0853	Erection of a garden shed and bike/bin storage.	APPROVED

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012
	National Planning Policy Framework – Planning Practice Guidance March 2014
	Circular 11/95



Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u>  Newnham Croft Conservation Area Appraisal (2013) Barton Road Suburbs and Approaches Study (March 2009)

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

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The proposal is not considered to have any implications that merit comment.

## **Urban Design and Conservation Team**

- 6.2 There are a number of proposed extensions to the building. Those on the ground floor and the first floor, are somewhat convoluted and lose the simplicity of the original design of the building. The first floor side extension does not marry well with the existing building, appearing as a bolt on to the side. The roof has a slope, but this is not the same pitch as the existing out-rigger. This does not work well from an aesthetic point of view. As there are no other roof extensions in the terrace, there is no immediate context for the proposal to respond to. The proposed roof extension is not supported as it does not comply with the Roof Extensions Design Guide. It visually dominates the rear roof slope and has a ridge which is higher than that of the main range of the building.
- 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:

### **Object:**

- 22 Grantchester Street;
- 26 Grantchester Street;
- 1 Chedworth Street;
- 3 Chedworth Street;
- 7 Chedworth Street;
- 15 Chedworth Street;
- 37 Riverside Road, Norwich
- 1 local resident objected but withheld their address.

### **Support:**

- 19 Merton Street, Cambridge
- 40 New Square, Cambridge;
- Churchill College, Storeys Way;
- 2<sup>nd</sup> Floor 69a Lensfield Road (Agent);
- Rookery Farm Barns, Frog End, Great Wilbraham
- 82 College Lane, Hatfield
- 40 Fentiman Road, London
- 44 Prebend Gardens, London

- Flat 1, 16 Comiston Gardens, Edinburgh;
- AUB Halls of Residence, Madiera Road, Bournemouth;

## 7.2 The representations can be summarised as follows:

### Objections:

- The proposal would have a significantly adverse impact loss of privacy, loss of light, overbearing sense of enclosure and affect views and skyline from the surrounding streets;
- The proposal will unreasonably overlook, overshadow, and visually dominate neighbouring properties;
- Detrimental effect on the character of the Conservation Area and detract from the prevailing Victorian character and overall appearance of the area;
- Adversely affect the setting of neighbouring buildings and gardens;
- Prejudice the comprehensive development of the wider Conservation Area;
- The proposed design does not preserve or enhance the character or appearance of the Conservation Area and nor does it reflect or provide a successful contrast;
- The proposal is significantly taller than the neighbouring properties;
- The 1.7 metre high brick wall should be building in Cambridge brick as opposed to red brick
- Concerns with the ridge height, height of the rear extension and size of the windows that will cause overlooking and affect the use of the garden;
- The roof extension would be highly visible when approaching from the north and is not acceptable in this location;
- The proposed roof extension would encourage similar proposals which would ruin the appearance of this area;
- The scale and massing of the development is not in keeping with the rest of the terrace;
- Windows do not correlate with the traditional vernacular architecture;
- The additional chimney disrupts the rhythm of the terrace;
- Overdevelopment of the plot;
- The terrace is identified in the Conservation Area Appraisal as having symmetrical design and original, attractive features which the proposal would change;
- If this development is approved to a modest Victorian terrace house is approved it will pave the way for the degradation of the rest of the conservation area by setting a precedent;

- The chimney and new windows should be removed to mitigate the overlooking issue and to reduce the size of the extension;

#### Support

- The proposal is of innovative and contemporary design which contrasts with the existing vernacular;
- The proposal would present a good benchmark for other projects;
- The proposal is a refreshing contemporary design that preserves the look of the area;
- The ground floor extension would not overlook any of the neighbours;
- Design is extremely clever as it manages to drastically change the house without affecting the view from the street.
- Refreshing to see an extension with such high design aesthetics;
- The proposed design incorporate tasteful modern home enhancements whilst in sympathy with the look and feel of the area;
- It is encouraging to see how homes can be enhanced by thoughtful design and uplift the local area rather than the many designs which detract from it.
- Not a repeat of something that has already been done;
- An effective fusion of traditional and modern design;
- Increase in ridge height would allow loft space to be used while not being immoderately visible from the street;

7.3 Councillor Cantrill has requested the application be presented to Planning Committee on the basis the proposals would be contrary to policies 3/14(a) and 4/11 as it would affect the character and appearance of the Conservation Area by the roof profile and visible hip, nature of the massing at the rear of the property, and the form of style of the rear extension of the 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. Residential amenity
3. Third party representations

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

- 8.2 The proposal consists of three elements and I set out below my assessment of all three and an overall appraisal.

Single storey rear extension extension:

- 8.3 The rear extension is considered to be a proportionate, respectful, modern and high quality intervention to the existing dwellinghouse. The extension would include extensive glazing and the use of pre-weathered zinc on the western elevation and rooftop. The configuration of the extension in combination with the use of alternative materials would in my view contrast well with the traditional yellow brick dwelling. The use of glazing would also reduce the bulk of the extension by making it appear light weight. The eastern elevation of the extension would consist of a 2.64 metre high brick wall to match the existing. This would provide a material/visual connection to the existing dwelling. The combination of materials and scale of the extension would represent, in my view, a positive intervention which would successfully contrast with the existing dwellinghouse without having a detrimental impact on the character of the terrace. The extension would not be entirely visible from Grantchester Street but the elements that are would appear as a successful juxtaposition when viewed in context with the front and side elevation of existing dwelling. I am therefore satisfied the proposed single storey extension would not have a detrimental impact on the character or appearance of the Conservation Area.

First floor side extension:

- 8.4 The first floor extension is considered to be a modest addition to the dwelling in terms of scale. The extension would sit on top of

the ground floor extension but appear as a subservient addition to the existing two storey rear wing. This element would be glazed on both the front and rear elevation. The side elevation would consist of zinc cladding to match the ground floor extension. This would again contrast well with the yellow brick base on which the extension would be located above. Unlike the roof of the ground floor extension, the applicant has proposed to use slate on the roof to match the existing material on the rear wing. This is considered to be visually acceptable as it would link to, and project from the existing rear wing. The extension would not be attached to the main rear elevation of the dwelling, which would create a small courtyard area, and so would appear as a separate element. The extension would be located 1.94 metres from the main rear elevation. From the side elevation the gap would create a visual break at first floor which would reduce the bulk of the extension. I am therefore satisfied that the proposed first floor extension would preserve the character and appearance of the Conservation Area.

#### Roof extension

- 8.5 The proposed roof extension would consist of a pitched dormer style addition with a chimney stack in the centre of the gable elevation. In order to make the loft space usable the applicant has proposed to slope the roof extension up off the main ridge so that it continues the angle of the front roof pitch and project above the ridgeline. The ridgeline of the roof extension would project 750mm above the existing but this would element would be set 1.25 metres back from the main ridgeline. Therefore, the roof extension would not be entirely visible from the street level, and would the bulk of it would partially hidden behind the existing chimney stack. Following concerns with the dominance of the roof extension, the applicant has stepped the side cheek of the extension in from the gable by 300mm to give the roof extension a more subservient appearance and to reveal more of the original roof slope.
- 8.6 The additional increase in the height above the main ridge would have an impact on the character and appearance of the Conservation Area when viewed from Grantchester Street, Lammas Fields and Chedworth Street where views of the terrace are visible. However, whilst it is accepted that the roof extension is likely to materially alter the appearance of the roof, it is important to assess the harm of this. From Grantchester

Street, due to the gap between the application site and no.22, the extension would not be entirely visible from street level i.e. one would not be able to appreciate the roof extension in its plan form. The applicant has produced useful CGIs which illustrate what elements of the roof extension would be visible. The roof slope is likely to be partially visible but as the bulk of the extension would be hidden behind the chimney stack it would not be fully appreciated. Part of the side cheek is also likely to be visible from Grantchester Street. However, as this element has been stepped in from the gable in order to maintain the appearance of the end gable which is an important feature from the street scene, the visible part of the roof extension would not appear visual dominant or bulky.

