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Cambridge City Council

Planning

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

Alternates: Councillors Bird, Holland and Holt

Published & Despatched: Tuesday, 22 November 2016

Date:	Wednesday, 30 November 2016
Time:	10.00 am
Venue:	Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ
Contact:	Toni Birkin

AGENDA

1 ORDER OF AGENDA

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

- **PART ONE**
  Major Planning Applications
  Start time: 10am

- **PART TWO**
  Minor/Other Planning Applications
  Start time: 12.30pm

- **PART THREE**
  General and Enforcement Items
  Start time: At conclusion of Part Two

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

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned. If the decision is to adjourn the

Committee will agree the date and time of the continuation meeting which will be held no later than seven days from the original meeting.

2 APOLOGIES

3 DECLARATIONS OF INTEREST

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

4 MINUTES *(Pages 7 - 20)*

To confirm the minutes of the meeting held on 2nd November 2016.

Appendix 1 for Full Details of Central Government Planning Guidance

Part 1: Major Planning Applications (10am)

5 16/0673/FUL - CAMBRIDGE UNION SOCIETY, 9A BRIDGE STREET *(Pages 31 - 100)*

6 16/0674/LBC - CAMBRIDGE UNION SOCIETY, 9A BRIDGE STREET *(Pages 101 - 132)*

7 16/1272/S73 - CITYLIFE HOUSE, STURTON STREET *(Pages 133 - 148)*

8 15/2372/FUL - CITYLIFE HOUSE, STURTON STREET *(Pages 149 - 214)*

9 14/1252/COND12A - CITYLIFE HOUSE, STURTON STREET *(Pages 215 - 232)*

Part 2: Minor/Other Planning Applications (12.30pm)

10 16/1633/FUL - 39 DURNFORD WAY *(Pages 233 - 242)*

11 16/1371/FUL - 77 AND 77A SHELFORD ROAD *(Pages 243 - 284)*

12 16/1057/FUL - 37 GRANTCHESTER STREET *(Pages 285 - 304)*

13 **16/1171/FUL - CITY OF CAMBRIDGE BOATHOUSE, KIMBERLEY ROAD** *(Pages 305 - 336)*

14 **16/1413/FUL - 207 GREEN END ROAD** *(Pages 337 - 350)*

15 **16/1586/FUL - 5 HOOPER STREET** *(Pages 351 - 368)*

16 **16/1543/FUL - 2 UPHALL ROAD** *(Pages 369 - 386)*

17 **16/1514/FUL - LAND AT 161 NEWMARKET ROAD** *(Pages 387 - 410)*

18 **16/0851/FUL - 13 SWANN ROAD** *(Pages 411 - 422)*

19 **16/1587/FUL - 58 HARVEY GOODWIN AVENUE** *(Pages 423 - 438)*

20 **16/0990/FUL - 1 GREAT EASTERN STREET** *(Pages 439 - 460)*

Part 3: General and Enforcement Items

21 **14/1905/FUL - 64 NEWMARKET ROAD** *(Pages 461 - 464)*

Meeting Information

Location

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

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

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

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

Local Government (Access to Information) Act 1985

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

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

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

Development Control Forum

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

Public Participation

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

Members of the public who want to speak about an

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

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

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

Further information is available at

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

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

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

Representations on Planning Applications

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

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

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

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

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

Filming, recording and photography

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

Facilities for disabled people

Level access to the Guildhall via the Peas Hill entrance.

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

Accessible toilets are available on the ground and first floor.

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

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

Queries on reports

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

General Information

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

Mod.Gov App

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PLANNING 2 November 2016
9.30 am - 5.15 pm

Present:

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

Officers:
City Development Manager: Sarah Dyer
Principal Planner: Lorraine Casey
Principal Planner: Tony Collins
Principal Planner: Nigel Blazeby
Senior Planner: Charlotte Burton
Planner: Rob Brereton
Planner: Michael Hammond
Planner: Sav Patel
Planning Assistant: Mairead O'Sullivan
Legal Advisor: Richard Pitt
Committee Manager: Sarah Steed
Democratic Services Officer: Dawn Cave

FOR THE INFORMATION OF THE COUNCIL

16/160/PlanApologies

Apologies were received from Councillor Nethsingha for item 16/163/Plan and Councillor Holt attended as alternate member for item 16/163/Plan. Councillor Hipkin left the meeting after the decision on 16/167/Plan and Holland attended as alternate member from 16/168/Plan.

16/161/PlanDeclarations of Interest

Item	Councillor	Interest
16/165/Plan	Smart	Knew the individual who chose to use CORTEN on Long Road school building
16/167/Plan	Smart	Hosts English as foreign language students.

16/162/PlanMinutes

The minutes of the meeting held on 5 October 2016 were approved as a correct record and signed by the Chair subject to the amendment within minute 16/159/Plan which was amended from 'The Committee received a representation in objection to the application from a resident in Mill Street' to 'A resident of Mill Street addressed the Committee in objection to the application'.

16/163/Plan15/1759/FUL - Murdoch House, 40-44 Station Road

The Committee received an application for full planning permission.

The application sought approval for the demolition of Murdoch House and the remains of the former Silo and the construction of two new mixed use buildings comprising 767sqm office floorspace (Class B1), 419sqm retail/cafe/restaurant floorspace (Class A1/A3) and 65 residential units for Block I1 and 473sqm retail/cafe/restaurant floorspace (Class A1/A3) and 24 residential units for Block K1, including ancillary accommodation/facilities with a single basement and 71 car parking spaces, with associated plant, 218 internal and external cycle parking spaces, and hard and soft landscaping.

The City Development Manager referred to late representations and the amended conditions contained within the Amendment Sheet.

The Committee received a representation in objection to the application from the Cambridge Cycling Campaign.

The representation covered the following issues:

i. Raised issues with cycle parking provision and access to the cycle parking.
ii. Fly cycle parking occurred because of insufficient cycle parking provision. Fly cycle parking would increase if the development went ahead as planned.
iii. There was little cycle parking provision for out of gauge bicycles, not everyone used a carbon fibre bicycle.
iv. Appreciated that there was Sheffield cycle parking provision but there needed to be a wider diversity of cycle parking provision.

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

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

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

1. Design – Block I1 is acceptable. Block K1 is not acceptable because it breaks the coherence of the square and fails to achieve a quality of design that the square deserves. The building does not surprise or delight and fails to do justice to its setting. It fails to enhance the setting of the Mill and would not enhance the appearance of Station Square
2. Community facilities – the development fails to make appropriate provision for community facilities for use by new residents. There should be on site facilities for residents
3. Cycle parking – the development fails to provide appropriate facilities for cycle parking. The use of double stacker cycle storage is unacceptable, there is no provision for off-gauge cycles and the access ramp/stair is too steep. The failure to provide adequate cycle parking will increase fly cycle parking in the area.

16/164/Plan16/1078/OUT - Plot 9 Cambridge Biomedical Campus

The Committee received an application for outline planning permission.

The outline application sought approval for all matters reserved for up to 14,193 sqm (excluding plant areas) of biomedical and biotech research and development (Use Class B1(b)); landscaping; car and cycle parking areas and all other associated infrastructure.

The Principal Planner (City) advised the Committee that amendments would be required to conditions 17 and 18:

- Condition 17(i): third line – '0730' amended to '0800'
- Condition 18(i): text of condition deleted, requested authority was delegated to Officers to compose appropriate suitable wording for condition 18(i).
- Condition 18(iv): paragraph 2 – 'prior to commencement of development' amended to 'prior to installation'

Resolved (unanimously) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers subject to the amendments made to conditions 17 and 18(iv), authority was delegated to officers to compose appropriate substitute wording for condition 18(i).

16/165/Plan14/1691/COND12 - Plot 8 Cambridge Biomedical Campus

The Committee received a discharge of conditions application.

The application sought approval to discharge Condition 12 of the amended outline permission 14/1691/S73 with respect to the building approved on Plot 8 under reserved matters permission 16/0653/REM.

Resolved (by 7 votes to 0 with 1 abstention) to grant the application for discharge of conditions in accordance with the officer report.

16/166/Plan16/1299/FUL - 1-4 Water Lane

The Committee received an application for full planning permission.

The application sought approval for the erection of 13 flats (following the demolition of existing buildings 1-4 Water Lane), together with the provision of one disabled space, cycle parking, landscaping and associated infrastructure.

The Planning Officer updated the Committee on cycle parking access.

The Committee received representations in objection to the application which covered the following issues:

i. Building the flats would create significant parking issues.
ii. Access for cycle parking was outside the scope of the planning application.
iii. The cycle parking did not meet disability requirements.
iv. There was an issue with people parking and blocking access to properties on Water Street. If the application was approved the problem would be exacerbated.
v. Expressed concern about contractors, there was a lot of rubbish and items which had been discarded.
vi. The developer had no right of access from the rear of the property.

vii. Expressed concern regarding overlooking from the first floor balconies onto Water Street and Water House properties.
viii. The quality of life of the existing residents would suffer as a result of the proposed development.

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

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

16/167/Plan16/6001/S106A - Brunswick House

The Committee received an application under S106A for the modification or discharge of Planning Obligations pursuant to Section 106A of the Town and Country Planning Act 1990 (Restrictions on occupation by students).

The application sought approval for the proposed variation to the S106 Agreement to allow the occupation of the student accommodation block (Brunswick House) by a broader range of students/delegates during the summer vacation period.

The Committee received a representation in objection to the application from a resident of the Cambridge Riverside Development.

The representation covered the following issues:

i. There had been noise and anti-social behavioural issues over the past 3 years, Environmental Health and the Police had been involved.
ii. It was not uncommon to have to close windows to make his television audible.
iii. Referred to the objections contained within paragraph 7.2 of the Officer's report.
iv. Commented that the summary section within the Officer's report was not correct.
v. The application sought to introduce a population of people who would have no investment in the community and which Anglia Ruskin University would not be able to exercise discipline over.
vi. The limited security presence on the site had made some improvement but this was only when the security officers were present.
vii. The application represented a material change to the planning permission and asked that the Committee refused the application.

Resolved (unanimously) to defer the application to seek advice on whether a management plan could be put in place and secured through a s106 agreement.

Change of Chair

Councillor Hipkin left the meeting and Councillor Blencowe took the Chair for the remainder of the meeting.

16/168/Plan16/0837/FUL - 95 Barton Road

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing dwelling and erection of a new single family dwelling together with garage and ancillary studio, bin and cycle storage, access and landscaping.

The Committee received a representation in objection to the application.

The representation covered the following issues:

i. potential damage to protected species, specially bats
ii. lack of data on bats, and no basis for claims of mitigation measures
iii. Application conflicted with policies 4/3 and 4/6
iv. Overshadowing

Cllr Cantrell (Newnham Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

i. the context of the development on a key approach to the city;
ii. the environmental and conservation issues that arise as a result of the application
iii. expressed concern that the proposal was not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12
iv. whilst the existing property not was of significant architectural merit, it contributed towards the townscape, which the proposed building failed to do
v. scale and mass of proposed building, which would have a negative impact on adjacent properties
vi. ecology and protected species concerns

Resolved (by 4 votes to 4, with the Chairman using his casting vote) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers in the main report.

16/169/Plan16/0720/FUL - 73 Newmarket Road

The Committee received an application for full planning permission.

The application sought approval for a proposed residential development of six studio apartments, kitchen extension to existing restaurant, and associated Works including demolition of existing single storey structures.

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

The Committee:

Resolved (unanimously) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers in the main report, subject to a condition on the green roof.

Green Roofs: Full details of the green roof system to be implemented including drainage details, moisture matting, waterproofing details, etc as needed to ensure the longevity of the sedum and to protect the roof. The development shall be carried out in accordance with the approved details.

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).

16/170/Plan16/1495/FUL - 6 Blanford Walk

The Committee received an application for full planning permission.

The application sought approval for alterations and change of use of dwelling house to large HMO (House in Multiple Occupation) (sui generis).

The Planning Officer confirmed that landlords were encouraged to support the City Council's training days on landlord responsibilities, and this was included in the informatives.

The Committee:

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

16/171/Plan16/1344/FUL - 89 Histon Road

The Committee received an application for full planning permission.

The application sought approval for the erection of 1.5 storey dwelling with access from North Street following demolition of existing shed at the rear of 89 Histon Road.

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

The representation covered the following issues:

i. how the description of the proposed property was misleading, in terms of height, size, aspect and location
ii. the objector had requested a Tree Preservation Order for the tree that was proposed to be removed
iii. the traffic and parking issues at the location, specifically the narrowness of the road, existing congestion and difficulty in manoeuvring.

The applicant, Mr Thornley, addressed the Committee in support of the application.

Councillor Holt (Castle Ward Councillor), addressed the Committee about the application.

The representation covered the following areas:

i. access and safety: specifically the narrowness of the road and parking issues
ii. granting permission for this application could set a precedent for many other similar applications in this area, causing further parking and safety issues, and degrading the appearance of the area.

The Committee:

Resolved (unanimously) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the

officer report, and subject to the conditions recommended by the officers in the main report.

16/172/Plan16/0504/S73 - Land R/o 8 Montreal Road

The Committee received an S73 application to vary condition 2 (approved plans) of permission 14/1649/FUL to permit a minor material amendment to the approved dwellings including fenestration and rear dormer alterations, increasing the eaves height to plots 3 & 4 by 450mm and changes to the single storey rear projections to introduce a parapet roof design. It was noted that the original application (14/1649/FUL) was for four dwellings to rear of Montreal Road. The variation focused on the external appearance of the properties.

The Chairman highlighted an email from an objector who could not attend the committee meeting. Committee Members confirmed that they had all had opportunity to read the representation. The Planning Officer addressed a number of the issues raised by the objector.

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

The Committee:

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

16/173/Plan16/1157/FUL - 8 Kings Hedges Road

The Committee received an application for full planning permission.

The application sought approval for demolition of existing building and the erection of a new building to provide one studio flat four one-bedroom flats, together with bin and cycle storage, and landscaping.

The Committee:

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

16/174/Plan16/0822/FUL - 27 Mill Road

The Committee received an application for full planning permission.

The application sought approval for the erection of a two storey dwelling containing two one-bedroom flats on the land behind 27-29 Mill Road. The proposed works would involve the demolition of an existing outhouse.

Mr Owers (Applicant's Architect) addressed the Committee in support of the application.

Councillor Robertson (Petersfield Ward Councillor) addressed the Committee about the application.

The representation covered the following areas:

i. parking issues, specifically how the loss of one parking space would be an issue, as parking was at a premium
ii. the effect on the Conservation area, and the danger of setting a precedent, given the historic pattern of development in the area;
iii. expressed concern that the proposal was not compliant with Cambridge Local Plan (2006) policies 3/4 and 3/10.

The Committee:

Resolved (by 5 votes to 0 with 2 abstentions) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers in the main report.

16/175/Plan16/1201/FUL - 140 Perne Road

The Committee received an application for full planning permission.

The application sought retrospective approval for change of use to Guesthouse and erection of outbuilding. It was confirmed that the property was already operating as a Guesthouse, and the outbuilding was under construction.

The Committee:

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

16/176/Plan16/1300/FUL - Cantabrigian Rugby Club

The Committee received an application for full planning permission.

The application sought approval for the erection of one dwelling, formation of a new access on to Long Road and associated operational development (Amendments Pursuant to Approved Scheme 15/0287/FUL). With the Chairman's permission, Ward Councillor Moore had circulated background information to this item.

The Committee received a representation in objection to the application.

The representation covered the following issues:

i. the Rugby Club did not own most of the land, and some of it was subject to probate.

ii. the issue of loss of open space in return for building a new road, and lack of clarity about when the road would be built
iii. build over arrangements with Anglia Water
iv. Conditions were required regarding fencing, closing off the road and piling
v. the direction of the windows

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

Councillor Moore (Queen Edith's Ward Councillor) addressed the Committee. He explained that he was not speaking against the application, but recommending a deferral, due to the complexity of the ownership issues of the access path needed to be resolved.

The Committee:

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

16/177/Plan16/1442/FUL - 56 Sturton Street

The Committee received an application for full planning permission.

The application sought approval for the change of use to ten bed HMO with up to ten persons, and the construction of single storey rear extensions and a roof extension incorporating additional rear dormer window.

On a show of hand the recommendation to approve the application was lost by 2 votes in favour to 5 against.

Resolved (unanimously) to refuse the application for the following reason:

The proposed additions to the dwelling, in particular the addition of the roof dormer, by virtue of their poor design, would neither preserve nor enhance the character and appearance of the Conservation Area. As such the proposal is contrary to Cambridge Local Plan 2006 Policies 3/14d and 4/11.

16/178/Plan16/1240/FUL - 186 Gwydir Street

The Committee received an application for full planning permission.

The application sought approval for change of use for the house from residential to Class D1 (non-residential institutions) and the construction of a new building in the garden.

The Committee received a representation in support to the application from a Trustee of Charity.

The representation covered the following issues:

i. the historical importance of the property
ii. the nature of the visiting arrangements
iii. the sustainable transport methods promoted to visitors.

Councillor Robertson (Petersfield Ward Councillor) addressed the Committee in support of the application.

The representation covered the following areas:

i. the historical importance of the property
ii. the funding secured by the Applicants to address the damp problems.

The Committee:

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

The meeting ended at 5.15 pm

CHAIR

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

(updated August 2015)

1.0 **Central Government Advice**

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

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

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

Guidance is provided in relation to the following:

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

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

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

1.4 **Community Infrastructure Levy Regulations 2010**

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

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

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

(a) obligation A provides for the funding or provision of an infrastructure project or provides for the funding or provision of a type of infrastructure; and

(b) five or more separate planning obligations that—

(i) relate to planning permissions granted for development within the area of the charging authority; and
(ii) which provide for the funding or provision of that project, or provide for the funding or provision of that type of infrastructure

have been entered on or after 6th April 2010

Development Plan policy

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

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

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

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

3.0 Cambridge Local Plan 2006

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

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

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

5/7 Supported housing/Housing in multiple occupation
5/8 Travellers
5/9 Housing for people with disabilities
5/10 Dwelling mix
5/11 Protection of community facilities
5/12 New community facilities
5/15 Addenbrookes

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

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

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

9/1 Further policy guidance for the Development of Areas of Major Change
9/2 Phasing of Areas of Major Change
9/3 Development in Urban Extensions

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

10/1 Infrastructure improvements

Planning Obligation Related Policies

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

4.0 **Supplementary Planning Documents**

4.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction**: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)**: The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential

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

4.3 **Cambridge City Council (January 2008) - Affordable Housing**: Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.

4.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

4.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

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

4.7 **Eastern Gate Supplementary Planning Document (October 2011)** Guidance on the redevelopment of the Eastern Gate site. The purpose of this development framework (SPD) is threefold:

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

5.0 **Material Considerations**

5.1 **City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.2 Area Guidelines

Cambridge City Council (2003)–Northern Corridor Area Transport Plan:
Cambridge City Council (2002)–Southern Corridor Area Transport Plan:
Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:
Cambridge City Council (2003)–Western Corridor Area Transport Plan:
The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

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

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

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

Christs Pieces/New Square Conservation Plan (2001)

Historic open space guidance.

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

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

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

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

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

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

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

PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/0673/FUL	**Agenda Item**	
Date Received	22nd April 2016	**Officer**	Michael Hammond
Target Date	22nd July 2016		
Ward	Market		
Site	Cambridge Union Society 9A Bridge Street Cambridge Cambridgeshire CB2 1UB		
Proposal	Demolition of ancillary buildings and removal of 1930's facade at the grade II listed Cambridge Union Society. Construction of replacement facade, reinstatement and refurbishment of historic features and internal and external access and refurbishment works including enlargement of existing cafe (use class A3) and re-opening of 'footlight's' entertainment space (sui generis). Demolition of squash courts and un-listed 3-5 Round Church Street in the conservation area. Construction of new link building for access and ancillary uses for the Union Society. Construction of adjacent new building with ground floor restaurant (use class A3) with 38 room post-graduate student accommodation above (use class C2) together with basement storage and services.		
Applicant	See Company. C/o Agent United Kingdom		

SUMMARY	The development accords with the Development Plan for the following reasons: – In my view the proposal would cause less than substantial harm to the heritage assets and this would be outweighed by the public benefits that would accrue from the development. – The proposed restaurant and entertainment uses would not give rise to unacceptable environmental problems or nuisance to the occupiers

	and users of the area. – The proposed student accommodation would provide a high quality living environment for its future occupants. – In comparison with the submitted plans, the reduction in scale and mass of the proposed restaurant/ accommodation building is considered to reduce the level of harm considerably.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The Cambridge Union Society is located in the historic core of the City Centre. It occupies a large site on the south-west corner of Park Street and Round Church Street. The majority of the site is occupied by the main Grade II Listed Building of the Cambridge Union Society. The building is three-storeys in height with a half level below. It was completed in 1866 by Sir Alfred Waterhouse, most famously known for his design for the National History Museum in London. Since its construction, the building has been the subject of later extensions and additions, notably the 1930's extension to the Round Church Street elevation and the squash court. The half level below was formerly used by the Cambridge University Footlights Drama Club. The debating chamber is situated in the heart of the building and occupies a large proportion of the main building and hosts the oldest debating society in the world. This aspect of the building has retained its appearance for over 140 years and has hosted a variety of well-known speakers including former prime ministers and major international figures. There is also the Cambridge Union Society coffee shop/ bar at ground-floor level which is open to members of the public. The upper floors and remainder of the building are predominantly office/ educational space, in addition to the large library and snooker room. In the north-east corner of the site is a row of three terraced properties (3-5 Round Church Street) used as student accommodation which are under the ownership of Trinity College.

1.2 To the west of the site is the Holy Sepulchre Church, commonly referred to as the Round Church, which is a Grade I Listed Building. To the north of the site is the Park Street multi-storey car park. There is a row of terraced properties to the east along Park Street, the southern half being Grade II Listed Building and the northern half being designated as Buildings of Local Interest. To the south-east of the site is the Grade I Listed 'Little Trinity' building. The ADC theatre is situated to the south of the site.

1.3 The site is situated in a sensitive location in terms of conservation and heritage assets. As stated there are the Grade I Listed Buildings of the Round Church and Little Trinity in close proximity. The main building on site is Grade II Listed. The row of terraced properties to the east along Park Street are Grade II Listed/ Buildings of Local Interest. The site is situated in the Central Conservation Area.

1.4 There are three tree preservation orders which cover the north-east and eastern sections of the site. The site also falls within the City Centre (as defined by the Cambridge Local Plan 2006), within the Controlled Parking Zone and in the Air Quality Management Area.

2.0 THE PROPOSAL

2.1 Full planning permission and listed building consent are sought for the following works:

2.2 <u>Demolition:</u>

- Removal of the 1933 elements of the Round Church Street façade of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1883 dilapidated toilet block of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1933 former Squash Courts of the Grade II Listed Cambridge Union Society buildings;
- Internal and external demolitions and removals of fabric from various periods to allow for the improved access to, and usage of spaces within, the Grade II Listed Union Society buildings;
- Demolition of the unlisted 3-5 Round Church Street in the Conservation Area

2.3 Development (as revised):

- Construction of a new Round Church Street façade of the Grade II Listed Cambridge Union Society building based upon an adaptation of the original 1883 design to tie-in with surviving original elements;
- Recreation of four dormer windows to the 1866 element of the Grade II Listed Cambridge Union Society buildings to re-instate those lost through bomb damage in the second world war;
- Creation of a new doorway to the Park Street elevation of the original 1883 building known as Round Church House of the Grade II Listed Cambridge Union Society buildings;
- Recreation of doorway from Snooker Room to the stairs of the Grade II Listed Cambridge Union Society buildings to re-instate the later change to remove the door;
- Creation of a new doorway between Round Church House and the Debating Chamber of the Grade II Listed Cambridge Union Society building;
- Re-location of the doorway from the café and members bar into the courtyard through enlargement of an existing window and creation of a ramp to create a level access entrance and subsequent closure of existing café entrance through reinstatement of former window detail of the Grade II Listed Cambridge Union Society building;
- General refurbishments to the interior of the Grade II Listed Cambridge Union Society building including to enlarge and refurbish the ground floor café and members bar (Use Class A3) and to enlarge and refurbish the basement 'footlights' entertainment space (Sui Generis);
- Construction of new three storey 'link' building connecting the Debating chamber entrance to a new building entrance onto Round Church Street including internal circulation space, stairs and lift and
- toilet facilities and ancillary spaces;
- Construction of new ground floor restaurant venue (Use Class A3) with frontage onto Round Church Street and Park Street with 38no. room post-graduate accommodation above and basement for associated plant, refuse and cycle parking and storage;
- Associated landscape works to front, rear and side including creation of level access entrances.

2.4 The applications are considered together in this report for planning permission as they are intrinsically related. There is however a separate agenda item which relates specifically to the application for listed building consent and sets out the relevant conditions.

2.5 In response to a number of concerns raised by consultees relating to heritage issues, the applicants have amended the scheme, specifically the proposed Trinity College post graduate accommodation and restaurant building. The amendments consist of alterations to the scale, massing and design of this element of the proposed works. These amendments are discussed in greater detail in the assessment section of this report.

2.6 The proposals have been the subject of extensive pre-application discussions between the Local Planning Authority and the applicants/ agent.

2.7 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Heritage and Conservation Area Appraisal
3. Planning Statement
4. Building Surveys
5. Transport Statement and Travel Plan
6. Archaeological Appraisal
7. Geo-technical and Contamination Appraisal
8. Ecology and Arboricultural Assessment
9. Surface Water & Foul Water Drainage
10. Utilities Assessment
11. Noise and Air Quality Assessment
12. Ventilation and Extraction Statement
13. Sustainability and Renewable Energy Appraisal
14. A full drawings package

3.0 SITE HISTORY

3.1 The site has an extensive planning history. The most recent applications on this site are listed below:

Reference	Description	Outcome
16/0674/LBC	Demolition of ancillary buildings	Pending

	and removal of 1930's facade at the grade II listed Cambridge Union Society. Construction of replacement facade, reinstatement and refurbishment of historic features and internal and external access and refurbishment works including enlargement of existing cafe (use class A3) and re-opening of 'footlight's' entertainment space (sui generis). Demolition of squash courts and un-listed 3-5 Round Church Street in the conservation area. Construction of new link building for access and ancillary uses for the Union Society. Construction of adjacent new building with ground floor restaurant (use class A3) with 38 room post-graduate student accommodation above (use class C2) together with basement storage and services.	Consideration.
12/0829/LBC	To increase the height of the chamber balustrade to minimise the risk to people using the chamber balcony.	Permitted.
06/0576/LBC	Removal of 2 No. existing metal escapes (external) and installation of a new hand rail (internal) to Grade II Listed Building.	Permitted.
C/03/0914	Re-opening of original blocked up doorways, formation of new doorways and other alterations.	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 3/10 3/11 3/12 3/13 3/14 3/15 4/4 4/9 4/10 4/11 4/12 4/13 4/14 4/15 6/10 7/7 8/1 8/2, 8/3, 8/6, 8/9, 8/10, 8/16, 8/18 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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) Public Art (January 2010)
Material Considerations	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012) Cambridgeshire Design Guide For Streets and Public Realm (2007) Cycle Parking Guide for New Residential Developments (2010) Air Quality in Cambridge – Developers Guide (2008) The Cambridge Shopfront Design Guide (1997) Roof Extensions Design Guide (2003) Buildings of Local Interest (2005)
	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Appraisal (2006) Park Street Car Park Planning Guidance Note (2016)

Other	Draft Historic Core Conservation Area Appraisal (2016)

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)

Original Comments (20/05/2016)

6.1 No objection on Highway Safety Grounds. Further information and alterations are required to the Transport Statement.

Comments on Additional Information (11/11/2016)

6.2 Having reviewed the information provided the County Council consider that the development does not result in a severe cumulative impact on the highway network and therefore are able to remove our holding objection subject to the following planning conditions and informatives:

- Service Management Plan
- Travel Plan (including Student Management Plan detailing how drop off and pick up of students will occur.)

- No unbound material
- No gates erected
- Highways drainage
- Visibility splays
- Manoeuvring area as shown
- Approval in principle documents
- Access as shown
- Traffic management plan
- Traffic Management Plan informative
- Highways informative
- Public Utility informative

Environmental Health

6.3 No objection subject to the following conditions/ informatives:

- Construction Hours
- Collection during construction
- Construction/ demolition noise/ vibaration & piling
- Dust
- Odour filtration
- Contaminated Land
- Building noise insulation
- Noise insulation scheme
- Plant noise insulation
- Lighting
- Hours of deliveries/ collections
- Hours of use
- Air quality ventilation scheme 1
- Air Quality ventilation scheme 2
- Combined heat and power
- Plant noise insulation informative
- Dust condition informative
- DEFRA odour informative
- Housing informative
- Permitted process informative
- Clean air act informative

Refuse and Recycling

6.4 No comments received.

Urban Design and Conservation Team

<u>Original Comments (22/07/2016)</u>

6.5 Objection. Reasons for refusal:

- The height, scale massing and elevational treatment of the proposed student accommodation block would have an adverse impact on the setting of listed buildings within the Union Society site.
- The internal changes to the main stair area would have a significantly harmful effect on the fabric of the listed building.
- The height, scale massing and elevational treatment of the proposed student accommodation block and would not preserve or enhance the character of this part of the Historic Core/Conservation Area.
- The height, scale massing and elevational treatment of the proposed student accommodation block and would have an adverse impact on the setting of the Listed Park Street terrace.
- The demolition of 3-5 Round Church Street is not acceptable given the contribution which these buildings currently make to the character of this part of the Conservation Area.
- The proposed development will lead to 'less than substantial harm' to the settings of listed buildings and the Conservation Area as designated heritage assets and this harm is not outweighed by the public benefits of the development.

<u>Proposed Trinity College Accommodation Block & Restaurant.</u>

- The accommodation block would be of greater scale and bulk than the existing Northern Waterhouse wing on the same street elevation. It would also be of the same scale as and would thus compete with, the debating chamber building – the latter being the most significant element of the buildings and currently signalling this in its relationship with the existing lower wings. In these respects, the scale and bulk of the new building is considered excessive and to fail to respond sympathetically to the existing listed buildings and therefore to harm their character.

- It also does not help form a notional townscape intermediary between the more commercial & institutional city centre and the more modest scale of the residential inner suburbs. The mass of the building is not convincingly broken down by the notional

‘double-pile’ form or the two gable ends with projecting bays. It still seems to present an overwhelming visual intervention into the townscape, especially when viewed from the Northern end of Park Street. The mass seems more oppressive when viewed across the ‘back yard’ because of the solid brick mass of the student block and the heavy metal-clad parapet at eaves level.

<u>Impacts on the settings of Listed Buildings – (planning application)</u>

The Setting of the Terrace on Park Street:

- There is clearly scope for improvement of the current prospect and the proposals potentially improve the service yard and boundary treatment. However, the accommodation block’s scale, design and bulk in view across service yard would make it very dominating. Round Church House (the admin office) is set back from the Eastern boundary and is 2 – 3 storeys towards this boundary and the gable of 5, Round Church Street is of comparable scale to Round Church House. In contrast, the accommodation block would be much taller and much wider (14metres) than the main front to back depth of the existing cottages (7 metres). That it would be much closer to the boundary and occupying the corner as it would, its scale would be emphasised. The scale, bulk and design of the new building would result in it being unduly dominant in the setting of the terrace and a major adverse impact on the setting of the Listed terrace. There same can be said of the locally listed element.

The Setting of the Holy Sepulchre Church (Round Church)

- In the passage way along the Southern side a new gate is proposed in a position where there is none presently. Subject to the agreement of the details of this gate, there is judged to be no material adverse impact on the setting of the Church.

The Setting of the Union Buildings

- The setting of the Union buildings is currently marred by several elements. The scheme would improve the appearance of the building’s setting at the service yard including by the removal of the toilet block.
- As an adjoining building, the Round Church St wing would be of significantly greater scale and bulk than the Northern wing and would be of the same scale as the debating chamber building – the latter being the most significant element of the buildings and currently the tallest. In terms of the immediate setting of the

listed building then, the new wing/building would appear the largest part of the group and this is considered to detract from the latter's setting.

- The proposed accommodation block would be apparent from Bridge Street in longer views down Round Church Street towards the Union buildings where it would appear above and beyond the existing Northern wings of the Union buildings.
- The dominance of the proposed accommodation block is therefore considered to harm the immediate setting of the older buildings.

<u>Impacts on the conservation area – (planning application)</u>

Demolition of 3 – 5 Round Church Street

- 3-5 Round Church Street are considered to contribute positively to the character or appearance of the conservation area and their demolition is considered to cause harm to the heritage asset.
- Returning to NPPF paragraphs 133 or 134, In either case, harm caused by the proposal must be weighed against the public benefits which in the case of para 133 must be substantial. Weighing against these are harm to the conservation area and Listed buildings settings that would arise from the design of the building proposed and the demolition of the cottages.

Improvement of yard facing Park Street

- This is currently a visually poor service yard viewed from the street. There is clearly potential for improvement and for mitigating views of the gable of No.5 Round Church Street

The scale, bulk and design of the new building.

- The substantial length, width and height of the building allied with the rigid repetition of elements (windows, dormers, banding, gables, and chimneys), result in it being likely to appear very dominant – especially seen from across the rear yard or on Park Street from opposite the car park corner. Its height, position on the site boundary and form would effectively project the building out into the street scene when viewed from the Park Street / Jesus Lane junction. In addition, the architectural treatment of the end elevation consists of very demonstrative elements with only shallow recessions and would be alien in the context of smaller scale buildings on Park Street and Lower Park Street. The combination of these factors would produce an overly dominant building on Park Street.

Alterations to the Listed Buildings – (Listed building application)

Removal of the 1930s extensions.

- The removal of the 1930s extensions is acceptable.

Demolition of Toilet Block

- If the demolition were properly recorded and the better fittings salvaged for reuse elsewhere (or in the listed building), then it is probably acceptable to demolish the block, on balance.

Additional bay to the Waterhouse Northern elevation and reconstruction of the lower façade of the range.

- A part of the proposals for the existing 19th Century northern block is the construction of an additional bay in brickwork to the Waterhouse Northern elevation. This is not a reinstatement as it was never part of the Waterhouse design. A straight vertical line on the Northern elevation drawing indicates the join between the two and the bay is confirmed by the floor plans to be at an angle to the existing main wall. How the brickwork at this junction was to work would need to be detailed. This bay would require brick and stonework of precisely matching materials.

Interior changes to Listed Building

Basement

- The works to basement are acceptable, subject to conditions.

Ground Floor

- The proposed link building (atrium area) affects early layout in the existing stair area by removing the short adjoining wall of the 1866 build. This area currently has some enclosure which reflects the character of this part of the building. The drawing 745 183 P1 Indicative Central Atrium Circulation indicates the contrasting character of space that is envisaged. To retain the character of the early phase, the existing stair configuration should be retained and the new space start only beyond (north of) the short adjoining wall.
- The proposed additional number/position of further large openings in the main spine wall between the Members Bar and Blue Room is undesirable in terms of the character of these rooms – this will impact on the shape & scale of the proposed ‘forward kitchen’ and the bar.

First Floor

- Here the main concerns remain in the area of the link block between the reconstructed end of the Waterhouse Northern block and the new student block. How much is demolished, how much is reconstructed, how much retained and so on.

Second Floor

- Acceptable subject to condition.

New Link Building

- To Round Church Street a link block provides both visual and literal separation between the listed building and the accommodation block and the recessed threshold should help visitors 'read' the buildings and how they are meant to be approached & used. However, it is important that the transparency of the façade of the foyer allows the two ends of the two separated blocks to be seen and understood as separate buildings but also that the link block itself has a real architectural presence on the street.

Comments on Amendments (09/11/2016)

Accommodation Block.

- Noting the reduction in height of the proposed Round Church Street elevation of the accommodation block, and reduced height and bulk of the proposed Park Street elevation, these revisions are considered to substantially address the height, scale, and massing issues previously objected to.
- In addition to the height and bulk reduction, the fenestration changes to the Park Street elevation also contribute to avoiding the overbearing effect of the gables of the previous version.

3-5 Round Church Street.

The harm to the conservation area caused by the proposed demolition of 3-5 Round Church Street remains as per the comments on the original proposal.

Cambridge Union Society Buildings.

A part of the proposals for the existing 19th Century Round Church Street block is the entrance link and construction of an additional gabled bay in brickwork to the Waterhouse Northern elevation. The latter is not a reinstatement as it was never part of the Waterhouse design and replaces the existing roof hip. However, the applicants have declined to respond to the

Victorian Society's criticism of this element of the proposals and have submitted a justification of the design approach they have taken.

Conclusion.
The harm versus the benefits of the scheme are discussed in the Conservation response to the original proposal. The issue remains one of the loss of 3-5 Round Church Street, and the inclusion of arguably undesirable alterations to the Listed CUS buildings (link and staircases) compared with benefits of reinstating the lower part of the Waterhouse, Round Church Street elevation; sustaining the historic Cambridge Union Society buildings; and any other perceived benefits.

The proposed development will lead to 'less than substantial harm' to the settings of listed buildings and the Conservation Area as designated heritage assets and this harm is not outweighed by the public benefits of the development.

Historic England

Original Comments (10/06/2016)

6.6 The application is not supported.

6.7 Historic England appreciate the Union Society's aims to develop the overall site to safeguard its long-term future. However, the submitted proposals in their current form would cause severe harm to the significance of the Cambridge Historic Core Conservation Area, as a result of the impact on their setting. We do not consider that a clear and convincing case for the demolition of 3-5 Round Church Street has been made in accordance with the requirements in Paragraph 132 of the NPPF. The repair of nos 3-5 should be central to any scheme for this site if it is to be consistent with the Framework's objective of conserving significance and the weight accorded to the conservation of significance reflects the statutory duties laid upon decision-makers by the 1990 Planning (Listed Buildings and Conservation Areas) Act. Even were the Council to conclude that a case could be made for demolition, the scale of the new build element should be significantly reduced in line with the advice above.

Comments on amendments (01/11/2016)

6.8 The revised proposals showing a reduction in height of one storey, together with amendments to the detailed design of the gable end of the student accommodation facing Park Street, would have a lesser impact on the streetscene than the previous proposals. However, our stance remains that demolition of 3-5 Round Church Street would cause severe harm to the significance of the Cambridge Historic Core Conservation Area, as a result of the impact on their setting, particularly in relation to the listed Park Street terrace. The repair of nos 3-5 and their integration into the wider development should be central to any scheme for this site if it is to be consistent with the NPPF's objective of conserving significance, and the weight accorded to the conservation of significance reflects the statutory duties laid upon decision-makers by the 1990 Planning (Listed Buildings and Conservation Areas) Act. In accordance with guidance in the NPPF, the level of harm that would be incurred to the significance of the conservation area through the loss of 3-5 Round Church Street should, therefore, be carefully balanced against the perceived public benefits of the revised proposals.

The Victorian Society

6.9 Object to the application (as submitted).

Demolition of 3 -5 Round Church Street

6.10 The most damaging aspect of the scheme is the proposed demolition of the attractive terrace of later nineteenth-century houses at 3-5 Round Church Street which would cause substantial harm.

Proposed accommodation block

6.11 The proposed accommodation block excessively and damagingly tall and bulky, seemingly on quite a different scale from the Union building that it would dominate and overshadow, not to mention the smaller scale domestic properties nearby. We object also to the crude, heavy treatment of the proposed link block proposed to abut the north end of the reworked North Wing.

Works to the listed building

6.12 While we raise no objection to the loss of the twentieth-century fabric (and defer to the Twentieth Century Society on its significance), we object to an approach that would see an approximation of the Waterhouse's northern ground-floor elevation recreated. If the twentieth-century remodelling is to be unpicked, it makes sense to reinstate Waterhouse's design and reintegrate what survives of his work on Cross Church Street with its original setting.

Design and Conservation Panel (Meeting of 10th August 2016)

The minutes of the Panel meeting were as follows:

6.13 **The impact on the character and appearance of the Conservation Area.**

Although the Panel did see the benefits of removing the existing discordant 1930s elements, concern was expressed as to the quantum of development on this site, and the impact of such a dominant development on the Conservation Area. The Panel regard Round Church Street as transitional space; moving from the busy, commercial character of Bridge Street to the quieter and predominantly residential character of Park Street. It was therefore felt that this development should respond to this changing character, but instead of stepping down in scale and massing it steps up, with the taller elements likely to create a canyon effect along Round Church Street and result in a significant increase in overshadowing of the public realm. The Panel was also not convinced that the height of the existing debating chamber element of the Waterhouse building should be seen as the precedent for the height of the new-build element on the back of the pavement along Round Church Street. The debating chamber is sited in the heart of the site, well away from the adjacent streets, in much the same way as Trinity College's taller Wolfson building is encircled by lower buildings lining the adjacent streets.

6.14 **Treatment of New Entrance (Round Church Street).**

The Panel noted the examination of options for the new entrance off Round Church Street, but questioned the decision

to treat this as a negative 'void' between the new Trinity Building and the restored and extended Waterhouse wing. The Panel was not convinced by the justification that this formed a third element in the street-scene. The Panel would encourage a greater celebration of the entrance, but one which is also architecturally incorporated as part of the Trinity Building, for a more successful result. The Panel would also have welcomed the opportunity to learn more about the architectural treatment for the new circulation space and stairwell within the Waterhouse building, but lack of time forced the debate to focus on more pressing matters.

6.15 **New Trinity Building.**

In addition to their concerns over the building's impact on the character and appearance of the Conservation Area, the Panel felt that this building would be more successful if it could be seen to have its own identity, rather than attempt to be seen as part of the 'family' of Waterhouse structures on the site. Particular concerns were expressed regarding the end double-gable that appears over-dominant and muscular, in particular when compared to the scale of the listed cottages along Park Street. The Panel was not convinced that the lower elements facing on to Park Street helped address this issue of scale, while the large areas of glass would afford views into the communal kitchen facilities; the experience of the student housing at CB1 suggests this might be unfortunate, and particularly inappropriate when viewed in the context of the listed cottages on the opposite side of Park Street.

6.16 **Treatment of the retained Courtyard space (including provision of disabled ramp).**

The Panel noted that the current treatment of the Courtyard is to retain the existing paths and to introduce a new dog-legged path to provide a ramped access to a new disabled entrance on the side wing. At the same time a triangular area of grass abutting the rear of the Round Church would be replaced with paving. The Panel felt that this important external space would benefit from a more holistic consideration, including how disabled access might be provided to the main entrance (as opposed to a side entrance), and where it might be best to provide hard landscaping for external seating (including

consideration of the impact on the setting of the Grade I listed Round Church).

6.17 **Listed cottages (Park Street)**.

The presentation made no reference to the impact of the proposal on the setting of the listed cottages on the east side of Park Street. The Panel felt that further clarity was needed regarding the development's impact. Based on the information provided, the reference to the stepped end gable 'addressing' the cottages was viewed as tokenistic and unconvincing. The Panel also had a concern that the new Trinity Building appeared to mask more of the cottages in the proposed image looking down Round Church Street from Bridge Street.

6.18 **Conclusion**

At the last presentation in September, the Panel stated that they could accept the demolition of 3-5 Round Church Street providing the quality of redevelopment was of a sufficiently high standard.

The design of the scheme as currently proposed has not met this requirement, and the Panel considered the case had not been made to justify the quantum of new development on the site. The Panel recognises that this is an opportunity to restore the Waterhouse Building and put the future finances of the Cambridge Union Society onto a sound footing but, in the Panel's view, this scheme would be harmful both to the character and appearance of the Conservation Area and the setting of the adjacent Grade II listed cottages on Park Street. While there would be some undoubted enhancements to the Waterhouse Building, on balance, the Panel felt these benefits did not outweigh the harm.

VERTICT – AMBER (2), RED (3) with 1 abstention.

Officer's note

6.19 The programme for determination of the application did not allow for the revised application to be considered by the Design and Conservation Panel.

Twentieth Century Society

6.20 No comments received.

Senior Sustainability Officer (Design and Construction)

6.21 The proposal is acceptable subject to the following conditions:

- Renewable and low carbon energy
- Combined Heat and Power

Head of Streets and Open Spaces (Tree Team)

6.22 There are no formal objections to the proposal including tree removals proposed in the Tree Survey. It may be necessary to carry out tree work to T6 and T7 to facilitate alterations. Works of this nature would need to be detailed and approved by the LPA before they can commence.

Head of Streets and Open Spaces (Landscape Team)

6.23 No objection subject to landscaping conditions.

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

6.24 The improvement to the public realm in the area, particularly the widening of the footway is very much welcomed. However, this application will not improve the pinch point at the corner of Park Street and Round Church Street which will remain at 1.4m. The building should be set back to provide a recommended minimum footway of 1.8m.

6.25 Whilst it is appreciated that space is at a premium at this location the proposal does not include any cycle parking for the new restaurants which is unacceptable. By setting back the new building by approximately 800mm it would be possible to install cycle racks at 45° in front of the building. The need to use a lift to access the basement cycle parking is not ideal. It should be widened to 2m to allow two people with cycles to use it at the same time.

Cambridgeshire County Council (Flood and Water Management)

6.26 No objection subject to drainage conditions.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.27 No objection subject to surface water drainage scheme condition.

Environment Agency

6.28 No objection subject to contaminated land condition and informatives.

Anglian Water

6.29 No objection, subject to surface water drainage condition and informative.

Cambridgeshire Constabulary (Architectural Liaison Officer)

6.30 No objection.

Public Art Officer

6.31 No comments received.

Cambridge Water

6.32 No comments received.

Cambridgeshire County Council (Archaeology)

6.33 No objection subject to condition.

Access Officer

6.34 No comments received.

Fire and Rescue Service

6.35 No comment received.

City Service Managers

6.36 No comments received.

Disability Consultative Panel (Meeting of 28th June 2016)

6.37 The Panel very much appreciated this second presentation on what must be a challenging site. The practical interventions proposed will significantly improve access for disabled people while consideration is also being shown to restoring some of the site's original Victorian features. A good scheme.

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

7.0 REPRESENTATIONS

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

- Cambridge Past, Present and Future
- 8 Park Parade

7.2 The representations can be summarised as follows:

- The proposal will enhance the neighbourhood.
- Proposals to radically alter a listed building should respect that building as it stands with any extension or alteration being on a subservient scale. The proposed refurbishment of the Cambridge Union involved a loose restoration along the lines of how the building was prior to the 1930s Tomlinson alterations, but with the re-development of the eastern half of the site with a building that is substantially larger than the listed building that is to be retained. Although this breaches the general principle, it is the opinion of Cambridge PPF that the circumstances justify this reversal provided the quality of the architectural design and finish materials is not allowed to become compromised during the development process.

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

8.0 ASSESSMENT

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

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

Principle of Development

<u>Principle of demolition of heritage assets and works/ additions to the listed building</u>

8.2 The principle of demolition of the heritage assets has been assessed in the 'Context of site, design and external spaces (and impact on heritage assets)' section of this report.

<u>Principle of expansion of café/bar (use class A3) and re-opening 'footlight's' venue (use class sui generis)</u>

8.3 Policy 6/10 of the Cambridge Local Plan (2006) states that development for use classes A3 (food and drink) will only be permitted:

a) Where the proposal will not give rise to unacceptable environmental problems or nuisance and the individual and

cumulative impact of the development is considered acceptable; and
b) Where it is in an existing centre.

8.4 The proposals for the Union Society include expansion of the existing 1815 Café and Members Bar and the re-opening of the former 'Footlight's' entertainment venue.

8.5 The Environmental Health Team is satisfied that the proposed expansion of the existing café/ bar and proposed re-opening of the 'Footlight's' venue would not give rise to unacceptable environmental problems or nuisance, subject to conditions. In my opinion the principle of the expansion of the existing restaurant use and re-opening of the 'Footlight's' entertainment venue is acceptable.

Principle of new Restaurant venue (Use Class A3)

8.6 Policy 6/10 is also relevant to the proposed new restaurant venue beneath the proposed post-graduate accommodation. In respect of the two criterion of this policy, the policy is considered to be met as the restaurant would be located within an existing mixed use area at the centre of Cambridge and would also be in the immediate vicinity of Portugal Place, Bridge Street and Jesus Lane, which contain a high volume of existing restaurant and public house establishments. The area is already highly frequented for food and drink purposes and it is considered that there is no likelihood that the use would lead to unacceptable environmental impacts or nuisance or contribute in such a way that would lead to an unacceptable cumulative impact, subject to conditions.

8.7 The design of the new building utilises separate entrances for the student accommodation above to that of the restaurant guest and servicing entrances as well as separate servicing spaces. The presence of the restaurant use with student accommodation above is therefore also deemed to be an acceptable relationship, subject to the conditions recommended by the Environmental Health Team.

Principle of Student Accommodation (Use Class C2)

8.8 Policy 7/7 of the Cambridge Local Plan (2006) states that planning permission will be granted for windfall and student hostel sites subject to:

a) Amenity considerations;
b) Their proximity to the institutions they serve;
c) Supervision, if necessary, is provided as appropriate to their size, location and the nature of the occupants; and
d) They do not result in a loss of family residential accommodation.

8.9 In terms of criterion A, it is established that the site and surrounding area already includes a quantity of student accommodation and student based uses, including student accommodation within the houses fronting Park Street and the presence of the Union Society. As described in paragraphs 8.5 and 8.7 of this report, the proposed expansion and development of the entertainment and restaurant based uses are not anticipated to give rise to any unacceptable environmental or noise problems, subject to conditions. The proposed student accommodation is deemed to be compatible with the proposed and existing uses from an amenity perspective.

8.10 The site is within close proximity to the main campus of Trinity College and I am confident that criterion B has been met. With respect to criterion C, it is understood that Trinity College already has procedures for the management and supervision of its students. I have recommended a condition for a management plan to be provided prior to occupation to confirm the precise details of this supervision procedure. Subject to meeting this condition, I consider this criterion has also been met.

8.11 The existing properties of nos.3-5 Round Church Street are within the ownership of Trinity College and are currently occupied as shared student accommodation. These properties are not deemed to be family residential accommodation. Consequently the proposal does not result in the loss of family residential accommodation and meets criterion D.

8.12 In my opinion, subject to condition, the principle of the proposed student accommodation is acceptable.

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

8.13 This section of the report will address the two key elements of the application. The first section will assess the principle of the proposed works from a heritage perspective, specifically, the principle of demolition to the Grade II listed building, principle of demolition of nos.3-5 Round Church Street in the Conservation Area, and the principle of works to the listed building. The second section will assess the impact of the proposed works, notably the restaurant and accommodation block, on the character and appearance of the Conservation Area, and the setting of heritage assets. In the concluding paragraph of this latter section I shall summarise the balance between the harm to heritage assets against the public benefits of the development.

Policy Position

8.14 Policy 4/10 of the Cambridge Local Plan (2006) states that works for the demolition of Listed Buildings will not be permitted unless:

a) The building is structurally unsound for reasons other than deliberate damage or neglect; or
b) It cannot continue in its current use and there are no viable alternative uses; and
c) Wider public benefits will accrue from redevelopment.

8.15 Paragraph 133 of the National Planning Policy Framework (2012) states that:

"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *The nature of the heritage asset prevents all reasonable uses of the site; and*
- *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *The harm or loss is outweighed by the benefit of bringing the site back into use."*

8.16 There is an inconsistency between the criteria within Policy 4/10 of the Local Plan and that of the NPPF. The NPPF makes clear that the demonstration of public benefits can in of itself provide justification for substantial harm to or total loss of significance of designated heritage asset. The justification for demolition does not necessarily need to establish both a public benefit argument and compliance with the criteria within policy 4/10 of the Local Plan.

8.17 In light of the above, in the event that the proposed demolition and works are deemed to cause substantial harm to or total loss of significance of a designated heritage, the harm caused would be weighed against the public benefits.

8.18 The public benefits that have been demonstrated by the agent are as follows:

Improvement to the Public Realm

- Opportunity to repair the harm of the 1960's Park Street road widening and truncation of Round Church Street terrace.
- Uneven pavement to be replaced along Round Church and Park Street.
- Increase in width of narrow pavement at the pinch point on the corner of Park Street.
- Activity created at street level along Round Church Street, benefiting the future Park Street Car Park redevelopment.
- Visual improvement to service yard at rear of Union, tidying up and unsightly area of Cambridge.

Improvement to Building Conditions

- Replaces deteriorating housing that is financially and physically unviable to refurbish to modern living standards.
- Replaces the 'eyesore' of the 1930's intervention to the Round Church Street elevation of the CUS building.
- Enables the repair and maintenance of the CUS building which in areas has become heavily dilapidated.

Improvement to Public Housing

- Releases housing currently owned by Trinity College back into the housing stock (39 Victoria Park, 12 Glisson Road, 20 Victoria Street and 53 + 66 Searle Street).
- Replaces low quality student housing with an increased number of high quality units.

Improvements to the Cambridge Union Society (CUS)

- Funds the development of the CUS which otherwise would not be financially possible.
- Allows the CUS to develop a source of income for the long term sustainability of the Union.
- Returns the building to an appearance in keeping with its Victorian origins, removing the failed 1930's intervention.
- Reinstates lost heritage features of the Victorian building including the dormers above the Snooker Room.
- Repairs and replaces elements of the Union that have reached the end of their life cycle, securing the buildings future.
- Ensures the future of the longest running and world renowned debating society.
- Opens the CUS building to the public via the enabling of the development works.
- Enables the CUS to reopen and reuse the original home of the Footlight's.
- Enables the Union to provide much needed accessibility to the majority of key areas within the building.
- Provides the CUS with a public face and an unprecedented level of much needed public access.

Principle of Proposed Demolition and Works

<u>Principle of demolitions to the Grade II listed Cambridge Union Society Building</u>

8.19 The following demolitions to the Grade II Listed Building are proposed:

- Removal of the 1933 elements of the Round Church Street façade of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1883 dilapidated toilet block of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1933 former Squash Courts of the Grade II Listed Cambridge Union Society buildings;

- Internal and external demolitions and removals of fabric from various periods to allow for the improved access to, and usage of spaces within, the Grade II Listed Union Society buildings;

8.20 The agent has prepared a heritage assessment which highlights the significance of each element of the Listed Building. The assessment confirms that the areas of highest significance are the Debating Chamber, front entrance and faces and interior of the 1886 extensions of the parallel ranges. The 1930's Round Church Street façade, 1883 toilet lock and 1930's former squash courts are identified as being of low significance.

8.21 The Urban Design and Conservation Team, Historic England and Victorian Society have raised no objection to the removal of the 1930's Round Church Street façade, demolition of the 1883 toilet block or the former squash courts. The vast majority of the demolition works to the interior of the Listed Building are also supported by consultees, subject to conditions. As such, I do not consider any harm to the significance of the Listed Building would occur from these proposed demolitions.

8.22 The main point of contention in terms of demolition affecting the Listed Building is the proposed removal of the main staircase in the atrium. The Urban Design and Conservation Team and Historic England both object to this element of the scheme and consider that in order for the demolition to be acceptable. The consultees have stated that the existing stair configuration should be retained and the new interior space should start only beyond (north of) the short adjoin wall.

8.23 The heritage assessment provided with the application defines this staircase as clearly being of some heritage significance as an aspect of the 1930's alterations. In their view it is of no higher than moderate heritage significance. I am inclined to further the view of the applicant.

8.24 In my opinion, the removal of the staircase would lead to less than substantial harm to the significance of the Listed Building. In accordance with paragraph 134 of the NPPF I have weighed this harm against the public benefits of the proposal, including securing its optimum viable use.

8.25 Conservation and Planning Officers, together with the agent, have explored ways of trying to overcome this issue. No solution to this matter was agreed upon but it was clear that trying to retain or mimic the existing staircase would have significant impacts on the circulation and functionality of the scheme. At present, the Cambridge Union Society effectively turns its back onto Round Church Street and the existing entrances are relatively discreet and out of the public view. The proposed entrance onto Round Church Street would counteract this by providing an inviting and legible entrance into the site from the public realm. The new entrance would also drastically enhance the levels of active frontage along the street. In addition to this, accessibility and circulation would be improved substantially as the existing corridors and routes through the building are narrow and extremely difficult for people with impaired mobility to access. The Disability Consultative Panel recognise this in their support of the scheme (see paragraph 6.37).

8.26 In my opinion, the public benefits of the increased public exposure of the building and its uses, and the significant improvements to accessibility, would outweigh the less than substantial harm to the Listed Building.

Principle of Demolition of 3 -5 Round Church Street

8.27 Policy 4/11 of the Local Plan requires the same test as policy 4/10 to be applied when considering proposals to demolish any buildings in the Conservation Area. As explained in paragraphs 8.14 – 8.18 of this report, the tests applied would mirror those of the NPPF whereby to justify demolition it must be demonstrated that a building is either structurally unsound or obsolete or that wider benefits would accrue. The buildings in question are not listed and are not identified as Buildings of Local Interest. The buildings form part of a positive view in the Historic Core Conservation Area Appraisal (2006) and the space to the east of no.5 is described as poor floorspace. The draft Historic Core Conservation Area Appraisal (2016) identifies the buildings as being positive and no.5 being a focal feature in the street scene. However, as there are objections to this document and it is only at consultation stage I am of the view that this document holds only limited weight.

8.28 The heritage assessment submitted considers the row of properties to make at best little more than a neutral contribution to the area. It states that the positive elements of the buildings are their materials of construction and general form, which gives some affinity with nearby residential properties and some of the minor details such as the shop window to No.5. Negative aspects are the unsightly gable end and now visible rear elevations and boundaries together with the hard-to-maintain front lightwells which are prone to damp and collect rubbish making it hard to prevent them looking unsightly. The assessment describes how the relationship with the Park Street Listed Buildings to the east is relatively recent as there would have been no visual link between the cottages on the east side and the cottages to the west prior to the demolition works on the west side in the 1960's. The assessment concedes that the demolition of these properties will entail some loss of heritage significance to the Conservation Area, but that the loss would be less than substantial given the generic appearance of the residential dwellings and limited heritage value compared to numerous longer rows and groups of house in the area.

8.29 The Urban Design and Conservation Team, Historic England and the Victorian Society all agree that the buildings to contribute positive to the character or appearance of the Conservation Area. The buildings are identified as a 'positive' feature in the published Conservation Area Appraisal 2006. However, there is some ambiguity over the level of harm each consultee considers would arise. The wording of Historic England ("severe harm") and the Victorian Society's ("high level of harm") comments implies that they consider the demolition would lead to substantial harm to the heritage asset, in accordance with paragraph 133 of the NPPF. In contrast, the Urban Design and Conservation Team in summarising their reasons for refusal explain that the proposed development will lead to 'less than substantial harm' to the setting of listed building and the Conservation Area as designated heritage assets and this harm is not outweighed by the public benefits of the development. Notwithstanding the Urban Design and Conservation Team's opinion on the weight of the public benefits, the identification of the harm caused matches that of paragraph 134 of the NPPF.

8.30 In justifying the significance of the buildings, Historic England makes reference to the group value they have when viewed in

conjunction with the Park Street town houses and the positive contribution they make. The Victorian Society also cites this group value as being the key factor in their significance, as well as the positive contribution they make to the setting of the Union Society building. The Urban Design and Conservation Team also emphasises the group value aspect but goes into greater detail about the materials of the scheme and the impact this has in cohesion with the Cambridge Union buildings:

"Following their decline in popularity and the demise of the city's brickworks, nineteenth century gault brick buildings are very much representative of a limited period and are integral to the character and appearance of the central core conservation area. By c1890 gault bricks were out of fashion for city centre houses and suburban villas as advances in manufacturing and transport meant that the much more desirable red bricks were readily available. On the application site, they contrast with and help to highlight the materiality of the "high status", red brick, Waterhouse Cambridge Union Buildings."

8.31 I agree with the view of the Urban Design and Conservation Team that the demolition of the properties would result in less than substantial harm to the significance of the heritage asset. As a result, the harm caused must be weighed against the public benefits that the demolition would provide, including securing its optimum viable use.

8.32 The demolition of this element of the site would allow for the development of the new restaurant and student accommodation block that would be built in its place. This would result in improvements to the public realm, notably the increase in width of the narrow pavement at the pinch point on the corner of Park Street and creation of activity at street level along Round Church Street. The existing poor condition of student housing would be replaced with a higher quality of accommodation. A structural engineers report and valuation report of the existing properties states that the repairs and renovations needed to bring the properties back into domestic use would involve significant work. The report concludes that given the need to raise sufficient funds to safeguard the Listed Building, such work is not viable. The subsequent development over this space would develop a source of income for the long term sustainability of the Union and secures the future of the building. The financial security of the Union would help to

ensure that the legacy of the Listed Building is preserved and allow them to repair and maintain the building accordingly. I consider this latter benefit to be a significant public benefit as without this there is a real risk that the setting and historic fabric of the Listed Building could be irreversibly harmed.

8.33 Overall, in weighing the less than substantial harm to the heritage asset caused by the demolition of nos.3 – 5 Round Church Street against the public benefits (including securing its optimum viable use) that would accrue, I am of the opinion that the public benefits would outweigh the harm and secure the long-term future of the Listed Building.

Principle of works and additions to the Grade II Listed Building

8.34 The application proposes the following works and additions to the Listed Building:

- Reinstatement of lost dormer windows
- Reinstatement of a Waterhouse derived façade
- Access improvements
- Internal changes to improve circulation and usage of spaces
- Creation of ancillary spaces

8.35 The relevant consultees have raised no objection to the proposed reinstatement of the lost dormer windows, creation of ancillary spaces and most of the access improvements and internal changes. In the absence of objections to these elements from the expert consultees, I am minded to support these aspects of the proposal, subject to conditions.

8.36 One exception is the lack of support for the proposed removal and replacement of the staircase. The impact of this element has been assessed in paragraphs 8.22 – 8.25 of this report and is deemed to be acceptable.

8.37 I also acknowledge that concerns have been raised from the Victorian Society regarding the proposed reinstatement of the Waterhouse derived façade. The Victorian Society considers that if the twentieth-century remodeling is to be unpicked, it makes sense to reinstate Waterhouse's design and reintegrate what survives of his work on Round Church Street with its original setting. In contrast, Historic England state that no harm would be caused to the building's significance by the proposed

restoration of the lower section of the Waterhouse elevation on Round Church Street. The Urban Design and Conservation Team recommend conditions relating to the junction of brickwork and material samples and do not object to the this element of the scheme.

8.38 In my opinion, the proposed Waterhouse façade would improve the appearance of the building and would not amount to substantial harm to the heritage asset. The current Round Church Street 1930's façade is of poor quality and in a dilapidated condition. The proposed façade would take inspiration from the architectural attributes of the existing Waterhouse building and would rejuvenate the appearance of the building in the street scene. The works will enhance the character and appearance of the Conservation Area and make a positive contribution to the setting of the Listed Building.

Response to Context

<u>Proposed restaurant/ accommodation building and link building – Original proposal</u>

8.39 The proposed building would occupy a highly prominent location in the street scene by virtue of its position occupying the corner of the site between Round Church Street and Park Street. As explained in paragraphs 1.2 and 1.3 of this report, the site is in a sensitive location in terms of heritage assets both on-site and off-site.

8.40 The application originally proposed a four-and-a-half storey building with the ridge line over 3.1m above the adjacent Round Church Street element and sought to use the ridge line of the large debating chamber roof to inform its scale and mass. The gable end featured a set of double gothic style bays and the Round Church Street façade had a high frequency of dormer windows with rows of horizontal stone coursing demarcating each floor of the building.

8.41 The original scheme came under strong criticism from the Design and Conservation Panel. The Panel felt that the development should respond to this changing character, but instead of stepping down in scale and massing it steps up, with the taller elements likely to create a canyon effect along Round Church Street and result in a significant increase in

overshadowing of the public realm. The Panel was also not convinced that the height of the existing debating chamber element of the Waterhouse building should act as a precedent for the proposed height. The Panel wanted to see the glazed linking element portrayed as a greater celebration of the entrance. Furthermore it was recommended that the new building should have its own identity and that the end double-gable appears over-dominant and muscular in appearance when compared to the listed cottages opposite.

8.42 Continuing this theme, concerns were raised by design-based consultees. The Urban Design and Conservation Team encapsulated their criticism by describing the scale and bulk of the new building to be too excessive and failing to respond sympathetically to the existing listed buildings, thus harming their character. Historic England shared this view, explaining that the new building would constitute an extremely prominent intervention in the street scene. This was also reiterated by the Victorian Society, who added that the crude, heavy treatment of the proposed link block appears highly incongruous, working against, not with, the form and manner of the listed building.

8.43 In assessing the original proposal, I agreed with the concerns raised regarding the proposed new building as the proposal would have adversely impacted on the setting and historic interest of the nearby Listed Buildings and would have failed to preserve or enhance the character or appearance of the Conservation Area.

<u>Proposed restaurant/accommodation building and link building – Revised proposal</u>

8.44 In response to the unanimous criticism of the original scheme the applicant elected to revise the proposal to try and address the concerns raised. The main changes are as follows.

8.45 The building has been reduced in scale down to three-and-a-half storeys with the ridge line being lowered by 2.75m, approximately 400m above that of its neighbouring building. The number of dormers has been decreased down from 5 to 3 with the dormers now slightly wider and sitting lower in the roof plane. The central stone coursing between the first and second floor has been removed and replaced with recessed brickwork and the window detail simplified to read as single vertical planes

breaking up the horizontal nature of the buildings along Round Church Street. There was originally an overhang above first-floor level and this has since been removed so that the building line is flush at all levels. The eaves line has also been lowered and reads level with that of the Waterhouse element adjacent along Round Church Street. The set of double gables has been replaced with two regular gable ends and the window fenestration has been altered in terms of a significant reduction in the level of glazing and introduction of ornamental arrangements, notably oriel windows. There are also other more detailed changes to minor elements of the scheme.

8.46 Since the amendments were made comments have been received from the Urban Design and Conservation Team and Historic England. The Urban Design and Conservation Team has stated that the revisions are considered to substantially address the height, scale and massing issue previously objected to and that the fenestration changes to the Park Street elevation also contribute to overcoming the overbearing effects of the gables of the previous version. Historic England explain that the amendments would reduce the level of harm caused to the setting of the Listed Buildings and that this would have a lesser impact on the street scene. No comments have been received from the Victorian Society on the amended scheme.

8.47 The original scheme was criticised by the relevant consultees due to its excessive scale and mass, treatment of the end gable and dominance compared to the Listed Buildings both on and off-site. The responses received after the amendments suggest that the level of harm caused by this element has been reduced significantly. There were concerns raised by the Design and Conservation Panel and the Victorian Society regarding the proposed link building/ entrance from Round Church Street which do not appear to have been resolved. However, these were not shared by the Urban Design and Conservation Team or Historic England.

8.48 In my opinion, the proposed amendments have overcome the main issues regarding the treatment of the gable end, excessive scale and mass and the dominating impact it would have on the relevant heritage assets. The treatment of the Round Church Street elevation and reduction in mass has resulted in a scheme which appears much simpler in its form and appearance. This combined with the significant reduction in

scale means that the development would not harmfully compete or draw attention away from the prized debating chamber building. Furthermore the revision to the gable end means that it will appear far less pronounced and dominant in the street scene when viewed from key public viewpoints in the Conservation Area.

8.49 I do not share the views of the Victorian Society and the Design and Conservation Panel in respect of the concerns relating to the link building and entrance. In my view, the glazed link would act as a sensitive mediator between the reinstatement of the Waterhouse façade and the new building, providing a key delineation between the ends and beginnings of these two elements. The recessing of this aspect behind the building frontages of these two buildings and glazed fenestration also ensures that it does not clutter or confuse the successfully contrasting treatment along Round Church Street of the two buildings. My opinion is that celebrating this entrance any further, by way of widening, bringing forward or changing materials, would appear awkward in the juxtaposition it finds itself. In addition to this, the scheme needs to be taken in its current context, whereby there is no meaningful active frontage along this elevation, and the proposed glazed link would be a considerable enhancement to improving the levels of active frontage along this street.

8.50 In my assessment of the revised scheme and interpreting the consultee responses received before and after the revisions, I am of the view that the proposed building, as amended, would cause less than substantial harm to the nearby heritage assets. In accordance with paragraph 134 of the NPPF I have weighed this harm against the public benefits of the proposal, including securing its optimum viable use.

Assessment of Public Benefits

8.51 The applicant has presented what they consider to be a number of public benefits that would arise from the development of the proposed building. The full list of these public benefits is detailed in paragraph 8.18 of this report. I have assessed the public benefits put forward and the level of weight they should be afforded in decision making.

8.52 Firstly, with respect to the improvements to the public realm, the opportunity to repair the harm of the Park Street road widening, replacement of pavement and visual improvements to the service yard would be site-specific and are relatively minor when compared to the other public benefits put forward. Nevertheless, these would represent a benefit to the area. The increase in width of the pavement on the corner of Park Street and creation of an active frontage along Round Church Street would substantially improve the pedestrian environment in terms of safety and active surveillance and I believe these are moderate in terms of their significance.

8.53 Secondly, in considering the improvements to the building conditions, the replacement of deteriorating housing is very much exclusive to Trinity College and I am not convinced that this is a notable public benefit. The replacement of the 1930's Round Church Street façade would inevitably improve the appearance of the street scene and would benefit the character of the area as a whole. The repair and maintenance work of the Cambridge Union Society building would be a significant public benefit and this is explored in greater detail in paragraph 8.55.

8.54 Thirdly, the replacement of low quality student housing with higher quality units would be, in my view, a private benefit to Trinity College as it would only be readily experienced by their students. In contrast, the release of housing currently owned by Trinity College would be a substantial public benefit. The properties in question are all in sustainable locations and ideal for use as dwellinghouses. The release of this housing would contribute to easing the holistic housing issues that the city is currently experiencing, notably increasing the supply of houses available to help meet the growing demand.

8.55 Fourthly, there would also be public benefits arising from the improvements to the Cambridge Union Society. I consider the reinstatement of the dormers above the snooker room not to be a public benefit. The opening up of the building and its associated functions would improve opportunities for members of the public to experience the uses offered, which, at present, are almost invisible to people using the public realm adjacent. The reopening of the Footlight's entertainment venue would also offer new cultural experiences for those living and visiting Cambridge. The new entrance and internal works to the building would dramatically improve the accessibility of the building

which is currently extremely difficult and challenging for anyone with impaired mobility to navigate. The overall sustainability and carbon footprint of the building would be improved as a result of replacing outdated forms of heating and energy usage with modern-day technology.

8.56 Finally, and most significantly, the works would ensure that the long term future of the Listed Building is secured and that the world's longest running debating society is able to continue operating in the heart of Cambridge. The existing building is in a poor state structurally which is encapsulated by the fact that existing leaks are managed by catching water in buckets. In addition to this, the heating of the building uses extremely old forms of boilers which are inefficient in both their energy use and the financial cost of running. The consequence of this is that the historic fabric of the Listed Building is at a serious risk of deteriorating without these necessary internal works. The Cambridge Union Society has, and continues to host, a variety of world renowned public speakers and guests and plays a critical role in forming the global presence of the University of Cambridge. The ability to attract high profile speakers and host high quality debates on economic, social and environmental issues adds significant weight in the overall city branding of Cambridge as a forward thinking and progressive city.

Summary

8.57 The proposed internal works to the Listed Building would cause some harm to its special architectural interest due to the removal of the main staircase. The properties at nos.3 – 5 Round Church Street are considered to have a neutral contribution to forming the character and appearance of the Conservation Area and the loss of these would result in a degree of harm. The proposed link building and entrance from Round Church Street would harm nearby heritage assets according to the Victorian Society and the Design and Conservation Panel. The revised scheme for the post-graduate accommodation/ restaurant block is considered to cause low harm to heritage assets. Overall, I am of the opinion that the proposed demolitions and additions amount to less than substantial harm to the relevant heritage assets.

8.58 There would be dramatic public benefits to the pedestrian environment and accessibility of the area both internally within

the site and externally outside the site, such as the widening of the pinch point between Park Street and Round Church Street. The internal improvements and long term structural and financial benefits for the Cambridge Union Society that the proposal would create would take important steps to securing the legacy of the world renowned Cambridge Union Society and help preserve the historic integrity of the Listed Building. The replacement of the 1930's extensions and additions, which are considered to detract from the Listed Building's significance, would contribute positive to the area. The proposal would also involve the release of five properties currently owned by Trinity College to the open market which would be beneficial in the City meeting its overall housing need.

8.59 In my opinion, in weighing the less than substantial harm to the heritage assets caused by the demolition of nos.3 – 5 Round Church Street against the public benefits (including securing its optimum viable use) that would accrue, I am of the opinion that the public benefits would outweigh the harm and the scheme is acceptable, in accordance with paragraph 134 of the NPPF.

Landscaping and Trees

8.60 The proposal would involve the removal of the two trees close to the north-east corner of the site. The tree survey identifies these trees as being of Category C and Category U value respectively. The large protected tree in the south-east corner, that which is most visible from views north-west between Jesus Lane and Park Street, would not be removed. The Tree Officer has raised no objection to the proposed works subject to a condition ensuring that the root protection area of this tree and the adjacent tree will not be affected.

8.61 The landscape design seeks to enhance the existing front and rear courtyards to the Union Society buildings as well as repair surrounding public realm where appropriate. The front entrance courtyard includes installation of a ramp to allow provision of a permanent level access to the café and wider building. The main lawn is proposed to be replaced by Yorkstone paving to create a terrace for the café and Society events. The scheme proposes new planting around the courtyard and refreshing the existing shrub beds with new plants. The Landscape Team is supportive of the proposals, subject to landscaping conditions.

8.62 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 3/13, 3/14, 4/4, 4/10, 4/11 and 4/12.

Renewable energy and sustainability

8.63 The application proposes a combined approach in terms of renewable energy for the proposed Trinity building for both the new restaurant and student accommodation consisting of a roof mounted photovoltaic array of approximately 30m^2 and a combined heat and power system within the basement. The upgrades to the existing building fabric and plant/ boiler rooms in the basement will also represent an improvement in terms of the buildings sustainability. The Sustainability Officer is supportive of the proposals, subject to conditions and I agree with this advice.

8.64 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, subject to conditions.

Disabled access

8.65 As described in paragraph 8.24 of this report, the proposal would significantly improve the accessibility of the building and is supported by the Disability Consultative Panel.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.67 Whilst the proposed new building is of a considerable scale, it is situated a comfortable separation distance from any nearby residential properties. The building would not adversely overshadow or visually enclose any neighbouring occupiers. The views out would face onto the street and would not compromise the privacy of any nearby occupiers. The works to the listed building would not introduce any new forms of overlooking or loss of privacy.

8.68 Conditions have been recommended by the Environmental Health Team to control the noise and environmental matters associated with the proposed accommodation, restaurant and entertainment uses. In my opinion, subject to these conditions, the proposal would not give rise to unacceptable levels of noise and disturbance.

8.69 The Environmental Health Team and Highway Authority have recommended conditions to control the demolition/ construction process and these have been recommended accordingly.

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

Amenity for future occupiers of the site

8.71 The proposal would provide 38 post-graduate student accommodation rooms, all with communal living areas and acceptable outlooks. The Environmental Health Team has recommended conditions regarding building insulation and noise to protect future occupiers and these have been recommended accordingly. The site is within walking distance of the main Trinity College campus and is in a highly sustainable location, close to local shops, facilities and outdoor spaces.

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

Refuse Arrangements

8.73 Bin storage would be provided in the basement. There would be a designated store for the existing Union Society functions and the proposed post-graduate accommodation underneath the central atrium area. The proposed restaurant would have a basement refuse store. There would be service lifts adjacent to both of these stores and there would be logical routes out from each of these stores to the designated collection point adjacent

to Park Street. The bin collection area would not block the path along Park Street. With the exception of collection days, bins would not be visible from public viewpoints which would be a significant improvement compared to the existing situation where they are stored informally on the Park Street service yard area.

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

Drainage

8.75 A drainage report has been submitted by the agent and this has been reviewed by the Lead Local Flood Authority, City Council Drainage Engineer, Anglian Water and Environment Agency who are all supportive of the proposal, subject to conditions and informatives.

8.76 In my opinion, subject to conditions, the proposal is compliant with paragraph 103 of the National Planning Policy Framework (2012).

Archaeology

8.77 The County Council Archaeology Team has raised no objection to the proposed works, subject to an archaeology condition.

8.78 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/9.

Public Art

8.79 I do not find any conflict with policy 3/7 in respect of public art.

Highway Safety

8.80 The Highway Authority has raised no objection to the proposal on highway safety grounds subject to conditions and I agree with this advice.

8.81 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.82 The proposal does not include any car parking provision for students. Students are not permitted to bring cars to the site. The central location of the site means that students would have access to a wide range of shops and services including public transport links. I therefore do not consider car parking to be a necessary requirement for this proposal. However, the Highway Authority has recommended a travel plan (including student management plan) condition which requires details of how drop-offs and pick-ups will be managed so as to avoid any traffic overspill issues. The S106 agreement would ensure that future occupants do not own/ keep cars in Cambridge.

8.83 There is no dedicated car parking for the proposed restaurant use. The City Council has maximum parking standards and there is no obligation for this to be provided. The vast majority of restaurants in the City Centre also do not benefit from dedicated car parking and the site is easily accessible by alternative forms of travel. The Park Street multi-storey car park is also opposite the site which would provide car parking if needed. In addition to this, the agent has prepared detailed surveys and calculations of the parking capacity of the Park Street car park. The results of this indicate that the net effect of the likely trip numbers created by the restaurant would not be significant and that there would still be spare capacity.