- 8.7 I am therefore satisfied that the composition of the roof extension when viewed from Grantchester Street would not be significant such that it would upset or conflict with the traditional rhythm and architectural vernacular of the existing dwelling and terrace. The roof extension is unlikely to be visible from Chedworth Street due to the location of the application being the further away and the roof would be hidden by the adjoining properties. Views from Lammas Fields, which is a private car parking area, of the roofscape are partially screened by the existing trees and so the proposed roof extension would not be entirely visible. However, my view is that the roof extension would represent a successful and contemporary contrast which is of high quality in terms of design and scale. Therefore the appearance of the roof extension from public vantage points would be positive ones.
- 8.8 There are other roof extensions on the properties in Chedworth Street. This ranges from small pitched roof dormers, a flat roof box dormer and an interesting curved roof dormer, which also extends over part of the rear wing. Therefore, in terms of context, whilst none of the other properties within the terrace have extended the roof or raised the ridge, this should not represent a restriction on any roof extension on the terrace. It should be possible ensuring that any proposed roof extension is sympathetic to the existing dwelling and surroundings but also is of a high quality design. The applicant has proposed a modern design which contrasts with the traditional Edwardian architecture whilst maintaining the original form of the existing dwelling. In my view, the proposed roof extension is an innovative and successful addition to the roofscape of this

dwelling which would preserve the character and appearance of the Conservation Area. It would not in my view appear inappropriate in or disrespectful to the existing terrace or wider setting.

- 8.9 Overall, the proposed extensions would contrast successfully with the traditional Edwardian form by introducing a modern composition which respect the form of the host dwelling whilst maintain its overall appearance and form. The proposed extensions in their entirety would, in my view, appear as proportionate and subservient additions to the main dwelling. They would also provide variation and architectural interest from the street scene when passing the site particularly heading south along Grantchester Road. There would not be prolonged views of the proposed extensions when passing the site at street level or from Chedworth Street. The views of the elements that would be visible would be short lived due to the size of the gap between no.22 and application site.
- 8.10 Concerns have been raised by local residents regarding the modernistic approach and its suitability in this conservation area setting and assimilation with the host dwelling. I believe the extensions would represent an intervention that is successful juxtaposition between two architectural languages. The articulation of the fenestration between both forms would be distinct but sit comfortably side by side. Both forms have their own individual character that would not jar against each other. The proposed extensions have also been carefully designed to minimise their appearance and impact on the street scene and the public realm. Whilst they do not hide away, the parts that would visible would add architectural interest into this context.
- 8.11 I note the concerns of the Conservation Officer regarding the impact on the character and appearance of the Conservation Area which is a Heritage Asset. The rear roofscape of Grantchester Street is not a vista which is highlighted as significant within the Newnham Croft Conservation Area Appraisal. It is the front street scene which is of far greater importance. Whilst parts of the extensions would be visible from the street, they would not be unattractive views such that it would have a harmful impact on the character or appearance of the Conservation Area. The extensions will improve the living accommodation of the property without causing significant harm to the surrounding environment.



- 8.12 In terms of external space, the rear garden of the property would be reduced due to the single storey rear extension but the property would still benefit from sufficient size garden areas. The rear garden would be reduced to a depth of between 5.8 metres and 8 metres due to the existing shed. This does not include the side garden area adjacent no.22 which would provide additional outdoor space. I am therefore satisfied that the extensions to the property would not result in overdevelopment of the plot as sufficient outdoor would be provided for the existing/future occupier.

### **Residential Amenity**

#### **Impact on amenity of neighbouring occupiers**

- 8.13 Concerns have been raised regarding the potential adverse impact on the residential amenity of the adjoining and surrounding residents in terms of loss of privacy, overbearing/visual dominance, overshadowing and loss of view. I set out below my response to each of these issues.

#### **Loss of privacy**

- 8.14 The ground floor extension would not result in any overlooking issue due to the existing boundary treatment.
- 8.15 The proposed first floor extension would include a new window facing into the rear garden. This window would be set adjacent to the existing window and both would serve a bedroom. The proposed first floor window was originally shown as an entirely glazed aperture but in order to reduce the appearance of clutter and extent of glazing, a mullion was been introduced to break up the amount of glazing and introduce visual interest. The window would not cause any significant overlooking issues in my view. In terms of no.22 Grantchester Street, the first floor window would not directly overlook the private amenity space. It would offer more or less the same angled views as the existing first floor window, albeit at a closer distance to the boundary, of the rear garden of no.22. The rear elevation of no.22 is also set back from the rear elevation of the first floor extension by approx. 2.3 metres. Therefore any view of the garden would be from oblique angles of the rear half of the rear garden and similar to the views obtainable from the existing first floor

window. I am therefore satisfied that there would not be any direct or adverse levels of overlooking of the rear garden of no.22 such that it would have a significant detrimental impact on the residential amenity of the existing occupier.

8.16 With regards to the rear gardens of Chedworth Street, the first floor window would be located at the furthest point down the garden facing the rear most part of the rear garden of no.1 Chedworth Street. There is also an outbuilding adjacent to the rear boundary no.1 Chedworth Street. The window would also be located approx. 13 metres from the side boundary of no.1 Chedworth Street, the same distance as the existing first floor window. There are also the first floor windows of the other properties in the terrace that face the rear garden of no.1 Chedworth Street. In this context, the rear gardens of properties in Chedworth Street and Grantchester Street are all mutually overlooked from the windows of the existing residential properties. I therefore do not consider the proposed first floor window would cause any adverse overlooking issues over and above that which already exist.

8.17 The proposed roof extension would provide an additional bedroom and include two windows in the rear elevation. The original proposed roof extension included a window in the side (north) cheek and a floor to ceiling window in the rear elevation. Following concerns with the potential overlooking from the window in the side cheek and appearance of a full glazed aperture at roof level, the applicant agreed to remove the side window and reduced the window aperture and amount of glazing in the full height window by introducing transoms and mullions. These alterations have, in my view, addressed the overlooking impact on no.22 Grantchester Street.

8.18 With regards to Chedworth Street, the windows would be located a distance of 17.6 metres from the side boundary of no.1 Chedworth Street. As with the first floor window, the main window in the roof extension window would be located at the furthest end of the terrace away from the main private amenity space of the Chedworth Street properties. The views of the gardens from the secondary window in the roof extension would be partially screened by the existing rear wing. View of the roof extension would be most prominent when standing against the rear elevation of the rear gardens of the Chedworth Street properties and the rear garden of no.22 Grantchester Street. In

the context of rear gardens being mutually overlooked by existing windows, I do not consider the addition of a roof extension would cause adverse levels of overlooking over and above that which already exists.

#### Overbearing/visual dominance

8.19 The proposed extensions are not considered to be of such a scale or mass that they would cause an adverse sense of enclosure on any of the adjoining and surrounding properties. The ground floor extension is set off the boundary with no.26 by 670mm and would project 2.9 metres from the rear wing. The combination of this set back and depth would not appear overbearing on the adjoining neighbour such that it would have an adverse impact on their residential amenity. With regards to no.22 Grantchester Street, the ground floor extension would be located behind an existing single storey structure in the rear garden no.22 and therefore the visual bulk of the extension would not be entirely visible or prominent from the rear garden. The proposed extension would project 5.4 metre beyond the rear elevation but set away from the rear elevation by 4.6 metres and so, in this context, would not in my view appear visually overbearing such that it would cause an adverse sense of enclosure of the occupier's residential amenity. The first floor extension would be located on the boundary and above the ground floor extension. This element would have a lower eaves line than the existing rear wing and would not project any further east into the garden than the rear wing. The extension would also not conflict with the 45 degree rule from the neighbour's windows at no.22. The first extension would not impact the other properties within the adjoining terrace. In these terms, therefore, I do not consider the first floor extension would appear significantly overbearing such that it would cause an adverse sense of enclosure on the occupier of no.22 Grantchester Street.