8.84 The existing 11 car parking space to the rear courtyard of the Union Society would be reduced down to four spaces. Again, the City Council has maximum parking standards and there is no obligation for all of the existing parking to be retained. The site in a highly sustainable location and is not dependent on car parking. The car parking area is only likely to be used by office staff or any V.I.P guests speaking at the Union.

8.85 The cycle parking standards require 1 space per 2 bedspaces within the Historic Core area and 1 visitor space per 5 bedspaces. Based on this calculation 27 cycle parking spaces are needed for the student use. There appears to be some uncertainty regarding the level of cycle parking proposed. The Design and Access Statement and Planning Statement make reference to 65 spaces being provided in the basement but the plans only show 42 spaces being provided. Reference is also made on landscaping plans to the retention of seven existing

cycle parking hoops in the front courtyard area which would bring on-site cycle parking up to 56 spaces. Notwithstanding this discrepancy, the level of cycle parking for the proposed student accommodation well exceeds the minimum standards required and is acceptable.

8.86 No dedicated cycle parking is proposed for the restaurant use which in the strictest application of the minimum standards is contrary to the Cambridge Local Plan (2006). 1 space for every $10m^2$ of dining area is needed for this use. Approximately $258.5m^2$ of dining area is proposed and so 26 spaces are required in accordance with the minimum standards. It is also acknowledged that the Cycling and Walking Officer has recommended that the building is set back to allow for cycle racks to be installed in front of the building. There is however public cycle parking nearby in the form of 20 hoops (40 spaces) on the south-west corner of Park Street and Jesus Lane, as well as over 100 hoops in the Park Street multi-storey car park. The agent has prepared detailed surveys and calculations of the cycle parking capacity of the Park Street car park. The results of the likely trip numbers generated demonstrated that at peak times the proposal would result in a loss of 4% of this cycle parking being taken up and there would still be over 38% capacity remaining. The Highway Authority has assessed the calculations and findings submitted and consider the proposal to be acceptable in this respect. In my opinion, I do not consider it would be reasonable to refuse the application due to a lack of cycle parking for this component as there is evidence of a surplus of public spaces in the surrounding area. Trying to accommodate cycle parking along the front of the building would result in a significant reduction in usable floor space or would likely interfere with the public highway.

8.87 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.88 The only third party representations are in support and have been addressed in the main body of this report.

Planning Obligations (s106 Agreement)

8.89 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.

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

8.91 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.

8.92 The student accommodation would be occupied by post-graduate students of Trinity College. The applicant has provided evidence to show that the College has open space and sport facilities available to the future occupants in close proximity to the site:

- Gym & Sports Fields/Courts off Grange Road = 14min walk / 6min cycle
- Practice Pitches off Cranmer Road = 21min walk / 7min cycle
- Boat Clubs off Kimberley Road = 13min walk / 4min cycle
- Recreational Open Space off the Backs = 8min walk / 3 min cycle
- Fellow's Garden off Queen's Road = 8min walk / 3min cycle

8.93 Having reviewed the proposals I am mindful that the proposals are within walking distance of the facilities at Trinity College,

and also the public open space at Jesus Green. It is also pertinent to point out that there would only be a net increase in four student rooms occupied by Trinity College as a result of this proposed development. The combination of the release of the properties listed in the succeeding paragraph (22 student rooms), in addition to the 13 rooms provided within 3 – 5 Round Church Street that would be demolished, means that the College would be gaining four additional rooms. Given the scale of the development (39 units of student accommodation/ net increase of 4 units), I am of the opinion that there is no justification in seeking a contribution in this instance.

8.94 A Section 106 agreement would be entered into to restrict occupancy to full-time students of Trinity College and to prevent the students from keeping/owning cars. The S106 agreement will also ensure that the houses currently owned by Trinity College and put forward for release as a public benefit are released into the open market. These properties are 39 Victoria Park, 12 Glisson Road, 20 Victoria Street, 53 Searle Street and 66 Searle Street.

9.0 CONCLUSION

9.1 The key deliberation that has been made when considering the application has been weighing the harm caused by the proposed development against the public benefits that would occur. In my assessment of this the public benefits are deemed to outweigh the harm that would be caused to relevant heritage assets. The demolition/ works to the listed building, the demolition of nos.3 – 5 Round Church Street and the proposed restaurant/ student accommodation building would cause less than substantial harm to the setting and importance of the Grade II Listed Building, nearby Listed Buildings and the character and appearance of the Conservation Area. The amendments to the proposed building are considered to take significant steps to overcoming the concerns originally raised by the design-based consultees and the Design and Conservation Panel. There would be a significant amount of public benefits, in terms of public realm improvements, preservation of the Listed building and housing need, arising from the scheme which, in my view, would outweigh the less than substantial harm that would be caused by the proposed works.

9.2 The proposal would provide drastic improvements to disabled accessibility and would open up to the public what is currently a very introverted and secluded part of Cambridge's unique history.

9.3 The application should be approved subject to conditions.

10.0 RECOMMENDATION

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

   (a) Desk study to include:
   -Detailed history of the site uses and surrounding area (including any use of radioactive materials)
   -General environmental setting.
   -Site investigation strategy based on the information identified in the desk study.
   (b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

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

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:
(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

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

5. Implementation of remediation.

Prior to the first occupation of the development (or 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 collections from 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 policy 4/13).

13. Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such..

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

14. Before the development/use hereby permitted is occupied, a scheme for the insulation of the building in order to minimise the level of noise emanating from the said building shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the building hereby permitted is occupied and shall be thereafter retained as such.

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

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

    Reason: To protect the amenity of future occupants (Cambridge Local Plan 2006 policies 3/12, 4/13 and 7/7)

16. 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 and retained thereafter.

    Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13 and 6/10)

17. Prior to the installation of any artificial lighting, an artificial lighting 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. Artificial lighting on and off site must 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 approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

    Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 4/15)

18. Deliveries and collections to site are prohibited outside of the following hours:

    - Monday to Saturday = 07:00 - 23:00hrs
    - Sundays and bank/public holidays = 08:00 - 18:00hrs

    Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

19. The Cambridge Union Society 1815 bar and cafe shall not be open outside the following hours:

    10:00 and 23:00 - Monday - Wednesday
    10:00 and 01:00 - Thursday
    10:00 and 02:00 - Friday - Saturday
    10:00 and 23:00 - Sunday

    Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

20. The Footlight's entertainment venue shall not be open outside the following hours:

    10:00 and 23:00 - Monday - Wednesday
    10:00 and 01:00 - Thursday
    10:00 and 02:00 - Friday - Saturday
    10:00 and 23:00 - Sunday

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

21. The new restaurant A3 use hereby permitted shall not be open outside the hours of 07:00 and 23:00 hrs.

    Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

22. Prior to the commencement of construction on the residential units/works to convert the property to residential use, full details of the ventilation scheme for the residential units on the façade fronting Park Street and Round Church Street shall be submitted to and approved in writing by the local planning authority. Air intake shall be from the roof and/or rear of the building, away from Park Street and Round Church Street. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be retained as such.

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

23. The scheme of ventilation approved under condition number 22 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).

24. Before the development hereby permitted is commenced, details of the location of associated duct work, for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved ductwork shall be installed before the use hereby permitted is commenced. The approved ductwork shall be retained thereafter.

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

25. Prior to occupation, further information shall be submitted and agreed in writing by the local planning authority in relation to the technical specification of the proposed gas fired Combined Heat and Power System, including emissions standards. Any gas fired CHP shall meet an emissions standard of:

Spark ignition engine: less than 150 mgNOx/Nm3
Compression ignition engine: less than 400 mgNOx/Nm3
Gas turbine: less than 50 mgNOx/Nm3

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16) and to protect human health in accordance with policy 4/14 of the Cambridge Local Plan (2006).

26. Prior to occupation, an energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable and low carbon sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the following details:
a) The total predicted energy requirements of the development, set out in Kg/CO2/annum; and
b) A schedule of proposed on-site renewable and low carbon technologies, their respective carbon reduction contributions, location, design and a maintenance programme.

The renewable and low carbon technologies shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

No review of this requirement on the basis of grid capacity issues can take place unless written evidence from the District Network Operator confirming the detail of grid capacity and its implications has been submitted to, and accepted in writing by, the local planning authority. Any subsequent amendment to the level of renewable/low carbon technologies provided on the site shall be in accordance with a revised scheme submitted to and approved in writing by, the local planning authority.

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

27. 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 buildings are appropriately serviced, managed and controlled (Cambridge Local Plan 2006 policies 3/7 and 8/9)

28. No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall comprise immediate, continuing and long-term measures to promote arrangements to encourage the use of public transport, cycling and walking and in particular measures to encourage the use of alternative means of transport to the private car by staff, students and visitors. The travel plan shall also include details of a student management plan to control the pick-up and drop-off of students at the site. The student management plan element shall set out measures as to how the student accommodation will be managed on a day-to-day basis, how it would be managed when let during holiday periods, and how any issues arising from its operation in terms of impact on adjacent neighbours will be handled. It shall include the contact name and number of a College representative, made available to local residents and placed as information near to the entrance of the building in a prominent and publicly visible location. Details of the cycle parking on site and where additional cycle parking will be located if there is obvious demand with details of how the demand will be monitored shall also be provided. The Travel Plan shall thereafter be implemented in accordance with the approved document.

Reason: In order to deliver sustainable transport objectives and to ensure the occupation of the buildings is appropriately managed and controlled (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12, 8/2, 8/3 and 8/4)

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

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

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

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

    Reason: To prevent surface water discharging to the highway (Cambridge Local Plan 2006 Policy 8/2).

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

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

33. The developer is advised that part of the proposed structure supports the public highway. Prior to commencement the developer must contact the Highway Authority to provide an Approval In Principle document in accordance with BD2 Volume 1 Highway Structures: Approval Procedures and General Design, Section 1 Approval Procedures of the Design Manual for Roads and Bridges.

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

34. 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 (Cambridge Local Plan 2006 Policy 8/2).

35. 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)

36. 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)

37. 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 unless the LPA agrees to any variation in writing.

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

38. Full details of all solar panels (water pre-heat, etc) and/or photovoltaic cells, including type, dimensions, materials, location and fixing shall be submitted to and approved in writing by the LPA. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

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

39. No demolition shall take place until an appropriately detailed historic buildings record has been submitted to (The specification to be agreed in advance based upon "A Guide to Good Recording Practice", Historic England, May 2016) and approved by the LPA. Thereafter the applicants shall also deposit a copy with each of the following organisations: the Cambridgeshire Collection of the Central Library, Lion Yard, Cambridge; the County Archive, Shire Hall, Castle Hill, Cambridge.

    Reason: To record and advance understanding of the buildings to be demolished in accordance with NPPF (2012) paragraph 141.

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

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

41. A landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas 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. 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)

42. Prior to commencement of development, details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

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

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

    Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate (Local Plan 2006 policy 4/9).

44. Details for the long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. The submitted details should also identify where the manhole covers are, how to lift them, what to look for, how to inspect for silt in the attenuation tank and if found, how to remove it. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

45. Prior to commencement of works, infiltration testing should be undertaken on site in accordance with BRE365 guidance shall be submitted to and agreed in writing by the local planning authority.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with National Planning Policy Framework 2012 paragraph 103.

INFORMATIVE: Traffic Management Plan informative: The principle areas of concern that should be addressed are:
i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

INFORMATIVE: 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: To satisfy the plant sound 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 sound 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 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 an acoustic 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 an acoustic assessment as described within this informative.

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

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

INFORMATIVE: Dust condition informative

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

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

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

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012
http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

INFORMATIVE: To satisfy the odour/fume filtration/extraction condition, details should be provided in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf

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

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

Further information may be found here:
https://www.cambridge.gov.uk/housing-health-and-safety-rating-system

INFORMATIVE: The Medium Combustion Plant Directive (MCPD) is part of The EU Clean Air Package published in December 2013. It will introduce a system of registration/permitting for 1-50MW plant, emission limits for nitrogen oxides, sulphur dioxide and particulate matter and monitoring of emissions by operators. Medium combustion plant include boilers, engines, turbines and backup generators and can run on natural gas, solid and liquid fuels, including biomass and biogas. New plant will need to be registered and meet emission limits in late 2018 and existing plants by 2025 and 2030 depending on size.

The proposed planning application involves the installation of plant that is likely to require regulation. The applicant is advised to ensure that the design and installation of any relevant plant takes into account the requirements of this Directive. Further advice can be obtained from the Environmental Quality and Growth team.

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 furnaces, boilers or plant to be installed should be provided using the Chimney Height Calculation form (available here: https://www.cambridge.gov.uk/chimney-height-approval).

INFORMATIVE: No consent is granted for any advertisement, for which a separate application may be necessary.

INFORMATIVE: Drainage.
Drainage systems must not be situated in contaminated land.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the public foul sewer.

INFORMATIVE: Pollution Prevention.
Where dewatering is required during demolition/construction works, the resultant water should not be disposed of via any ground surface, drain or watercourse without prior approval from the relevant regulatory body (including the Environment Agency, local authority or water company) as this activity may require a discharge consent. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

INFORMATIVE: Waste Management.
If any controlled waste is to be removed off site, the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer, as a waste producer, has a duty of care to ensure all materials removed from the site go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with the regulations.

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption licence or authorisation from the Environment Agency. We are unable to specify what exactly would be required, if anything, due to the limited amount of information provided

INFORMATIVE: Condition number 39 only applies to 3-5 Round Church Street, the toilet block to the rear of the Union Society buildings, and the 1930 extensions to the Union Society buildings.

PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/0674/LBC	**Agenda Item**	
Date Received	22nd April 2016	**Officer**	Michael Hammond
Target Date	17th June 2016		
Ward	Market		
Site	Cambridge Union Society 9A Bridge Street Cambridge Cambridgeshire CB2 1UB		
Proposal	Demolition of ancillary buildings and removal of 1930's facade at the grade II listed Cambridge Union Society. Construction of replacement facade, reinstatement and refurbishment of historic features and internal and external access and refurbishment works including enlargement of existing cafe (use class A3) and re-opening of 'footlight's' entertainment space (sui generis). Demolition of squash courts and un-listed 3-5 Round Church Street in the conservation area. Construction of new link building for access and ancillary uses for the Union Society. Construction of adjacent new building with ground floor restaurant (use class A3) with 38 room post-graduate student accommodation above (use class C2) together with basement storage and services.		
Applicant	See Company. C/o Agent United Kingdom		

SUMMARY	The development accords with the Development Plan for the following reasons: – In my view the proposed works would cause less than substantial harm to the setting and special interest of the Listed Building and this harm would be outweighed by the public benefits that the scheme would deliver.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The Cambridge Union Society is located in the historic core of the City Centre. It occupies a large site on the south-west corner of Park Street and Round Church Street. The majority of the site is occupied by the main Grade II Listed Building of the Cambridge Union Society. The building is three-storeys in height with a half level below. It was completed in 1866 by Sir Alfred Waterhouse, most famously known for his design for the National History Museum in London. Since its construction, the building has been the subject of later extensions and additions, notably the 1930's extension to the Round Church Street elevation and the squash court. The half level below was formerly used by the Cambridge University Footlights Drama Club. The debating chamber is situated in the heart of the building and occupies a large proportion of the main building and hosts the oldest debating society in the world. This aspect of the building has retained its appearance for over 140 years and has hosted a variety of well-known speakers including former prime ministers and major international figures. There is also the Cambridge Union Society coffee shop/ bar at ground-floor level which is open to members of the public. The upper floors and remainder of the building are predominantly office/ educational space, in addition to the large library and snooker room. In the north-east corner of the site is a row of three terraced properties (3-5 Round Church Street) used as student accommodation which are under the ownership of Trinity College.

1.2 To the west of the site is the Holy Sepulchre Church, commonly referred to as the Round Church, which is a Grade I Listed Building. To the north of the site is the Park Street multi-storey car park. There is a row of terraced properties to the east along Park Street, the southern half being Grade II Listed Building and the northern half being designated as Buildings of Local Interest. To the south-east of the site is the Grade I Listed 'Little Trinity' building. The ADC theatre is situated to the south of the site.

1.3 The site is situated in a sensitive location in terms of conservation and heritage assets. As stated there are the Grade I Listed Buildings of the Round Church and Little Trinity in close proximity. The main building on site is Grade II Listed. The row

of terraced properties to the east along Park Street are Grade II Listed/ Buildings of Local Interest. The site is situated in the Central Conservation Area.

2.0 THE PROPOSAL

2.1 Listed building consent is sought for the following works:

2.2 Demolition:

- Removal of the 1933 elements of the Round Church Street facade of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1883 dilapidated toilet block of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1933 former Squash Courts of the Grade II Listed Cambridge Union Society buildings;
- Internal and external demolitions and removals of fabric from various periods to allow for the improved access to, and usage of spaces within, the Grade II Listed Union Society buildings;

2.3 Development (as revised):

- Construction of a new Round Church Street facade of the Grade II Listed Cambridge Union Society building based upon an adaptation of the original 1883 design to tie-in with surviving original elements;
- Recreation of four dormer windows to the 1866 element of the Grade II Listed Cambridge Union Society buildings to re-instate those lost through bomb damage in the second world war;
- Creation of a new doorway to the Park Street elevation of the original 1883 building known as Round Church House of the Grade II Listed Cambridge Union Society buildings;
- Recreation of doorway from Snooker Room to the stairs of the Grade II Listed Cambridge Union Society buildings to re-instate the later change to remove the door;
- Creation of a new doorway between Round Church House and the Debating Chamber of the Grade II Listed Cambridge Union Society building;
- Re-location of the doorway from the cafй and members bar into the courtyard through enlargement of an existing window and creation of a ramp to create a level access entrance and subsequent closure of existing cafй entrance through

reinstatement of former window detail of the Grade II Listed Cambridge Union Society building;

- General refurbishments to the interior of the Grade II Listed Cambridge Union Society building including to enlarge and refurbish the ground floor cafй and members bar (Use Class A3) and to enlarge and refurbish the basement 'footlights' entertainment space (Sui Generis);
- Construction of new three storey 'link' building connecting the Debating chamber entrance to a new building entrance onto Round Church Street including internal circulation space, stairs and lift and
- toilet facilities and ancillary spaces;
- Construction of new ground floor restaurant venue (Use Class A3) with frontage onto Round Church Street and Park Street with 38no. room post-graduate accommodation above and basement for associated plant, refuse and cycle parking and storage;
- Associated landscape works to front, rear and side including creation of level access entrances.

2.4 This report focuses on those aspects that only require listed building consent.

2.5 In response to a number of concerns raised by consultees relating to heritage issues, the applicants have amended the scheme, specifically the proposed Trinity College post graduate accommodation and restaurant building. The amendments consist of alterations to the scale, massing and design of this element of the proposed works. These amendments are discussed in greater detail in the assessment section of this report.

2.6 The proposals have been the subject of extensive pre-application discussions between the Local Planning Authority and the applicants/ agent.

3.0 SITE HISTORY

3.1 The site has an extensive planning history. The most recent applications on this site are listed below:

Reference	Description	Outcome
16/0673/FUL	Demolition of ancillary buildings and removal of 1930's facade	Pending Consideration.

	at the grade II listed Cambridge Union Society. Construction of replacement facade, reinstatement and refurbishment of historic features and internal and external access and refurbishment works including enlargement of existing cafe (use class A3) and re-opening of 'footlight's' entertainment space (sui generis). Demolition of squash courts and un-listed 3-5 Round Church Street in the conservation area. Construction of new link building for access and ancillary uses for the Union Society. Construction of adjacent new building with ground floor restaurant (use class A3) with 38 room post-graduate student accommodation above (use class C2) together with basement storage and services.	
12/0829/LBC	To increase the height of the chamber balustrade to minimise the risk to people using the chamber balcony.	Permitted.
06/0576/LBC	Removal of 2 No. existing metal escapes (external) and installation of a new hand rail (internal) to Grade II Listed Building.	Permitted.
C/03/0914	Re-opening of original blocked up doorways, formation of new doorways and other alterations.	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	4/10

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

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

Urban Design and Conservation Team

<u>Original Comments (22/07/2016)</u>

6.1 Objection. Reasons for refusal:

- The height, scale massing and elevational treatment of the proposed student accommodation block would have an adverse impact on the setting of listed buildings within the Union Society site.
- The internal changes to the main stair area would have a significantly harmful effect on the fabric of the listed building.
- The height, scale massing and elevational treatment of the proposed student accommodation block and would not preserve or enhance the character of this part of the Historic Core/Conservation Area.
- The height, scale massing and elevational treatment of the proposed student accommodation block and would have an adverse impact on the setting of the Listed Park Street terrace.
- The demolition of 3-5 Round Church Street is not acceptable given the contribution which these buildings currently make to the character of this part of the Conservation Area.
- The proposed development will lead to 'less than substantial harm' to the settings of listed buildings and the Conservation Area as designated heritage assets and this harm is not outweighed by the public benefits of the development.

<u>Proposed Trinity College Accommodation Block & Restaurant.</u>

- The accommodation block would be of greater scale and bulk than the existing Northern Waterhouse wing on the same street elevation. It would also be of the same scale as and would thus compete with, the debating chamber building – the latter being the most significant element of the buildings and currently signalling this in its relationship with the existing lower wings. In these respects, the scale and bulk of the new building is considered excessive and to fail to respond sympathetically to

the existing listed buildings and therefore to harm their character.

- It also does not help form a notional townscape intermediary between the more commercial & institutional city centre and the more modest scale of the residential inner suburbs. The mass of the building is not convincingly broken down by the notional 'double-pile' form or the two gable ends with projecting bays. It still seems to present an overwhelming visual intervention into the townscape, especially when viewed from the Northern end of Park Street. The mass seems more oppressive when viewed across the 'back yard' because of the solid brick mass of the student block and the heavy metal-clad parapet at eaves level.

<u>Impacts on the settings of Listed Buildings – (planning application)</u>

The Setting of the Terrace on Park Street:

- There is clearly scope for improvement of the current prospect and the proposals potentially improve the service yard and boundary treatment. However, the accommodation block's scale, design and bulk in view across service yard would make it very dominating. Round Church House (the admin office) is set back from the Eastern boundary and is 2 – 3 storeys towards this boundary and the gable of 5, Round Church Street is of comparable scale to Round Church House. In contrast, the accommodation block would be much taller and much wider (14metres) than the main front to back depth of the existing cottages (7 metres). That it would be much closer to the boundary and occupying the corner as it would, its scale would be emphasised. The scale, bulk and design of the new building would result in it being unduly dominant in the setting of the terrace and a major adverse impact on the setting of the Listed terrace. There same can be said of the locally listed element.

The Setting of the Holy Sepulchre Church (Round Church)

- In the passage way along the Southern side a new gate is proposed in a position where there is none presently. Subject to the agreement of the details of this gate, there is judged to be no material adverse impact on the setting of the Church.

The Setting of the Union Buildings

- The setting of the Union buildings is currently marred by several elements. The scheme would improve the appearance of the

building's setting at the service yard including by the removal of the toilet block.

- As an adjoining building, the Round Church St wing would be of significantly greater scale and bulk than the Northern wing and would be of the same scale as the debating chamber building – the latter being the most significant element of the buildings and currently the tallest. In terms of the immediate setting of the listed building then, the new wing/building would appear the largest part of the group and this is considered to detract from the latter's setting.
- The proposed accommodation block would be apparent from Bridge Street in longer views down Round Church Street towards the Union buildings where it would appear above and beyond the existing Northern wings of the Union buildings.
- The dominance of the proposed accommodation block is therefore considered to harm the immediate setting of the older buildings.

<u>Impacts on the conservation area – (planning application)</u>

Demolition of 3 – 5 Round Church Street

- 3-5 Round Church Street are considered to contribute positively to the character or appearance of the conservation area and their demolition is considered to cause harm to the heritage asset.
- Returning to NPPF paragraphs 133 or 134, In either case, harm caused by the proposal must be weighed against the public benefits which in the case of para 133 must be substantial. Weighing against these are harm to the conservation area and Listed buildings settings that would arise from the design of the building proposed and the demolition of the cottages.

Improvement of yard facing Park Street

- This is currently a visually poor service yard viewed from the street. There is clearly potential for improvement and for mitigating views of the gable of No.5 Round Church Street

The scale, bulk and design of the new building.

- The substantial length, width and height of the building allied with the rigid repetition of elements (windows, dormers, banding, gables, and chimneys), result in it being likely to appear very dominant – especially seen from across the rear yard or on Park Street from opposite the car park corner. Its height, position on the site boundary and form would effectively

project the building out into the street scene when viewed from the Park Street / Jesus Lane junction. In addition, the architectural treatment of the end elevation consists of very demonstrative elements with only shallow recessions and would be alien in the context of smaller scale buildings on Park Street and Lower Park Street. The combination of these factors would produce an overly dominant building on Park Street.

Alterations to the Listed Buildings – (Listed building application)

Removal of the 1930s extensions.

- The removal of the 1930s extensions is acceptable.

Demolition of Toilet Block

- If the demolition were properly recorded and the better fittings salvaged for reuse elsewhere (or in the listed building), then it is probably acceptable to demolish the block, on balance.

Additional bay to the Waterhouse Northern elevation and reconstruction of the lower fa3ade of the range.

- A part of the proposals for the existing 19th Century northern block is the construction of an additional bay in brickwork to the Waterhouse Northern elevation. This is not a reinstatement as it was never part of the Waterhouse design. A straight vertical line on the Northern elevation drawing indicates the join between the two and the bay is confirmed by the floor plans to be at an angle to the existing main wall. How the brickwork at this junction was to work would need to be detailed. This bay would require brick and stonework of precisely matching materials.

Interior changes to Listed Building

Basement

- The works to basement are acceptable, subject to conditions.

Ground Floor

- The proposed link building (atrium area) affects early layout in the existing stair area by removing the short adjoining wall of the 1866 build. This area currently has some enclosure which reflects the character of this part of the building. The drawing 745 183 P1 Indicative Central Atrium Circulation indicates the contrasting character of space that is envisaged. To retain the character of the early phase, the existing stair configuration

should be retained and the new space start only beyond (north of) the short adjoining wall.

- The proposed additional number/position of further large openings in the main spine wall between the Members Bar and Blue Room is undesirable in terms of the character of these rooms – this will impact on the shape & scale of the proposed 'forward kitchen' and the bar.

First Floor

- Here the main concerns remain in the area of the link block between the reconstructed end of the Waterhouse Northern block and the new student block. How much is demolished, how much is reconstructed, how much retained and so on.

Second Floor

- Acceptable subject to condition.

New Link Building

- To Round Church Street a link block provides both visual and literal separation between the listed building and the accommodation block and the recessed threshold should help visitors 'read' the buildings and how they are meant to be approached & used. However, it is important that the transparency of the fa3ade of the foyer allows the two ends of the two separated blocks to be seen and understood as separate buildings but also that the link block itself has a real architectural presence on the street.

<u>Comments on Amendments (09/11/2016)</u>

<u>Accommodation Block.</u>

- Noting the reduction in height of the proposed Round Church Street elevation of the accommodation block, and reduced height and bulk of the proposed Park Street elevation, these revisions are considered to substantially address the height, scale, and massing issues previously objected to.
- In addition to the height and bulk reduction, the fenestration changes to the Park Street elevation also contribute to avoiding the overbearing effect of the gables of the previous version.

<u>3-5 Round Church Street.</u>

The harm to the conservation area caused by the proposed demolition of 3-5 Round Church Street remains as per the comments on the original proposal.

Cambridge Union Society Buildings.
A part of the proposals for the existing 19th Century Round Church Street block is the entrance link and construction of an additional gabled bay in brickwork to the Waterhouse Northern elevation. The latter is not a reinstatement as it was never part of the Waterhouse design and replaces the existing roof hip. However, the applicants have declined to respond to the Victorian Society's criticism of this element of the proposals and have submitted a justification of the design approach they have taken.

Conclusion.
The harm versus the benefits of the scheme are discussed in the Conservation response to the original proposal. The issue remains one of the loss of 3-5 Round Church Street, and the inclusion of arguably undesirable alterations to the Listed CUS buildings (link and staircases) compared with benefits of reinstating the lower part of the Waterhouse, Round Church Street elevation; sustaining the historic Cambridge Union Society buildings; and any other perceived benefits.

The proposed development will lead to 'less than substantial harm' to the settings of listed buildings and the Conservation Area as designated heritage assets and this harm is not outweighed by the public benefits of the development.

Historic England

Original Comments (10/06/2016)

6.6 The application is not supported.

6.7 Historic England appreciate the Union Society's aims to develop the overall site to safeguard its long-term future. However, the submitted proposals in their current form would cause severe harm to the significance of the Cambridge Historic Core Conservation Area, as a result of the impact on their setting. We do not consider that a clear and convincing case for the demolition of 3-5 Round Church Street has been made in accordance with the requirements in Paragraph 132 of the NPPF. The repair of nos 3-5 should be central to any scheme for this site if it is to be consistent with the Framework's objective of conserving significance and the weight accorded to

the conservation of significance reflects the statutory duties laid upon decision-makers by the 1990 Planning (Listed Buildings and Conservation Areas) Act. Even were the Council to conclude that a case could be made for demolition, the scale of the new build element should be significantly reduced in line with the advice above.

Comments on amendments (01/11/2016)

6.8 The revised proposals showing a reduction in height of one storey, together with amendments to the detailed design of the gable end of the student accommodation facing Park Street, would have a lesser impact on the streetscene than the previous proposals. However, our stance remains that demolition of 3-5 Round Church Street would cause severe harm to the significance of the Cambridge Historic Core Conservation Area, as a result of the impact on their setting, particularly in relation to the listed Park Street terrace. The repair of nos 3-5 and their integration into the wider development should be central to any scheme for this site if it is to be consistent with the NPPF's objective of conserving significance, and the weight accorded to the conservation of significance reflects the statutory duties laid upon decision-makers by the 1990 Planning (Listed Buildings and Conservation Areas) Act. In accordance with guidance in the NPPF, the level of harm that would be incurred to the significance of the conservation area through the loss of 3-5 Round Church Street should, therefore, be carefully balanced against the perceived public benefits of the revised proposals.

The Victorian Society

6.9 Object to the application (as submitted).

Demolition of 3 -5 Round Church Street

6.10 The most damaging aspect of the scheme is the proposed demolition of the attractive terrace of later nineteenth-century houses at 3-5 Round Church Street which would cause substantial harm.

Proposed accommodation block

6.11 The proposed accommodation block excessively and damagingly tall and bulky, seemingly on quite a different scale from the Union building that it would dominate and overshadow, not to mention the smaller scale domestic properties nearby. We object also to the crude, heavy treatment of the proposed link block proposed to abut the north end of the reworked North Wing.

Works to the listed building

6.12 While we raise no objection to the loss of the twentieth-century fabric (and defer to the Twentieth Century Society on its significance), we object to an approach that would see an approximation of the Waterhouse's northern ground-floor elevation recreated. If the twentieth-century remodelling is to be unpicked, it makes sense to reinstate Waterhouse's design and reintegrate what survives of his work on Cross Church Street with its original setting.

Design and Conservation Panel (Meeting of 10th August 2016)

The minutes of the Panel meeting were as follows:

6.13 **The impact on the character and appearance of the Conservation Area.**

Although the Panel did see the benefits of removing the existing discordant 1930s elements, concern was expressed as to the quantum of development on this site, and the impact of such a dominant development on the Conservation Area. The Panel regard Round Church Street as transitional space; moving from the busy, commercial character of Bridge Street to the quieter and predominantly residential character of Park Street. It was therefore felt that this development should respond to this changing character, but instead of stepping down in scale and massing it steps up, with the taller elements likely to create a canyon effect along Round Church Street and result in a significant increase in overshadowing of the public realm. The Panel was also not convinced that the height of the existing debating chamber element of the Waterhouse building should be seen as the precedent for the height of the new-build

element on the back of the pavement along Round Church Street. The debating chamber is sited in the heart of the site, well away from the adjacent streets, in much the same way as Trinity College's taller Wolfson building is encircled by lower buildings lining the adjacent streets.

6.14 **Treatment of New Entrance (Round Church Street).**

The Panel noted the examination of options for the new entrance off Round Church Street, but questioned the decision to treat this as a negative 'void' between the new Trinity Building and the restored and extended Waterhouse wing. The Panel was not convinced by the justification that this formed a third element in the street-scene. The Panel would encourage a greater celebration of the entrance, but one which is also architecturally incorporated as part of the Trinity Building, for a more successful result. The Panel would also have welcomed the opportunity to learn more about the architectural treatment for the new circulation space and stairwell within the Waterhouse building, but lack of time forced the debate to focus on more pressing matters.

6.15 **New Trinity Building.**

In addition to their concerns over the building's impact on the character and appearance of the Conservation Area, the Panel felt that this building would be more successful if it could be seen to have its own identity, rather than attempt to be seen as part of the 'family' of Waterhouse structures on the site. Particular concerns were expressed regarding the end double-gable that appears over-dominant and muscular, in particular when compared to the scale of the listed cottages along Park Street. The Panel was not convinced that the lower elements facing on to Park Street helped address this issue of scale, while the large areas of glass would afford views into the communal kitchen facilities; the experience of the student housing at CB1 suggests this might be unfortunate, and particularly inappropriate when viewed in the context of the listed cottages on the opposite side of Park Street.

6.16 **Treatment of the retained Courtyard space (including provision of disabled ramp).**

The Panel noted that the current treatment of the Courtyard is to retain the existing paths and to introduce a new dog-legged path to provide a ramped access to a new disabled entrance on the side wing. At the same time a triangular area of grass abutting the rear of the Round Church would be replaced with paving. The Panel felt that this important external space would benefit from a more holistic consideration, including how disabled access might be provided to the main entrance (as opposed to a side entrance), and where it might be best to provide hard landscaping for external seating (including consideration of the impact on the setting of the Grade I listed Round Church).

6.17 **Listed cottages (Park Street)**.

The presentation made no reference to the impact of the proposal on the setting of the listed cottages on the east side of Park Street. The Panel felt that further clarity was needed regarding the development's impact. Based on the information provided, the reference to the stepped end gable 'addressing' the cottages was viewed as tokenistic and unconvincing. The Panel also had a concern that the new Trinity Building appeared to mask more of the cottages in the proposed image looking down Round Church Street from Bridge Street.

6.18 **Conclusion**

At the last presentation in September, the Panel stated that they could accept the demolition of 3-5 Round Church Street providing the quality of redevelopment was of a sufficiently high standard.

The design of the scheme as currently proposed has not met this requirement, and the Panel considered the case had not been made to justify the quantum of new development on the site. The Panel recognises that this is an opportunity to restore the Waterhouse Building and put the future finances of the Cambridge Union Society onto a sound footing but, in the Panel's view, this scheme would be harmful both to the character and appearance of the Conservation Area and the setting of the adjacent Grade II listed cottages on Park Street. While there would be some undoubted enhancements to the Waterhouse Building, on balance, the Panel felt these benefits did not outweigh the harm.

VERTICT – AMBER (2), RED (3) with 1 abstention.

6.19 **Officer's note**

The programme for determination of the application did not allow for the revised application to be considered by the Design and Conservation Panel.

Twentieth Century Society

6.20 No comments received.

6.21 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 in objection to the application:

- 27 Nutters Close, Grantchester

7.2 The representation can be summarised as follows:

- The design of the east elevation is unacceptable and should be rethought.

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

- 8 Park Parade
- Cambridge Past, Present and Future

7.4 The representations can be summarised as follows:

- The proposal will enhance the neighbourhood.
- Proposals to radically alter a listed building should respect that building as it stands with any extension or alteration being on a subservient scale. The proposed refurbishment of the Cambridge Union involved a loose restoration along the lines of how the building was prior to the 1930s Tomlinson alterations, but with the re-development of the eastern half of the site with a

building that is substantially larger than the listed building that is to be retained. Although this breaches the general principle, it is the opinion of Cambridge PPF that the circumstances justify this reversal provided the quality of the architectural design and finish materials is not allowed to become compromised during the development process.

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 The historical and architectural significance of the site, together with the background to the application(s) is set out in the associated assessment for planning permission 16/0673/FUL.

Listed Building Consent Issues

Demolition Works

8.2 The following demolitions to the Grade II Listed Building are proposed:

- Removal of the 1933 elements of the Round Church Street facade of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1883 dilapidated toilet block of the Grade II Listed Cambridge Union Society buildings;
- Demolition of the 1933 former Squash Courts of the Grade II Listed Cambridge Union Society buildings;
- Internal and external demolitions and removals of fabric from various periods to allow for the improved access to, and usage of spaces within, the Grade II Listed Union Society buildings;

8.3 The agent has prepared a heritage assessment which highlights the significance of each element of the Listed Building. The assessment confirms that the areas of highest significance are the Debating Chamber, front entrance and faces and interior of the 1886 extensions of the parallel ranges. The 1930's Round Church Street facade, 1883 toilet lock and 1930's former squash courts are identified as being of low significance.

8.4 The Conservation Team, Historic England and Victorian Society have raised no objection to the removal of the 1930's Round Church Street facade, demolition of the 1883 toilet block or the former squash courts. The vast majority of the demolition works to the interior of the Listed Building are also supported by consultees, subject to conditions. As such, I do not consider any harm to the significance of the Listed Building would occur from these proposed demolitions.

8.5 The main point of contention in terms of demolition affecting the Listed Building is the proposed removal of the main staircase in the atrium. The Urban Design and Conservation Team and Historic England both object to this element of the scheme and consider that in order for the demolition to be acceptable. The consultees have stated that the existing stair configuration should be retained and the new interior space should start only beyond (north of) the short adjoin wall.

8.6 The heritage assessment provided with the application defines this staircase as clearly being of some heritage significance as an aspect of the 1930's alterations. In their view it is of no higher than moderate heritage significance. I am inclined to further the view of the applicant.

8.7 In my opinion, the removal of the staircase would lead to less than substantial harm to the significance of the Listed Building. In accordance with paragraph 134 of the NPPF I have weighed this harm against the public benefits of the proposal, including securing its optimum viable use.

8.8 Conservation and Planning Officers, together with the agent, have explored ways of trying to overcome this issue. No solution to this matter was agreed upon but it was clear that trying to retain or mimic the existing staircase would have significant impacts on the circulation and functionality of the scheme. At present, the Cambridge Union Society effectively turns its back onto Round Church Street and the existing entrances are relatively discreet and out of the public view. The proposed entrance onto Round Church Street would counteract this by providing an inviting and legible entrance into the site from the public realm. The new entrance would also drastically enhance the levels of active frontage along the street. In addition to this, accessibility and circulation would be improved substantially as the existing corridors and routes through the

building are narrow and extremely difficult for people with impaired mobility to access. The Disability Consultative Panel recognise this in their support of the scheme.

8.9 In my opinion, the public benefits of the increased public exposure of the building and its uses, and the significant improvements to accessibility, would outweigh the less than substantial harm to the Listed Building.

Proposed works and additions to the Grade II Listed Building

8.10 The application proposes the following works and additions to the Listed Building:

- Reinstatement of lost dormer windows
- Reinstatement of a Waterhouse derived facade
- Access improvements
- Internal changes to improve circulation and usage of spaces
- Creation of ancillary spaces

8.11 The relevant consultees have raised no objection to the proposed reinstatement of the lost dormer windows, creation of ancillary spaces and most of the access improvements and internal changes. In the absence of objections to these elements from the expert consultees, I am minded to support these aspects of the proposal, subject to conditions.

8.12 One exception is the lack of support for the proposed removal and replacement of the staircase. The impact of this element has been assessed in paragraphs 8.22 – 8.25 of this report and is deemed to be acceptable.

8.13 I also acknowledge that concerns have been raised from the Victorian Society regarding the proposed reinstatement of the Waterhouse derived facade. The Victorian Society considers that if the twentieth-century remodeling is to be unpicked, it makes sense to reinstate Waterhouse's design and reintegrate what survives of his work on Round Church Street with its original setting. In contrast, Historic England state that no harm would be caused to the building's significance by the proposed restoration of the lower section of the Waterhouse elevation on Round Church Street. The Urban Design and Conservation Team recommend conditions relating to the junction of

brickwork and material samples and do not object to the this element of the scheme.

8.14 In my opinion, the proposed Waterhouse facade would improve the appearance of the building and would not amount to substantial harm to the heritage asset. The current Round Church Street 1930's facade is of poor quality and in a dilapidated condition. The proposed facade would take inspiration from the architectural attributes of the existing Waterhouse building and would rejuvenate the appearance of the building in the street scene. The works will make a positive contribution to the setting and appearance of the Listed Building.

Proposed restaurant/ accommodation building and link building – Original proposal

8.15 The proposed building would occupy a highly prominent location in the street scene by virtue of its position occupying the corner of the site between Round Church Street and Park Street. As explained in paragraphs 1.2 and 1.3 of this report, the site is in a sensitive location in terms of heritage assets both on-site and off-site.

8.16 The application originally proposed a four-and-a-half storey building with the ridge line over 3.1m above the adjacent Round Church Street element and sought to use the ridge line of the large debating chamber roof to inform its scale and mass. The gable end featured a set of double gothic style bays and the Round Church Street facade had a high frequency of dormer windows with rows of horizontal stone coursing demarcating each floor of the building.

8.17 The original scheme came under strong criticism from the Design and Conservation Panel. The Panel felt that the development should respond to this changing character, but instead of stepping down in scale and massing it steps up, with the taller elements likely to create a canyon effect along Round Church Street and result in a significant increase in overshadowing of the public realm. The Panel was also not convinced that the height of the existing debating chamber element of the Waterhouse building should act as a precedent for the proposed height. The Panel wanted to see the glazed linking element portrayed as a greater celebration of the

entrance. Furthermore it was recommended that the new building should have its own identity and that the end double-gable appears over-dominant and muscular in appearance when compared to the listed cottages opposite.

8.18 Continuing this theme, concerns were raised by design-based consultees. The Urban Design and Conservation Team encapsulated their criticism by describing the scale and bulk of the new building to be too excessive and failing to respond sympathetically to the existing listed buildings, thus harming their character. Historic England shared this view, explaining that the new building would constitute an extremely prominent intervention in the street scene. This was also reiterated by the Victorian Society, who added that the crude, heavy treatment of the proposed link block appears highly incongruous, working against, not with, the form and manner of the listed building.

8.19 In assessing the original proposal, I agreed with the concerns raised regarding the proposed new building as the proposal would have adversely impacted on the setting and historic interest of the nearby Listed Buildings and would have failed to preserve or enhance the character or appearance of the Conservation Area.

<u>Proposed restaurant/accommodation building and link building – Revised proposal</u>

8.20 In response to the unanimous criticism of the original scheme the applicant elected to revise the proposal to try and address the concerns raised. The main changes are as follows.

8.21 The building has been reduced in scale down to three-and-a-half storeys with the ridge line being lowered by 2.75m, approximately 400m above that of its neighbouring building. The number of dormers has been decreased down from 5 to 3 with the dormers now slightly wider and sitting lower in the roof plane. The central stone coursing between the first and second floor has been removed and replaced with recessed brickwork and the window detail simplified to read as single vertical planes breaking up the horizontal nature of the buildings along Round Church Street. There was originally an overhang above first-floor level and this has since been removed so that the building line is flush at all levels. The eaves line has also been lowered and reads level with that of the Waterhouse element adjacent

along Round Church Street. The set of double gables has been replaced with two regular gable ends and the window fenestration has been altered in terms of a significant reduction in the level of glazing and introduction of ornamental arrangements, notably oriel windows. There are also other more detailed changes to minor elements of the scheme.

8.22 Since the amendments were made comments have been received from the Urban Design and Conservation Team and Historic England. The Urban Design and Conservation Team has stated that the revisions are considered to substantially address the height, scale and massing issue previously objected to and that the fenestration changes to the Park Street elevation also contribute to overcoming the overbearing effects of the gables of the previous version. Historic England explain that the amendments would reduce the level of harm caused to the setting of the Listed Buildings and that this would have a lesser impact on the street scene. No comments have been received from the Victorian Society on the amended scheme.

8.23 The original scheme was criticised by the relevant consultees due to its excessive scale and mass, treatment of the end gable and dominance compared to the Listed Buildings both on and off-site. The responses received after the amendments suggest that the level of harm caused by this element has been reduced significantly. There were concerns raised by the Design and Conservation Panel and the Victorian Society regarding the proposed link building/ entrance from Round Church Street which do not appear to have been resolved. However, these were not shared by the Urban Design and Conservation Team or Historic England.

8.24 In my opinion, the proposed amendments have overcome the main issues regarding the treatment of the gable end, excessive scale and mass and the dominating impact it would have on the relevant heritage assets. The treatment of the Round Church Street elevation and reduction in mass has resulted in a scheme which appears much simpler in its form and appearance. This combined with the significant reduction in scale means that the development would not harmfully compete or draw attention away from the prized debating chamber building. Furthermore the revision to the gable end means that it will appear far less pronounced and dominant in the street

scene when viewed from key public viewpoints in the context of the Listed Building.

8.25 I do not share the views of the Victorian Society and the Design and Conservation Panel in respect of the concerns relating to the link building and entrance. In my view, the glazed link would act as a sensitive mediator between the reinstatement of the Waterhouse facade and the new building, providing a key delineation between the ends and beginnings of these two elements. The recessing of this aspect behind the building frontages of these two buildings and glazed fenestration also ensures that it does not clutter or confuse the successfully contrasting treatment along Round Church Street of the two buildings. My opinion is that celebrating this entrance any further, by way of widening, bringing forward or changing materials, would appear awkward in the juxtaposition it finds itself. In addition to this, the scheme needs to be taken in its current context, whereby there is no meaningful active frontage along this elevation, and the proposed glazed link would be a considerable enhancement to improving the levels of active frontage along this street.

8.26 In my assessment of the revised scheme and interpreting the consultee responses received before and after the revisions, I am of the view that the proposed building, as amended, would cause less than substantial harm to the setting and special interest of the Listed Building. In accordance with paragraph 134 of the NPPF I have weighed this harm against the public benefits of the proposal, including securing its optimum viable use.

Assessment of Public Benefits

8.27 The applicant has presented what they consider to be a number of public benefits that would arise from the development of the proposed building. The full list of these public benefits is detailed in paragraph 8.18 of this report. I have assessed the public benefits put forward and the level of weight they should be afforded in decision making.

8.28 Firstly, with respect to the improvements to the public realm, the opportunity to repair the harm of the Park Street road widening, replacement of pavement and visual improvements to the service yard would be site-specific and are relatively minor

when compared to the other public benefits put forward. Nevertheless, these would represent a benefit to the area. The increase in width of the pavement on the corner of Park Street and creation of an active frontage along Round Church Street would substantially improve the pedestrian environment in terms of safety and active surveillance and I believe these are moderate in terms of their significance.

8.29 Secondly, in considering the improvements to the building conditions, the replacement of deteriorating housing is very much exclusive to Trinity College and I am not convinced that this is a notable public benefit. The replacement of the 1930's Round Church Street facade would inevitably improve the appearance of the street scene and would benefit the character of the area as a whole. The repair and maintenance work of the Cambridge Union Society building would be a significant public benefit and this is explored in greater detail in paragraph 8.55.

8.30 Thirdly, the replacement of low quality student housing with higher quality units would be, in my view, a private benefit to Trinity College as it would only be readily experienced by their students. In contrast, the release of housing currently owned by Trinity College would be a substantial public benefit. The properties in question are all in sustainable locations and ideal for use as dwellinghouses. The release of this housing would contribute to easing the holistic housing issues that the city is currently experiencing, notably increasing the supply of houses available to help meet the growing demand.

8.31 Fourthly, there would also be public benefits arising from the improvements to the Cambridge Union Society. I consider the reinstatement of the dormers above the snooker room not to be a public benefit. The opening up of the building and its associated functions would improve opportunities for members of the public to experience the uses offered, which, at present, are almost invisible to people using the public realm adjacent. The reopening of the Footlight's entertainment venue would also offer new cultural experiences for those living and visiting Cambridge. The new entrance and internal works to the building would dramatically improve the accessibility of the building which is currently extremely difficult and challenging for anyone with impaired mobility to navigate. The overall sustainability and carbon footprint of the building would be improved as a result of

replacing outdated forms of heating and energy usage with modern-day technology.

8.32 Finally, and most significantly, the works would ensure that the long term future of the Listed Building is secured and that the world's longest running debating society is able to continue operating in the heart of Cambridge. The existing building is in a poor state structurally which is encapsulated by the fact that existing leaks are managed by catching water in buckets. In addition to this, the heating of the building uses extremely old forms of boilers which are inefficient in both their energy use and the financial cost of running. The consequence of this is that the historic fabric of the Listed Building is at a serious risk of deteriorating without these necessary internal works. The Cambridge Union Society has, and continues to host, a variety of world renowned public speakers and guests and plays a critical role in forming the global presence of the University of Cambridge. The ability to attract high profile speakers and host high quality debates on economic, social and environmental issues adds significant weight in the overall city branding of Cambridge as a forward thinking and progressive city.

Summary

8.33 The proposed internal works to the Listed Building would cause some harm to its special architectural interest due to the removal of the main staircase. The properties at nos.3 – 5 Round Church Street are considered to have a neutral contribution to forming the character and appearance of the Conservation Area and the loss of these would result in a degree of harm. The proposed link building and entrance from Round Church Street would harm nearby heritage assets according to the Victorian Society and the Design and Conservation Panel. The revised scheme for the post-graduate accommodation/ restaurant block is considered to cause low harm to heritage assets. Overall, I am of the opinion that the proposed demolitions and additions amount to less than substantial harm to the relevant heritage assets.

8.34 There would be dramatic public benefits to the pedestrian environment and accessibility of the area both internally within the site and externally outside the site, such as the widening of the pinch point between Park Street and Round Church Street. The internal improvements and long term structural and

financial benefits for the Cambridge Union Society that the proposal would create would take important steps to securing the legacy of the world renowned Cambridge Union Society and help preserve the historic integrity of the Listed Building. The replacement of the 1930's extensions and additions, which are considered to detract from the Listed Building's significance, would contribute positive to the area. The proposal would also involve the release of five properties currently owned by Trinity College to the open market which would be beneficial in the City meeting its overall housing need.

8.35 In my opinion, in weighing the less than substantial harm to the heritage assets caused by the demolition of nos.3 – 5 Round Church Street against the public benefits (including securing its optimum viable use) that would accrue, I am of the opinion that the public benefits would outweigh the harm and the scheme is acceptable, in accordance with paragraph 134 of the NPPF.

8.36 As such, the proposal accords with local policy 4/10, national policy guidance (para. 134) in relation to heritage impact (with reference to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990), and adequately responds to its context, sense of place and is of good design.

Third Party Representations

8.37 The third party representations have been addressed in the main body of this report.

9.0 CONCLUSION

9.1 The key factor in considering the application has been weighing the harm caused by the proposed works on the special architectural and historical interest of the Grade II Listed Building at the Cambridge Union Society against the public benefits that the scheme would deliver. The application has been found to be justified and the less than substantial harm caused to the Listed Building would be outweighed by the extensive public benefits associated with the proposal.

9.2 Listed building consent should be issued provided the associated application for planning permission is endorsed by the Planning Committee.

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 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 and for the avoidance of doubt.

3. No development shall take place until a full photographic record and survey by measured drawing and salvage of samples has been made depicting the exterior and interior of the building (including any parts to be demolished) 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 national and 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 and paragraph 141 of the National Planning Policy Framework 2012).

4. The means of preservation, protection and treatment of the following items of architectural / historic interest is to be agreed in advance of any works on site in writing by the LPA and carried out in accordance with the approved details thereafter:

i] Joinery such as staircases, library shelving, doors & doorcases, etc..
ii] Plasterwork to ceilings, walls, etc..
iii] Decorative stonework such as mouldings, string courses, finials, etc..
iv] Windows [including sills, mullions, transoms, etc.] and historic glass.
v] Parquet, clay pavers, brick pammets and other historic floor coverings.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

5. The following items of historic fabric are to be retained and not altered, damaged or removed without the express written consent of the LPA:

   i] Decorative lead rooftop finial(s)

   Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

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 listed building (Cambridge Local Plan 2006, policy 4/10)

7. No dormers shall be constructed until full details, at a scale of 1:10, showing the construction, materials, rainwater disposal and joinery of the dormers, including their cheeks, gables, glazing bars and mouldings, have been submitted to and approved in writing by the local planning authority. Dormers shall thereafter be constructed only 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)

8. No brickwork is to be erected until the choice of brick, bond, mortar mix design and pointing technique have been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site. The approved panels are to be retained on site for the duration of the works for comparative purposes, and development must take place only 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)

9. No stonework, artificial or natural, (including columns, strings, quoins, lintels, sills, copings, plinths or kneelers) is to be erected until details of the source, colour, texture, coursing, mortar mix design, joint type and thickness and pointing technique, have been submitted to, and approved in writing by the local planning authority in the form of large-scale drawings and/or samples. If so required by the local planning authority, the latter may need to be submitted as a panel, which must be retained on site for comparative purposes until the development is completed. 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)

10. Full details of decorative shields, plaques, coats-of-arms, decorative lettering or the like which is cut into the masonry of the building are to be submitted to and approved in writing by the LPA. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

    Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

11. 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 prior to commencement of works. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

    Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10).

12. No boiler flues, soil pipes, waste pipes or air extract trunking shall be installed until the means of providing egress for all such items from the new or altered bathrooms, kitchens and plant rooms has been submitted to and approved in writing by the local planning authority. Flues, pipes and trunking shall be installed thereafter only 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).

    INFORMATIVE: In relation to condition no.3, applicants or their agents preparing a survey for archive deposit are advised to refer to "Understanding Historic Buildings : A guide to good recording practice." - English Heritage, 2006.

    INFORMATIVE: In relation to condition no.4, it will be expected that items vulnerable to damage during the works will be protected by means of fixed boxing [of plywood, etc.] or thick padding [of foam plastic or rubber, etc.] and this will be maintained for the full duration of all works to the Listed Building.

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PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1272/S73	**Agenda Item**	
Date Received	8th July 2016	**Officer**	Sav Patel
Target Date	2nd September 2016		
Ward	Petersfield		
Site	Citylife House Sturton Street Cambridge CB1 2QF		
Proposal	Section 73 application to vary condition number 2 of permission 14/1252/FUL to permit revised cycle and bin storage locations, revised internal configurations and revised location of plant from the eastern elevation to the roof.		
Applicant	Mr Julian Curry 207 Regents Street London		

SUMMARY	The development accords with the Development Plan for the following reasons: – The proposed alterations would not have any adverse impact on the character and appearance of the Conservation Area. – The proposed alterations would not have any significant adverse impact on the residential amenity of the adjacent neighbours.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site consists of a flat roof rectangular building located north of St Matthew's Piece in the Petersfield area of the city. The site is bounded on the east side by York Street which is characterised by two storey housing; on the north side by New Street which is characterised by a mixture of residential and commercial development; on the west side by Sturton Street which is mainly characterised by two storey housing; and to the south by the open space of St Matthew's Piece. The

areas to the east, south and west of the site are primarily residential, including many small nineteenth-century terraced houses, and small modern houses and flats. The area to the north is a mixed area, which includes light industrial and retail uses as well as dwellings and student accommodation.

1.2 The site lies wholly within the City of Cambridge Conservation Area No. 1 (Central) and outside the Controlled Parking Zone.

1.3 The trees which stand along the eastern, northern and western boundaries of the site (London planes and one Lime) are protected by Tree Protection Order (TPO) 4/2005. The majority of the site does not have any specific designation in the adopted Cambridge Local Plan of 2006, but a strip of land on the east side of the building, fronting onto York Street, is designated as Protected Open Space. This strip of land includes a number of Plane trees and forms part of the St Matthews Piece which is an area Protected Open Space. The strip of land is currently covered by tarmac and is used as car parking associated with Citylife House.

2.0 THE PROPOSAL

2.1 This Section 73 (S73) application seeks to vary condition 2 (approved plans) of planning permission ref 14/1252/FUL, which was for the change of use of the permitted use of the building (as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio and external alterations). The proposal is for minor material amendments to the layout of the cycle parking, location of the bin store, revised location of plant from the eastern elevation to the rooftop, emergency access provision from the eastern elevation and alterations to the car parking.

2.2 The original amendment to the cycle parking location has been revised following issues over landownership. The rooftop plan has also been revised to include details of the finish following concerns over its visibility from outside the site. The proposed amendment also includes alterations to the footpaths on the eastern side of the building for emergency access for disabled and wheelchair users, the opening for the bin store and the car parking layout to limit access to 17 spaces.

2.3 Some of these works such as the cycle parking at the south of the building and rooftop plant have been carried out, so this application is part retrospective.

2.4 The application is accompanied by the following supporting information:

1. Cover letter; and
2. Plans

3.0 SITE HISTORY

3.1 The site has an extensive planning history. The most relevant history to this application is listed in the below table.

Reference	Description	Outcome
15/2372/FUL	Change of use from the permitted use as a studio/cafe/bar/multimedia education centre and community facility (sui generis) granted under permission 97/1020 to general education use within use class D1, including alterations to eastern & southern elevations, external landscaping and reconfigured cycle parking.	Pending consideration
14/1252/FUL	Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.	Permitted, this is the application to which the Travel Plan submission relates
06/0567/FUL	Erection of a community innovation centre.	Appeal Dismissed
06/0631/CAC	-	Withdrawn

05/1171/FUL	Change of use of land (Howard Mallett Centre) from Sui Generis use to public open space as part of St Matthew's Piece.	Permitted (not implemented)
05/1180/CAC	Demolition of Howard Mallett Centre.	Permitted (not implemented)
C/97/1020	Change of use from a youth club to a broadcasting studio, cafe-bar and multi-media education centre, and community facility (a sui generis use), with external alterations to building, laying out of car park and landscaping.	Permitted (operative consent)
C/90/0678	USE OF LAND FOR CAR PARKING.	Appeal Allowed – temporary period ending 31/12/93
C/86/1229	CONTINUED USE OF SITE AS A CAR PARK (EXTENSION PERIOD OF CONSENT).	Approved with 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 Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/4 4/11 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) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> 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 Control)

6.1 The Highway Authority does not consider there to be any implications that merit comments.

Urban Design and Conservation Team

6.2 No material conservation issues with this proposal.

Environmental Services Team

6.3 The proposed development is acceptable subject to a plant noise condition and informative.

Refuse and Recycling Team

6.4 The revised position for the bin store is adequate for collection and storage purposes. It should be suitably lit, ventilated and ideally have drainage to allow wash-down. Doors should open wide enough to allow ease of egress of large 4-wheeled bins and lock open to enable multiple bins to be pulled easily in and out. Pavements should be a minimum of 2m wide and should include drop kerbs and be of a solid surface. Access to the site should be provided to the waste contractor either by key or code as commercial collections may occur at any time.

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:

- 6 Edward Street;
- 27 Ainsworth Street;
- Petersfield Area Community Trust;

7.2 The representations can be summarised as follows:

Original scheme of amendments:

- Some of the proposed cycle parking south of the building is located on land that is covenanted as public open space;
- The Conservation Team cannot have adequately considered the impact of the view from street level of the ugly rooftop plant;
- None of the waste storage or waste management facilities should ever intrude upon the protected public open space on the east side of the building;
- None of the hundreds of individuals who objected to 15/2372/FUL have been consulted on this S73 application;
- The rooftop plant will be entirely visible;
- Industrial appearance in this location is a major issue;
- The green space needs protection due its recreational and conservation value;
- If a similar rooftop plant was proposed on the surrounding houses the application would be dismissed;
- Any approval of this application should reiterate the conditions from 97/1020 to ensure the public status of this area;
- The open space has been hoarded off for two years.

7.3 Cllr Robertson has made representations on the application and has requested the application be presented to Planning Committee for the following reasons:

- The applicant seeks to use part of the public land for cycle parking (south of the building) parking. They have already installed Sheffield stands but I believe they have accepted

this is an error and are removing them from the public land. This will leave them short of bike racks they need to provide and I cannot see an alternative layout;

- The relocation of plant equipment onto the roof has already been carried out and can be seen from the play area and other vantage points. The effect is very ugly. The erection of a parapet on the York Street elevation to hide it adds to the overbearing nature of the building. It is unacceptable for the developer to make such a big change to the building in a Conservation Area and expect to get retrospective permission.

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

Context of site, design and external spaces

8.1 This is a S73 application and the consideration of the merits of this application can only focus upon the aspects sought for amendment. The principle of change of use of the Howard Mallet Centre cannot be revisited as part of this application. Members focus should be solely on the proposed minor material amendments. I set out below my assessment of each of the following amendments:

- Cycle Parking;
- Rooftop plant;
- New paths;
- Bin store;
- Car park layout;

Cycle parking

8.2 The approved cycle parking provision consisted of 118 spaces located adjacent to the north, west and south elevations of the Howard Mallet Centre (HMC). The number of spaces is not proposed to change. The proposed amendment consists of redistributing the number of cycle spaces around the site. The proposed site plan shows 58 cycle parking across the northern and western side of the building instead of 74 as originally

approved. The cycle parking along the southern elevation is increased from 44 spaces as approved to 60 spaces and includes some covered stands. Concerns have been raised by Cllr Robertson and local residents regarding the location of cycle racks within a strip of land south of the HMC known as "the burdened land" which restricts the space from being enclosed so as to allow the public to have access over it. The applicant has removed all cycle parking from this strip of land and arranged the spaces accordingly within the site. The Walking and Cycling Officer is satisfied with the revised layout of the cycle parking.

8.3 The Tree Officer agreed to the discharge of condition 4 (Tree Protection) of the original planning permission (14/1252/FUL) on the basis of the site plan which contains the same cycle parking arrangements as proposed for this S73 application. Therefore, the revised cycle parking arrangement would not have any adverse impact on existing protected trees subject to the agreed tree protection measures being installed.

8.4 I am therefore satisfied that the revisions to the cycle parking arrangement are acceptable and would not have any adverse impact on the site or character and appearance of the Conservation Area.

Rooftop plant

8.5 The external plant that was approved on the eastern elevation has been installed on the rooftop. The rooftop plant consists of extractors and condenser units. The plant runs north to south and is located within the centre of the roof (600mm wide, 800mm high and 21.8 metres in length). The plant would be partially hidden behind a parapet and due to the span of the HMC and existing tree coverage, views of it are limited and oblique. The plant is located closer to the edges of the north (7 metre set back) and south (8.3 metre set back) elevations and so would be more visible from these ends. However, only the slender profile of the plant is generally visible from these locations and so it does not appear obtrusive. The applicant has agreed to paint the plant black to match the overall appearance of the building in order to mitigate its appearance from views outside the site. I am satisfied that painting the plant will address concerns of its visibility from outside the site and its impact on the character and appearance of the Conservation

Area. I have recommended a condition for this to be carried out within 1 month from the date of any permission.

New paths

8.6 The amended plans include three new paths on the eastern side of the building to provide a means of fire escape. The paths would not restrict access to or enclose the area of protected open space. The alteration to provide paths to improve emergency access mainly for disabled people, including those in wheelchairs, is acceptable and would not have any adverse impact on the area. This element of the proposed amendment is acceptable.

Bin store

8.7 The bin store for the approved use is to remain in the same location on the eastern side of the HMC. The original amendment (rev G) showed the bin store opening out onto the car parking area and the enclosure projecting beyond the north elevation. The proposed revised amendment is to increase the size of the enclosure in order to accommodate the required amount of receptacles and move it back to its original approved location, so that it opens out onto an area that is convenient for the refuse collection team to collect, empty and return the bins. The amended plan (rev N) also shows the refuse store to contain 6no. 1100 litre bins. The bins are enclosed within a 1.8 metre high close boarded fence enclosure which is 4.8m x 4.2m. The revised layout is acceptable to the Refuse and Recycling Team. The bin store would provide a dedicated storage area for bins to be securely stored and accessible to the refuse collection team, and avoids cluttering the site or visual impact on the area.

Car park layout

8.8 In the original planning permission (14/1252/FUL), 17 of the 39 car parking spaces available are used for staff parking during core hours. The applicant is proposing to section off the rest of the 22 spaces. Members of the public that attend classes would be able to use the car parking after core hours (from 6pm) and this is controlled by the approved car parking management plan via condition 11, which has been discharged. None of the students are permitted to park in the car park. The proposed

alteration is to install bollards/fencing/planters to section the remaining car parking spaces off that are not associated with the approved use of the building. The proposal to install a barrier within the car park is acceptable as it would be low level and unobtrusive and would ensure the car park is only used in connection with the approved use.

8.9 In summary, the proposed alterations are acceptable in terms of their visual impact on the site and surrounding area. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/4, 8/2, 8/4 and 8/6.

Impact on the Conservation Area

8.10 The Mill Road Conservation Area Appraisal makes reference to the HMC as being "…a single storey black glazed modern building of some architectural interest". The HMC is also identified as a 'Focal Point' building in the appraisal. The Conservation Team has not raised any concerns with the proposed amendments to the approved scheme. The rooftop plant, whilst partially visible from certain locations, is not considered to be unduly obtrusive and the applicant has agreed to paint it black. This will visually reduce its size and blend into the appearance of the building. The parapet on the eastern side of the building helps to mitigate its appearance. I am therefore satisfied that subject to a paint condition the plant will not appear prominent from the public realm or have a significantly detrimental impact on the character and appearance of the Conservation Area. None of the other alterations are considered to have a detrimental impact on the appearance of the HMC or Conservation Area. I am therefore satisfied the alterations are acceptable in terms of their impact on the Conservation Area.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.12 The proposed amendments would not have any adverse impact on the residential amenity of the surrounding occupiers. In terms of noise from the relocated plant, this has been assessed as part of the discharge of condition 6 (Plant Noise Mitigation)

of 14/1252/FUL. The Environmental Services Team is satisfied that the relocation of the plant to the rooftop would not increase background noise levels by more than 3dB and as such the installation is acceptable.

8.13 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) policy 4/13.

Third Party Representations

8.14 I set out below my response to the third party representations received to the proposed amendments.

Representations	**Response**
Some of the proposed cycle parking south of the building is located on land that is covenanted as public open space;	See para 8.2
The Conservation Team cannot have adequately considered the impact of the view from street level of the ugly rooftop plant;	The impact of the rooftop plant on the Conservation Area has been carefully assessed and the applicant has agreed to paint it black which is supported by the Conservation Team.
None of the waste storage or waste management facilities should ever intrude upon the protected public open space on the east side of the building;	The location of the bin store has already been approved and the proposed amendment does not significantly alter this.
None of the hundreds of individuals who objected to 15/2372/FUL have been consulted on this S73 application;	All residents that made comments on the original planning application 14/1252/FUL were consulted. The proposal amendments are to the original consent and therefore sufficient individuals have been consulted.
The rooftop plant will be entirely visible;	See para 8.3
Industrial appearance in this location is a major issue;	The location of the plant was approved to be located externally on the eastern elevation. This would have made the plant more

	prominent. By locating it on the rooftop and painting it black reduces its appearance.
The green space needs protection due its recreational and conservation value;	None of the area of protected open space will be enclosed or restricted from use as part of the proposed amendments.
If a similar rooftop plant was proposed on the surrounding houses the application would be dismissed;	Each planning application is considered on its own merits.
Any approval of this application should reiterate the conditions from 97/1020 to ensure the public status of this area;	This application only seeks minor material amendments to the original planning permission. Therefore the amendments are the only issues that can be considered.
The open space has been hoarded off for two years.	This has been to ensure the health and safety of the public during external and internal works to the building. The applicant advises that it will be removed once works have been completed.

9.0 CONCLUSION

9.1 Planning permission has already been granted under planning permission ref 14/1252/FUL for the change of use of the existing to a dance school/studio use. The current S73 application seeks minor material amendments to the original planning permission. Therefore the principle of the change of use has been established and cannot be reconsidered as part of this application. Only the proposed amendments can be.

9.2 The proposed minor material amendments consist of alterations to the cycle parking arrangements, relocation of the external plant from the east elevation to the rooftop, alterations to the bin store, alterations to improve the fire escapes on the eastern elevation, and alterations to the car parking by sectioning off 22 spaces so that only 17 are available to staff and also to members of the public during specific times.

9.3 Each of the proposed alterations have been carefully assessed to ensure they relate to the use of and respect the existing building without having a detrimental impact on the character and appearance of the Conservation Area. The amendments would not have any adverse impact on the residential amenity of the surrounding neighbours.

10.0 RECOMMENDATION

APPROVE, subject to the following conditions:

1. The development hereby permitted shall be begun before 28 October 2018 (the expiration of three years from the date of planning permission reference 14/1252/FUL).

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

2. Cycle parking, plant noise insulation, waste provision and the management of parking within the site shall be provided and managed in accordance with the details as approved under conditions 3, 6, 10, 11 and 12 of 14/1252/FUL prior to the occupation of the building and shall be retained and managed for use as such thereafter.

   Reason: To ensure satisfactory provision of cycle parking, waste and the management of car parking (Cambridge Local Plan 2006, policies 3/4, 8/2, 8.6 and 8/10).

3. Prior to the commencement of the use details of noise limiting devices specifications (to be fitted within the studios so that all amplified music is channelled through the devices) shall be submitted to and approved in writing by the Local Planning Authority. The maximum noise levels will be set by agreement with the Local Planning Authority and will be reviewed from time to time as appropriate. The noise limiting device shall be installed in accordance with the agreed details and shall be sealed after commissioning, so that sound operators cannot override the system during any performance or class and that the agreed settings are kept unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006)

4. During performances, practices or classes all doors and windows in the studios being used must be kept closed at all times.

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

5. The premises shall only be used for performances, practice sessions and dance classes between the hours of 08.00 and 22.00 Monday to Saturday and between 10.00 and 21.00 on Sundays.

   Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006).

6. Within one month of this permission, the rooftop plant shall be painted black (RAL 9005).

   Reason: To ensure that the appearance of the external finish of the plant blends into the building and does not appear visually obtrusive with the Conservation Area . (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/14 and 4/11).

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

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

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PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	15/2372/FUL	**Agenda Item**	
Date Received	20th January 2016	**Officer**	Mairead O'Sullivan
Target Date	16th March 2016		
Ward	Petersfield		
Site	Citylife House Sturton Street Cambridge Cambridgeshire CB1 2QF		
Proposal	Change of use from the permitted use as a studio/cafe/bar/multimedia education centre and community facility (sui generis) granted under permission 97/1020 to general education use within use class D1, including alterations to eastern & southern elevations, external landscaping and reconfigured cycle parking.		
Applicant	2 Hills Road Cambridge Cambridgeshire CB2 IJP United Kingdom		

SUMMARY	The development accords with the Development Plan for the following reasons: - The use is acceptable subject to a Community Access Agreement secured through a S106 agreement to comply with policy 5/11. - The proposed works are similar to those permitted under 14/1252/FUL and are considered acceptable in terms of design. - The proposal would not harmfully impact on the amenity of the surrounding occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site lies adjacent to St Matthew's Piece in the Petersfield area of the city. It is bounded on the east side by York Street, on the north side by New Street, on the west side by Sturton Street, and to the south by the open space of St Matthew's Piece. The areas to the east, south and west of the site are primarily residential, including many small nineteenth-century terraced houses, and small modern houses and flats. The area to the north is a mixed area, which includes light industrial and retail uses as well as dwellings and student accommodation.

1.2 The site lies wholly within the Central Conservation Area. The northern and eastern boundaries of the site also form the boundary of the Conservation Area.

1.3 The trees which stand along the eastern, northern and western boundaries of the site (London planes and one lime) are protected by Tree Protection Order (TPO) 4/2005. The majority of the site does not have any specific designation in the adopted Cambridge Local Plan of 2006, but a strip of land on the east side of the site, fronting onto York Street, is designated as Protected Open Space. This strip includes a number of Plane trees and is of an irregular shape. Part of the northern section of the Protected Open Space is currently covered by tarmac. The site is presently surrounded by hoardings and a small tarmac path has been installed diagonally across it.

2.0 THE PROPOSAL

2.1 The application seeks a change of use from a combined commercial and community sui generis use under a permitted 1997 application to a general education use within use class D1. The building would provide 13 studios ranging in size from 35sqm to 100sqm. Studios 1, 2, 3, 4, 5, 8 and 9 are all equipped with sprung floors. The remaining studio spaces have hard floors, are typically smaller and are mainly equipped with mirroring. The plans show the smaller studio spaces as annotated for music/drama uses. The building would have a capacity for approximately 160 students. A sound room is proposed for recording. There is a coffee shop/breakout area proposed within the entrance foyer. Changing facilities are provided including an accessible WC and shower room. A

number of small offices are included; these would be ancillary to the general educational use of the site.

2.2 The application also proposes a number of alterations to the southern and eastern elevations, landscaping works and the reconfiguration of cycle parking on the site.

2.3 The plans have been amended since submission. The proposed plant has been relocated from the eastern wall to the roof. An additional external stairs is proposed leading to the northernmost door on the west elevation. The plans submitted as part of this application match those submitted under application 16/1272/S73 which seeks amendments to 14/1252/FUL (see paragraph 3.8) also before Planning Committee.

2.4 The external and internal works are retrospective and have been largely completed.

2.5 The applicant has submitted two addendums to the initial planning statement submitted as part of the application. These provide further information regarding the proposed use and community access to the building, including a draft Community Access Agreement to form part of a S106 agreement.

3.0 RELEVANT SITE HISTORY

3.1 The site has an extensive planning history. The most relevant history to this application is listed in the below table.

Reference	Description	Outcome
16/1272/S73	Section 73 application to vary condition number 2 of permission 14/1252/FUL to permit revised cycle and bin storage locations, revised internal configurations and revised location of plant from the eastern elevation to the roof.	Pending consideration
14/1252/FUL	Change of use from the permitted use as a studio/cafe bar/multimedia education centre	Permitted

	and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.	
06/0567/FUL	Erection of a community innovation centre.	Appeal Dismissed
06/0631/CAC	-	Withdrawn
05/1171/FUL	Change of use of land (Howard Mallett Centre) from Sui Generis use to public open space as part of St Matthew's Piece.	Permitted (not implemented)
05/1180/CAC	Demolition of Howard Mallett Centre.	Permitted (not implemented)
C/97/1020	Change of use from a youth club to a broadcasting studio, cafe-bar and multi-media education centre, and community facility (a sui generis use), with external alterations to building, laying out of car park and landscaping.	Permitted (operative consent)
C/90/0678	USE OF LAND FOR CAR PARKING.	Appeal Allowed – temporary period ending 31/12/93
C/86/1229	CONTINUED USE OF SITE AS A CAR PARK (EXTENSION PERIOD OF CONSENT).	Approved with conditions

3.2 The 1997 application is the current operative consent for the site and planning permission is sought for a change of use from

this permission to general education use within use class D1. The 1997 permission was subject to a S106 agreement which secured a variety of community access related provisions. The material weight to be attributed to this permission and what it secures is set out as part of the officer assessment.

3.3 The 2006 application for a community innovation centre on the site following the demolition of the existing building was dismissed on appeal. This application was originally granted planning permission on the 14 December 2006 but the decision was subsequently quashed by order of the High Court following legal action taken by the community. It was reconsidered by the Council and refused planning permission on 14 February 2008. The reasons for dismissal of the appeal were on the grounds of poor design and external appearance and lack of safeguards regarding general or light industrial uses and their impact on residential amenity. The Inspector noted that a number of objectors had wished to see the site returned to public open space. He stated:

'But although I can see why many would regard this as an attractive option, I cannot judge from the information available to me whether it might also become a realistic one at sometime in the future. As far as I am aware, there is nothing in the adopted Local Plan or any emerging plan to support such a proposal. I also note that the planning permission granted in 2006 for change of use to open space has now expired. Consequently I give little weight to this issue. I appreciate that some objectors also consider the loss of the site from open space use in the 1960s to have been unlawful, but that is a legal rather than a planning matter, and as such is outside the scope of my considerations.'

3.4 The Inspector's comments regarding open space are relevant to a number of objections raised by third parties on this application.

3.5 In 2014, application 14/1252/FUL was submitted for a class D1 dance school/studio use. The application was recommended and endorsed for approval by Planning Committee at its meeting of 4 March 2015. It was subject to a S106 agreement for contributions amounting to £31,831 relating to highways improvements to St Matthew's Street Junction. Planning permission was given on 28 October 2015.

3.6 The intended occupier at the time of the 2014 application had been Bodywork; a local dance school. Like most planning permissions, the permission was not personal and was not conditioned or secured as part of the S106 specifically for Bodywork. The permission is for a D1 dance school/studio use and this has been confirmed as part of the applicant's legal advice and advice from the Council's solicitor. The permission for the 2014 application does not secure community access to the building albeit it was Bodywork's intentions at the time of the application to relocate to the site and allow community access to its dance programme offer. The implications of the terms of the 2014 permission are discussed as part of the officer assessment.

3.7 Members will note that in terms of the 2014 application, internal and external operational works have begun and are almost complete. A number of the operational works relate to pre-commencement conditions, some of which have been retrospectively discharged. The permitted use has not commenced at the time of writing this report and condition 12 remains outstanding (separately reported to Committee). The 2014 permission is extant and can be lawfully implemented. As a result of this, the current application proposes a change of use from the operative consent obtained for the site in 1997.