8.20 With regards to the properties in Chedworth Street, the proposed ground floor and first floor extensions would not have any adverse impact on the occupiers in terms of appearing overbearing or visual dominance due to the level of separation and scale of extension. The proposed first floor extension would be in line with the existing rear wing.

- 8.21 The proposed roof extension would not appear overbearing or visually dominant from any of the surrounding properties, in my view. Whilst the roof extension would represent a new form within the roofscape of the property and terrace, it is of a design and scale that would not appear visual intrusive or overbearing on the neighbouring properties. View of the roof extension would be most visible from standing in the rear garden no.22 Grantchester Street. However it would not represent a form that appears overbearing or visually intrusive from this location due to the level of separation and design of the roof extension.
- 8.22 Overall therefore, I do not consider the proposed extensions would appear overbearing or visually intrusive/dominant on the surrounding neighbouring properties.

#### Overshadowing/loss of light

- 8.23 The applicant has submitted a shadow study which assesses the potential impact of overshadowing during June, September and December at 9am, noon, 3pm and 6pm. Whilst the BRE guide recommends March is tested for shadowing, it is acknowledged that September provides a similar reading. The studies show that the proposed extensions would not cause significant levels of overshadowing on the neighbour at no.22 Grantchester Street (which is north of the application site). There would be some additional shadowing over the middle part of the rear garden of no.22 but this would not be considered significant to adverse impact on the neighbour's residential amenity. The rear garden of no.22 would receive more than 2 hours of daylight during times tested in the sun study. The proposed extensions would also not result in any significant levels of overshadowing of the properties in the Chedworth Street due to the orientation of the sites and level of separation and would be compliant with BRE guidance.

#### Loss of view

- 8.24 The proposed extension would not cause have any adverse impact on the outlook from the rear gardens of the properties in Chedworth Street and Grantchester Street such that it would warrant refusal. The extensions would be most visible from the rear garden of no.22 but due to the level of separation between the properties, I do not consider the outlook would be significantly impacted.

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

### **Third Party Representations**

- 8.26 I set out below my response to the third party objections/representation received.

<b>Representations</b>	<b>Response</b>
<b>Residential amenity</b>	
The proposal would have a significantly adverse impact loss of privacy, loss of light, overbearing sense of enclosure and affect views and skyline from the surrounding streets;	See para 8.12 to 8.23
The proposal will unreasonably overlook, overshadow, and visually dominate neighbouring properties;	As above
Adversely affect the setting of neighbouring buildings and gardens;	The setting of neighbouring buildings and gardens would not be adversely affected by the proposed extensions. The proposed extensions have been designed specially to contrast with the traditional form of the area due introducing modern compositions of forms and materials, which in my work works successfully in this context.
<b>Character, design and scale</b>	
Detrimental effect on the character of the Conservation Area and detract from the prevailing Victorian character and overall appearance of the area;	See para 8.3 to 8.11

<p>The proposed design does not preserve or enhance the character or appearance of the Conservation Area and nor does it reflect or provide a successful contrast;</p>	<p>The proposed would preserve the character and appearance of the Conservation Area. Whilst the Conservation Officer's concerns are recognised, I feel that the modern approach taken works well in this context. There are some roof extension and rear extension with the surrounding area, many of which are uninspiring and unassuming such as the flat roof box dormers which unduly dominate the roof and rear extension. The proposed extension pushes the boundaries of design and scale without appearing intrusive or incongruous.</p>
<p>The proposal is significantly taller than the neighbouring properties;</p>	<p>The proposed roof extension would be 0.75m above the main ridgeline. The roof extension would be sloped back from the main ridge and the main bulk of the dormer would be hidden behind the chimney stack. It is unlikely that the appearance of the roof slope would be entirely noticeable from street level.</p>
<p>The 1.7 metre high brick wall should be building in Cambridge brick as opposed to red brick</p>	<p>The applicant has changed the originally proposed red brick on the eastern elevation of the ground floor extension to yellow brick.</p>
<p>Concerns with the ridge height, height of the rear extension and size of the windows that will cause overlooking and affect the use of the garden;</p>	<p>See paras 8.5 to 8.7 and 8.13 to 8.20 The proposed extension would not have any impact on the use of the rear garden. There are existing windows that are much closer to the rear elevation of the properties in</p>

	Chedworth Street and overlook more sensitive parts of the garden than the proposed extensions.
The roof extension would be highly visible when approaching from the north and is not acceptable in this location;	The proposed roof extension would not be entirely visible from the north. I therefore do not consider the proposal would have any visual adverse impact on the area.
The proposed roof extension would encourage similar proposals which would ruin the appearance of this area;	Each planning application is considered on its own merits. In my view, the proposed extension would set a high quality benchmark for others to follow.
The scale and massing of the development is not in keeping with the rest of the terrace;	See para 8.3 to 8.9
Windows do not correlate with the traditional vernacular architecture;	This is because the proposed extensions are not trying to correlate. The extensions are trying to contrast with the existing architectural vernacular. In my view the contrast is successful.
The additional chimney disrupts the rhythm of the terrace;	The proposed chimney feature is a prominent character of the terrace and would be a bold and positive feature in my view.
Overdevelopment of the plot;	See para 8.11
The terrace is identified in the Conservation Area Appraisal as having symmetrical design and original, attractive features which the proposal would change;	The proposed extensions would change part of the terrace. However, the change is considered to be a positive change that would not detrimentally affect the traditional form of the terrace.
If this development is approved to a modest Victorian terrace house is approved it will pave the way for the degradation of	Each application is considered on its own merits.

the rest of the conservation area by setting a precedent;	
The chimney and new windows should be removed to mitigate the overlooking issue and to reduce the size of the extension;	See para 8.13 to 8.17

## 9.0 CONCLUSION

- 9.1 The proposal consists of a ground floor extension, first floor side extension and roof extension. All three elements have been carefully assessed during pre-application stage and during the application process. Amendments have been made during both stages to refine the proposed development.
- 9.2 The proposed extensions would introduce a modern intervention into a traditional Edwardian property in a Conservation Area. The composition of extensions and use of alternative materials would contrast well with the traditional form of the brick and slate building. Whilst views of the extension would be visible from the public realm, particularly Grantchester Street, I do not consider this to be a reason to refuse the application. The ground and first floor extensions would be set well back from the road and only partly visible. The roof extension would also not be entirely visible. Whilst this element would introduce a new form at roof level, it is considered to have been sympathetically design and detailed to avoid it appearing as a dominant and intrusive form. The proposed extensions are of high quality design and would not in my view have a significantly detrimental impact on the character and appearance of the Conservation Area.
- 9.3 The Conservation Officer is not supportive of the proposed extensions, particularly the roof extension. However, whilst I acknowledge their concerns, I feel the harm of the proposed extensions is outweighed by the high quality design and visual interest the extensions would introduce to the existing dwelling and character of the terrace. The proposed extensions would in my view represent a successfully contrast with the traditional architecture of the existing without appear as visually intrusive or unduly dominant.
- 9.4 The proposed extension have been carefully designed and detailed to ensure they do not have an adverse impact on the