3.8 The 2014 application is also subject to a S73 material amendment application (16/1272/S73) to alter some of the approved plans as per condition 2 in respect of bin storage, plant and cycle parking and the internal layout. The proposed amendments seek to regularise works which have been done to the building which do not accord with the approved drawings. This amendment application is also before Planning Committee for determination, having been called-in by Cllr Robertson.

3.9 The above summary of the planning history of the site relates to more recent applications. Officers are aware of various applications for use of the building dating back to the 1960's, including for the erection of a Youth Centre.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes

Site Notice Displayed: Yes

Various amendments to the application have been undertaken. These are outlined in the officer report and the main revisions have all been subject to further consultation.

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 4/2 4/4 4/11 4/13 5/11 5/12 7/11 8/2 8/6 8/10 10/1

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

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

	Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010)
	<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)

First comment

6.1 The Highway Engineer has requested that the developer provide a Transport Statement to explain the impact of the proposals upon the highway network.

Second comment

6.2 Requests amendments and clarification on a number of points in relation to the Transport Statement. The Travel Plan will be assessed once the outstanding issues have been addressed.

Third comment

6.3 Further information is required. It is unclear whether CSVPA would be relocating or whether this would be part of an expansion. This point needs to be clarified so as to assess whether there will be movement between the two sites throughout the day. The hours of operation of the school and community use also need to be clarified. It is unclear whether staff cycle parking is to be provided. A cycle accumulation study is required. The remaining car parking on site should be prevented from being used and fenced off. This could be managed via condition. The mode share has not yet been agreed so it is unclear whether parking arrangements are appropriate. Further information is required about existing car use by students. Requests that the survey data from CSVPA and Bodywork is appended to the Transport Statement. The applicant needs to demonstrate that the data provided regarding the evening community use is representative of the worst case scenario. Local residents have noted a high level of taxi use by students of CSVPA. This point needs to be clarified. A car parking management plan should be secured via condition. The County Council retain a holding objection until further information and clarification has been provided.

Fourth Comment

6.4 The County Council has reviewed the Transport Statement and additional information submitted to accompany the application and consider all outstanding matters have been resolved, and they are therefore able to remove the holding objection subject to the following being secured through a S106 or planning condition.

- Car parking management plan

- 17 car parking spaces should be provided for use of the site and the remainder of spaces on site prevented from use.

- Travel Plan to be updated, submitted and approved by the County Council prior to occupation. In the event that another operator occupies the site an update to the Travel Plan should be triggered.

- A mitigation package will need to be agreed with the County Council

Environmental Health

6.5 No Objection: The application is acceptable subject to a number of conditions. These relate to construction hours, plant noise insulation, noise limitation devices, doors/windows and hours of use.

Second comment

6.6 No comments on the amendments

Third comment

6.7 No Objection: The primary concern is noise. The applicant has previously submitted a plant noise assessment and operational noise assessment to discharge conditions on the previous consent ref 14.1252/FUL. This information was considered satisfactory. The dance studio use would be the worst case scenario in terms of noise impact from a D1 use. Therefore any additional D1 uses should be adequately covered within this assessment. Previous comments remain relevant and as a result four conditions are recommended. These relate to construction hours (condition 3), noise limitation devices (condition 4), hours of use (condition 5) and the closure of doors and windows (condition 6).

Urban Design and Conservation Team

First comment

6.8 No Objection: It is considered that there are no material conservation issues with this proposal.

Second comment

6.9 No Objection: The Conservation Team do not consider that the additional information submitted will have any more impact on the conservation area than the original application.

Third comment

6.10 Concerns had been raised regarding the roof top plant and its impact on the Conservation Area. The conservation Officer has viewed photographs of the plant in situ. In her view the new plant does not have any greater effect on the character or appearance of the conservation area than that which was previously in position.

Access Officer

6.11 No Objection: The Access Officer originally stated that disabled access needed to be improved. A follow up e-mail from the Access Officer, following an assessment of the plans, shows internal access for wheelchair users to be improved with the provision of a lift suitable for wheelchair use to the various internal levels and ramped level access from the outside of the building. The Access Officer is satisfied with the layout and requests that the disabled changing room has an adjustable height bench instead of a chair. This is recommended as an informative.

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

6.12 The Design & Access Statement does not state how many students and staff are anticipated to use the site. A location for the additional cycle parking spaces needed must be shown on a plan and not left to a condition – the applicant must show that there is space for all the cycle parking required.

(Officer note: Condition 3 of 14/1252/FUL has been discharged subsequent to this advice, and whilst I do not have further feedback from the Cycling and Walking Officer, I have assumed this issue has been resolved as the level of cycle parking required for that application is the same as this application. I will report any further comments on the amendment sheet).

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

7.0 REPRESENTATIONS

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

First and second consultation

- 10B, 12 and 39b Abbey Street
- 36 and 37 Abbey Walk
- 27 and 70 Ainsworth Street
- 1 Athlone, Staffordshire Street
- 15 Blossom Street
- 6 Edward Street x 3 + 9 Reports
- 12 Enfield Road
- 1 and 14 Fairsford Place
- 17 and 18 Fairsford Place x2
- 14A Geldart Street
- 69 Glisson Road
- 12 and 113 Gwyydir Street x2
- 142 Gwydir Street
- 119 High Street
- 23 Hope Street
- 30 Lyndewode Road
- 15A and 20 Milford Street
- 89 New Street
- 16 Norfolk Terrace
- 52 Norwich Street
- 4 Oswald Terrace
- 34 Petworth Street
- 2 Regent Street (Cambridge Cycle Campaign)
- 83 and 95 St Mathews Garden
- 17 and 20 Saxon Road
- 22 Sleaford Street
- 16 Stone Street
- 1, 14, 47-49, 60, 61, 63, 72, 102, 131, 143, 158, 164, 179A and 196 Sturton Street
- 2 The Old School, Norfolk Street
- 1A and 6 Upper Gwydir Street
- 4 Vinery Road

- 50, 80, 80B, 84, 106B, 121, 152, 154 and 168 York Street
- 80B York Street
- 48 Young Street
- 2, 11 and 16 York Terrace

<u>Third and fourth consultations</u>

- 52 Abbey Road
- 108B Abbey Street
- 34 Abbey Walk
- Albert House, Young Street
- 1 Athlone, East Road
- 68 Beche Road
- 50 Cavendish Road
- 82 Chartfield Road
- 18 Devonshire Road
- 6 and 8 Edward Street
- 4 Eltisley Avenue
- 1, 7, 15, 17 and 18 Fairsford Place
- 25-29 Glisson Road
- 12, 106, 113 and 142 Gwydir Street
- 28-29 Haymarket, London
- 61 Highsett, Hills Road
- 14 Hooper Street
- 81 Mawson Road
- 89 New Street
- Old School, Norfolk Street
- 29 Perowne Street
- 26 Petworth Street, Saxon Road, Cirecester
- 74 Saint Barnabas Road
- 17 Saxon Road
- 1A Silverwood Close
- 61, 63, 183, 185 and 186A Sturton Street
- 5 The Broadway, Mill Road
- 1A and 10 Upper Gwydir Street
- 102, 103, 108, 114, 121, 152 and 168 York Street
- 68 Young Street

7.2 A number of representations did not include an address. These cannot be taken into consideration.

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

- 35 Romsey Road,
- 36 Springfield Road
- 102 and 170 Sturton Street

7.4 Councillor Robertson requests that the application be decided at Planning Committee. He requests that the applicant clarify the intended use for the site. He expresses concern that the change of use could result in the building being used for an educational use which would not comply with policy and sites policy 7/11 which relates to language schools as an example.

7.5 Councillor Gillespie expresses concern regarding the loss of a community facility and the failure of the applicant to discharge pre-commencement conditions. He questions whether it would be possible for the tarmac covered area of the Protected Open Space to be returned to green space.

7.6 Councillor Richard Johnson, Caroline Hart and Peter Roberts all request that the application be heard at Planning Committee following a concerned email from a local resident. This email expresses concern that the community facility would be replaced by a private enterprise with no benefit to local people.

7.7 Due to the volume and detail of the third party representations made in objection to the application, a table containing a summary of the comments received in objection with a response to each issue raised can be found in appendix 1.

7.8 An objector at 6 Edward Street has submitted a number of individual reports in objection to the application. These reports are summarised and issues which are raised are responded to in appendix 2.

7.9 Petersfield Area Community Trust (PACT) has submitted a number of letters of objection to the application and on the first draft of the Community Access Agreement. These letters have been summarised and the issues raised responded to in appendix 2.

7.10 The key third party objections to the application are also assessed in the main body of the officer report and are summarised in the table below:

- The proposal would result in the loss of a community facility
- CSVPA are not an eligible occupier as they are a university teaching accommodation/language school
- CSVPA caters mainly to international students
- Contrary to policy 5/11
- The proposed occupier would not benefit the local community
- Future community use of the site must be protected
- Concerned about an increase in traffic to the area
- Travel Statement(s) is/are flawed
- There is a high level of taxi use by CSVPA students
- Cycle parking is inadequate
- Noise/light disturbance from the use of the building.
- Request that Protected Open Space is freely accessible
- Request that tarmac is removed from Protected Open Space
- The Draft Community Access Scheme is not fit for purpose and would discourage community use
- Deposit for community use is prohibitive/flat cost of access is important
- Pre-commencement conditions on 14/1252/FUL were not discharged/offer little protection
- Area is already overcrowded with students/student facilities
- Concerned that intended occupier did not come to light until late in the process
- Any member of the community could book a class with Bodywork

7.11 At the time of writing, an additional consultation period is on-going. This relates to additional information submitted by the applicant. A technical statement relating to the Transport Statement has been submitted to address comments by the County Council Transport Assessment Team. Any representations received relating to this item will be reported on the amendment sheet.

7.12 The representations in support can be summarised as follows:

- The redevelopment will provide refurbished studio spaces which will be available to rent for little cost
- People and small enterprises of Cambridge need these types of community spaces
- Will greatly benefit the community by provision of more rooms to rent
- Many people oppose the scheme without fully considering the benefits that it will provide to other local residents.
- In line with all of the relevant local plan policies
- Hope it would result in an increase to lighting in park

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Disabled access
4. Protected open space
5. Residential amenity
6. Highway safety and transport impact
7. Cycle parking
8. Third party representations

Principle of Development

Introduction

8.2 The site has a complicated planning history that requires assessment against the current proposal. In particular, the 2014 application - while granting a D1 dance school/studio use – does not restrict subsequent D1 users of any kind from occupying the building in the future. Neither does it secure on-

going community access to the building via a S106 agreement or via condition. The 2014 application is capable of lawful implementation but, at the time of writing this report, has not been lawfully implemented. Conversely, the operative 1997 consent for the site, from which this application seeks a change of use, does secure community access to the building via a S106, but the level of community access realised through that consent has been limited in practice and the building is not presently occupied or utilised for community use at all.

8.3 The key policy that requires consideration is 5/11. This relates to the protection of existing community facilities. It states:

'Development leading to the loss of community facilities will only be permitted if it can be demonstrated:

a) The facility can be replaced to at least its existing level and quality within the new development; …'

8.4 This part of the assessment takes Planning Committee through the planning issues that arise as judged against policy 5/11. It starts with issues surrounding the D1 use class. The history of the use of the building is then considered in detail in relation to the 1997 application, which is followed by an assessment of the 2014 application, its current status and how this should be taken into account. The proposed Community Access Agreement (CAA) as part of this application is then considered. Planning Committee will note that the CAA is a draft document and further revisions to it will be reported on the amendment sheet. Lastly, in terms of principle, the planning balance is assessed.

8.5 In summary, the key issue for the Planning Committee to determine is whether the proposed use of the building, with a suitable Community Access Agreement, can adequately safeguard continued community use in compliance with adopted policy 5/11 and the provisions of paragraph 70 of the NPPF (2012).

<u>Use Class</u>

8.6 In order to approach the issue of use, the first consideration is the proposed use class and not the intended occupier. This application seeks planning permission for a D1 general education use.

8.7 If an unconditional permission for the sought use was issued, a wide variety of future uses of the premises under the D1 use class category could be undertaken without the need for planning permission. The D1 use class category is broad and the uses of the building under the 1987 Use Classes Order could include: for medical or health services; creche, day nursery or day centres; use for display of works of art; a museum; a public library or a public reading room; a public hall or exhibition hall; a place of public worship or instruction; or as a law court.

8.8 The wide number of uses allowed under the D1 use class category is not assessed as part of the applicant's submission. This is because the applicants are agreeable that any permission for D1 general educational use could be subject to the following condition:

'The premises shall not be used as a dedicated language school or any other non-educational use falling within Use Class D1 of the Use Classes Order 1987 without the express approval of the Local Planning Authority.

Reason: To ensure compliance with policy 7/11 of Cambridge Local Plan (2006) and because other D1 uses of the building have not been assessed as part of this application.'

8.9 This forms proposed condition 7, as it deals with the provisions of policy 7/11 in terms of restricting additional language school establishment and limits use within the D1 class to education as other non-educational D1 users could have very different impacts associated with them.

8.10 Adopted policy 5/11 distinguishes between certain types of D1 educational uses as protected community facilities. Specifically, university teaching accommodation, language schools and tutorial colleges are excluded as being protected under 5/11. By implication they are not community facility uses. These three uses mainly serve transient student population profiles and do not cater for a primarily local market.

8.11 The applicants have indicated that Cambridge School of Visual and Performing Arts (CSVPA) is likely to be the intended occupier of the building. CSVPA offers a number of university

accredited courses and as such could be partly classed as providing university teaching accommodation. CSVPA are part of the Cambridge Education Group (CEG) to which CATS Cambridge - a tutorial college – are also part. CSVPA does offer English language courses albeit its primary educational offer is not language tuition but for courses in the visual and performing arts. The current CSVPA educational programme could not be said to cater primarily for a local market in any meaningful sense. Policy 5/11 is framed to protect identified community facility uses, particularly when considering land value and my view is that CSVPA as it currently operates does not meet the criteria warranting protection.

8.12 It may be the case that CSVPA intend to occupy the Howard Mallet as a dance school either solely or in connection with Bodywork or another dance school, but permission is not being sought for a dance school use and members should be mindful that a personal permission is not being sought. In my view, it would not be reasonable or enforceable to restrict by condition occupation of the building to CSVPA only or to limit the courses/tuition that could be provided there given that a general educational consent is being sought. The applicants are not seeking a restriction of D1 use any further than its educational aspect with a prohibition on language school use. This opens up a myriad of possible educational uses of the building, beyond CSVPA, and on this basis, my view is that without an appropriate safeguarding of continuing community access to the building secured through a S106, the principle of the proposed change of use is not acceptable as it could result in the complete loss of a community facility contrary to the provisions of policy 5/11.

<u>History of Community Use and the 1997 Application Provisions</u>

8.13 There is a substantial amount of third party correspondence regarding the development and use of the site, including the fact that the building originally stood on common land. The Howard Mallet was originally developed as a Youth Centre in 1968. It was transferred from the City Council to the County Council in 1974. There has been subsequent multiple transfer of leases/ownership, including to the applicants (Chard Robinson) in 2015. Neither the identity of the applicants or the owners are material planning considerations. The intended occupant's

desire to commercially operate a business from the site does not amount to a reason for refusal.

8.14 The key planning history to the current application is the 1997 application (granted in December 1998) for Dawe Media for a broadcasting studio, cafe-bar and multi-media education centre, and community facility. The officer report to the 1997 application notes that prior use of the building had included for rehearsal and performance of drama and music but that the use of the building had declined and was under-utilised, accommodating a limited number of art and theatre groups. The County Council had also indicated that its use solely as a youth centre was not viable and that bookings had declined.

8.15 The 1997 permission allowed for the following uses within the building: a commercial radio and television centre in the northern section (217sqm) with some employees tasked with both commercial and community roles; a media centre and educational area - provided with professional audio and visual equipment for the community - in the southern section; a performance café/bar – providing predominantly food and drink and being available for professional and amateur groups - in the western (Sturton Street) section; and a hall in the eastern (York Street) section to be shared for commercial and community use. The intention was for the facility to be used for both commercial and community purposes, with sole commercial use designated to the northern section studio.

8.16 The disparate nature of the combined uses meant that the permission was deemed to be sui-generis and as such it does not benefit from any broader use class entitlement to change to other uses as a general D1 use would. As such, planning permission is required for any change of use of the building for as long as the 1997 is considered the operative consent, which it is currently.

8.17 It is clear from the representations and from previous officer reports that despite best intentions, the permitted use may have resulted in limited community access for the prescribed purposes, such as from Parkside Community College. Indeed the case officer, in his 2006 report regarding the City Life application, stated:

'Following a number of changes in the use of the Howard Mallett building, the extent of community or leisure use of the building in recent years has been very limited; the building is not well suited to such uses in the modern era, and suffers particularly from a number of inconvenient and restricting changes of level. If the building can be regarded as a community facility or a leisure facility at all, it is of poor quality in both respects.'

A variety of different uses of the building have also taken place since the permission for the 1997 application was granted, including as a Chinese community centre, a gym/boxing club, charities and for social enterprise use. These uses have not necessarily aligned with the consented use of the building and little material reliance can be made of them.

8.18 The 1997 permission was subject to a S106 agreement which secured a variety of community access related provisions to the various spaces described including:

- Funding of a youth worker to work with the 11+ age group in the south of the City with a liaison focus for the site.
- Funding of a media facilitator/trainer through Dawe Media.
- The day-to-day management of the community access to be building was to be administered through Parkside Community College.
- Establishment of a user group.
- A contribution towards consultation on changes to the residents' parking scheme.

<u>Community Provision Under the 2014 Application</u>

8.19 The permission for the 2014 application is for a dance school/studio use. The intended occupiers were Bodywork, a local dance school. The officer report for the 2014 application states at paragraphs 2.4 to 2.5 that:

8.20 *'Bodywork also offers a range of dance and fitness classes from Monday to Saturday. This is proposed to continue within the existing building. The proposed use would operate student classes from 0800 (registration) until 1700 or 1800 Monday - Friday. Term and half term dates follow Cambridge school holidays. Theatre school children classes start at approximately 1630 and all day on Saturday. Adult/community classes start at*

1830 - 2200 Community classes could also run at weekends, popular classes include adult ballet, contemporary dance, tap, Zumba, pallate, yoga and various fitness classes. Weekends additional classes and workshops could be arranged.

8.21 *Saturday hours overall would be 0900-1800 and Sunday hours 1000-2100. The Sunday activities will be predominantly for community based activities, and Saturday activities will equally be geared towards the local community. Classes after 6pm during the week (Monday to Friday) are principally aimed at the local community.'*

8.22 Use of the building by Bodywork was considered to be a community facility as judged against policy 5/11. The 2014 application has not, at the time of writing this report, been lawfully implemented. Various operational works have been carried out to the building, some of which have been in breach of pre-commencement conditions and some works to which are a deviation to the approved plans. Retrospective discharge for a number of conditions has been granted, though condition 12 (Travel Plan) remains outstanding and forms part of separate report to this Planning Committee. There is also a live S73 application (16/1272/S73) to vary and regularise the approved plans in respect of bin storage, plant and cycle parking and the internal layout to align with the completed building operations. The consideration of 16/1272/S73 is confined to the conditions sought to be amended and whether the specific amendments are acceptable. It is also reported to Planning Committee.

8.23 Officers consider that the 2014 application can be lawfully implemented (see paragraph 8.22 of report 14/1252/COND12A also on this agenda). The permission is extant and is a material consideration. If condition 12 for 14/1252/FUL is discharged and the use as a dance school/studio is established, it would be possible for any subsequent D1 user to operate from the site without planning permission under the terms of the Use Classes Order 1987 and without any community access. This is a strong fall-back position for the applicants if this application is refused and could, for example, include CSVPA or any other educational provider or D1 user. This is because the existing planning permission is not conditioned as either being personal to Bodywork or restrictive as to the nature of any future D1 use of the building. D1 uses are broad and are set out under paragraph 8.8 above. Neither does the S106 to the 2014

application secure community access. The same logic is true of 16/1272/S73 if approved, subject to condition discharge, as the description of development is the same.

8.24 Officers have taken legal advice on these matters following the receipt of leading Counsel's advice from Simon Bird QC on behalf of the applicants. This includes that condition 12 of the 2014 application (Travel Plan) does not amount to a personal permission for Bodywork but rather the permitted use as a dance school/studio.

Proposed Community Access

8.25 The applicant has agreed to enter into a legal agreement to ensure that community access to the building is safeguarded through a Community Access Agreement (CAA). This has the potential to safeguard community use and ensure compliance with policy 5/11.

8.26 One method to address community use is to compare the amount of space that was safeguarded under the 1997 application to that proposed. The section 106 agreement to the 1997 application details that a total of 217sqm of the building was solely for commercial use, with the remaining 710sqm (excluding circulation and storage spaces) available for community use, of which the hall (293sqm) was to be shared with the media operation. The section 106 agreement details that the multi-media editing suite and performance area were not to be used outside the hours of 07.00 and 23.00 whilst the café/bar was not to be used outside of the hours of 09.00 and 23.00.

8.27 The application and associated draft community access clause currently proposes 468sqm of space which would be accessible to the public. This would comprise 4 finished studios (4, 5, 8 and 9) which would be available from 18:00 to 22:00 Mondays to Fridays and 09:00 to 17:00 during weekends and for performances only between 18:00 to 22:00 during weekends, excluding bank holidays. The studio spaces are all new and equipped for dance. Studios 4, 5, 8 and 9 all have sprung floors and are suitable for dance and performance uses in particular rather than as for general purpose community meeting rooms. Studios 4 and 5 can be combined and have a folding wall between them. Studio five is the largest of the studios, is double

height and approximately 100sqm in size. Combined with studio 4, this dance space available for community use would amount to 170sqm and could be described as the core dance space within the building. On this basis, hours of wider community access to the building do not appear out of alignment with that theoretically proposed for Bodywork but are, of course, for a more limited time period compared to the permission for the 1997 application.

8.28 Officers have raised the following concerns with the detailed drafting of the current CAA:

- The management of bookings.
- Explicit allowance for use only for three named community dance/theatre groups with no clarity of how additional community groups may access the building and for use of the spaces by no more than three groups at any one time.
- Clarity regarding the cost price for the use of the facilities and deposit amount.
- Terms relating to revocation or cancellation of bookings or limitations regarding future bookings by community groups in breach of the terms of use.
- The drafting provisions of a low demand notice and its implications.
- Terms of payment over extended bookings.
- Practical arrangements for identification and entry into the building by community groups.

8.29 These concerns are partly reflected in third party representations, including from PACT.

8.30 The amount of space offered is clearly less than potentially available under the 1997 application with more limited hours of use, albeit that the space is new and equipped to a high standard. The type of potential community use of the building and its spaces is different to before but this of itself is not a reason to resist a community access offer given the permission for the 2014 application and likely community access provisions that would have resulted from Bodywork's occupation. CSVPA has indicated that there is interest from Elevation Dance, Cambridge Theatre Company and Theatre Train to use the dance studio spaces.

8.31 In my view, the principle of a CAA is acceptable and should be welcomed. It will be required to be subject to a number of amendments to secure an acceptable level of community access to the building and further iterations of this document are expected and will be reported to the Planning Committee on the amendment sheet. Community access would be secured through legal agreement as opposed to there being no legal binding community access under the previous consent (14/1252/FUL).

8.32 As part of this recommendation, officers would have delegated authority to agree the final version of the CAA. As part of on-going negotiations with the applicants, officers have been taking advice on its structure from the Council's solicitor, officers in Community Services and from third party representations. If Planning Committee wish to retain oversight and approve the final CAA, they should clearly indicate this as part of an amendment to the recommendation.

Planning Balance

8.33 The building is currently vacant and is neither being used as a business for economic benefit or for community use for community benefit. Despite the safeguards put in place by the 1997 application, the aspirations for its permitted purposes have not been realised. The extant permission resulting from the 2014 application does not secure on-going community access to the building and could be lawfully implemented and in time could allow for a wide range of D1 users to operate from the site. There is considerable correspondence on file regarding the previous intended occupiers - Bodywork - the now intended occupiers - CSVPA – and possible combinations of either, or combinations of other dance or theatre groups with CSVPA. Who occupies the building is not a material planning consideration, provided the occupation accords with the permitted use(s). The Committee should be concerned with land use planning matters and not be concerned with commercial decisions relating to property as these are not planning considerations.

8.34 The basic premise of policy 5/11 is to safeguard existing community facilities. It is a matter of judgement as to whether a revised CAA would provide for compliance with this policy and clearly it needs to be assessed against the level and quality of

provision. The amount of community space is smaller than before but the quality of it could be argued to be greater. These factors have to be weighed against no current community use of the building and limited former community use of the building and the strong fall-back position available under the 2014 application. In the round and subject to suitable revisions to the CAA and appropriate conditions, my view is that the principle of development is acceptable.

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

8.35 The proposed alterations to the building are similar to those permitted under 14/1252/FUL. One of the windows on the east elevation, above the door, has been extended from a high level to full length window. The ground level has also been reduced on this elevation and steps have been removed as a result. A door on the east elevation is proposed to be reduced in width. A further window on the west elevation is to be removed. Additional stairs are proposed on the west elevation. All of the above are minor alterations to the previously approved scheme and not visually significant. As a result, these elements are considered acceptable in terms of design.

8.36 The location of the proposed plant has been amended since submission. Originally the proposed plant was to be located on the eastern elevation side wall. This was also the case in the previously approved scheme (14/1252/FUL). The plant is now to be located on the roof. All of the exposed plant is to be painted black.

8.37 The proposal also includes an increase to the height of part of the roof of the building to accommodate the mezzanine level. This was permitted under 14/1252/FUL and is considered acceptable in terms of design. The impact of the scheme on the surrounding area, including the character and appearance of the Conservation Area is in my view acceptable. The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 4/11.

Disabled Access

8.38 The Access Officer originally noted that, from his former knowledge of the layout of the building, that amendments to it

would be needed to make it more accessible. The comments were made prior to the submission of floor plans and these have since been discussed with the Access Officer and he has updated his response. He is now satisfied with the external access arrangements and the internal provision of a lift suitable for wheelchair use. An accessible WC and shower room is provided on the ground floor and an informative is suggested in respect of the detailed design of the seating arrangement.

Protected Open Space

8.39 Many of the representations make reference to an area of Protected Open Space (POS) which runs along the eastern side of the site linking in from St Matthew's Piece (also POS). This space is partially covered by tarmac and has been concealed with hoarding by the developer while works to the building have been taking place. Local residents request that the tarmac is removed and that the community have access to this space. Condition 15 of C/97/1020, the operative permission on the site, states that the open space within the site to the east of the building shall be freely accessible to members of the public at all times. Whilst no such condition was imposed on the previous consent (14/1252/FUL), in my view this omission was made in error and did not take account of the importance of the space in relation to the original development of the Howard Mallet. As a result, I recommend condition 8 is imposed to ensure that this strip of Protected Open Space is freely accessible to members of the public for their continuing enjoyment as originally envisaged and that the current hoarding is removed.

8.40 Third party representations also request that the tarmacked area within the protected open space is returned to grass. This area has been tarmacked and used for car parking for a substantial period of time and was noted as being used for these purposes in the officer report to 06/0567/FUL. Officers do not disagree that it is desirable for the tarmac to be returned to grass given that it is protected open space. However, this is the current situation and it is beyond the reasonable scope of this application to rectify.

8.41 There are also various references to a 'disputed' strip of land to the south of the building adjoining the Piece. Matters of ownership of this land – which I understand have been resolved

– and covenants over it, are civil matters and not for the local planning authority.

8.42 The proposal itself does not lead to the loss of any protected open space as the majority of the works are within the envelope of the building. A small tarmacked pathway over it has been installed and consent is sought for this, but this does not impact on its openness or overall quality. As part of the development of sites, it is not uncommon for hoarding and other structures for temporary periods to be erected. General permission, under the permitted development regulations, is granted for hoardings and other structures under part 4 of the GPDO 2015. Given that operational works to the building are substantially complete, officers have asked for the hoarding to now be removed. This issue could be pursued separately under enforcement provisions if necessary but forms part of proposed condition 8.

8.43 I do not have any substantial concerns with the possible abuse of St Matthew's Piece as a result of the use of the building and the number of students likely to be attending courses there. It would not be reasonable to exclude the student use of the park given that it is a public space and the building is located in a part of the City already popular with students. The building is likely to have an on-site management team and any subsequent issues could be taken up directly with the operator.

8.44 Condition 8 is recommended to ensure the public have continued access to the Protected Open Space to the east of the building and within the site. As a result, the proposal accords with policy 4/2 of the Cambridge Local Plan (2006).

Residential Amenity

Impact on amenity of neighbouring occupiers

8.45 Concerns have been raised in terms of noise disturbance from the proposed use. The Environmental Health Officer considers the proposal to be acceptable subject to a number of conditions. These conditions seek to control construction hours, ensure windows and doors are closed during performances, control hours of use and seek details of noise limitation devices (see proposed conditions 3, 4, 5 and 6.)

8.46 A number of third party concerns relate to a fear that the majority of the students will be foreign and the impacts of this and that students will congregate in large groups outside the site and be anti-social. The nationality of potential students is not a planning issue. It is not uncommon for students to gather in groups at educational establishments and this is not necessarily harmful. My view is that if such groupings become problematic i.e. pathways are blocked or the behavior of the students is unacceptable, there would be recourse through the management structure of the school to resolve the issue(s).

8.47 Concerns have been raised regarding the increase in traffic to the area that would result and the impact this would have on the amenity of local residents. The applicants have indicated that students of the intended occupier – CSVPA – would not be allowed access to the site by car. Access would be controlled via a FOB barrier system and so abuse of this is unlikely. Given the very central location of the site and the fact that many students attending the building are likely to live locally and will walk or cycle, I do not foresee an issue of parking demand within the surrounding non-CPZ streets being exacerbated. Free, on-road car parking spaces are already in high demand and there would not necessarily be a substantial need or demand from students for their use. It is realistic that there would be some taxi or private car drop-off to the site in combination with the main general education use and also wider community use. Community groups would be eligible to use the car park, which has been limited to 17 car parking spaces (of an overall 39 spaces), the barrier to which would be open from after core hours (from 6pm) and closed overnight. The limitation on car parking is an indication that sustainable modes of travel to the building are being promoted and that vehicular impact in terms of amenity, compared to a pre-existing combined commercial/community consented use with 39 spaces, is unlikely to be materially worse.

8.48 Whilst any planning permission would not be personal, it would be consistent with how the Local Planning Authority deals with educational uses, to limit student access to the site by car in accordance with its car parking standards, except if required for mobility purposes. I recommend condition 10 accordingly.

8.49 In the round, my view is that it is far better for the building to be actively occupied and used and to deal with the amenity

impacts arising from this rather than for it to sit empty and be under-utilised. Subject to the above conditions as suggested by Environmental Health and in relation to car parking, the proposed use would not have an adverse impact on the amenity of nearby residents and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Highway Safety and Transport Impact

8.50 The applicant has submitted a Transport Assessment (TA) with the application. The County Council Transport Officer has considered the TA and has requested a number of amendments, clarification and further information in relation to it. Their fourth consultation response summarises that they have removed their holding objection.

8.51 I am aware that numerous third party objections have been received in relation to the transportation information and the County Council Transport Officer responsible for providing the advice on this application has received third party representations in this respect. I have also verbally briefed the officer(s) on the related issues and those associated with the submission of the Travel Plan regarding condition 12 of 14/1252/FUL for completeness. The County Council's advice has therefore taken these representations into consideration. They are satisfied that:

-The trip generation for the development is unlikely to exacerbate existing accident issues.

-The staff car mode share for the D1 general education use is acceptable.

-The overall trip generation is shown to result in 450 additional student trips throughout the day and *if* CSVPA be the operator that the trips are expected to be by sustainable modes.

-The expected use of the site during evenings and weekends is comparable to what was assessed under 14/1252/FUL.

-The general D1 use, using TRICS data to identify the trip generation, is acceptable.

-The modal split information is acceptable.

8.52 I note that the Travel Plan and Car Park Management Plans submitted by the applicant relate to the discharge of conditions 11 and 12 of 14/1252/FUL for a dance school/studio use. These submissions have been subject to initial refusal of discharge by the Local Planning Authority and have been subject to amendment and re-submission against 14/1252/FUL. Condition 11 is now discharged and can be reasonably transposed as an approved document under proposed condition 11 as the management of the car park itself would not alter with the differing use. Condition 12 is outstanding. The Travel Plan for the wider general education use does need to be relevant to the nature of the permission sought. I recommend condition 9, in line with County Council advice and comments regarding its specification, to secure the submission of a Travel Plan. In the case of the Travel Plan, as is common with their use, it would be subject to a post-occupation survey to establish an accurate base-line from which travel targets could be set. Condition 10 is recommended in line with the County advice to limit the car park to a maximum of 17 car parking spaces only. Lastly, the County Council indicates that a mitigation package will be required as part of a S106 agreement or via condition. I note from the previous approval on this site that Eastern Corridor Area Transport Contributions were agreed to a value of around £30,000. Nothing specific is suggested by the County Council at this stage and I will report any further progress on this issue, together with an assessment of CIL compliance, on the amendment sheet.

8.53 In accordance with the advice that I have received from the County Council Transport Team and in respect of highway safety, taking into the account the third party representations, my opinion is that the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Cycle Parking

8.54 The Council's Walking and Cycling Officer considered the original proposal to be unacceptable and requested amendments and further information. The proposal now includes 118 cycle parking spaces. These plans match those which have been approved to discharge condition 3 of 14/1252/FUL and are hence secured under recommended compliance condition 11. Whilst the Walking and Cycling Officer

has not formally commented on the amended plans submitted as part of this application, I am satisfied that as the proposed plans match the approved plans on 14/1252/FUL, that this arrangement would be acceptable and in accordance with the adopted standard. I will report any further comments from the Walking and Cycling Officer on the amendment sheet or orally at the meeting.

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

Third Party Representations

8.56 The third party representations, reports from 6 Edward Street and letters from PACT are summarised and addressed in appendices 1 and 2. The main issues are dealt with in the main body of the report above.

9.0 CONCLUSION

9.1 Commercial decisions regarding the eventual occupier of the building are not material to the determination of planning applications and neither is land ownership. Many of the issues raised by third parties refer to the dis-benefits of CSVPA compared to the benefits of Bodywork as occupiers and what each could or could not offer to the wider community. The applicants are keen to point out the benefits of CSVPA as a future occupier and what they could provide in terms of an enhancement of dance provision at the site with its existing visual and performing arts offering either on a standalone basis or in collaboration with other users. Whilst interesting, the issue of the identity of the future occupier(s) is not relevant to the terms of the permission being sought, which is for a general D1 educational use as framed by proposed condition 7.

9.2 The community does not currently have access to the building. Whilst the 1997 application provides for this, the aspirations for its community use in combination with the commercial arm of Dawe Media do not appear to have been realised. It is not unreasonable to expect the current applicant should seek to make commercial use of the property but this needs to be balanced against the safeguard of a Community Access Agreement attached to a S106 to ensure compliance with policy 5/11.

9.3 The planning permission for the 2014 application does not safeguard continuing community access to the building, is extant, capable of lawful implementation and a material consideration. This is a strong fall-back position for the applicants.

9.4 Officers recommend approval of this proposal, subject to conditions and subject to an appropriate Community Access Agreement secured through a S106.

10.0 RECOMMENDATION

APPROVE subject to the prior completion of a S106 Agreement and the following conditions:

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

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

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

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

3. 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. Prior to the commencement of the use details of noise limiting devices specifications (to be fitted within the studios so that all amplified music is channelled through the devices) shall be submitted to and approved in writing by the Local Planning Authority. The maximum noise levels will be set by agreement with the Local Planning Authority and will be reviewed from time to time as appropriate. The noise limiting device shall be installed in accordance with the agreed details and shall be sealed after commissioning, so that sound operators cannot override the system during any performance or class and that the agreed settings are kept unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006)

5. The premises shall only be used for performance and dance classes and/or any activity covered by D1 (general education use) use between the hours of 08.00 and 22.00 Monday to Saturday and between 10.00 and 21.00 on Sundays and Public/Bank Holidays.

   Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006)

6. During all performances and practice sessions associated with the approved D1 uses, all doors and windows must be kept closed to contain noise.

   Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006)

7. The premises shall not be used as a dedicated language school or any other non-educational use falling within Use Class D1 of the Use Classes Order 1987 without the express planning approval of the Local Planning Authority.

   Reason: To ensure compliance with policy 7/11 of Cambridge Local Plan (2006) and because other D1 uses of the building have not been assessed as part of this application.

8. The Protected Open Space within the site to the east of the building shall be available and freely accessible to members of the public and within 1 month from first occupation, all hoardings around the site shall be removed.

   Reason: To ensure continuing access to the Protected Open Space in accordance with policy 4/2 of the Cambridge Local Plan (2006)

9. Prior to the commencement of the use hereby permitted a Travel Plan for the D1 use (general education) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be focused on encouraging sustainable modes of transport for its students, staff and visitors, shall monitor day, evening and weekend use of the facility and monitor cycle parking use and secure increases to this provision if deemed necessary. It shall include specific measures to encourage evening and weekend sustainable travel to the site and monitor student use of motor vehicles travelling to the site and parking in nearby streets and if this is shown to occur to introduce measures to prevent or reduce car usage by students. If the occupier to which the approved Travel Plan changes, within three months of the change in occupation, a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

   The approved plan shall be implemented and monitored according to the provisions approved by the local planning authority.

   Reason: To increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2).

10. Access to the car park shall be to a maximum of 17 car parking spaces only and no access shall be granted for students of the main educational occupant to park a vehicle within the car park unless there is special dispensation to do so as set out in the approved car parking management plan associated with condition 8, for example because of mobility issues and the need for vehicular access.

Reason: To comply with the aims and objectives of the Travel Plan to reduce car dependency and to ensure compliance with the adopted car parking standards as part of appendix C to the Cambridge Local Plan (2006).

11. Cycle parking, plant noise insulation, waste provision and the management of parking within the site shall be provided and managed in accordance with the details as approved under conditions 3, 6, 10 and 11 of 14/1252/FUL prior to the occupation of the building and shall be retained and managed for use as such thereafter.

    Reason: To ensure satisfactory provision of cycle parking, waste and the management of car parking (Cambridge Local Plan 2006, policies 3/4, 8/2, 8.6 and 8/10).

12. Within one month of this permission, the rooftop plant shall be painted black (RAL 9005).

    Reason: To ensure that the appearance of the external finish of the plant blends into the building and does not appear visually obtrusive with the Conservation Area . (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/14 and 4/11).

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

INFORMATIVE: The applicant's attention is drawn to the comments of the Council's Access Officer and his recommendation that the disabled changing room has an adjustable height bench instead of a chair.

Appendix 1

A.1 The below tables contain the representations made in objection to the application. The representations are presented on the left hand side of the table with a response to the right. The first table contains comments from the first and second consultations. The second table contains representations from the third and fourth consultations. A fifth consultation period is on-going at the time of writing. Any additional comments will be reported on and addressed in the amendment sheet.

Objection	**Response**
Community/D1 use	
D1 use leaves the site open to a wide range of uses	A condition is recommended to ensure the site is only used for uses falling within a D1 (general education) use, excluding language school use.
Concerned D1 use will lead to appropriation by Anglia Ruskin University (ARU).	ARU could occupy the site under a general education use. Any future use would need to maintain community access to the building in line with the agreed S106 provisions
The site needs to maintain a community use	See paragraphs 8.2-8.34
A language school would contravene the local plan	See paragraph 8.8-8.9
CSVPA would not be an eligible occupier/ would offer nothing to local community	See paragraphs 8.11-8.12
Only vague commitment to community access.	See paragraphs 8.25-8.32
Does not accord with policy	See paragraphs 8.2-8.34

5/11	
CSVPA is not a language school but its sister company CATS is.	See paragraphs 8.11-8.12. Any permission would not be personal to either school.
CSVPA could be considered university teaching accommodation	See paragraph 8.11-8.12, this is accepted as per their current operation.
CEG does not cater for a primarily local market	See paragraph 8.11-8.12. Many of CSVPA and CAT students under CEG are foreign students
The previous application was not specific to Bodywork but the local plan differentiates on the basis of activity undertaken rather than who benefits.	See paragraphs 8.19-8.24. The issue is one of use and its appropriateness.
Bodywork is locally run	Noted
Cost of community access is a key problem	I share this view. Facilities are to be provided at cost. Details of which will be dealt with through the section 106 agreement and regularly reviewed.
No detail of CSVPA's community outreach programme	Three companies, Elevation Dance, Cambridge Theatre Company and Theatre Train have been identified as potential users of the studio space after core CSVPA hours. Wider community access to the building, subject to it being suitable for the dance studio space provided,

	has been raised as an issue and is sought by officers through a revised community access agreement to be secured through legal agreement.
Not acceptable to exclude community access at any period when the school is closed; it must be available on an all-year around basis	The draft community access agreement does not exclude use outside of term times. I consider that this is an acceptable approach
Concerned about wording of suggested language school condition	Noted but the condition is enforceable
Agree that community access is good value but the primary issue is the protection of the community facility use of the entire site at all times	See paragraphs 8.25-8.32
No guarantee of community access	See paragraphs 8.25-8.32
Site has always had a community focused use	I have noted the historic community use of the site.
Need for more community facilities in the area	I note from the representations that there is a shortage of community facilities in the area
Methodist Church Hall recently closed nearby	See above
Will result in a loss of a community facility	See paragraphs 8.25-8.32

Bodywork caters for members of the community/anyone can book a class	I note that this is the case. Bodywork were considered to meet with policy 5/11. CSVPA are not currently considered to meet with these criteria, however, community access is to be secured via legal agreement and the applicants have a strong fall-back position.
Land seen as a commercial opportunity rather than a community facility	See paragraphs 8.33-8.34 and 9.1-9.4. It has been used commercially and for community use in the past.
Request legally binding statement from the developer to reassure of long term plans	The planning permission would secure the legal use of the building and this does not need to be completely inflexible. Further plans would be subject to further applications for planning permission.
No justification for loss of community facility	See paragraphs 8.2-8.34
Lots of new housing in the area (most densely populated part of Cambridge) but lack of community facilities for growing population	Note that Petersfield is a densely populated ward which has a need for community facilities
Big difference between a dance studio catering for dedicated students and a general education use	There is a material difference however the fall-back position is also a material consideration. See paragraph 8.2-8.34.
Bodywork offered a community coffee shop	The community coffee shop shown on the previously approved plans and on the original floor plans submitted

	with this application showed a room marked 'community coffee shop back up facilities'. Having discussed this with the applicant it became clear that the intention was not to provide a community coffee shop under the current application (15/2372/FUL) or previous application (14/1252/FUL). The intention was to provide this coffee shop under a future application. As a result this has been removed from the proposed plans. There would still be a coffee bar/break-out space on entrance to the building available for the wider community.
Neither proposals cater for local need	See paragraphs 8.11-8.12
Amenity	
Will overshadow the public open space	The proposed increase to the height of the building is marginal and equal to that approved under permission 14/1252/FUL. In my view this will not harmfully overshadow St Mathew's Piece.
Disturbance from noise and light	See paragraphs 8.45-8.49 in terms of noise impact. The Environmental Health Officer has not raised an issue in terms of light.
Concerned that site will be used for afterhours entertainment venue	The site could not be used as an afterhours entertainment venue under a D1 use

Loss of privacy from windows	The window situation is similar to that approved under the previous consent. Many of the windows are smoked. There is also a significant separation distance between the building and the adjacent residential properties. As a result I do not consider there to be any inter-looking issues.
Increased traffic in the area over the years has resulted in a loss of quality of life	See paragraphs 8.45-8.49
Design/conservation area	
Detrimental to the character of the conservation area	The changes to the external envelope of the building are minor. The Conservation officer considers there to be no material conservation issue.
Design is not in keeping	See above.
Recent building work is unattractive	See above
Accept the student/residential use for the site having seen the architects plans	This does not form part of the current application.
Public open space	
Concerned that public open space will be used for car parking	See paragraph 8.39-8.44
Request that the open space is available to the public at all times and fences are removed	See paragraph 8.39-8.44
Request that open space protection is extended as part of this application and	See paragraph 8.39-8.44

tarmac/parking removed from public open space	
A park is not an appropriate location for a sixth form college	See paragraphs 8.39-8.44
Original application for youth club was granted as it was complimentary to the public open space use.	The use of the site has changed over the years since it was a youth club but I do not necessarily see how the proposed use would differ significantly in its relationship to the open space than before in planning terms.
Will result in a loss of public open space	See paragraphs 8.39-8.44
In the past the whole are bounded by New Street, York Street, Abby Walk and Sturton Street was open to the public.	History noted.
CSVPA use will put additional pressure on St Mathew's Piece	In my view the D1 (general education) use would not result in any significant further pressure on the park in comparison with the previously permitted D1 (dance school/studio) use.
Students will not show as much care to St Mathew's Piece as locals	See paragraph 8.45-8.49
Highway safety	
Concerned about highway safety	See paragraphs 8.50-8.53
Travel plan does not match intended occupier	See condition 9
CATS building on Occupation Road has heavy traffic from	Noted, a post occupation survey would be carried out to

taxis The cycle parking is unacceptable	inform the Travel Plan. See paragraph 8.54-8.55
Other	
Bodywork would be an asset to the area	The 2014 permission is not personal to Bodywork.
Concerned about consultation	As per my previous comments, I note that there were concerns regarding consultation however the adjacent occupiers were notified of the application when it was submitted. A site notice was also erected.
Bodywork are not in talks with CSVPA	Neither permission is or would be personal to either school.
Intended occupier did not emerge until after the initial consultation period	This is not a material planning consideration
Area already overcrowded with students	Noted, the area is a mix of students and residents. Members have to consider the proposal for this site
Concerned about signage	It is likely that any signage would require advert consent, but this depends on its size and illumination and would separate consent.
Concerned about signatories of planning application	I have no concerns regarding the signatories

Petersfield area has become dominated by student facilities and accommodation	I note that there are a number of educational institutes located within Petersfield but do not consider the proliferation of student uses to be harmful enough to warrant a refusal of the current proposal.
No consultation between local residents and the developer	Noted, but the developers would dispute this.
Local residents/businesses should not be denied access to building in favour of a company with no local connection	Some community access to the building will be maintained through legal agreement
The process used by the developer suggest a desire to mislead the public	This is not a material planning consideration
Should be donated to the local community	This goes beyond the remit of the planning application
Lack of information	Further information has been supplied to meet with the request of officers
Concerned about use for student accommodation	This does not form part of the current application
Should be returned to parkland	This goes beyond the remit of the planning application
Area already overcrowded	I note the high density population and number of educational institutes in the area but do not believe these to be reasons for refusal
Chisholm Trail will also result in an increase to number of cyclists in area	Noted but not a significant factor

Objection	Response
Community/D1 use	
Object to use of the site as university teaching accommodation/tutorial college/language school	See paragraphs 8.11-8.12
CSVPA does not offer any kind of dance course	This application is for a change of use to D1(general education). As a result whether or not CSVPA offers dance courses is not relevant as a main consideration of land use to this application.
Contravention of the local plan / contrary to policy 5/11	See paragraphs 8.11-8.12
Need to safeguard community facilities	See paragraphs 8.25-8.32
Very few community/recreational facilities in the area	I note the lack of community and recreational facilities in the area
Howard Mallett Centre was an important community facility	I note from the many representations the importance of the Howard Mallett as a community facility
CSVPA caters for a primarily overseas market	Noted
Must apply strict conditions to any future consent	Further conditions regarding the restriction of the proposed use and access to the Protected Open Space are recommended. Community access to the site will also be required via legal agreement
Building should be open to the community in perpetuity	The application may secure community access to the

	building. See paragraphs
No benefit to local people	See paragraphs 8.25-8.32
The use will further erode community use of the site	See paragraphs 8.2-8.34
Neither previous nor current applications are suitable for the site as both result in a loss of community facilities	The extant permission is a material consideration.
Community Access Scheme	
Restricting community access will lead to a diminishing use over time	I share the concerns expressed by the third party representations in relation to the draft community access scheme. As a result a number of significant amendments are required to make the community access offering acceptable. This is addressed in paragraphs 8.2-8.34
Draft community Access Scheme is designed to put-off potential users	As above
Too many get out clauses in community access scheme	As above
The Community Access Scheme is not practical	As above
Deposit is unreasonable	As above
Too much power to occupier	As above
Protected Open Space	
Hoarding over site is unattractive	See condition 8
Lack of communal open space in Petersfield	I note the lack of public open space in Petersfield

Paths are shown on Protected Open Space as means of escape to building	See paragraph 8.39-8.44
Concerned about expanse of railing around site	Noted
St Mathews Piece is an asset to the community	I note the importance of St Mathews Piece as a community asset in a densely populated area with a lack of protected open space.
Amenity	
Concerned about noise and disruption	See paragraph 8.45-8.49
Increased in traffic	See paragraphs 8.45-8.49
Need more information about how people will travel to the site	See paragraphs 8.50-8.53
Opening hours need to be considered in terms of traffic congestion	These are secured in line with Environmental Health advice.
Other	
Bodywork is not in negotiations with CEG	This is not material to the consideration of the application
CSVPA have no links to the local community	See paragraphs 8.11-8.12
Already a high density of students in the area	This is noted but the impact of an additional educational use on the site is not considered significantly harmful to warrant a refusal. The fall back PD position is also relevant.
Developer should not be given	Each application, for planning

any further permissions until all matters have been adequately enforced by planning authority	permission, S73 amendment and condition discharge needs to be considered on its own merits.
Object to development on the site without permission	Unauthorised works are not material to the consideration of an application
Building should not have private use	A commercial use of part of the building is currently permitted

Appendix 2

A.2 The first table below contains a summary of comments from PACT with a response to the issues raised. The second table contains a summary of the reports submitted by an objector at 6 Edward Street.

Petersfield Area Community Trust

Objection	**Response**
Letter dated 7th May 2016	
Given troubled history of the site the use of the Howard Mallet Centre (HMC) by a school which qualifies as a community facility was seen as best possible outcome	The planning authority should not seek to control named occupiers of a building.
The change of intended occupier did not come to light until after the consultation period.	I note that the intended occupier did not become apparent until several weeks after the application was submitted.
CSVPA have offered some use of the building to the community outside of hours but there is no legal guarantee	See paragraphs 8.25-8.32
Use has varied over the years but somebody has challenged the status of the building as a community facility	I note that the applicant has not challenged the cessation of the community use of the site.
Excluded uses (5.21 of Cambridge Local Plan) such as university teaching accommodation must not be allowed on the site and this should be controlled via condition	See paragraphs 8.11-8.12
CSVPA is not an eligible occupier of the site	See paragraphs 8.11-8.12

Request that tarmac be removed from Protected Open Space	See paragraph 8.39-8.44
The protected space should be freely accessible as per the condition on C/97/1020	See paragraph 8.39-8.44
Note that the student body of CSVPA is larger than that of Bodyworks.	I note that the student body is larger, however, see paragraph 8.33-8.34 regarding the permitted development fall back.
There appears to be a high use of taxis by CSVPA students at the existing Round Church site.	See highways advice.
Letter dated 10th June 2016 – in response to addendum planning statement	
The protection of community facilities is the key concern	See paragraphs 8.2-8.34
The local plan differentiate on the basis of activities undertaken rather than ownership	See paragraphs 8.2-8.34
Any resident can book a class with Bodyworks	See paragraphs 9.1-9.4
Bodyworks have said they are not in discussions with CSVPA	I note that this is likely to be the case as representations have been received from Bodyworks. However. this is not material to this planning application
No details of the community outreach programmes undertaken by CSVPA	See above
Reiterate concern regarding Protected Open Space	See paragraphs 8.39-8.44

The value of the lease increases if the occupier no longer has to cater primarily for the local market	Noted as part of 8.33
Flat cost of access is a problem for other community facility offerings	See paragraphs 8.25-8.32
Contravention of the local plan	See paragraphs 8.2-8.34
It is not acceptable to exclude access at times when the school is closed	See paragraphs 8.25-8.32
CSVPA is not a dedicated language school but language teaching elements form part of the prospectus	I note that there are English language classes provided as part of the curriculum of CSVPA
Protection of the community use of the site is more important than the value of the offering	See paragraphs 8.25-8.32
Letter dated 5th October	
Request that Protected Open Space is freely accessible to the public	See condition 8
Letter dated 11th October	
Concerned about Low Demand Notice; experience with organisations acting unreasonably resulting in community spaces being unusable	These points are addressed in paragraphs 8.25-8.32 of my report
A corrective Action Plan should be submitted by applicant if uptake is low	
Day time use of the site should change if evening uptake is low	

Agreement needs to be permanent Ł250 deposit is onerous and should be discretional Clause regarding precedence of school activities is unacceptable A warning arrangement needs to be in place and more details of issues relating to unacceptable behaviour are needed. There should be a maximum attendance to avoid confusion Bookings are likely to be on a term-by-term basis therefore a booking series should be available A ticket system is impractical. Users should sign in. A reasonable wear and tear clause should be added Contact arrangements for booking should be provided on the City Council and CSVPA websites with a reasonable response time guaranteed	

A.3 A response to the reports from 6 Edward Street can be found below. The representations have been submitted as reports which are each individually numbered. Reports 1-9, 15 and 18 relate to this application:

6 Edward Street

Objection	Response
1. This is how we got here	
This report provides a history of the site	This documents provides a useful background of the site from the opening of St Mathew's Piece in the late 19th century to the present day
2. Chard Robinson and the making of a "modern new home for Bodywork" company	
Provides background information on Bodywork Company	Noted
All publicity relating to the HMC for the months following the 2014 application (14/1252/FUL) related to Bodywork. No other occupiers were suggested or mentioned	I note that all documentation at the time of the application reference 14/1252/FUL related to Bodywork
The developers held an exhibition in December 2014 which was focused on Bodywork	See above
Documents submitted with the application all related to Bodywork	See above
In April 2016 Chard Robinson signed an agreement to lease the HMC to two companies; Cambridge Arts & Sciences LTD and Cambridge Education Ground LTD. The next day the current application (15/2372/FUL) was lodged	I note that the intended occupier for the site has changed.
The switch from Bodywork was never publicised	This is not a material planning consideration
The Truth was revealed when	This is not a material planning

the 'head of cats' mentioned that he would be taking over the HMC when in conversation with a taxi driver	consideration
3. CEG, CATS & CSVPA are ineligible occupants or beneficiaries of D1 status of Howard Mallet	
Provides extract from Independent Scholl Inspections Report (October 2015) which describes CSVPA as an international college.	I note the status of CSVPA as discussed in paragraph 8.11-8.12
At a meeting with PACT in April 2016 Chard Robinson confirmed that CSVPA intended to move into the HMC	I note that the application had been lodged for a substantial period of time before the intended occupier was announced
Provides another extract from Independent Scholl Inspections Report (October 2015) which states that CSVPA as part of CATS has a total of 743 students with a wide range of nationalities. Most students are from overseas speaking English as an additional language	Although the applicant has failed to provide details of the student profile of CSVPA I note that a substantial number of the students are not local.
The CSVPA prospectus details entry requirements of a mandatory English level ranging from 'limited user' to 'modest user' CSVPA offers BA-level and pre-MA courses CEG is owned by a private equity company	I note that some of the courses provided by CSVPA provide an English language teaching element however CSVPA would not be considered a language school.
Clear contrast between CEG/CATS/CSVPA and Bodywork	I note that the activities undertaken by CSVPA differ from Bodywork but this does not mean CSVPA could not lawfully implement the 2014

	application provided the use was as a dance school/studio, as the permission for this is not personal to Bodywork.
4. 14/1252/FUL & 15/2372/FUL: Change of use or sleight of hand	
Chard Robinson submitted two planning applications for change of use (including the current application). They publicly expressed an intention to submit a further application for "phase II" once the current application is permitted	I note that this is the second application for change of use on the site. Any future applications are not material to the current proposal
The local community was unaware of the change of use from a D1 dance studio to "general education" until late in the application process	I note that there were concerns regarding consultation, however, the adjacent occupiers were notified of the application when it was submitted. A site notice was also erected
The local community did not get a chance to debate either change of use application	An opportunity has and will be available to address Planning Committee.
On 14/1252/FUL neither a site notice nor advert was posted. Only 32 letters to neighbours were sent. The consultation took place over the summer holiday period.	The consultation on 14/1252/FUL is not material to the current application
Two representations were not considered as part of the officer's report	See above
All publicity related to Bodywork's intention to occupy the building rather than the application for change of use	An application was submitted for change of use. The local authority has no control over the publicity material distributed by the developer

5. What does it signify when the LPA imposes pre-commencement planning conditions	
There are twelve conditions attached to 14/1252/FUL. All of the pre-commencement conditions have been ignored.	A number of pre-commencement conditions were not discharged as part of 14/1252/FUL and operational works have been carried out. Condition submissions have been late but the development could be lawfully implemented.
Developer considers cycle parking issues to be the same as previous application as the current change of use is considered 'somewhat immaterial'. Cambridge Cycle Campaign have raised an objection to the application.	The cycle parking layout has been amended in line with comments from the Walking and Cycling Officer to address the issues and no further comment from the Cycle Campaign has been received.
An Arboricultural Method Statement or Tree Protection Plan have not been submitted to discharge condition 4	An AMS and TPP have now been submitted and condition 4 has been discharged
A travel plan has not been submitted in relation to condition 12	A Travel Plan was submitted but was considered unacceptable. The Local Planning Authority refused to discharge this condition. The applicant has appealed this refusal. The applicant has also re-applied to discharge this condition and this is before Planning Committee for consideration also.
6. Public Open Space – How is it protected?	
Reiterates history of St Mathew's Piece from 1889 to period when HMC was built	I note this history. I have assessed the issue of public open space in paragraph 8.39-8.44

Provides condition 15 and 16 of C/97/1020 which both relate to open space. Condition 15 states that the open space will be freely accessible to members of the public	See proposed condition 8
Provides quote from Tony Collins which describes the location of the protected open space and a map showing the location of the Public Open Space both from application ref 06/0567/FUL	Noted
Notes that at the time of the application ref 06/0567/FUL the tarmacked area of Public Open Space existed	Noted
Notes a condition was attached to 06/0567/FUL which required a reduction in car parking spaces which would allow the tarmac to be removed.	Noted, the permission was not implemented
Provides background on 12m strip of disputed land to the south of HMC	Noted
7. General points on the 15/2372/FUL re-consultation	

A 15 page addendum planning statement was submitted. The applicant has applied to discharge a number of conditions	I note the submission of the 1st addendum
Proposed change of use is very significant	The change of use is significant but the permitted development fall back is also a material consideration.
CSVPA are not an eligible occupier	See paragraph 8.11-8.12
Applicant has not addressed non-compliance with pre-commencement conditions	One pre-commencement condition remains outstanding to the 2014 application, no. 12.
Car park management provisions are inadequate	See paragraph 8.52
The Transport statement is flawed	See paragraphs 8.50-8.53
Community access would only take place outside of lease hours	Due to safeguarding issues members of the community cannot have access to the site during school core hours.
Planning officers and member should reject application revoke consent for 14/1252/FUL	Disagree, this would be unreasonable
The applicant should seek to work with local community to regenerate HMC	Noted
8. More on why CSVPA is an ineligible occupant or beneficiary of the Howard Mallett's D1 status	

Reiterates a number of points raised in report 3 in relation to CSVPA	I note the points raised in report 3. See my response at paragraphs 8.11-8.12
Provides information regarding the teaching of English as a second language as part of the curriculum in CSVPA and considers that CSVPA does operate as a language school	I note the English language teaching element of the curriculum. See paragraphs 8.11-8.12.
Notes that CSVPA's courses include a number accredited for university level qualification	Although the applicant has not provided details of the courses provided by CSVPA I note from their website that they offer a number of university level courses. See paragraphs 8.11-8.12
CSVPA is half of CATS tutorial college	Noted see paragraphs 8.11-8.12
Proposal fails all three counts set out in 5.21 of the Cambridge Local Plan (2006)	See paragraphs 8.11-8.12
9. The applicant's recent retrospective response to 15/2372/FUL's ignored pre-commencement planning conditions	
Reiterates a number of points raised in report 5 in terms of pre-commencement conditions.	As noted previously 2 pre-commencement conditions remain outstanding. See above.
Concerned about many details relating to the cycle parking submission	See paragraphs 8.54-8.55
Notes that transport plan submitted takes an aggregated position of Bodywork and CSVPA as the two most likely occupiers of the space	See paragraphs 8.50-8.53

Concerned about cycle parking for phases II	Phase II is not relevant to the current application.
Disputed land should not be used for cycle parking	Cycle parking has been removed from the disputed land.
AMS and TPP no longer valid	The Tree Officer has considered the information submitted to discharge condition 4 of 14/1252/FUL. She considers the information submitted acceptable.
As condition 4 was not discharged prior to commencement the planning permission should be invalidated	Condition 4 is not considered to go to the heart of the permission. The failure to discharge it prior to commencement does not prevent lawful implementation.
The travel plan is inadequate and contains error.	See paragraph 8.50-8.53
The cover letter is misleading	Noted
15. October 2016 re-consultation on 15/2372/FUL – Key objections	

Developer acknowledge the proposal is the worst case scenario educational establishment	The worst case scenario comments relate to a request from the Transport Assessment Team for the applicant to provide worst case scenario data in terms of traffic to the site under a general education D1 use as opposed to the data provided which related to CSVPA.
Pre-commencement conditions appear to offer no protection	I note that a number of representations request the application is invalidated as pre-commencement conditions were not discharged prior to commencement of works. I address this at paragraphs 8.19-8.24
Challenges idea that permission was not personal to Bodywork	We have received legal advice from the applicant and the council's solicitor which advices that the permission ref 14/1252/FUL was not personal to Bodywork
CSVPA is not an eligible occupier under 5/11	See paragraphs 8.11-8.12
Site would need to be used exclusively as a dance school for a period of months	This is only relevant if the applicant were to try to implement the previous consent ref 14/1252/FUL
CSVPA has elements of tutorial college, language school and university teaching accommodation	See paragraphs 8.11-8.12
Community access proposed fails to meet with that which was to be provided by	The community access provision by Bodywork was not secured by legal

Bodywork	agreement and a change of use to another D1 use under permitted development could result in the loss of community use of the site. See paragraphs 8.2-8.34
Safeguards to protect community use of the site have failed	See paragraphs 8.25-8.32
Conditions need to be attached to any future permission to protect the community use of the site	See paragraphs 8.25-8.32
The permission for the 2014 application should be rescinded or it should be considered invalidated.	It is beyond the scope of this report to consider formally whether the permission for the 2014 application should be rescinded. Legal advice is that it is capable of lawful implementation and it is currently extant and a material consideration.
Eastern Corridor Transport Plan	Contributions towards this can no longer be sought under the CIL Regulations
The use would generate taxi trips and the Travel Plan does not account for this.	Officers have asked for clarification from the applicants as to the realism of this proposition within the Travel Plan. In any event, following occupation, a survey of trips to the building would be undertaken and targets would be assessed accordingly. This issue is not fundamental to the decision before members.
The speed limit within the local	Noted, but this is not

area is 20mph not 30mph as noted in the Travel Plan.	fundamental to the decision before members.
18. On the 11/11/16 Technical Note (on the 10/16 TS for 15/2372/FUL)	
The Technical Note on the Transport Statement fails to address a number of issues raised by the County Council Transport Team. These relate to existing transport infrastructure, safety/accident analysis, staff movements between sites, modal share for staff and the Travel Plan No cycle parking provision for non-staff/non-student users The survey of student travel patterns is flawed; sample size is too small and no information about what course the students surveyed are attending The permission will not be personal so all CSVPA specific data should be discounted The total number of trips are in	See County Council Comments, which have taken into account these third party representations at paragraphs 8.50-8.53.

excess of those presented in the Transport Statement Does not fully assess the range of users and hours of use; no justification to only assess 'normal daytime hours' The worst case scenario for evening use misrepresents the number of potential classes (could be up to 12 classes) Traffic impact on weekends unclear; could users park in Howard Mallett and go shopping in nearby Grafton Centre The number of cycle spaces appears inadequate for evening use when you combine number of potential users and class leaders/teachers Assumes future use of the site as a college which may be contrary to policy 5/11 From the survey data there would be a need for 35 student car parking spaces; more than double the on-site provision Refers to figures agreed relating to 14/1252/COND12 however this Transports Statement has been revised 6 times and the condition has not been discharged Survey data provided is not	

revised but the first time data has been collected Cycle accumulation for weekends/evenings has not been addressed	

PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	14/1252/COND12A	**Agenda Item**	
Date Received	29th September 2016	**Officer**	Toby Williams
Target Date	24th November 2016		
Ward	Petersfield		
Site	Citylife House Sturton Street Cambridge CB1 2QF		
Proposal	Condition 12 - Resubmission		
Applicant	Mr Julian Curry 2 Hills Road Cambridge		

SUMMARY	The development accords with the Development Plan for the following reasons: - The Travel Plan submitted accords with the terms of the condition and National Planning Practice Guidance.
RECOMMENDATION	**DISCHARGE CONDITION 12**

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site lies adjacent to St Matthew's Piece in the Petersfield area of the city. It is bounded on the east side by York Street, on the north side by New Street, on the west side by Sturton Street, and to the south by the open space of St Matthew's Piece. The areas to the east, south and west of the site are primarily residential, including many small nineteenth-century terraced houses, and small modern houses and flats. The area to the north is a mixed area, which includes light industrial and retail uses as well as dwellings and student accommodation.

1.2 The site lies wholly within the Central Conservation Area. The northern and eastern boundaries of the site also form the boundary of the Conservation Area.

1.3 The trees which stand along the eastern, northern and western boundaries of the site (London planes and one lime) are

protected by Tree Protection Order (TPO) 4/2005. The majority of the site does not have any specific designation in the adopted Cambridge Local Plan of 2006, but a strip of land on the east side of the site, fronting onto York Street, is designated as Protected Open Space. This strip includes a number of Plane trees and is of an irregular shape. Part of the northern section of the Protected Open Space is currently covered by tarmac. The site is presently surrounded by hoardings and a small tarmac path has been installed diagonally across it.

2.0 THE PROPOSAL

2.1 The application seeks to discharge condition 12 which relates to a Travel Plan for the permitted dance school/studio use. It is a re-submission for discharge of condition 12 following an earlier refusal to discharge on the basis that the Travel Plan was not submitted for a dance school use. The earlier submission against condition 12 has been appealed.

2.2 Following the re-submission, a number of third party issues have been raised with the Travel Plan. These have been addressed as part of an additional technical document submitted by the applicant's transport consultants. The technical document has been resubmitted to the County Council Transport Team for further comment and has also been subject to further third party representation.

3.0 RELEVANT SITE HISTORY

3.1 The site has an extensive planning history. The most relevant history to this application is listed in the below table.

Reference	Description	Outcome
16/1272/S73	Section 73 application to vary condition number 2 of permission 14/1252/FUL to permit revised cycle and bin storage locations, revised internal configurations and revised location of plant from the eastern elevation to the roof.	Pending consideration
14/1252/FUL	Change of use from the	Permitted,

	permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.	this is the application to which the Travel Plan submission relates
06/0567/FUL	Erection of a community innovation centre.	Appeal Dismissed
06/0631/CAC	-	Withdrawn
05/1171/FUL	Change of use of land (Howard Mallett Centre) from Sui Generis use to public open space as part of St Matthew's Piece.	Permitted (not implemented)
05/1180/CAC	Demolition of Howard Mallett Centre.	Permitted (not implemented)
C/97/1020	Change of use from a youth club to a broadcasting studio, cafe-bar and multi-media education centre, and community facility (a sui generis use), with external alterations to building, laying out of car park and landscaping.	Permitted (operative consent)
C/90/0678	USE OF LAND FOR CAR PARKING.	Appeal Allowed – temporary period ending 31/12/93
C/86/1229	CONTINUED USE OF SITE AS A CAR PARK (EXTENSION PERIOD OF CONSENT).	Approved with conditions

3.2 In 2014, application 14/1252/FUL was submitted for a class D1 dance school/studio use. The application was recommended and endorsed for approval by Planning Committee at its meeting of 4 March 2015. Planning permission was given on 28 October 2015.

3.3 The intended occupier at the time of the 2014 application had been Bodywork, a local dance school. Like most planning permissions, the permission was not personal and was not conditioned or secured as part of the S106 specifically for Bodywork. The permission is for a D1 dance school/studio use and this has been confirmed as part of the applicant's legal advice and advice from the Council's solicitor.

3.4 Internal and external operational works have begun and are almost complete. A number of the condition submissions have been submitted retrospectively. All required condition submissions have now been discharged except condition 12.

3.5 The 2014 application is also subject to a S73 material amendment application (16/1272/S73) to alter some of the approved plans as per condition 2 in respect of bin storage, plant and cycle parking and the internal layout. The proposed amendments seek to regularise works which have been done to the building which do not accord with the approved drawings.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local	3/1 Sustainable Development

Plan 2006	4/13 Pollution and Amenity 4/14 Air Quality Management 5/11 (in respect of third party representations) 8/2 Transport impact

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

Central Government Guidance	National Planning Policy Framework 2012 National Planning Practice Guidance 2014 Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

5.4 Status of Proposed Submission – Cambridge Local Plan

For the application for condition discharge 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 (Transport)

6.1 No Objection: The revised Travel Plan is acceptable. The County Transport Officer has reviewed the third party representation from 6 Edward Street and does not raise an objection. The further technical note from the applicant has been submitted for further comment from the County Transport Officer and he has agreed with its findings. Condition 12 is recommended to be discharged.

6.2 The above response is a summary of the comment that has been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 Councillor Robertson has called-in the application on the following grounds:

-The hours of use in the evenings and at weekends have not been adequately addressed and the Planning Committee should be asked to consider this issue if you are minded to accept the [Travel] Plan as fulfilling the requirements of the condition. Cllr Robertson references policy 8/2 in his response.

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

-1 Athlone, East Road
-6 Edward Street
-106 Gwydir Street
-81 Mawson Road
-80B York Street

7.3 The representations can be summarised as follows:

<u>Technical Issues</u>

-The baseline data is flawed, inconsistently used and not realistic. Table 5.4 from the original Transport Statement and table 5.1 in the Travel Plan show different modal splits.

-The developer has made-up information as part of survey data in relation to taxi drop-off, distorted and misrepresented Bodywork staff data and provided little clarity in terms of data sourcing.

-The technical note demonstrates that there are lots of discrepancies in the various transport related information submitted to the Council, with particular reference to modal split and survey data across different data sets and that it is not clear which parameter or data set is being reported on. Table 5.5 is flawed.

-The Travel Plan has many factual errors.

-Gaps in the provision of information, such as reference to the Chisholm Trail and evening and weekend use of the car park, including lack of a drop-off area.

-The Travel Plan should provide credible data for all users (outside of core hours) of the building, not just daytime hours (which are unspecified).

-The speed limit around the site is 20mph.

-The Travel Plan Co-ordinator would not manage out of core hour use and it is not clear who would.

-The Technical Response has not addressed all issues raised.

Use

-The Travel Plan has not been written for a dance school/studio user.

-The illustrative timetable for Bodywork use of the Howard Mallet building shows many sessions that would be for the benefit of local children and local adults.

-CSVPA (Cambridge School of Visual and Performing Arts) are part of the CEG (Cambridge Education) Group, CSVPA do not offer dance as a course, Bodywork do and would offer this to the wider community.

-Of the three dance companies named in the Community Access Agreement that could possibly use the building out of core hours, only one is local to Petersfield.

-CSVPA is not a Dance School.

-No CSVPA staff member has a dance specific job title.

-CSVPA cannot be used as baseline data to inform the Travel Plan as it is not a dance school.

-CSVPA and Bodywork provide for different markets.

-The Travel Plan and the accompanying assessment for 14/1252/FUL are intended for Bodywork or another dance school/studio and not for a non-compliant policy 5/11, non-dance school occupier, such as CSVPA.

-There is no evidence of any assessment by any party to the planning process regarding the transport impact of use at evenings and weekends under application 14/1252/FUL of the building, particularly between the County Council and the Transport Consultants.

-Bodywork and CSVPA are different in terms of their existing provision of education. CSVPA provides higher education, English language tuition and could be described as a tutorial college or affiliated to one. Bodywork is neither of these and is compliant with policy 5/11. CSVPA occupation would not be compliant with 5/11.

-The timetables are indicative but named occupiers are included within the first draft of the community access plan and therefore relevant.

Information Credibility

-The applicants have been disingenuous and misleading in terms of their Planning Statement and Travel Plan text and Bodywork is not involved in any ongoing negotiations with CSVPA or CEG in terms of a possible merger. The documentation cannot be relied upon and is not credible.

-TPA (The Transport Consultants) advice is contradictory.

-The Travel Plan is of very poor quality.

Process

-This is a pre-commencement condition and cannot be submitted post-commencement of development. The 2014 permission has been invalidated.

-The fault in the delay in respect of the discharge of the planning condition is the developers.

-The breach of condition should be enforced.

-What remedy is there for the community when developers ignore conditions
and commence work on the site without having discharged such conditions?

-When does the failure to discharge conditions result in invalidating planning permission?

-There is no point in setting the Travel Plan condition, if the developer can ignore it and commence development

Other

-The description of St Matthew's Piece in relation to the site is incorrect.

-Reliance on unapproved planning applications, including phase 2 and 15/2372/FUL.

-It is agreed that no planning condition can be personal to any one organisation.

-The Travel Plan condition is a pre-commencement condition and it makes no sense for it to have been so if only credible baseline information can be gained post-occupation of the building.

-If the Travel Plan is not personal, it should not be based upon CSVPA data.

-The Travel Plan should include a mechanism for resolving complaints arising out of issues relating to travel to and from the building.

-Issues with the description of the 1997 permission and what it allowed for in terms of a café/bar as part of a sui generis use and a cafe-bar.

-City Councillors on the Planning Committee should be made aware that the setting of conditions can be ignored with impunity by the developer.

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 The key issue is whether the revised Travel Plan is sufficient to discharge condition 12 of 14/1252/FUL in respect of the dance school/studio use.

8.2 The wording of condition 12 reads:

'No development shall take place until a Travel Plan for the Bodywork use has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be focused on encouraging sustainable modes of transports for its students, staff and visitors. The approved plan shall be implemented and monitored according to the provisions approved by the local planning authority.

Reason: To increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2)'

8.3 National Planning Policy Guidance sets out what Travel Plans should include and I have abbreviated that advice into the below criteria:

a) Contain information concerning the nature of the proposed development;

b) Evaluate and consider benchmark travel data including trip generation data and the forecast level of trips by all modes;

c) Address all journeys resulting from a proposed development;

d) Identify specific required outcomes, targets and measures;

e) Include proposals to reduce the need for travel to and from the site via unsustainable modes of transport;

f) Set out clear future monitoring and management arrangements;

g) Retain the ability to establish certain elements of the Travel Plan or review outcomes after the development has started operating so that it can be based upon the occupational and operational characteristics of the development.

8.4 The submitted Travel Plan adequately sets out the context within which the Travel Plan is being submitted, outlines the planning policy framework, the accessibility of the site and describes the planning permission.

8.5 In terms of transport related provision, the existing permission (14/1252/FUL) and discharged conditions, allow for 17 car parking spaces to be used, which would become available to the community for the use of the building outside of core hours. The approved scheme does not provide for any pick-up or drop-off facility. One point of vehicular access via a controlled barrier (swipe or fob operated) is proposed from New Street. 118 cycle parking spaces are provided around the building. The level of car parking and cycle parking provision, it's management and the physical layout of the site are all agreed and accord with the Local Plan standards. The Travel Plan does not provide an opportunity to revisit this level or nature of provision.

8.6 The Travel Plan sets out that it anticipates arounds 150 students and 30 staff members will be present on-site at full capacity during core hours. Wider community use of the building is expected from 6pm to 10pm weekdays and during Saturdays and Sundays. No estimated figures are given for the extent of community use because it is difficult to determine at this stage.

8.7 The applicants propose to revisit the Travel Plan no later than three months after occupation to re-evaluate the actual travel patterns to the building and adjust targets accordingly following a survey of travel to the site. This is a reasonable proposition and accords with criterion g) above.

8.8 The Travel Plan seeks to establish baseline travel data by using information from two D1 use class schools, Bodywork and Cambridge School of Visual and Performing Arts (CSVPA), the

latter of which intend to occupy the building for its permitted use as a dance school/studio.

8.9 Third parties have raised concerns regarding inconsistencies in baseline data sets/reporting, the credibility/origin of the data and the logic of its use, particularly as CSVPA is not a dance school. These criticisms have been put to the applicants who have produced a technical note dealing with the individual transport related issues raised. The County Council has been passed the third party representations and has reviewed the applicant's technical note in light of the representations. The County Council Transport Officer considers that the Travel Plan is satisfactory and that the condition should be discharged.

8.10 My view is that I do not consider it unreasonable to utilise data sets for both schools in the formulation of the Travel Plan. I accept that CSVPA is not a dance school but that does not mean that they could not occupy it as such as part of a change in their business plan/focus and both uses fall within the D1 use class category. As the building is to be occupied for a new use, the baseline data used to inform targets now can only ever be an estimate of likely travel patterns. Whilst there are inconsistencies in the data sets used, my view is that the modal splits are realistic and given that a post-occupation survey will be undertaken to review targets and provide a more accurate baseline, in my view it is only necessary for the baseline assumptions used within the Travel Plan to be broadly acceptable as they are estimations at this stage. The Travel Plan is not dependent on either Bodywork or CSVPA occupying the building. The approach to a requirement for a post-occupation survey is not uncommon in agreeing Travel Plans for future occupiers. The discharge of condition 12 would be on the basis of the post occupation survey being carried out, revised targets being put to the Travel Plan as necessary, continuing surveys/review annually and with a specific obligation to survey wider community use outside of core operating hours.