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

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

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

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

5. No windows or openings of any kind shall be installed in the north elevation of the approved first floor extension.

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

## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/2276/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st December 2015	<b>Officer</b>	Mr Toby Williams
<b>Target Date</b>	15th February 2016		
<b>Ward</b>	Coleridge		
<b>Site</b>	338 Cherry Hinton Road Cambridge CB1 8AZ		
<b>Proposal</b>	Construction of two one bed houses (following demolition of existing annexe and garages)		
<b>Applicant</b>	Mr And Mrs Caruso 338 Cherry Hinton Road Cambridge CB1 8AZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>-The development would help meet housing need.</li> <li>-The scheme is acceptable in terms of its impact on the character and appearance of the area.</li> <li>-The residential amenity of adjacent occupiers would be adequately protected.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is the rear garden of 338 Cherry Hinton Road. The garden is long and is occupied in its rear portion by two single storey structures, one of which is a garage and the other a residential annex. The garden backs onto a rear track which connects westwards to Mowbray Road via a well-used parking area for the dental practice located on the corner of Cherry Hinton Road and Mowbray Road. To the east and to the west of the site are full width single storey garages/outbuildings associated with the residential properties either side. To the immediate south is the garden associated with the Acacia Bed & Breakfast guesthouse at 157 Mowbray Road which is relatively open.

- 1.2 The site does not fall within an area of land use constraint which affects the proposal. It is outside of the controlled parking zone. It is within a couple of minutes' walk to the local centre at Perne Road/Cherry Hinton Road roundabout.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a pair of semi-detached one bedroom chalet style dwellings. Access would be from a shared private drive of approximately 30m length via Mowbray Road. Each would have a rear garden of 4-5m depth x 4m width and one car parking space to the front. On the ground floor, an open plan kitchen would connect to a lounge which would lead onto each garden space. On the first floor, each unit would have a south facing bedroom window set within a dormer and a north facing en-suite window facing up the garden towards the host dwelling.
- 2.2 The buildings would measure 6.1m to the ridge, 2.5m to the eaves and be 8m deep. The building-to-building distance to the rear of no.338 as extended would be 19m. Bikes and bins would be located within the rear gardens and accessed via a side passageway of 1m width.
- 2.3 The application is accompanied by a Design and Access Statement.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
06/1396/FUL	Erection of single storey rear extension to house.	A/C
05/0162/FUL	Erection of side roof extension with dormer window and rear dormer window.	A/C
C/01/0924	Erection of a single storey side extension to existing dwellinghouse.	A/C
C/01/1342	Installation of dropped kerb.	A/C
C/03/0441	Erection of a flat-roofed, single storey structure and the extension of another within the rear garden, and change of use from single dwelling house to a mixed use private dwelling	REF

C/03/1385	(class C3) Change of use of annexe to provide ancillary bed and breakfast accommodation and extension to building.	REF
C/66/0383	Erection of double garage	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	3/4 3/7 3/10 3/12  5/1  8/2 8/4 8/6

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Material	<u>City Wide Guidance</u>

Considerations	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 No objection: The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.

### **Environmental Health**

- 6.2 No objection: Subject to conditions relating to demolition and construction hours; demolition and construction collections/deliveries; and piling (see recommended conditions 10, 11 and 12).
- 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:

- 340 Cherry Hinton Road
- 336 Cherry Hinton Road

7.2 The representations can be summarised as follows:

### *Residential Impact*

- Noise and disturbance to no. 336
- Overlooking/privacy to nos. 336 and 340
- Loss of enjoyment to garden of no. 336
- Overshadowing of solar panels to roof of adjacent garage of no. 336

### *Character and Appearance*

- Gross over-development
- Existing house already substantially extended

### *Other*

- The houses are early 1920's and not 1950's
- There are three bedrooms in the existing garden building
- The car parking would encroach upon the 20ft driveway right of way
- Similar to previous refused applications 03/0441/FP and 03/1385/FP
- Potential to house up to 8 people, plus six in the main house.
- Units could be converted to provide two double bedrooms in the future, in which case it would cause further congestion in the shared driveway, noise and disturbance and refuse issues.
- Unclear where measurements are taken from
- 340 has a large garage and clear access must be maintained as stipulated in the deeds.
- In the event of approval, the north facing dormers should remain the same size and be frosted, that facing bricks be used and the maximum height should not exceed 6.1m.

- 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. Highway safety
5. Car and cycle parking
6. Third party representations
7. Planning Obligations (s106 Agreement)

### **Principle of Development**

- 8.2 The development of the plot for residential purposes is acceptable in principle and could be considered as windfall development under policy 5/1 of the Cambridge Local Plan (2006). Policy 3/10 deals directly with the subdivision of existing plots subject to a number of criteria which are discussed further below.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 as it would contribute towards meeting housing need.

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

#### Response to context

- 8.4 The site is the rear garden of the host dwelling no. 338. The proposal would introduce a residential form of development that would be higher than the adjacent two outbuildings of each neighbour. However, the neighbouring outbuildings are not insubstantial, being full width structures and deep in footprint and the proposal, whilst two storey, is low to the eaves (2.5) and accommodates bedrooms within the roof space to a low ridge (6.1m). My view is that the site can readily accommodate the proposed scale of build, particularly when considering the



relatively long garden depths of Cherry Hinton Road properties, without any particular harm to the character of the area.

- 8.5 The dwellings would be constructed from brick and tile. I have recommended condition 8 to ensure the materials are appropriate.

### Movement and Access

- 8.6 I appreciate that by introducing a more noticeable and independent residential use on this site is not entirely in keeping with the prevailing residential character, but the more recent development of an additional dentistry outbuilding in this rear area has introduced a greater level of activity which has opened up the possibility that the rear access road can accommodate more active forms of use without any substantial harm arising. On this basis, I am relatively comfortable that this can include a mix of different uses, including new and modest residential uses. In recommending approval, I am conscious that it might lead to further subdivision proposals of the long gardens of Cherry Hinton Road properties served by this rear access at some point in the future, but this need not necessarily be an issue and any such application(s) would have to be treated on their own merits. My view is that the interrelations between buildings, routes and spaces is satisfactory. Whilst access would be via a private shared track, it is sufficiently open and sufficiently well used to make it functional and safe.
- 8.7 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10(c) and 3/12.

### **Residential Amenity**

#### *Impact on amenity of neighbouring occupiers*

- 8.8 Both neighbours at 336 Cherry Hinton Road (to the west of the site) and 340 Cherry Hinton Road (to the east of the site) have raised objections. I deal with the issues of residential amenity impact below.
- 8.9 Both no.336 and no.340 have relatively long gardens and the proposal would sit at the southerly end of the outlook from the gardens, adjacent and partly staggered in front of the respective

outbuildings, at approximately 20m+ from the rear of the properties.

- 8.10 Given the modest height of the proposal (6.1m) and at these distances, I do not consider there to be any issue of loss of light or overshadowing of any significance to adjacent residential buildings or gardens to merit concern. For similar reasons, neither do I consider that any harmful enclosure or dominance of built form arises.
- 8.11 The proposed dwellings have been designed so that the only first floor north facing windows looking towards the host dwelling's gardens and more obliquely to either neighbour would be from en-suites. I propose condition 9 to ensure these windows are obscure glazed and have restricted openings. On this basis, my view is that the privacy of the neighbouring occupiers and the host dwelling would be protected.
- 8.12 The proposed dwellings would both be one bedroom units of modest proportions with parking located on the south side of the units away from nos. 336 and 340. I do not consider the day-to-day comings and goings from the dwellings, the use of the gardens or the parking spaces would generate any significant noise or disturbance that would unduly impact on residential amenity. I propose conditions 3, 4 and 5 to remove permitted development rights for extensions, new windows and outbuildings to ensure the scale of build remains small and in keeping with the size of the plots and to protect privacy.
- 8.13 Immediately to the south of the site is the rear garden of the Acacia B&B Guesthouse on Mowbray Road. Given the orientation and the fact that the footprint of the dwellings would be separated by the access and the parking spaces at 11m to the garden boundary, I have no overshadowing or enclosure concerns. The first floor bedroom windows would look south over the garden of the B&B but this is already relatively open and I do not afford as much weight to the privacy of this garden as I might a single dwelling.
- 8.14 As is standard with applications of this nature, I have recommended conditions 10, 11 and 12 to control hours of working, delivery and piling to mitigate impacts arising from the construction process.

- 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, 3/10 and 3/12.

#### Amenity for future occupiers of the site

- 8.16 Both units are 1-bedroom properties with 1 car parking space each, an open plan lounge/kitchen and first floor bedroom. The garden of the westernmost plot would be 5m long x 5 wide. The garden of the easternmost plot would be 4m long x 4m wide. The garden spaces would adjoin the rear garden space of no.338 which would still be approximately 14m in depth. My view is that future occupiers would be provided with small but adequate provision of amenity space that would be sufficiently private. The side passageway of 1m width would allow bins and bikes to be stored to the rear. I propose condition 6 to ensure the gardens are delivered and retained for the occupants of the new houses.
- 8.17 The proposal is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12

#### Highway Safety

- 8.18 No objection is raised by the Highway Authority. The access point is well used, particularly in relation to the dental practice use nearby and in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

#### Car and Cycle Parking

- 8.19 One space per unit is provided at dimensions of 4.8m x 2.5m. The level of provision accords with the Council's maximum parking standard of 1 space per one or two bedroom unit in this location outside the CPZ. The dimensions of the spaces are satisfactory for a car to park. The plans show a distance of approximately 5.5m - 6m for parked cars to reverse and turn out into. My view is that the arrangement, whilst tight perhaps for a larger car, would function satisfactorily.
- 8.20 Space for two bike stores in the rear gardens is shown on the plans and I have proposed condition 7 to ensure these are provided.

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 have dealt with the impacts of residential amenity in the preceding sections of this report. That leaves a number of outstanding third party issues which I deal with in the table below:

<b>Issue</b>	<b>Response</b>
Overshadowing of solar panels to roof of garage of no. 336	There may be some morning overshadowing but the garage of no. 336 is south facing and the Council does not have any policy which specifically protects solar pv panels from overshadowing, which in these circumstances, is typically installed under permitted development rights.
Gross over-development	I disagree, the units are relatively small and have been afforded sufficient garden and parking space.
Existing house already substantially extended	No. 338 has been substantially extended but there is still sufficient room for the proposed dwelling with a remaining 14m length of garden for no. 338.
The houses are early 1920's and not 1950's	This is noted but not significant in terms of my consideration of the scheme.
There are three bedrooms in the existing garden building	This is noted but not significant in terms of my consideration of the scheme.
The car parking would encroach upon the 20ft driveway	This is a civil matter for adjoining land owners.
Similar to previous refused applications 03/0441/FP and 03/1385/FP	03/1385 was for an annex for B&B accommodation and in my view, given its nature and

	timing, i.e. before the 2006 LP, I do not consider the refusal of this permission to be relevant. For similar reasons, particularly concerns regarding the B&B use, I do not consider 03/0441 to be relevant
Potential to house up to 8 people, plus six in the main house.	These are not substantial units and are likely to attract individuals or couples. I have recommended the removal of pd rights for extensions given the modest size of the rear gardens
Units could be converted to provide two double bedrooms in the future, in which case it would cause further congestion in the shared driveway, noise and disturbance and refuse issues.	I do not share this concern and have recommended the removal of pd rights.
Unclear where measurements are taken from	The plans of the site have been properly scaled and from my site visit I did not note any discrepancy.
No. 340 has a large garage and clear access must be maintained as stipulated in the deeds.	Provisions within deeds are not material planning considerations
In the event of approval, the north facing dormers should be remain the same size and be frosted, that facing bricks be used and the maximum height should not exceed 6.1m.	I agree. See conditions 2 and 9.

### **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.

8.24 The size of the development and its location within and close to wards where open space provision is relatively generous leads me to conclude that no obligations would be required towards any of the open space categories. In any event, for this scale of build, I am unaware of any specific project/s that the scheme could meaningfully contribute towards whilst meeting the CIL regulations.

## **9.0 CONCLUSION**

9.1 The scheme is acceptable in terms of its impact on the character and appearance of the surrounding area and it would not result in any significant harm to residential amenity. It would help to meet housing need 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 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 ensure an adequate amount of garden space is retained for future occupiers (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

4. 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).

5. 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 and to ensure an adequate amount of space is retained for future occupiers (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

6. The curtilage (garden) of the proposed properties as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwellings 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 properties.

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)

7. Cycle sheds, in the locations shown on the approved plans, shall be provided within the rear garden of each property prior to the occupation of each property.

Reason: In order to ensure secure cycle provision is provided (Cambridge Local Plan 2006 policy 8/6)

8. 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)

9. The first floor rear (north) facing en-suite windows shall be fitted with obscured glass on drawing number (SF15 047.1.) to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to the occupation of the units and shall have restrictors to ensure that the windows 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).

10. 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)



11. 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)

12. 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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## PLANNING COMMITTEE

27<sup>th</sup> April 2016

<b>Application Number</b>	15/1858/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	19th October 2015	<b>Officer</b>	Ms Lorna Gilbert
<b>Target Date</b>	14th December 2015		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Land At 3 Victoria Road Cambridge		
<b>Proposal</b>	The erection of a new dwelling, incorporating amendments to application 14/1754/FUL.		
<b>Applicant</b>	Mr Peter Shenton 3 Victoria Road Cambridge CB4 3BW		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed alterations to the previously-approved schemes would not result in a development which will have a significantly detrimental impact on the amenity of neighbours.</li> <li><input type="checkbox"/> The proposed development would not have a harmful impact on the appearance and character of the conservation area;</li> </ul>
RECOMMENDATION	APPROVAL

## INTRODUCTION

- 0.1 Full planning permission was granted in November 2012 by North Area Committee for the demolition and rebuild of the existing mid terrace property at 3 Victoria Road. Demolition and redevelopment is well underway, including the formation of an enlarged basement as approved by the Planning Committee in January 2015.
- 0.2 Since the determination of the 2014 application the building works have been changed during the detailed design stage as works have progressed on site. Regrettably the applicant did not seek planning approval for these alterations in advance and

an application for non-material amendment has been refused under delegated powers.

- 0.3 As the new property is significantly progressed but not yet completed and inhabited, this application seeks permission for the erection of a new dwelling as approved under the previous approvals (12/1041/FUL and 14/1754/FUL) but featuring a range of amendments to the design. My report focuses on the changes to the scheme and the impacts that they have on the character of the area/Conservation Area and residential amenity.
- 0.4 The site has a complicated planning history and I have also referred to an earlier refusal of planning permission (reference 10/1163/FUL) in my report. This was subject to a planning appeal which was dismissed.

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

- 1.1 The site is located close to the junction of Victoria Road and Croft Holme Lane, which forms the western boundary of Mitcham's Corner. The area is largely residential in character containing a mixture of terraced and semi-detached properties although there are some ground floor retail units further west and north west of the subject property. Opposite the site is 'Victoria Homes', a sheltered housing scheme of terraced bungalows from the 1900's.
- 1.2 The application site is a mid-terrace house under construction. Originally, the site comprised of a two storey Victorian terrace property, which had a later single storey garden room extension added at the rear. At the southern end of the site there used to be a garage and link through to the rear garden, accessed from Croft Holme Lane. Both the neighbouring properties were taller than the original No.3.
- 1.3 The original property has since been demolished and a new terraced house is under construction in its place; the exterior front and rear of the house are superficially complete, and the rear of the site is secured with construction hoardings. The applicant is awaiting completion of the interior before a replacement garage can be rebuilt on the site of the former garage.