8.11 The Travel Plan sets out the following targets:

- For staff, to reduce the overall number of single occupancy vehicle trips by 10% within 5 years from the initial baseline staff travel survey taken post-occupation.

The current percentage of staff estimated to drive, or part-drive to the site is 34%.

- No students will be permitted to drive to the site, so the target for students will be to maintain awareness and safe sustainable travel to and from the site over a 5-year period.

8.12 The Travel Plan will encourage car sharing and promote sustainable travel options. A Travel Plan Coordinator will be appointed to implement and manage the Travel Plan who would be based at the site and who would be given the responsibility of setting up a Travel Plan Working Group to oversee its implementation. In terms of specific initiatives, the Travel Plan states the dance school will:

- Offer Bikeability Cycle Safety training.
- Publicise the health benefits of cycling and walking in promotional material.
- Provide information to students, visitors and staff regarding safe cycle and safe pedestrian routes.
- Provide and maintain covered secure cycle parking and provide additional spaces if demand requires.
- Organise promotional events, such as ‘walk to work week’ and ‘bike week’.
- Provide information packs (at enrolment) regarding the Travel Plan and public transport options and display travel information on notice boards and on the school website.
- Promote car sharing through the County Council car sharing website.
- Making evening and weekend community users aware of the limited car parking available and communicate sustainable travel choices for hirers of the spaces to discourage driving.

8.13 Initial monitoring will take place no less than three months following first occupation to establish an accurate modal split and confirm targets. This would include monitoring of use at evenings and weekends. I appreciate that third parties raise the issue that there is no evidence of any assessment by any party to the planning process regarding the transport impact of use at evenings and weekends under application 14/1252/FUL to inform the Travel Plan. This is a criticism pertaining to the assessment of transport impact under 14/1252/FUL which the

Travel Plan cannot fix retrospectively. The Transport Plan is capable of ascertaining the actual level of community use and responding to it. Following the post-occupation survey, the use of the building will be monitored on an annual basis and the results summarised and submitted to the City and County Councils for review for a period of five years. The Travel Plan will be amended to take account of any specific issues arising during the preceding year. This is a reasonable approach.

8.14 My view is that the content of the submitted Travel Plan accords with the requirements of the condition and aligns with National Planning Policy Guidance. The County Council Transport Officer, who is experienced in dealing with Travel Plans and the party that requested the Travel Plan in the first place, is also of the view that the Travel Plan is satisfactory.

Third Party Representations

8.15 Third party representations raise issues of the credibility of the survey and other data being used, such as in relation to taxi drop-off and the distortion and misrepresentation of Bodywork staff data to inform modal targets. The existing and previous versions of the Travel Plan have included a number of factual/textual inaccuracies or omissions, such as the reference to the speed limit within the area, the description of the 1997 permission, the location of St Matthew's Piece, omission of reference to the Chisholm Trail, the description of CSVPA as an existing dance school and references to similarities between CSVPA and Bodywork Dance School.

8.16 The technical response note from the applicants has clarified and addressed the key transport related issues raised by third parties. As stated earlier, given that a post-occupation survey of the building will be undertaken to establish an accurate baseline to inform modal targets, I do not consider the technical survey issues to be fundamental to the successful operation of the Travel Plan itself.

8.17 The Travel Plan has been written and correctly references the permitted use as a dance school/studio in relation to application 14/1252/FUL. My view is that any dance school/studio occupier could implement the submitted Travel Plan; it does not need to be tailored to a specific occupier. Issues of speed limit, reference to the 1997 permission, St Matthew's Piece and the

Chisholm Trail are noted but not central to the assessment of the Travel Plan.

8.18 Third parties state that the Travel Plan includes an illustrative timetable for Bodywork Dance Company which shows that many sessions would be for the benefit of local children and local adults that would be compliant with policy 5/11. The representations state that CSVPA are part of the CEG Group, that CSVPA does not offer dance as a course, does not employ a staff member as a specific dance teacher and therefore could not comply with the Travel Plan or with policy 5/11, which was the basis upon which 14/1252/FUL was granted.

8.19 I recognise that current courses and the student profile offered by CSVPA do not align with those offered by Bodywork, but the assessment of the Travel Plan is not an opportunity to assess or re-assess whether CSVPA, Bodywork or any other user would meet the requirements of policy 5/11 in terms of occupation of the building and community facility protection. Continued community use of the building is not something that the Travel Plan seeks to or can secure and policy 5/11 is not referenced in the reason for condition 12. The permission for application 14/1252/FUL is not personal and neither is condition 12, which the main third party objector accepts. In order to implement 14/1252/FUL, an occupier would have to operate a dance school/studio use and it is not for the Travel Plan to pre-judge whether CSVPA could undertake this. These issues, including CSVPA and its educational profile and compliance with policy 5/11 are dealt with under the officer report for 15/2372/FUL.

8.20 Third party representations make reference to the draft Community Access Agreement (CAA) and named occupiers within it that could use the building, only one of which is local to Petersfield. Permission 14/1252/FUL does not require a CAA and the assessment of the Travel Plan cannot reasonably extend to the consideration of the CAA also. In any event, I note that the CAA has subsequently been revised to remove explicit reference to potential community occupiers.

8.21 Third party representations also claim that Bodywork is not involved in any ongoing negotiations with CSVPA or CEG in terms of a possible merger and that the documentation (Travel Plan/Planning Statement) cannot be relied upon and is not

credible. These issues relate to the commercial decisions and/or negotiations of the owners to which the Local Planning Authority has not been a party to. The adequate assessment of the Travel Plan is not reliant upon the negotiations or non-negotiations as relayed in representations to the Council.

8.22 In terms of process, third party representations state that condition 12 is a pre-commencement condition and cannot be submitted post-commencement of development and that as such the 2014 permission has been invalidated. Legal advice obtained by the applicant's QC and subsequently from the Council's solicitor, confirm that condition 12 can be discharged. Officers are of the view that the Travel Plan condition does not go to the heart of the permission and its late submission does not render the permission incapable of lawful implementation. No harm has arisen as a result of its late submission. The effect of the Travel Plan is to influence the occupation of the building – which has not yet commenced - not to influence a physical operation associated with the commencement of development, such as contaminated land remediation and mitigation, a breach of which might, in certain circumstances, prevent lawful implementation. It would not be unreasonable for a Travel Plan condition on this site to have a trigger for submission and approval relating to the pre-occupation of the building. That is the recommendation for condition 9 which secures the Travel Plan for application 15/2372/FUL. I appreciate that this undermines the trigger for condition 12 and that baseline survey information collected post-occupation, further limits the weight to be attributed to the current Travel Plan data, but the Travel Plan is an iterative document and must be flexible in its operation. The approach accords with recent Government consultation regarding the limitation of pre-commencement conditions to those conditions that are only necessary.

8.23 In my view, the delay of the submission of the planning condition undermines its pre-commencement trigger but this does not mean that any material harm has arisen or that the breach of the terms of the condition should be enforced. It would be unreasonable to instigate enforcement proceedings given that an application for discharge has been made and is before the Council and an associated appeal against an initial refusal to discharge condition 12 is also before the Planning Inspectorate.

8.24 There is some third party reference to the unreasonableness of the Travel Plan being reliant on unapproved planning applications, including phase 2 and application 15/2372/FUL. That is not the case. Application 15/2372/FUL would be a free-standing permission if granted and have its own associated Travel Plan for a general education D1 use. References to phase 2 relate to pre-application discussions the applicants have entered into with the Council and not a live planning application. Again, any travel impact for any subsequent phase would have to be assessed on its own merits in relation to the associated planning unit. The discharge of condition 12 is not dependant on that process.

8.25 If complaints arise out of issues associated with travel to and from the site following implementation, the Travel Plan is capable of review or the matter could be taken up directly with the occupier itself.

Conclusion

8.26 The Travel Plan is fit for purpose and should be discharged subject to:

-Its terms and contents being complied with, including a survey being carried out within three months of first occupation to inform modal targets, including of community evening and weekend use and annually thereafter for five years.

9.0 RECOMMENDATION

APPROVE discharge of condition 12.

1. No development shall take place until a Travel Plan for the Bodywork use has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be focused on encouraging sustainable modes of transports for its students, staff and visitors. The approved plan shall be implemented and monitored according to the provisions approved by the local planning authority.

   Reason: To increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2)

PLANNING COMMITTEE **DATE: 30th NOVEMBER 2016**

Application Number	16/1633/FUL	**Agenda Item**	
Date Received	8th September 2016	**Officer**	Lorraine Casey
Target Date	3rd November 2016		
Ward	Arbury		
Site	39 Durnford Way Cambridge Cambridgeshire CB4 2DP		
Proposal	Retrospective single storey garage extension to the rear. Single storey extension to the side (east) including front bay. Conversion of the attic with dormer window to the front and rear and sunken balcony to the side (east)		
Applicant	Mr And Mrs D Baker 39 Durnford Way Cambridge Cambridgeshire CB4 2DP		

SUMMARY	The development accords with the Development Plan for the following reasons: – The development has an acceptable impact on the character of the area – The development does not have a significant adverse impact upon the amenities of adjoining residents
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site comprises a $1^1/_2$ storey dwelling located on the corner of Durnford Way to the west and Wynborne Close to the north. The property faces northwards whilst vehicular access to a garage on the south side of the property is obtained via Durnford Way. Wynborne Close consists of a small cul-de-sac of six bungalows located to the east/north-east of the site. To the south is a two-storey dwelling (No.37 Durnford Way).

1.2 The site does not lie within a Conservation Area. It also falls outside any Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 The proposal seeks retrospective planning permission for the erection of a single storey garage extension to the rear (south), a single storey extension to the east side including front bay, attic conversion incorporating dormer windows to the front (north) and rear (south), and a sunken balcony to the east side.

2.2 In late 2015, planning permission was granted under application reference 15/2170/FUL for single storey extensions, two dormer windows and a sunken balcony. The size of the single-storey extension on the east side of the building was subsequently enlarged by virtue of planning permission reference 16/0116/FUL.

2.3 The development has since been completed but is not in accordance with the approved plans. The scheme, as built, and that it is now proposed to regularise through this retrospective application encompasses the following changes when compared to the approved plans:

- The balcony has been fitted with a 1.1m high glass balustrade which, since completion, has had obscured film added to the glass. In comparison, the approved plans denoted a 1.5m high obscure glazed balustrade.
- The ‘sunken balcony’ area is shallower than originally proposed (1.35m as opposed to 3m deep).
- The balcony is 3m wide. This is a 0.4m increase in the width of the balcony shown on the approved east elevation drawing.
- The previously approved rooflight in the south elevation of the master bedroom has been omitted.
- The first floor glazing in the east elevation serving the master bedroom differs in its shape and detailing from the approved plans. The panels either side of the door have also been fitted with obscure film.

2.4 The current application initially only included the revision to the design of the balcony balustrade but, following an Officer site visit, has since been amended to include the other revisions referred to above.

2.5 The application has been called in to committee by Councillor Todd-Jones.

3.0 SITE HISTORY

Reference	Description	Outcome
15/2170/FUL	Single storey extension to garage, single storey extension and roof extension incorporating 2 dormer windows and a sunken balcony	Approved
16/0116/FUL	Single storey front extension	Approved

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/14 4/13 8/2

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

Central	National Planning Policy Framework March

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

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objections.

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

7.0 REPRESENTATIONS

7.1 Councillor Todd-Jones has requested that the application be referred to Committee if Officers are minded to support the proposal. He states that the original planning application (reference 15/2170/FUL) specified a 1.5 metre high obscure glazed balustrade to the sunken balcony, with the accompanying Design and Access Statement explaining that there would be no overlooking of adjoining properties. This retrospective application now indicates a balustrade at a height of 1.1 metres and constitutes a significant change. Notwithstanding the obscured film that has been added to the balustrade, its low height results in direct overlooking of the west elevation and front garden of No.6 Wynborne Close, and also allows clear views to the front garden and ground floor rooms of 2 & 3 Wynborne Close. The development as constructed therefore compromises the privacies of adjoining residents, contrary to Policy 3/14(b) of the 2006 Local Plan which states that extensions to buildings will be permitted providing they do not unreasonably overlook, overshadow or visually dominate neighbouring properties.

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

- 2 Wynborne Close
- 3 Wynborne Close

7.3 The representations can be summarised as follows:

- The reduced balcony balustrade height results in overlooking of the living room window in the front elevation of No.2 and kitchen window in the front elevation of No.3 Wynborne Close. This has forced the occupiers to keep curtains/blinds closed at all times to safeguard their privacy.
- The balcony does not respect the character of the site and surrounding area. It is disproportionate in size to the main building and dominates the whole of Wynborne Close.
- The balcony is unnecessary as it does not provide an attractive outlook for the occupiers of the dwelling.
- These issues could be overcome by bricking up the end elevation of the hidden balcony area.

- By requesting revised drawings, it appears that the Council is leaning towards accepting the sunken balcony rather than trying to negotiate a revised design.
- An article in the Cambridge Evening News suggests that balconies are unacceptable and that side windows must be obscure glazed.

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

8.2 The works that have been completed on site are an amalgamation of two planning consents approved in late 2015 and early 2016. As stated previously, the development has not been completed in accordance with the approved plans and, in paragraph 2.3 of this report, I have set out in detail the differences between the consented schemes and the development as built. The majority of these changes are very minor in nature and the key area of contention relates to the hidden/sunken balcony area.

8.3 The 2015 planning permission included a number of extensions which, although involving a conversion of the roof space of the original dwelling, did not increase the height of the property and were considered in the assessment of that scheme to be in keeping with the character of the property and surrounding area. The approved scheme included a first floor hidden balcony on the east side of the property. This consisted of an area leading from the master bedroom enclosed by the roof space but open to the east side elevation. The principle of the hidden balcony and the creation of a large first floor opening in

the east side elevation has therefore been established through the existing planning permission.

8.4 The revisions have increased the width of the opening by 0.4 metres, reduced the height of the balustrade by 0.4 metres and altered the design and shape of the glazing leading from the master bedroom onto the balcony area. In my opinion, these changes do not materially alter the design of the dwelling or previously approved scheme and do not have a significant adverse impact upon the character of the property or surrounding area.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.6 The impact of the extensions upon adjoining residents was considered as part of the previous application and deemed acceptable. No.39 is located approximately 5.5 metres from the boundary with No.6 Wynborne Close to the east. This neighbouring property is set back significantly from the road and this means that the balcony area overlooks its front garden and driveway, and obliquely towards windows in the front elevation, rather than overlooking the private rear garden. On this basis, the previous scheme was not considered to cause significant overlooking of No.6 Wynborne Close. In my opinion, the change to the extent of glazing and reduction in the height of the balustrade would not materially harm the amenities of occupiers of this adjacent dwelling.

8.7 Objections to the revisions have been received from the occupiers of Nos. 2 & 3 Wynborne Close which are located at the end of the cul-de-sac to the north-east of the site. The front elevations of these bungalows are approximately 40m and 35m respectively from the hidden balcony area. Whilst I appreciate that the first-floor glazing and balcony introduces an element of overlooking that didn't exist prior to the conversion of No.39's roofspace, the distance between opposing habitable room windows is well in excess of the approximately 20 metre separation that is generally deemed acceptable between opposing windows overlooking a private rear garden area.

Given the significant separation between the site and Nos. 2 & 3, as well as the fact that the balcony overlooks their front rather than private rear gardens, my opinion is that the reduced balustrade height and changes to the glazing do not result in a significant loss of privacy to the occupiers of these nearby bungalows.

8.8 Although the approved plans showed that the balcony would be fitted with an obscure glazed 1.5m high balustrade, the provision and retention of this obscure screen was not required by a condition of the original planning permission because the impact upon neighbouring properties was deemed acceptable in any case. Obscure film has been fitted to the 1.1m high balustrade and this does help to reduce overlooking of neighbouring properties when sitting on the balcony. Given that this film assists in mitigating the extent of overlooking, I have recommended a condition requiring it to be retained, and the applicant has agreed to any permission being conditional upon this requirement.

8.9 In my opinion the development adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14

Third party representations

8.10 The key concerns raised by local residents have been assessed in the preceding sections of this report. The neighbours have suggested an alternative design, namely enclosing the end of the balcony area, that would help to mitigate their concerns. Whilst I have asked the applicant's agent to consider amending the scheme accordingly, the application has to be assessed as submitted and an application cannot be refused on the basis that an alternative may be deemed more desirable.

8.11 The Cambridge Evening News article attached to a representation received from No.3 Wynborne Close contains guidance on the relevant criteria in assessing whether works constitute permitted development. It is therefore not relevant in this instance given that the development being considered within this application requires planning permission.

9.0 CONCLUSION

9.1 In conclusion, I consider the works that have been carried out are acceptable and do not have a harmful impact on the character of the area or upon the amenities of neighbouring residents.

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 1.1 metre high balustrade hereby permitted shall be maintained with obscure glazing, as denoted within drawing number 15/1435:002D.

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

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PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1371/FUL	**Agenda Item**	
Date Received	25th July 2016	**Officer**	Charlotte Burton
Target Date	19th September 2016		
Ward	Trumpington		
Site	77 And 77A Shelford Road Cambridge Cambridgeshire CB2 9NB		
Proposal	Proposed Demolition of Existing Dwelling and Workshops and Erection of 9 Dwellings		
Applicant	Mr Peter Wedd c/o Agent		

SUMMARY	The development accords with the Development Plan for the following reasons: The loss of the industrial use is acceptable in principle and the proposal would reuse a brownfield site. The proposal would have an acceptable impact on residential amenity and would provide a good quality of amenity for future residents. The proposal would not harm the character of the area and the street scene.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is comprised of the curtilage of No. 77 Shelford Road; the industrial site behind it, referred to as No. 77a; and part of the garden of No. 75. There is an existing vehicular access into the site from Shelford Road.

1.2 No. 77 is a 3-bedroom bungalow with rear garden and a detached single storey garage at the rear. The bungalow is set back from the road and is rendered with a concrete tile hipped roof. The rear part of the garden of No. 75 is comprised of greenhouses and sheds.

1.3 The industrial units comprise a complex of single storey industrial workshops. The buildings are a mixture of brick, block work and metal. The front buildings are flat-roof and the rear part has a pitched roof. There is an area of hardstanding and gravel in front of the building.

1.4 To the rear (north east) of the site are Nos. 41-45 Royal Way which form part of the Clay Farm development. These are two storey properties with shallow rear gardens which back onto the application site.

1.5 To the north is No. 75 and the garden of No. 73. No. 73 is a detached property with a long rear garden which runs along part of the length of the application site and backs onto the Royal Way properties. The part of the garden adjacent to the application site is used as an orchard. There are several mature trees along the boundary.

1.6 To the south is the garden of Nos. 79 and 81. These are detached properties. No. 79 has a shallower rear garden. No. 81 has a long rear garden which runs along the length of the application site. The garden is formally laid out and appears to be well used amenity space.

1.7 The site is not within the conservation area. The existing buildings are not Listed and are not Buildings of Local Interest. There are no tree preservation orders on the site or within the vicinity. The site is not a protected industrial site on the proposals map and is not part of an allocation on the draft Local Plan. There are no other site constraints.

2.0 THE PROPOSAL

2.1 The proposal is for the erection of 9 four-bedroom residential units following demolition of the existing bungalow and workshops, including access, car parking, bin and cycle stores, and landscaping. Access would be via the existing access from Shelford Road.

2.2 The site would be laid out with 6 semi-detached units at the rear of the site (Plots 4-9); a pair of semi-detached properties in the centre of the site (Plots 2-3); and a replacement dwelling on the street frontage (Plot 1). The materials would be dark brown and weather grey brickwork with grey or 'rustic coloured' plain tiled roof.

2.3 During the course of the application, revised plans were submitted which included the following amendments:

- Amended the tree species to the rear of Plots 4-9 to native hornbeam and beech trees.
- Revised the planting on the edge of the site with Royal Way and the positioning of the cycle sheds now set back from the rear boundary with landscaping on the rear boundary.
- Extended the roof over the bay of Plot 1 to form an entrance canopy.
- Details of the refuse storage enclosures for Plots 4-9.

3.0 SITE HISTORY

Reference	Description	Outcome
C/65/0626	Demolition of existing dilapidated sheds and erection of new concrete frame workshop	Approved
C/65/0347	Erection of new pre-fab concrete workshop to replace derelict buildings	Approved
C/70/0072	Erection of offices and alteration of existing storage buildings	Approved
C/82/0077	Installation of oil storage tank	Approved
C/90/0530	Use of workshop for high technology firm B1 (section S53 application)	Unknown

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, 3/10, 3/11, 3/12 4/4, 4/13, 4/14 5/1, 5/5, 5/14 7/3 8/2, 8/3, 8/4, 8/6, 8/10, 8/11, 8/16 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 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential

	Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

6.1 Cambridgeshire County Council (Highways Development Management)

Comment 1 August 2016

Normally for this level of development the Highway Authority would seek adoption of the street within the site to safeguard residential amenity, however the layout as proposed would not comply with the Highway Authority's requirements for an adoptable street and so we would be unable to do so. This should be brought to the attention of the applicant and an appropriate informative added to any permission that the Planning Authority is minded to issue in regard to this proposal.

The information provided is insufficient to verify the manoeuvring characteristics of a delivery vehicle or refuse vehicle visiting the site. A tracking plot from a recognised vehicle manoeuvre simulation package must be provided. The applicant must show the dimensions for the proposed car

parking spaces, which should measure 2.5m x 5m with a 6m reversing space. The access onto Shelford Road should provide a splayed surface to allow vehicles turning left to do so without excessive swinging out into the carriageway. Please provide this information and amended drawings to the Highway Authority for comment prior to determination of this application.

Recommended conditions:
- No unbound material
- No gates across the access
- Vehicle access to be laid out
- Vehicle access drainage
- Visibility splays
- Manoeuvring area
- Access to be provided

<u>Comment on 7 October 2016 referring to additional drawings showing visibility splay, access, vehicle tracking and parking spaces</u>

Acceptable.

6.2 **Environmental Health**

No objection.

Recommended conditions/informatives:
- Preliminary Contamination Assessment
- Site Investigation Report and Remediation Strategy
- Implementation of remediation
- Completion Report
- Material Management Plan
- Unexpected contamination
- Demolition and construction hours
- Collections and deliveries during demolition and construction
- Demolition/construction noise and vibration (including piling)
- Dust
- Building noise insulation
- Dust condition informative
- Demolition/construction noise and vibration informative

6.3 **Refuse and Recycling**

No objection.

Recommended informative:
- Unadopted road construction standard

6.4 **Urban Design and Conservation Team**

Comments 5 September 2016

This section of Shelford Road is characterised by 2 storey and the occasional 2.5 storey pitched roof detached and semi-detached houses. The houses are set back from the road and include driveways and front gardens. The gardens to the rear of the houses are typically 65-75m in length and back on to the rear gardens of houses in Royal Way (part of the Great Kneighton growth site).

Scale and massing

The proposed units are all 2.5 storeys with rooms located within the pitched roof space. The pitched roof form relates to the existing neighbouring houses and the ridge and eaves heights align with those of the No. 79 Shelford Road to the southeast (as shown in the street elevation – DAS page 11). The site sections referred to on the submitted site plan (Sections A and B) should be provided and extended to show the scale relationship with the houses in Royal Way. However given that Plots 4-9 are 2 storey with pitched roofs (with roof windows) from the rear, it is likely the scale of the units will be comparable to the existing houses in Royal Way and will therefore be acceptable in design terms.

Elevations and materials

A contemporary approach has been taken to the proposed elevations and materials. The submitted materials pallet is acceptable in design terms and will relate well with the contemporary design of dwellings on Great Kneighton. The extent of the roof on the aluminium clad bay to Plot 1 should be extended to form a porch canopy over the front entrance. Proposed materials should be conditioned should the application be approved. Further details of the projecting brickwork, window reveals, rainwater goods and flue/vent extracts need to be provided and should be conditioned.

Residential amenity
During pre-application discussions we raised concerns that the number of units represented over development of the site and resulted in adverse amenity impacts to neighbouring houses. We previously raised concerns that the number and arrangement of units adjacent to the garden boundary of No. 81 Shelford Road had the potential to result in an overbearing impact (as a result of the proposed small garden depth and proximity of units to the neighbouring garden) and overlooking due to the arrangement of windows are first floor level. The submitted scheme reduces the number of units from 11 to 9 and reduces the number of units adjacent to the side garden boundary of No. 81 Shelford Road from 4 to 2. We support this arrangement, the rear gardens of these units (Plots 2 and 3) have increased in depth from approximately 7.7m to 10.4m.

The accommodation at first floor level has also been reconfigured so that obscured bathroom and en-suite windows are located on the rear elevation and projecting timber louvered screens introduced for the bedroom windows which will direct views away from the rear gardens of No. 79 and 81 Shelford Road. The second floor bedroom windows on the gable ends have been arranged so that they are angled away from the rear garden of Plot 1 and No. 79 Shelford Road to the southwest and the front elevations of Plots 7 and 8 to the northeast. These changes are supported in design terms and address previous concerns.

Following pre-application discussions, the rear gardens of Plots 4-9 have increased in depth from 9 to 13m and the back to back distance between the existing houses on Royal Way and the proposed units have increased from 17m to almost 20m. The increased garden depths allows for tree planting which will help soften and filter views of the proposed units from the neighbouring gardens in Royal Way.

The City Council do not have any minimum back to back distances. However the proposed 19-20m back-to-back distance between the existing and proposed units, the

introduction of tree planting in the proposed rear gardens and the limited number of first floor windows on the rear elevation of houses in Royal Way (limited to 1 bedroom window, 1 home office window and a obscure bathroom and en-suite window), it is likely that the proposal will not result in significant inter-looking impacts between the existing and proposed units.

The full height windows shown on the front elevations of Plots 4-9 have been reduced in size and obscured glazing introduced on the lower section of the 1st and 2nd floor level windows. This approach is supported and reduces the sense of overlooking to the rear gardens of No. 75 and 79 Shelford Road and improves the privacy for future occupants.

The submitted cast shadow diagrams (DAS page 17-22) shows that the proposed scheme will result in additional overshadowing to the rear garden of No. 73 Shelford Road in the morning and early afternoon (9:00am-1:00pm on the 20th March). Overshadowing to the rear gardens of No. 41-45 Royal Way is limited to the late evenings (5:00pm onwards on the 20th March) and is no worse than the existing situation (and forms a moderate improvement). The level of overshadowing to neighbouring houses is acceptable in design terms.

Cycle storage
The proposed treatment (design and materials) of the cycle stores needs to be provided and should be conditioned should the application be approved. Covered storage should also be provided for the refuse storage within the rear gardens and details of these stores needs to be provided.

Recommended conditions
- Materials samples
- Details of non-masonry walling systems
- Details of windows and doors
- Details of cycle and refuse store treatment
- Details of projecting brickwork, window reveals, rainwater goods and flue/vent extracts

<u>Comments on 17 October on revised plans</u>

The proposed amendments are acceptable in design terms and have addressed all of the concerns raised in our previous application comments.

6.5 **Access Officer**

The roadway should have some form of kerb/upstand for a visually impaired person to use to way-find down the drive.

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

Comments 10 August 2016

No objection.

Recommended conditions:
- Hard and soft landscaping
- Boundary treatment

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

No objection.

Recommended condition:
- Implementation of surface water drainage scheme

6.8 **Cambridgeshire County Council (Archaeology)**

Records indicate that the site is situated in an area of high archaeological potential. Archaeological investigations adjacent to application area at Clay Farm revealed evidence of Late Bronze Age / Early Iron Age settlement and Roman enclosures and settlement. Archaeological investigations to the south west at Glebe Farm revealed evidence of Early Middle Iron Age settlement, which may have been superseded by a later Iron Age settlement enclosure. A single inhumation was also recovered. In addition, to the south east are designated site revealed by aerial photography.

Recommended condition:
- Implementation of a programme of archaeological work

6.9 **Policy Team**

No objection.

The property was marketed for a period of two years between 2012 and 2014, however no occupier was found. The marketing exercise described and the length of time the property was marketed demonstrates that Policy 7/3 criterion a) has been met.

Criterion e) states that loss of floorspace within Use Classes B1(c), B2 and B8 will be permitted if redevelopment for mixed use or residential development would be more appropriate. The site, which is not particularly large, is surrounded on all sides by residential properties. The noise and disturbance likely to be caused by an industrial use in this location will impact on these properties. These expected impacts mean that redevelopment for residential use would be more appropriate and criterion e) is met.

The proposal is therefore compliant with policy 7/3 and acceptable in policy terms.

7.0 REPRESENTATIONS

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

- 73 Shelford Road
- 79 Shelford Road
- 81 Shelford Road
- 41 Royal Way
- 43 Royal Way
- 45 Royal Way
- 1 Glanville Road
- 44 Fairfax Road

7.2 The representations can be summarised as follows:

<u>Principle</u>

- Not opposed to the principle of development.
- Support the need for housing.
- Support the demolition of existing industrial building.

Context

- Over-development on the site. The number and size of the buildings are too large.
- Ambiguity around current borders, trees and shrubbery, and plans for refuse storage and collection.
- Not in keeping with the context of the surrounding area.

Residential amenity

- Loss of privacy to Nos. 79 and 81 Shelford Road, and the Royal Way properties. The proposed timber louvres do little to prevent overlooking the garden of No. 81.
- Impact of construction noise, disturbance, dust and potentially asbestos. The developer should pay to re-clean the houses along Royal Way following demolition.
- Noise impact from vehicle movements using the access.
- Noise and disturbance impact on neighbouring properties.
- Overshadowing impact on No. 79.
- Overbearing and overshadowing impact on No. 81 Shelford Road and the Royal Way properties. The shadow plans do not include the impact of trees along the boundary.
- Trees along the boundary should be retained for privacy purposes
- Light pollution from the second and third storeys and skylights
- Concern that renewal of this access to the rear of Royal Way would reduce security. Would like to retain this path to increase privacy, but request that access is not given to it from Shelford Road.
- Unclear about boundary treatments

Highway safety

- Safety of pedestrians and cyclists using the existing foot path and cycle way along Shelford Road to local services.
- Limited visibility along the pavement.
- Poor access for emergency vehicles and refuse vehicles
- Poor turning area for vehicles.
- Not enough car parking spaces will lead to demand for on street parking.
- Impact of additional traffic generated on Shelford Road.

Bin and bike stores

- Lack of bin stores.
- Bike stores should be located away from the boundary to prevent loss of trees.

Drainage

- Hard surfacing will lead to surface water run-off

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

8.0 ASSESSMENT

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

1. Principle of development
2. Affordable Housing
3. Context of site, design and external spaces
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Access
8. Car parking
9. Cycle parking
10. Drainage
11. Third party representations
12. Planning obligations

Principle of Development

8.2 The Government's planning policy – the National Planning Policy Framework (NPPF) - places strong emphasis on the need to deliver a wide choice of high quality homes. Paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. The Government encourages the 'effective use of land by reusing land that has been previously developed (brownfield land)' as one of the core planning principles

(paragraph 17). Weight must be given to the 'presumption in favour of sustainable development' which for decision-taking means 'approving development proposals that accord with the development plan without delay' (paragraph 14).

8.3 The site is mixed use including a residential unit and curtilage, and light industrial use. Policy 7/3 aims to protect industrial and storage space. This site does not lie within a protected industrial site. The policy states that development where there is a change of use will only be permitted if:

a) There is a sufficient supply of industrial/storage within the City to meet the demand and/or vacancy rates are high; and either

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

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

8.4 The applicant has submitted information regarding the current use of the industrial units and recent marketing efforts. The property was marketed for a period of two years between 2012 and 2014, however no occupier was found. The Policy Team has commented that the marketing exercise and the length of time the property was marketed demonstrates that criterion a) has been met.

8.5 The industrial site is located within a residential area. Following the Clay Farm development on land to the rear, the site is now surrounded on all sides by residential properties. The noise and disturbance that could be generated by industrial use in this location is likely to have an impact on the residential amenity of the neighbouring properties. In my opinion, the redevelopment for mixed use or residential development would be more appropriate than continued use of the site for industrial purposes. The Policy Team agrees with this view and comment that criterion e) is met. The principle of the loss of industrial use is compliant with policy 7/3.

8.6 The proposal is for residential development on an unallocated site. Policy 5/1 for residential development in windfall sites applies. The policy supports such development subject to the existing land use and the compatibility with adjoining uses. As stated above, the loss of the existing land use is acceptable. The site is surrounded by residential properties. For the

reasons given in this report, I consider the proposal is compatible with adjoining uses. In my opinion, the proposal is compliant with policy 5/1 and the principle of development is acceptable.

Affordable Housing

8.7 Policy 5/5 states that on sites of 0.5ha or more and all developments including an element of housing which have 15 or more dwellings, the Council will seek affordable housing of 40% or more of the dwellings or an equivalent site area. The proposal is for 9 units on a site area of 0.25 ha and therefore does not trigger the requirement for affordable housing. Given the site constraints, I am content that the proposal does not represent low density development. For these reasons, in my opinion, the current application for 9 units is acceptable and does not conflict with policy 5/5.

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

8.8 This part of Shelford Road is characterised by detached properties with long rear gardens. The character of the area has been substantially altered in recent years following the Clay Farm development. The Great Kneighton development at the rear of the site has a different character to the more traditional properties along Shelford Road, in terms of the scale of units, their design and materials palette, and the limited amount of amenity space compared to the traditional properties. In my opinion, the Great Kneighton development has introduced an important change to the character of the area compared to other examples of backland development.

8.9 The site has a backland position with a narrow frontage onto Shelford Road. There is existing development on the site, although the proposal includes part of the rear garden of No. 75. In my opinion, this sets a precedent for some development on the site. There are examples nearby of dwellings erected in backland positions, including Nos.87a and 88a Shelford Road. While the current proposal is for more units, and a larger scale and massing than these examples, in my opinion, the principle of development on the site would not be contrary to the character of the area.

Layout

8.10 The site would be laid out in a 'T' shape around the existing access, which would have turning heads on either side. Plots 4-9 would be laid out at the rear of the site. Plots 2-3 would be on the southern side of the access road. The replacement of the bungalow would be at the front of the site. In my opinion, this is a good layout which responds to the constraints of the site. In particular, the private amenity space backs onto the gardens of neighbouring properties; there is good surveillance of communal areas and car parking spaces; and there is space to retain and enhance landscaping on the site.

8.11 The proposed development would be well connected to existing vehicle, pedestrian and cycle routes along Shelford Road. The access would provide a shared surface for all users. The Highways Authority has stated that the layout would not comply with its requirements for an adoptable street but is nevertheless satisfied with the access arrangements and I accept its advice. In my opinion, the proposed shared surface would provide safe access for all users taking into account the volume of traffic likely to be generated by the proposed development.

8.12 On-plot parking would be provided for all units and visitor parking bays would be provided within the turning heads. Cycle and bin storage would be provided either in separate stores in the rear garden or within a private garage. In my opinion, the car and cycle parking and bin storage would be convenient for all users.

Scale and massing

8.13 During the course of the application, sections were provided which show the relationships between the proposed units and neighbouring properties on Shelford Road and Royal Way. The Urban Design Team commented that the overall scale and massing is acceptable in design terms and is comparable with nearby houses, and I agree with this advice. The ridge height of the units would be 8.5m which would be similar to the Royal Way properties (8.3m), No. 79 (8.4m) and No. 75 (7.5m). While I accept that the units would be slightly taller than surrounding development, in my opinion, the scale would be similar enough

so that it would not be out of character with the surrounding area.

Open Space and Landscape

8.14 The units would all have private amenity space. The gardens would be a similar size to the Royal Way properties. The proposal includes landscaping along the access and frontage which in my opinion would make a positive contribution to the street scene compared to the existing situation. The proposal also includes landscaping in front of and around the units to contribute towards defining defensible space and the separation between communal and private areas.

8.15 The applicants have submitted an Arboricultural Implications Assessment. The proposal would require the loss of two trees within the garden of No. 75 which are close to the boundary with No. 77. Replacement planting is proposed in this location. The proposal would also require the loss of the hedge at the rear of the site near to the boundary with the Royal Way properties, which would be replaced by tree planting.

8.16 During the course of the application, the bin stores in the rear gardens of Plots 4-9 were relocated further from the rear boundary of the site to allow for planting within the curtilages of the proposed units against the boundary with the Royal Way properties. The tree species were also amended to native Hornbeam and Beech trees to form year round screening.

8.17 The Landscape Officer supports the proposal subject to conditions requiring details of a hard and soft landscaping scheme and boundary treatments, and I accept this advice. In my opinion, the landscaping scheme would contribute positively to the appearance of the site and the street scene.

Elevations and Materials

8.18 The materials for Plots 1 (house type A), and Plots 6 and 7 (house type C) would be multi-brown brickwork and rustic red roof tiles. Plots 2, 3 (house type B), 4, 5 and 8 and 9 (house type C) would be grey weathered brickwork with grey plain roof tiles. The elevations include projecting brickwork detailing. The Urban Design Team has commented that the materials palette is acceptable in design terms and will relate well with the

contemporary design of the dwellings on Great Kneighton. It has recommended conditions for materials samples, details of non-masonry walling systems and details of windows and doors to be submitted for approval, and I accept this advice.

Street scene

8.19 There is a mix of building styles along Shelford Road. The existing bungalow has a hipped roof and is white render. In my opinion, the existing bungalow does not make a positive contribution to the street scene. The proposed replacement dwelling would be two storeys with a pitched roof, and would be multi-brown brickwork and rustic red roof tiles. The dwelling would have a contemporary appearance and, in my opinion, would be similar to the recent developments that are part of Clay Farm. The street scene would be enhanced through new landscaping in front of the dwelling and along the access.

8.20 The Urban Design Team has recommended approval, subject to conditions. I accept this advice, and in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.21 The nearest neighbouring residential properties are Nos. 73-75 Shelford Road to the north of the site; Nos. 79 and 81 Shelford Road to the south of the site; and Nos. 39-45 Royal Way to the rear (east) of the site. The impact on the residential amenity of these properties in terms of overlooking, overbearing and overshadowing is considered below.

8.22 Third parties have raised concerns about the impact of noise, disturbance and dust during construction. The Environmental Health Team is satisfied with the proposal subject to conditions to restrict construction and delivery hours, and to control noise, vibration and dust during construction. I accept this advice and in my opinion, subject to these conditions, the proposal would not have an unacceptable impact on residential amenity in this regard. In my opinion, it would not be reasonable to require the developer to pay for the neighbouring properties to be cleaned

following the development. The disposal of asbestos is addressed through other legislation.