- 1.4 The house has been built to an approved ridge height which is taller than no. 1 but still below no.3. The street-facing elevation is almost identical to that already approved, and differs only in the shape of the lintels and dormers.
- 1.5 At the rear, the application site has a long rectangular rear garden facing south-west, in contrast to 1 Victoria Street which has a short, cropped garden following the line of the house's curved position wrapping around the street corner. The application site garden is now an almost full-length basement which terminates 6.5m from the rear boundary at which point the garage will be built. The rear elevation is extended at ground, first and second floor, similar in appearance from Croft Holme Lane to that already approved.
- 1.6 The site lies within the Victoria Road and Castle Conservation Area (2012), adjacent to the controlled parking zone and in an Air Quality Management Area.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks retrospective planning approval for the construction of a replacement dwelling which varies from the previous schemes approved under planning permission 14/1754/FUL, which itself was an amendment of the original permission for a replacement house (ref. 12/1041/FUL). The proposals retain the extended length basement and external escape staircase which were approved by 14/1754/FUL, and make the following additional changes:
- ☐ Raise the height of the first floor flat-roof rear extension walls by 0.2m by creating a parapet edge finish to this level, introduced in response to the rain water disposal strategy changing.
  - ☐ Change the plan form dimensions of the L-shape second floor loft extension, increasing the length of both arms by 0.15m and 0.50m.
  - ☐ Install an obscure glazed panel screen on the second floor boundary wall between no. 1 and 3.
  - ☐ Install angle-mounted solar panels on the second floor-level external flat roof and on the flat roof of the second floor extension.
  - ☐ Change a rear-facing window at second floor into a door for use for maintenance purposes only.

- ☐ Change the height and position of glass block 'window' panels.
- ☐ Erect a new replacement garage on the same footprint as the previous / original garage fronting the rear access drive. This would be the same floor plan dimensions and same roof profile, but at 4.20m high it has a 0.2m higher ridge height than the demolished garage, and has solar panels attached.
- ☐ Change the levels into the site from a stepped / flat entrance into a sloping drive from the rear, through the garage, across the garden.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans, elevations and sections.

### 3.0 SITE HISTORY

Reference	Description	Outcome
15/1327/NMA	Non material amendment of 14/1754/FUL for change to windows, walls, glass boxes and parapet wall.	Both proposals refused as being more than 'non-material'.
15/0401/NMA	Non material amendment of 12/1041/FUL for change to windows, walls, glass boxes and parapet wall.	
14/1754/FUL	Construction of a replacement dwelling as approved under 12/1041/FUL including an extension to the basement of 5.25 m.	Approved
12/1041/FUL	Erection of a dwelling (following demolition of existing dwelling).	Approved
12/1280/CAC	Demolition of existing 2 storey single dwelling.	Approved
10/1163/FUL	Erection of a dwelling (following demolition of existing dwelling).	Refused and appeal dismissed

09/0913/FUL	Replacement of existing dwelling house with a new three storey house (following demolition of existing residential building).	Withdrawn
04/1179/FUL	Single storey rear extension and a loft extension to existing dwellinghouse	Permitted
C/93/0838	Conversion of loft with dormer window to rear, erection of garage and rebuilding of conservatory.	Permitted

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies:

PLAN		POLICY NUMBER
Cambridge Local Plan 2006		3/1, 3/4, 3/7, 3/11, 3/12, 3/14
		4/11 4/13 4/14
		5/1
		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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u>  Castle and Victoria Road Conservation Area Appraisal (2012)

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

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

### 5.5 In this case there are no policies that are of significance.



## **6.0 CONSULTATIONS**

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

- 6.1 The proposal should have no significant impact on the public highway, but details of the proposed basement structure should be provided to the Highway Authority, which should demonstrate compliance with the Highway Authority's requirements for structures supporting the public highway. The scheme will not be eligible for parking permits. Conditions should be imposed requiring basement details, keeping accesses free of obstruction, not allowing structures to overhang the highway, and requiring a traffic management plan.

### **Environmental Health**

- 6.2 The proposal is acceptable if it incorporates the approved piling strategy, air quality protection and mitigation measures, and traffic noise protection methods as have been previously agreed for former consents.

### **Drainage Officer**

- 6.3 The development proposed is acceptable.

### **Urban Design and Conservation team**

- 6.4 No objection - It is considered that there are no material Conservation issues with this proposal, and the addition of solar panels on the garage would not be detrimental to the character or appearance of the conservation area.
- 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 occupiers of the following addresses have made representations:

- ☐ 1 Victoria Road
- ☐ 5 Victoria Road

7.2 The representations can be summarised as follows:

- ☐ The building is much more imposing and overbearing than was originally perceived from the perspective from no. 1 Victoria Road.
- ☐ The change from a window on the upper rear floor (second floor) into a door is a concern and it should be just two windows to prevent easy access from property to property (No.1 & No.3) and therefore creating a security risk. If the new application continues to detail an obscure glass panel to separate the two properties this would give a degree of privacy and security and would be welcomed by no. 1 Victoria Road.
- ☐ The proposed solar panels on the flat roof of the second floor extension will cut across the windows serving the attic work room of 5 Victoria Road, blocking the main source of light for the room.
- ☐ The larger form of development and commencement of works without permissions in place contravenes the rights of neighbours and should not be accepted. The only just solution is to insist on adherence to the original plans, to avoid making a mockery of the planning laws.

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 my assessment of the site, its surroundings and the representations received I consider the main issues to be addressed are:

- ☐ Design and context and impact on the conservation area;
- ☐ Residential amenity;
- ☐ Security between premises; and,
- ☐ Ensuring provision of cycle, refuse and highways safety features.

### **Context of site, design and impact on the Conservation Area**

8.2 The design of the replacement dwelling was considered to be appropriate in the previous applications and the further changes

proposed are not widely visible from the conservation area, nor are they detrimental to the character of the streetscene. The slight increased height to the garage is only marginally different and not visually harmful. The shift from two windows at second floor level into a window and door is not perceptible from the street level, and is seen in the context of the regular arrangement of tall windows and doors at this height in the adjoining houses.

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

### **Residential Amenity: Impact on amenity of neighbouring occupiers**

#### Scale and daylight impacts

- 8.4 When assessing the impacts from scale and daylight as experienced by the neighbours, it is worth doing so chronologically. The original terraced house had both ground and first floor rear extensions against the boundary of no. 1 Victoria Road, and formed the boundary wall, which measured front-to-back from the street:

**Table 1: Original house**

<b>Original house</b>	<b>Length to boundary of no. 1</b>	<b>Height from ground level within application site</b>
Ground floor	14.30 m long outer brick wall with 'sheer' monopitch gable end.	2.80 m high ridge on boundary.
First floor	10.60 m long with sheer gable.	6.60 m high.
Second floor	No second floor	No second floor.

- 8.5 All measurements for the subsequent redevelopment plans were then taken from the ground level at no. 3. The ground levels were then shown flush with 1 Victoria Road; on the plans but whilst actual ground levels are similar across no. 5 and no. 3, there is actually a lower ground level in 1 Victoria Road,

which is even greater than the 0.3m step down from its kitchen into the garden. The height of the new build proposals (reference 10/1163/FUL) should have been more accurately shown on the drawings and side elevations would have appeared larger from 1 Victoria Road. In practice, removing all the former extension therefore removed all the former boundary and effectively created a taller wall than had been proposed.

8.6 The following measurements describe the 2010 scheme:

**Table 2 – 2010 scheme**

<b>Refused scheme 10/1163/FUL</b>	<b>Length to boundary of no. 1</b>	<b>Height from ground level within application site</b>
Ground floor	14.80 m long flat roof brick wall with further 1.60 m long projecting eaves.	3.40 m high flat roof. 3.60 m high rising eaves.
First floor	12.50 m long. Included timber balcony screen.	5.50 m high.
Second floor	10.30 m long adj. 1 Victoria Rd. In continuous square box form against the boundary. Included store and timber balcony screen adjacent to no.1.	8.00 m high.

8.7 In the refused scheme 10/1163/FUL, a difference in ground levels between the two properties was noted but not quantified. This contributed to the assessment that all lengths and heights, and shape of the second floor, all combined to make the proposal unacceptable in its relationship with 1 Victoria Road. The application was refused on grounds of i) loss of light to both gardens, and (ii) overdominant flanking walls against no. 1, causing an unacceptable sense of enclosure.

- 8.8 The Inspector acknowledged the small and tight confines of the garden at 1 Victoria Road and the limited existing outlook and amenity in place, and considered it necessary to protect the courtyard and balcony from loss of light, and retain the outlook from both adjoining houses.
- 8.9 When approved in permission 12/1041/FUL the dimensions had been reduced, by removing the former roof balcony timber screens and revising the square form of the second floor. The 2012 scheme measured:

**Table 3 – 2012 scheme**

<b>Approved scheme 12/1041/FUL</b>	<b>Length to boundary of no. 1</b>	<b>Height from ground level within application site</b>
Ground floor	14.80 m long partially-flat roof brick wall. Further 1.60 m long projecting eaves.	3.20 m high flat roof with 3.60 m high projecting eaves. <u>(now 0.2m lower but only at closest point).</u>
First floor	10.50 m long. Removed balcony screens. <u>(Now 2.00m shorter than was proposed in the refused scheme)</u>	5.50 m high. (no change).
Second floor	New L-shape plan form. 7.70 m long adj. 5 Victoria Rd. 5.50 m long adj. 1 Victoria Rd. Removed balcony screen & store, with open-sided roof edge. <u>(4.80m shorter than was refused).</u>	8.10 m high. (0.1m taller than refused).

- 8.10 The 2014 scheme (14/1754/FUL) involved improvements to the fire escape from the basement and an extension to the basement and did not result in changes to the overall heights.

8.11 In preparing plans for the current retrospective submission the applicant undertook an accurate survey of the relationship to 1 Victoria Road. This identified the following changes: (i) internal level changes at no. 1 mean the ground floor interior floor level at the rear of the house was 0.3m lower than previously shown, and (ii) the garden level was 0.3m lower than that, so the overall garden level is 0.6m lower than the assumed floor level within the application site. The lengths and massing of the proposed new house itself have also now changed slightly, as currently proposed (and built) below:

**Table 4 – Current scheme (2015)**

<b>Retrospective proposal 15/1858/FUL</b>	<b>Length to boundary of no. 1</b>	<b>Height from ground level within application site</b>	<b>Actual height from ground level in adj. garden at no. 1, as built</b>
Ground floor	14.80 m long rising monopitch roof brick wall with further 1.60 m long projecting eaves.	3.20 m high lowest point. 3.50 m high eaves. (0.1m lower eaves).	3.80 m high lowest point. 4.10 m high eaves. (0.60 m increase).
First floor	10.50 m long. No balcony screens. (No change)	5.70 m high. (0.2m increase).	6.50 m high. (0.8m increase).
Second floor	L-shape plan form. 7.75 m long adj. 5 Victoria Rd. <u>(now 0.15m longer).</u> 6.00 m long adj. 1 Victoria Rd. <u>(now 0.50m longer).</u> New 3.0m long opaque glass screen barrier along open-sided roof edge.	8.10 m high. (no change).	8.7m high. (0.60m increase).

- 8.12 If 'scale' is taken to comprise height and length, the above 'as built' heights are no more than 0.20 m higher than was originally approved, and this is the increased height of the parapet wall. In all respects the building remains much lower and shorter than the refused scheme. Unfortunately the relative position to no. 1 Victoria Road has changed and the 'extensions' are much taller, because the change in levels has now been more accurately plotted. Had the previous approved scheme(s) been adhered to, the actual as-built heights would still have been 0.6m taller than shown on the approved plans.
- 8.13 Having visited the site and neighbour's garden at number 1 Victoria Road, I appreciate that the scale of the built form feels imposing and quite dominant. However, the difference between the approved plans and current plans is a 0.20m increase in first floor wall height over what was previously permitted and this would not be substantially different nor harmful in itself, given that the sun's presence would diminish on this part of its path trajectory (this is the north-west aspect) and to a large part would have been screened by the mass of the approved wall anyway. There is limited additional overshadowing and sense of outlook is not significantly altered from the closest first floor window. The ground floor rear-facing kitchen window may be overshadowed slightly but this was the case for the previous permission and I do not consider the small increase in height to create a disproportionately increased harmful impact. Notwithstanding that the as-built height is different to the previously predicted height because of inaccuracies in the survey drawings. The additional height of the parapet wall will not block light to the balcony or dormer windows.
- 8.14 In terms of the lengths of the extensions, only the second floor has changed, but despite being longer than approved, it is still acceptable because the accurate survey found the centre of the dormer window / door at no. 1 to be set 1.8m away from the boundary, rather than the 0.9m shown previously. As a result, both 'arms' of the L-shape dormer are behind the 45-degree line and impacts in terms of outlook, daylight and sense of enclosure are acceptable.
- 8.15 The glass block side 'windows' are now slightly taller, thinner and shorter, which removes some of the relief in the brick walls, I consider this only a very marginal change and the impact on

residential amenity is not significant. The bricks are high quality and mottled so give appropriate variety to reduce some sense of dominance.

- 8.16 The solar panels on the second floor flat roof do align across one of two narrow rectangular windows on this elevation serving the attic of no. 5, but they are set away from the wall so light is still received. This window is east facing and obscure glazed and the attic is served by a slightly taller south-facing casement-opening dormer window, which even if 'secondary' in nature to the internal use, is clearly designed as the 'primary' window for outlook and light. I consider that any light lost to this window would be minimal given its aspect and the separation distance, and find the outlook relationship acceptable given it is already obscure glazed.
- 8.17 The proposed garage is acceptable. It retains the shape of the previous garage and the 0.2m increased ridge height will be a small difference in views from neighbouring windows and gardens of properties on Croft Holme Lane (approximately two more brick courses of massing).

#### Disturbance, loss of privacy and security

- 8.18 No balconies are proposed, and the obscure glazed barrier screen at second floor level measuring 3m in length and 1.94m high from the neighbours balcony is only for security between properties. This is a pragmatic solution and its impact on outlook and daylight has been minimized as much as is possible to do so whilst providing appropriate security to no. 1 Victoria Rd. The applicant has acknowledged that they expect to be subject to the continued imposition of Condition 14 of permission 12/1041/FUL which prevents use of the roofs other than for maintenance.
- 8.19 Although the second floor window has been changed now to a door, having been on site I am satisfied this is only for maintenance. I am satisfied that a door in this position is acceptable in security and amenity terms, because the condition preventing general use of the flat roof as a balcony, and the lack of other balustrades around the roof edge (which can also be required by condition), and the presence of the opaque glazed security screen means there are sufficient other



mitigating measures in place which are reasonable and enforceable.

- 8.20 The development has not required piling to date but a precautionary condition can be applied in case the garage should require it. Construction hours should continue to be controlled.
- 8.21 As with the former consent, the proposed development can be conditioned to prevent the basement escape hatch from being open at any other time aside from an emergency to ensure that any noise from activities in the basement are not transferred outside where it may disturb neighbouring residents.
- 8.22 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.

**Residential Amenity: Amenity for future occupiers of the site**

- 8.23 As with the original permission the development should include measures to protect future residents of this development from exposure to high levels of air pollution and exhaust odours associated with the Victoria Road façade. The development should utilise the previously-agreed details in which the Mechanical Ventilation Heat Recovery system's supply air will be sourced from the rear of the building away from Victoria Road, which the 1<sup>st</sup> and 2<sup>nd</sup> floor plans indicate remains the case. A condition will require the same details to be used as have been agreed for Condition 10 of permission 12/1041/FUL.
- 8.24 It is necessary to ensure appropriate road traffic noise protection and air change circulation to bedrooms. The Environmental Protection Officer has confirmed the glazing specification is satisfactory for noise protection, and its use shall be conditioned.
- 8.25 The proposals allow bedrooms 2 and 3 to naturally ventilate to the rear away from the traffic noise source, but bedroom 1 on the first floor cannot ventilate to the rear and will therefore require a sufficient air change rate as recommended internal sound levels cannot be achieved with windows open. It is

proposed to require use of the same airflow system as already approved for Condition 11 of 12/1041/FUL.

- 8.26 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.

### **Renewable energy and sustainability**

- 8.27 The proposed dwelling is very energy efficient and with features such as mechanical heat recovery system will make a notable reduction in its carbon footprint. The amended proposals now include a solar panel array, on angled mounts on the 2<sup>nd</sup> floor flat roof and mounted on the garage. These are supported in principle, and I do not consider their locations detrimental in either appearance in the conservation area (had the garage not needed to be rebuilt these would have been permitted development anyway), or in amenity terms, as discussed above in this report.
- 8.28 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

### **Disabled access**

- 8.29 The site has an unavoidable step-up into the house from Victoria Road, which has remained since former consents found this to be acceptable. A level access is possible from the rear entrance via the garage.
- 8.30 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.31 Appropriate refuse storage is possible within the garden or garage, with convenient collection points within or at the entrance to the rear drive. As with the former consents, a condition will require final refuse store details to be agreed.

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

### **Highway Safety**

- 8.33 The shape of the basement against the pavement has changed slightly in since that approved in both previous permissions, as the new proposal provides a new pavement skylight /lightwell. This is not an uncommon design so technologies exist to ensure a safe pavement arrangement, but the precise details should be agreed by condition in advance of occupation.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.35 The garage will retain appropriate space for parking cars on-site, and there is no net-increase in dwellings so the demand for car travel should not increase. It is prudent to require the garage to be built prior to the first occupation of the house to ensure appropriate storage, and an appropriate design solution and security of the site. As with the former consents, a condition will require final cycle store details to be agreed. The occupants of the dwelling will not be eligible for residents parking permits.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.37 I have analysed and addressed the increased scale and massing of the development in comparison to previous approved drawings, and discussed above the consequences on daylight and enclosure from the alterations and new solar panels. Although the works do not follow the approved schemes, and have progressed towards completion without consent, appropriate procedure has been followed by allowing the applicant to authorise the situation. Given that I find the proposals acceptable I do not consider it necessary to recommend proceeding with any further action because of non-compliance to date. In the event that the Committee refuse the application against officer recommendation, officers have

delegated authority to pursue enforcement action as the application is retrospective.

### **Planning Obligations**

- 8.38 Neither the original permission for a replacement dwelling 12/1041/FUL or its amended version 14/1754/FUL required planning obligations / financial contributions because they did not create a net additional dwelling nor create additional impacts on infrastructure which the planning obligations would seek to address. This remains the case with this new proposal for a single dwelling.

## **9.0 RECOMMENDATION**

**A) 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. 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)

3. Except with the prior written agreement of the local planning authority, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hours and 1900 hours on Mondays to Saturdays and there should be no collections or deliveries on Sundays or Bank and Public Holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006).

4. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
  - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway);
  - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street;
  - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway);
  - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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

5. No part of the structure shall overhang or encroach under the public highway and no gate, door or ground floor window shall open outwards over the public highway.

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

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

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

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

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/14 and 4/11)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

9. All new joinery [window frames and doorways] shall be recessed at least 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

10. Prior to the commencement of the development a scheme to protect future residents of this development from exposure to high levels of air pollution and exhaust odours associated with the Victoria Road façade, shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To safeguard amenity and health of future occupants of the residential unit (Cambridge Local Plan 2006 policies 3/12, 4/13 and 4/14)

11.
  - a. Prior to the occupation of the development a noise report that considers the impact of noise on the Victoria Road façade upon the proposed development shall be submitted in writing for consideration by the local planning authority.
  - b. Following the submission of the noise report and prior to the occupation of development, a noise insulation scheme for protecting the affected residential units from noise as a result of the proximity of the bedrooms and living rooms to high ambient noise levels on the Victoria Road façade (dominated by traffic and vehicle noise), shall be submitted to and approved in writing by the local planning authority.

The scheme shall detail the acoustic noise insulation performance specification of the external building envelope of the affected residential units (having regard to the building fabric, glazing and ventilation) and achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To protect the amenity of future occupants of this property from the noise from the public highway (Cambridge Local Plan 2006 policy 4/13)

12. Before the development hereby permitted is occupied, a scheme for the insulation of the plant that is installed in order to ventilate the basement shall be submitted to and approved in writing by the local planning authority which specifies how the level of noise emanating from the said plant shall be minimised to ensure that neighbouring properties are not disturbed. 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)

13. 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 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

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

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

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

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



15. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/12 and 4/11)

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

18. In no circumstances shall the green roofs be used by the occupiers for recreational or amenity purposes and nor shall any furniture such as tables and chairs be situated on these roofs.

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

19. The approved means of escape shall only be used in the case of an emergency such as fire and the door at the base of the external staircase shall not be left open for any other purpose and the flat roof shall not be used as a balcony area.

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

20. Prior to the commencement of development, details shall be submitted to and approved by the local planning authority which indicates how the external basement drainage proposals shall be incorporated to manage ground and surface water. Development shall be carried out in accordance with the approved details and retained in perpetuity.

Reason: To ensure that the approved development manages its own surface and ground water requirements (Cambridge Local Plan 2006 policy 8/18).

21. 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.

22. Prior to occupation the obscure glazed panels located at second floor level between No.1 and No.3 Victoria Road, Cambridge shall be installed.

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

**INFORMATIVE:** To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the good internal noise levels of British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria.

**INFORMATIVE:** The level of noise insulation between the proposed new dwelling and those existing must comply with Building Regulations approved document E to provide resistance to the transmission of sound. This will be particularly important in respect of the proposed basement home cinema. It is assumed that Building Control will deal with this matter.

**INFORMATIVE:** The air quality condition above is likely to be achieved by mechanical ventilation, complying with the requirements of approved document F (Ventilation) for both background and purge ventilation / summer cooling, sourcing air from the rear of the development away from the road. Such ventilation may also be required to achieve the internal noise levels required by PPG 24.

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

**INFORMATIVE:** The applicant is advised that implementation of the application hereby approved will result in neither the existing residents of the site, nor future residents able to qualify for Residents' Parking Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

**INFORMATIVE:** Full details of the proposed basement structure shall be submitted to and approved in writing to the Highway Authority within 28 days of this permission or prior to occupation whichever is earlier or such other time as agreed in writing by the Local Planning Authority. Details of the proposed basement structure must be provided to the Highway Authority, and demonstrate compliance with the Highway Authority's requirements for structures supporting the public highway.

**B) If Planning Committee consider this application for retrospective planning permission should be refused, it is recommended that Authority be granted to instruct the Head of Legal Services to serve enforcement notices under section 171 of the Town and Country Planning Act 1990 to remedy the breach of planning control.**