Royal Way properties

8.23 I have visited No. 41 Royal Way. These properties are two storeys with shallow rear gardens. There are some windows on the ground and first floor rear elevations facing the application site.

8.24 Plots 4-9 would be approximately 11-12m from the site boundary and 19–20m from the rear elevation of the Royal Way properties. The rear elevations would be two storeys plus an attic storey, and approximately 5.4m high to the eaves and 8.8m high to the ridge. There would be one first floor window on the rear elevation of each unit which would serve a bedroom. A 1.8m high close boarded fence is proposed along the rear boundary. During the course of the application, the bin and bike stores in the rear gardens were relocated away from the boundary and planting proposed within the curtilages along the boundary.

8.25 The only views from Plots 4-9 towards the Royal Way properties would be from one bedroom window on the first floor rear elevation. There would be rooflights on the rear roof slope, however the base of these would be 1.7m above the internal floor level, as shown on the sections. Bedrooms are generally considered to have a lesser overlooking impact than living rooms and kitchens. In my opinion, the 19m minimum separation distance from the window to the rear elevation of the Royal Way properties would have an acceptable overlooking impact into existing windows. In my view, the 11m minimum separation distance to the boundary would have an acceptable overlooking impact on the rear gardens. Views would be partially obscured by a 1.8m high close-boarded fence and planting along the boundary. I have recommended a condition requiring this landscaping to be planted prior to first occupation of the units.

8.26 The existing industrial buildings have a single storey element that abuts the boundary with No. 43 Royal Way. There is a taller element with a pitched roof which is within 2.3m of the boundary. In my opinion, these buildings have a strong enclosing impact on No. 43. At the rear of Nos. 39-41 and 45

the site is open, however there is mature vegetation along the boundary which, in my opinion, has an enclosing impact on the rear gardens.

8.27 The proposal would remove the existing building on the boundary with No. 43 and there would be no buildings along this boundary. Plots 4-9 would introduce built form at the rear of the Royal Way properties where there currently is open space on the site, however these would be set back at least 11m from the boundary. The eaves height of the proposed units would be 5.5m compared to 4.5m for the Royal Way properties as shown on the sections. The ridge height would be 8.9m compared to 8.3m respectively. In my opinion, the scale of the units and the set back from the boundary would not result in an unacceptable overbearing impact compared to the existing situation.

8.28 The applicant has provided shadow diagrams which show that the additional overshadowing of the Royal Way properties is limited to:

- Overshadowing of rear garden of No. 39 Royal Way in the evening at the March/September equinox; and
- Overshadowing of rear garden of No. 45 Royal Way in the afternoon in December solstice.

8.29 The Urban Design and Conservation Team has commented that the level of overshadowing to neighbouring houses is acceptable in design terms and in some cases forms a moderate improvement compared to the existing situation. In my opinion, while I accept that there would be additional overshadowing of two properties, this would be at the end of the day and, in my opinion, would not have an unacceptable impact on residential amenity.

Nos. 73 and 75 Shelford Road

8.30 I have visited No. 73 Shelford Road. These are two storey properties set back from Shelford Road. No. 73 has a long rear garden which extends the length of the application site. The rear part of the garden is used as an orchard. No. 75 would lose part of its garden as a result of the development, however would retain a garden that is approximately 24m long from the rear elevation.

8.31 The side elevation of Plot 9 would be set back 1.2m from the boundary with No. 73. This would be a gable end elevation with an eaves height of 5.5m and a maximum height of 8.9m to the ridge. There would be no windows on this elevation. There would be two first floor windows on the front elevation (one would be obscured) and one second floor dormer window. The elevations have been handed so that the un-obscured windows are furthest away from the site boundary. I have recommended a condition for the windows identified on the drawings as being obscured to be implemented prior to first occupation.

8.32 There would be direct views from un-obscured windows on the first and second floor towards No. 75. These windows would be approximately 44m from the rear elevations of No. 75 and approximately 20m from the rear garden boundary. As such, in my opinion, there would not be unacceptable overlooking into windows on the rear elevation of No. 75 or this property's garden.

8.33 There would be oblique views from these windows towards No. 73. The distance to the rear elevation of No. 73 would be approximately 49m and as such in my opinion, there would not be any overlooking into windows of No. 73. There would be some oblique views of the middle part of the garden which is currently used as an orchard. As previously stated, bedrooms are generally considered to have a lesser overlooking impact than living rooms and kitchens. The middle part of the garden is less sensitive than areas closer to the house which are generally more intensively used for private amenity space. For these reasons, in my opinion, there would not be an unacceptable loss of privacy for No. 73.

8.34 I am not concerned about any overbearing impact on No. 75 due to the separation distance and the set back of Plots 8-9 from the rear garden boundary. There would be some visual impact from the side gable end of Plot 9 on the garden of No. 73 which would be set back by 1.2m but in my opinion this would not appear overbearing. In my opinion, as previously stated, the rear part of the garden is generally considered to be less intensively used for private amenity space. As such, the visual impact of the proposal would not have an unacceptable impact on the residential amenity of this property.

8.35 The shadow diagrams show that the existing buildings have some overshadowing impact on the rear part of the garden of No. 73. In comparison, the proposal would result in:

- Some additional overshadowing of the rear part of the garden of No. 73 in the mornings at the June summer solstice
- Some additional overshadowing of the rear part of the gardens of Nos. 71 and 73 in the mornings at the March and September equinoxes;
- Some additional overshadowing of the rear part of the gardens of Nos. 69, 71 and 73 in the late morning and early afternoon at the December winter solstice.

8.36 The Urban Design and Conservation Team has commented that the level of overshadowing to neighbouring houses is acceptable in design terms. I accept that there would be additional overshadowing, however, these properties have long rear gardens which provide plenty of amenity space. In my opinion, the limited amount of additional overshadowing of the rear part of the gardens would not have an unacceptable impact on residential amenity.

Nos. 79 and 81 Shelford Road

8.37 I have visited No. 79 Shelford Road and gained a view into the rear garden of No. 81. These are two storey properties set back from Shelford Road. The rear garden of No. 79 is approximately 15m from the rear elevation to the application site. No. 81 has a long rear garden which extends the length of the application site. There is an outbuilding in the middle part of the garden which is well-used private amenity space. There are some windows on the rear elevations of the properties.

8.38 There is an existing single storey garage at the rear of No. 77 which abuts the boundary of the rear part of the garden of No. 79. The existing industrial buildings are approximately 10m away from the boundary with the rear garden of No. 81.

8.39 The south west corner of Plot 2 would adjoin the corner of the garden of No. 79. There would be a single storey element along approximately half of the rear boundary of the garden. This would be 3m high with a flat roof. There would be a single storey garage at the rear of Plot 1 which would be set back approximately 1m from the side boundary of the garden. This

would have an eaves height of approximately 2.6m and a ridge height of approximately 4m. The rear elevation of Plots 2 and 3 would be approximately 10m from the boundary of the application site with the rear garden of No. 81. The rear elevation would have three first floor windows each, two of these would be obscured and serve ensuites/bathrooms. There would be one un-obscured window in each dwelling serving a bedroom which would have a projecting timber panel on one side. There would be a second floor window in the side gable elevation serving a bedroom which would have oblique panels to restrict views. A 1.8m high close boarded fence and planting in the rear gardens is proposed.

8.40 The projecting timber panel on the first floor bedroom windows of Plots 2-3 would, in my opinion, prevent obscure views to the rear elevations of Nos. 79 and 81 and parts of the garden closest to the house which are generally considered to be more sensitive to overlooking. I have recommended a condition for the timber panels to be installed prior to first occupation of these units and to be retained thereafter.

8.41 There would be some direct views from these windows towards the middle part of the garden of No. 81 which is well-used private amenity space. In my opinion, the set back of 10m from the boundary and there only being one un-obscured window serving each bedroom, means that the overlooking would not result in an unacceptable loss of privacy. I have recommended a condition for the obscure glazing of the other windows on the rear elevation identified on the drawings to be implemented prior to first occupation of these units.

8.42 Views from the second floor window on the gable end of Plot 2 would be directed away from the gardens of Nos. 79 and 81 through the use of angled timber panels. In my opinion, this would be effective in avoiding overlooking of the gardens. The Urban Design and Conservation Team has recommended a condition for window details to be submitted for approval, and I accept this advice.

8.43 There would be some oblique views from the first floor window and second floor dormer window of Plot 4 towards the middle part of the garden of No. 81. These have been handed so that the windows are furthest away from the boundary. Similar to the impact on No. 73, in my opinion, the oblique views from a

bedroom window – mitigated by existing mature trees within the curtilage of No. 73 – towards the middle part of the garden would not have an unacceptable impact on the residential amenity of the occupiers of this property.

8.44 The rear elevation of Plots 2-3 would be 5.8m high to the eaves and 8.6m high to the ridge. In my opinion, due to the length of the rear gardens of the Shelford Road properties and the set back of 10m from the boundary, this would not have an unacceptable overbearing impact on these gardens. The garage for Plot 1 would be single storey and would not have an overbearing impact on the garden of No. 79.

8.45 There would be some visual impact from the side gable end of Plot 4 on the garden of No. 81 which would be set back by 1.2m but in my opinion this would not appear overbearing. In my opinion, as previously stated, the rear part of the garden is generally considered to be less intensively used for private amenity space. As such, the visual impact of the proposal would not have an unacceptable overbearing impact on the residential amenity of this property.

8.46 As the proposed units would be to the north of Nos. 79 and 81, the proposal would not overshadow Nos. 79 and 81, as demonstrated by the shadow diagrams.

Impact of Plot 1

8.47 Plot 1 would replace the existing bungalow with a two storey dwelling with a rear single storey element. The nearest neighbour is No. 79 to the south. No. 75 to the north is separated by the access. The two storey element would not project beyond the front or rear elevations of No. 79. The single storey rear element would have a flat roof with a maximum height of 2.9m. It would not cut the 45 degree line taken from the centre of any windows on the rear elevation of No. 79. There are no windows on the side elevation. In my opinion, Plot 1 would have an acceptable impact on the residential amenity of the neighbouring properties.

<u>Amenity of future occupiers</u>

8.48 The properties would have private amenity space. In my opinion, the amount and quality of this amenity space is

acceptable. In my opinion, the layout of the site means there would acceptable levels of privacy and the proposal would not result in overbearing or overshadowing impacts. As such the future occupiers would have a good level of amenity. The timber panels on the second floor window on the gable ends of Plots 2-3 would prevent direct views into the rear garden of Plot 1 and the windows on the front elevation of Plots 4-5.

8.49 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 5/2, 3/7 and 3/12.

Trees

8.50 There are no tree preservation orders on the site or within the vicinity. The Tree Survey and Arboricultural Implications Assessment submitted by the applicant identifies three Ash trees, mixed conifers, a Cherry tree and a privet hedge within the application site that would be lost for construction. These trees have been identified by the applicant's qualified arboriculturalist as category C or U trees of low quality. Moreover, as they are not protected, they could be removed by the site owner at any time. The landscaping proposal includes replacement of these trees and the Landscape Officer supports the proposed landscaping scheme, subject to conditions.

8.51 There are several trees within the gardens of the neighbouring properties that would be protected during construction. Some would require some minor works to parts of the tree within the application site. In my opinion, as the trees are not protected, the proposed works are reasonable as they could be done by the site owner without the need for permission from the Local Planning Authority. Nonetheless, I have recommended a condition requiring the tree protection measures to be implemented in accordance with the details submitted. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Refuse Arrangements

8.52 The proposal includes bin stores in the rear gardens of Plots 4-9, and in the garages of Plots 2 and 3. I have recommended a

condition for these the bin stores to be provided prior to first occupation. The Refuse and Recycling Team is satisfied with the site layout for refuse vehicles to enter the site for collections. I have recommended conditions to ensure the access is suitable for refuse vehicles and to control its on-going maintenance. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.53 The proposal uses an existing access into Shelford Road and there would be an intensification of the use of this access. During the course of the application, additional information was submitted regarding the visibility of the access point and maneuvering within the site. The Highways Authority is satisfied with the proposed arrangements, subject to conditions, and I accept their advice. I have also recommended conditions to control the construction of the access and to ensure its on-going maintenance.

8.54 Third parties have raised concern about the impact of the access on the safety of pedestrians and cyclists using the footpath and cycle way along Shelford Road which is used to access local services. This is an existing access. Although there would be some intensification of the use of the access, the number of traffic movements generated by the 9 units is likely to be low. The Highways Authority has not objected to the proposal and, in my opinion, this would not have an unacceptable impact on highway safety.

8.55 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Access

8.56 The Access Officer has commented that the roadway should have some form of kerb/upstand for a visually impaired person to use to way-find down the drive. The Landscape Officer has recommended a condition for a hard and soft landscaping scheme, and details of the curb would be provided as part of this.

Car Parking

8.57 The proposal is for one on-plot car parking space per unit and 3 visitor spaces. While the number of visitor car parking spaces exceeds the maximum standard, the number of spaces per unit is less than the maximum. Third parties have raised concern about the lack of car parking leading to demand for on-street car parking, however in my opinion, as the site is well connected to public transport and cycle path links along Shelford Road, the site is in a sustainable location and the proposed provision is acceptable. In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/10.

Cycle Parking

8.58 The proposal includes cycle stores to be provided in the rear gardens of Plots 4-9 and with the garages of Plots 1–3. This provides secure and covered cycle parking which meets the adopted standards. During the course of the application, details of the cycle stores were submitted. I have recommended a condition for the cycle stores to be provided prior to occupation of the units and thereafter retained. In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/6.

Drainage

8.59 The Sustainable Drainage Officer has recommended a condition for a detailed surface water drainage scheme to be submitted for approval. I accept this advice.

Third Party Representations

8.60 I have addressed the third party representations in the relevant sections above.

Planning obligations

8.60 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

8.61 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

9.1 In my opinion, the principle of development is acceptable in accordance with Cambridge Local Plan (2006) policies 7/3 and 5/1. I have assessed the application against the relevant development plan policies and have given full consideration to third party representations. The revisions submitted during the course of the application have addressed the initial concerns raised by officers. In my opinion, the proposal would not have an unacceptable impact on residential amenity. I have been advised through the consultation process by other officers that there are no outstanding technical matters that cannot be resolved through conditions. On this basis, in my opinion, the proposal is compliant with all relevant development plan policies and therefore I must give weight to the 'presumption in favour of sustainable development' within the NPPF.

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 (other than demolition) 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).

4. No development (other than demolition) 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.

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

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

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

6. No boiler flues, soil pipes, waste pipes or air extract trunking, etc. shall be installed until the means of providing egress for all such items from the new or altered bathrooms, kitchens and plant rooms has been submitted to and approved in writing by the local planning authority. Flues, pipes and trunking, etc. shall be installed thereafter only in accordance with the approved details.

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

7. The cycle parking shall be provided in accordance with the approved details prior to first occupation of the development hereby permitted, and shall be retained thereafter.

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

8. The bin stores shall be provided in accordance with the approved details prior to first occupation of the development hereby permitted, and shall be retained thereafter.

   Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 4/13).

9. The windows identified as having obscured glass on the approved drawings shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to first occupation of the development hereby permitted, 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. The timber panels on the first floor windows on the rear elevations of Plots 2 and 3 as shown on drawing number ' Pl(21)02' shall be installed prior to first occupation of the development hereby permitted, in accordance with details submitted to and approved in writing by the Local Planning Authority. The screens shall be retained as such thereafter.

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

11. Prior to the commencement of above ground development, further details of the projecting brickwork detailing and window reveals as shown in the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development should be implemented in accordance with the approved details.

Reason: In order to enhance the appearance of the building (Cambridge Local Plan 2006 policy 3/4).

12. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

    Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

13. 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 access unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

14. Prior to the first occupation of the development hereby permitted, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

    Reason: In the interests of highway safety and to ensure satisfactory access into the site (Cambridge Local Plan 2006 policy 8/2).

15. Prior to first use of the development hereby permitted, the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

    Reason: To prevent surface water discharging to the highway (Cambridge Local Plan 2006 policy 8/2).

16. Prior to first occupation of the development hereby permitted, two 2.0 x 2.0 metres visibility splays shall be provided as shown on the approved drawings. 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 (Cambridge Local Plan 2006 policy 8/2).

17. Prior to first occupation of the development hereby permitted, the manoeuvring area shall be provided as shown on the drawings and retained free of obstruction thereafter.

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

18. Prior to first occupation of the development hereby permitted, the access shall be provided as shown on the approved drawings and a width of access of 5 metres provided for a minimum distance of ten metres from the highway boundary and retained free of obstruction.

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

19. No development shall commence until details of the construction of the hardstanding for the access have been submitted to and approved in writing by the local planning authority. The hardstanding shall, as a minimum, be capable of supporting vehicles of 26 tonne weight and shall be constructed in accordance with the approved details.

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

20. No development shall commence until details of the proposed arrangements for future management and maintenance of the streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard. (Cambridge Local Plan 2006 policy 8/2)

21. Prior to occupation of the development hereby permitted, surface water drainage works shall be 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 details and management and maintenance plan.

Reason: In the interests of surface water drainage and flood management.

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

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

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

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

24. 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 to 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)

25. The specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be implemented in accordance with the Arboricultural Implications Assessment dated July 2016 and the Tree Protection Plan drawings 'TIP 16 210', 'TIP 16 210 1', 'TIP 16 210 2' and 'TIP 16 210 3' before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority.

    Reason: To ensure the retention of the trees on the neighbouring sites. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

26. Submission of Preliminary Contamination Assessment:

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

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

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

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

27. 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.

28. Implementation of remediation.

Prior to the first occupation of the development (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.

29. 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

30. 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.

31. 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.

32. 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)

33. There should be no collections from 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)

34. 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)

35. 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

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

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

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.

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: 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

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012
http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

INFORMATIVE: 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 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 1Section 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.

PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1057/FUL	**Agenda Item**	
Date Received	21st June 2016	**Officer**	Charlotte Burton
Target Date	16th August 2016		
Ward	Newnham		
Site	37 Grantchester Street Cambridge CB3 9HZ		
Proposal	Two storey side extension and rear roof extension incorporating dormer window, including subdivision into two dwelling units, following demolition of converted side garage.		
Applicant	Ms J B Bendall 37, Grantchester Street Cambridge CB3 9HZ		

SUMMARY	The development accords with the Development Plan for the following reasons: The proposal would preserve the character of the conservation area. The proposed extensions and subdivision of the property would have an acceptable impact on the residential amenity of neighbouring properties. The units would have a good quality of amenity for future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No. 37 is a two storey end-of-terrace property on the western side of Grantchester Street. The property is set back from the road with a front garden and driveway. The property has a side garden to the north which wraps around the rear of the property. There is an existing single storey former garage on the northern elevation which has been converted to a study, and a two storey outrigger at the rear. The materials are red brick and painted brick with a slate roof.

1.2 The surrounding area is residential. To the south is No. 39 Grantchester Street. To the north west of the garden is the rear of the properties on the south east side of Eltisley Avenue orientated at 45 degrees to Grantchester Street, which are separated by a passageway. There are some mature trees within the rear gardens of these properties.

1.3 The site is within the Newnham Croft Conservation Area. The property is not listed and is not a Building of Local Interest. There are no tree preservation orders on the site or within the vicinity, however trees are protected by virtue of their location within the conservation area. The site is outside the controlled parking zone.

2.0 THE PROPOSAL

2.1 The proposal is for a two storey side extension and rear roof extension incorporating dormer window, including subdivision into two units, following demolition of the existing converted side garage. The side extension would provide a bedroom on the ground floor and a kitchen on the first floor.

2.2 The extension would allow the property to be used as two units comprising a ground floor one-bed flat; and a 2-bed flat on the first and second floors. The applicant intends to occupy the ground floor unit and her daughter and family would occupy the upper floor flat. The units would have an interconnected staircase and would both be accessed via the existing front door. However the upper floor flat would also have a separate access allowing it to be occupied as a separate unit. For this reason, it is the Local Planning Authority's opinion that the proposal would create two planning units and thus, during the course of the application, the description of development was amended to include the change of use to two separate units. The units would share the existing garden.

2.3 The side extension would be one-and-a-half storeys and would have a cat-slide roof with three stepped roof heights. The rear roof extension would be a box dormer stepped up from the eaves. The materials would be red brick and slate to match the existing. During the course of the application the following amendments were submitted:

- Removal of the dormer window on the side elevation of the side extension;
- Removal of the circular windows on the front and rear elevations of the side extension;
- Amended design of the windows to a more traditional style; and
- Change from zinc cladding on the rear dormer window to slate tiles.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1496/FUL	Part single, part two storey front and side extension with roof extension incorporating rear dormer.	Withdrawn

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 3/10 3/14 4/4 4/11 4/13 5/1 5/2 8/2 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u> Newnham Croft Conservation Area Appraisal (2013)

5.4 <u>Status of Proposed Submission – Cambridge Local Plan</u>

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

6.1 Cambridgeshire County Council (Highways Development Management)

The car parking space in front of the property scales at significantly less than the 5.0 metre standard required to keep most cars from projecting over the public highway. It is therefore considered impractical for keeping most cars that are currently being produced without potentially obstructing the public highway. The Highway Authority therefore requires that a condition be placed upon any permission that the Planning Authority may choose to issue requiring that the redundant vehicular access to the property be replaced with a full-face kerb and normal footway. This requirement can be rendered void by moving the extension away from the highway boundary to provide 5.0 metres clearance in which to keep a car.

Recommended informative advised on work to the public highway.

6.2 Urban Design and Conservation Team

<u>Comments on initial submission 26.07.2016</u>

Objection.

The proposal seeks to increase the three bedded accommodation further by means of redeveloping the former garage with a two storey structure and an extension at roof level in order to provide three generation family accommodation though it is not clear how this is to be configured and will still involve the need for steps between areas on the ground floor.

The two storey structure undermines the cohesiveness of the terrace form by the use of a much slacker pitched roof form at two levels at ninety degrees to the main roof. The upper level eaves line is also interrupted by a flat roofed dormer window in order to achieve adequate headroom whilst the lower portion introduces an unfamiliar circular window to the road elevation. A

further single storey element housing the en-suite cloakroom is canted in plan in order to limit imposing on the garden area but is covered by a roof which is square on plan. Consequently it fails to comply with NPPF para 64 in failing to improve the character and quality of the area.

The roof extension to the main house is of a box form albeit set in a little from the eaves and end wall. The Cambridge Roof Extensions Design Guide states the more visible a roof is from public areas, the more important it will be for it to be well designed and therefore in accordance with the Guide. Therefore it is essential that any roof extension fit with the traditional character of the surrounding area and not give the visual effect of an incongruous three storey building but instead an extension to the roof . Consequently, as the proposal is not in accordance with the Design Guide, this aspect of the application cannot be supported due to the visibility of the rear and side of the building and the dominance of the loft extension.

The proposal does not adhere to policy 3/4 by virtue of the design and detailing of the two storey extension or the introduction of a large loft extension which appears as a third storey to a two storey terraced house. The current proposal will have a negative impact on the character and appearance of the Conservation Area and is contrary to this policy 3/14. This proposal complies with neither of the points in policy 4/11 for the reasons stated previously.

<u>Comments on revised drawings</u>

Objection.

The amended plans have addressed some of the issues raised by the Conservation Team. The round windows in the side extension have been removed, as has the dormer window. These amendments are welcomed as they simplify the side extension, reducing its impact.

The dormer window on the rear roof slope has not been altered and therefore still does not comply with policy 4/11or the Roof Extensions Design Guide. This element of the proposed scheme is still not supported.

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 objecting to the proposal:

- 39 Grantchester Street
- 57 Grantchester Street
- 23 Eltisley Avenue
- 25 Eltisley Avenue
- 26 Eltisley Avenue
- 27 Eltisley Avenue
- 28 Eltisley Avenue
- 29 Eltisley Avenue
- 30 Eltisley Avenue

7.2 The representations can be summarised as follows:

<u>Response to context</u>

- Overdevelopment of the site;
- The design, appearance and size is not in keeping with the character of the conservation area;
- The design is modernistic;
- The creation of a separate unit is out of keeping;
- The round windows do not match the existing building styles;
- The multi-level roofs create an overcomplicated end elevation to the terrace and the insertion of modern windows to the side elevation do not match the style of the existing house;
- The gap between the terrace and Eltisley Avenue will be reduced;

<u>Residential amenity</u>

- Overlooking towards gardens and rear windows of Eltisley Avenue properties;
- Loss of light to gardens of Eltisley Avenue properties;
- Noise and disturbance form the increased occupancy.
- Having a living room next door to a bedroom at first floor level could generate noise and disturbance;

- Increased occupancy and pressure on traffic and parking in a very congested area.

Other

- Impact on trees in neighbouring gardens has not been considered, including Purple Leafed Plum on the boundary with No. 29 Eltisley Avenue.
- The drawings do not show the relationship with neighbouring properties.

7.3 Councillor Cantrill has called in the application on the basis that:

- The design fails to address the context of the surrounding area contrary to Local Plan policy 3/4;
- The extension undermines the cohesiveness of the terrace form and therefore fails to improve the character and quality of the area;
- The roof extension fails to meet the design requirements of the Cambridge Roof Extension Guide and does not fit with the surrounding area.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces / Impact on heritage assets
3. Residential amenity
4. Refuse arrangements
5. Car parking
6. Cycle parking
7. Trees
8. Third party representations
9. Planning obligations

Principle of Development

8.2 The proposal would sub-divide the existing property so that it could be used as two separate units. Policy 5/2 relates to the conversion of large properties. The policy states that the conversion of single residential properties and the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

a) The residential property has a floor space of less than 110 square metres measured externally;
b) The likely impact upon on-street parking would be unacceptable;
c) The living accommodation provided would be unsatisfactory;
d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.3 The existing property has an external floor space of over 110 sqm notwithstanding the proposed extensions, and meets criterion a. The remaining criteria are addressed in the relevant sections below. In summary, in my opinion, the proposal meets these criteria and the principle of the development is acceptable and in accordance with policy 5/2.

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

8.4 The property forms the end of the terrace along the western side of Grantchester Street. The Newnham Conservation Area Appraisal identifies Grantchester Street as forming an 'historic spine through the Conservation Area. The terrace is – along with the majority of the traditional terraces in this part of the conservation area – identified in the appraisal as 'buildings important to the character'. The properties form a long row of very cohesive terraced houses, with red brick facades and painted stone details, punctuated by prominent chimney stacks and two storey canted bay windows to each property.

8.5 Eltisley Avenue to the north runs at approximately 45 degrees from Grantchester Street so that No. 37 has a triangular plot and a garden which wraps around the side and rear of the property. The gable end of No. 37 is prominent in views along

Grantchester Street, however this is not identified in the appraisal as ‘an important positive view’, unlike the views along Eltisley Avenue. The gable end is partially obscured by the mature planting in the garden of No. 37 and trees are protected by virtue of their location within the conservation area.

Side extension

8.6 The existing side elevation of No. 37 has a single storey lean-to garage which has been converted for use as a study. The former garage is red brick with painted white brickwork on the side elevation. There are painted timber garage doors on the front elevation, windows on the side elevation and glazing on the rear elevation. The garage has a cat-slide tiled roof. It has the appearance of a subservient element which, in my opinion, is entirely in-keeping with the character of the traditional property.

8.7 The proposed side extension would be set back 0.2m from the front elevation on the same building line as the existing garage. The width would be 3.7m compared to 3.0m of the existing garage. The roof of the side extension would be stepped so that the front element would be lower than the middle section. The front element would have an eaves height of 3.6m and a maximum roof height of 5.2m, compared to 2.4m and 3.7m respectively for the existing garage. The middle element would have an eaves height of 4.4m and a maximum roof height of 5.9m. The rear element would be a small connecting element with an eaves height of 2.8m and a maximum roof height of 3.6m.

8.8 During the course of the application, the design of the side extension was amended to respond to comments from the Urban Design and Conservation Team and third parties. The amended scheme removed the dormer window on the side elevation, removed the circular windows on the front and rear elevations, and amended the design of the windows to a more traditional style, including the ground floor windows on the proposed side elevation and the rear elevation which would have brick lintels to match the existing property. The front elevation would have timber panelled doors to resemble the existing former garage doors. The materials would be brick and slate to match the existing.

8.9 The Urban Design and Conservation Team support the amended scheme. In my opinion, the scale and form of the extension respects the existing dwelling. The stepped elements and cat-slide roof would have the appearance of being a subservient element of the building, similar to the existing garage. Third parties have commented that the stepped elements would create an 'overly-complicated' gable elevation, however in my opinion, this would break up the roof form visible from Grantchester Street and would allow parts of the gable end to be visible.

8.10 The use of timber panelled doors on the front elevation would have a similar appearance to the existing garage, and the windows on the side and rear elevations, and brickwork quoining and window lintels would be in keeping with the character of the existing house. In my opinion, the amendments have responded to the concerns of third parties regarding the modernistic design. The circular windows that were originally proposed have been removed and the windows have been designed with traditional proportions and brickwork details.

8.11 Third parties have raised concern that the side extension would reduce the gap between the Grantchester Street terrace and the Eltisley Avenue properties. In my opinion, the scale of the proposal would not significantly reduce this distance as the side extension would be only 0.7m wider than the existing garage. Moreover, the side extension would only be one-and-a-half storeys. The gap would still read within the street scene as a substantial gap, albeit with existing outbuildings, boundary treatments and mature planting within it.

8.12 Third parties have also raised concern that the subdivision would be out of keeping with the character of the area. The front elevation of the extension would have the appearance of a garage extension. The secondary separate entrance would be behind a proposed fence. There would not be a prominent new front door to the unit, and in my opinion, passers-by would not be able to readily discern that there were two units on the site. There would be no first floor window on the front or side elevations indicating residential use of the side extension.

8.13 For these reasons, in my opinion, subject to a condition requiring matching materials, the proposed side extension

would preserve the character and appearance of the conservation area and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

Roof dormer

8.14 The Urban Design and Conservation Team has objected to the proposed roof dormer on the basis that it conflicts with the Roof Extensions Design Guide (2003), While I accept this advice, in my opinion, there is strong precedent for box dormers within the immediate vicinity. The rear of the properties along Eltisley Avenue show the majority have been extended with full width box dormers that cover the whole roof slope from the eaves to the ridge. These dormers are highly visible from the public highway within the conservation area. In my opinion, the prevalence of these dormers sets a strong precedent for the box type dormer in this part of the conservation area.

8.15 The Roof Extensions Design Guide (2003) refers to 'insensitively designed large 'box type' roof extensions which show little respect for the existing roofline or for the scale, design and proportions of the existing property and its neighbours' as being inappropriate. In my opinion, the proposed dormer would have a lesser impact than those within the immediate vicinity. The side cheek would be stepped in approximately 0.8m from the gable end, so that the profile of the roof line would be visible from Grantchester Street. The base of the dormer would be set up approximately 0.9m from the eaves so that part of the roof slope would be visible. The top of the dormer would be stepped down from the ridge by approximately 0.3m so that the ridge line would be unaltered. For these reasons, in my opinion, the dormer would not be 'insensitively designed' and would respect the existing roof, so that it would be in accordance with this part of the Roof Extension Design Guide.

8.16 In terms of materials, during the course of the application, the side cheek and rear elevation of the dormer were changed from zinc cladding to slate tiles. There would be windows on the rear elevation of the dormer. The Roof Extensions Design Guide states that 'the choice of materials should reflect or complement the character of the existing roof, the rest of the property and the immediate area.' The use of slate would match the existing roof and would be similar to other dormers within the vicinity. In

my opinion, the use of slate would be appropriate for the age and style of the existing property, in accordance with this part of the Roof Extensions Design Guide.

8.17 For these reasons, on balance, in my opinion, the rear box dormer would not cause substantial harm to the character and appearance of the conservation area and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.18 The side extension would be on the northern side of the existing terrace and therefore would not have a significant overshadowing impact on the Eltisley Avenue properties to the north and north west, compared to the existing situation. As No. 37 Grantchester Street is separated from the Eltisley Avenue properties with a substantial gap, in my opinion, the scale of the proposed side extension would not have an overbearing impact on the gardens of the Eltisley Avenue properties.

8.19 There would be some views from the window on the first floor rear elevation of the side extension and the rear dormer towards the rear elevations and gardens of the Eltisley Avenue properties. The window on the first floor would serve a kitchen/dining room. Views towards the nearest rear elevations and rear gardens of the Eltisley Avenue properties (Nos. 25-27) would be at an oblique angle. Due to the orientation, there would be no direct views into living accommodation.

8.20 Direct views into the gardens of the Eltisley Avenue properties would be approximately 8.5m to the site boundary with the passageway. This is similar to the existing first floor window on the rear elevation of the main house. In addition to this, there are also already direct views from the first floor window on the rear elevation of the outrigger which is 7m from the boundary. The overlooking from the first floor window would be from a kitchen/living room rather than a bedroom. There would be some additional overlooking of the gardens, however in my opinion, as there would be no direct views into windows and views towards rear gardens would be partially obscured by trees, the overlooking would not be significantly different from

the views that are already obtained from the existing windows. In my opinion, the degree of overlooking would be acceptable.

8.21 In terms of the subdivision, the proposal would convert an existing family home into two smaller flats. As the property is an end-of-terrace, some intensification of use could be acceptable without causing unacceptable disturbance to neighbouring properties. In my opinion, due to the size of the 1-bed and 2-bed units, the proposal is likely to have an acceptable impact. Third parties have raised concerns about noise from first floor living accommodation. As the occupants of the existing property could rearrange their property to have a living room on the first floor, without the need for planning permission, this is not a relevant matter that I can take into account.

Amenity for future occupiers of the site

8.22 The Council has no adopted internal space standards. In my opinion, the existing property and the proposed extensions would provide a good level of amenity for future occupiers. The existing side and rear garden would provide amenity space for both units. There would be some views from the amenity space into the windows of the ground floor bedroom and living spaces. The site is within the same ownership and the occupiers would be able to split the garden into two or take other measures to protect their privacy should they wish to.

8.23 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 5/2, 3/7 and 3/14.

Refuse Arrangements

8.24 There is space within the side garden for the storage of bins for the units. I have recommended a condition for details of a bin store to be submitted for approval. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/14 and 5/2.

Car Parking

8.25 The property has one existing off-site car parking space on the driveway in front of the garage. The Highways Authority has commented that the parking space does not meet the minimum dimensions, however this is an existing situation. The side extension would not project forward of the existing garage and would not reduce the size of the car parking space compared to the existing situation.

8.26 Third parties have raised concerns that the proposed separation into two units would increase demand for off-street parking. In my opinion, the site is in a highly sustainable location close to the city centre and within walking distance of bus stops on Barton Road. The size of the additional unit would not be likely to generate a significant amount of demand for parking.

8.27 The adopted car parking standards set maximum levels for the number of car parking spaces permissible. As such, in my opinion, there would not be reasonable planning grounds to require parking to be provided and the proposal is compliant with Cambridge Local Plan (2006) policies 3/14, 5/2 and 8/10.

Cycle Parking

8.28 The proposal includes a bike store within the side garden, however no details have been provided. In my opinion, there is space to accommodate a cycle store which meets the requirements of Cycle Parking Guide for New Residential Developments (2010). I have recommended a condition for details of the cycle store to be submitted for approval. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/14, 5/2 and 8/6.

Trees

8.29 Third parties have raised concerns about the impact on trees within neighbouring gardens which are protected by virtue of their location within the conservation area. I have visited the site and the nearest trees are within the gardens of the Eltisley Avenue properties, including a Purple Leafed Plum tree in the rear garden of No. 29 which is separated from the application site by the passageway. The proposed side extension would have a similar foot print to the existing garage and would only

extend approximately an additional 0.7m closer to the tree. From my assessment on site, I was not concerned that the proposal would extend underneath any tree canopies and therefore not within the root protection area.

8.30 Notwithstanding this, I have recommended a condition for a tree protection plan to be submitted for approval. No tree works have been included within the application and I have recommended an informative to advise the applicant that separate consent would be required to do any works to trees, as necessary. Subject to this, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Third Party Representations

8.31 The comments regarding response to context, residential amenity, subdivision of the units, trees and other comments have been referred to in the relevant sections above.

8.32 Third parties have raised concern that the neighboring properties are not shown on the drawings. The applicant is not required to show the land outside of the application site. I have visited the site and made an assessment of the impact on nieghbouring properties.

Planning obligations

8.33 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

8.34 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

9.1 In my opinion, the proposal to extend and subdivide the existing property is compliant with Cambridge local Plan (2006) policies 3/14 and 5/2. I have taken account of the comments from consultees and third parties. The amendments to the side extension submitted during the course of the application would retain the appearance of a subservient addition to the end of the terrace, which is similar in character to the existing garage and other traditional lean-to additions, and the Urban Design and Conservation Team support this element of the proposal. I acknowledge that the dormer does not completely comply with the Roof Extensions Design Guide (2003). However I have taken account of the strong precedent for dormers and the design of the proposed dormer, which in my opinion, is sensitive to the existing roof slope. In my opinion, the proposal would not have an unacceptable adverse impact on the residential amenity of neighbouring properties, and would provide a good level of amenity for future occupiers.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

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

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

5. There should be no collections from 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. Prior to commencement of the use hereby permitted, a bin store shall be provided in accordance with details submitted to and agreed in writing by the Local Planning Authority, and retained thereafter.

   Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 4/13).

7. Prior to commencement of the use hereby permitted, a cycle store shall be provided in accordance with details submitted to and agreed in writing by the Local Planning Authority, and retained thereafter.

   Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 8/6).

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

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, 3/14 and 4/4)

INFORMATIVE: 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.

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

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PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1171/FUL	**Agenda Item**	
Date Received	22nd June 2016	**Officer**	Lorna Gilbert
Target Date	17th August 2016		
Ward	West Chesterton		
Site	City Of Cambridge Boathouse Kimberley Road Cambridge Cambridgeshire		
Proposal	Demolish existing boat house and replace with new		
Applicant	Mr Andrew Muston City of Cambridge Rowing club Kimberly Road CAMBRIDGE CB4 1HJ		

SUMMARY	The development accords with the Development Plan for the following reasons: - The replacement boathouse will preserve the character and appearance of the conservation area. - It is considered that the proposal would not detrimentally harm neighbours' amenities.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The City of Cambridge Boathouse is located on the north-eastern side of the River Cam. It is a part single and a part two storey building. The ground level slopes down towards the river. The Cambridge 99 Rowling Club Boathouse borders the site to the north-west and the First Trinity Boathouse to the south-east. The properties and gardens of No.90 and 92 Kimberley Road are located to the north-west and No.1-3 Beaulands Close along with the rear gardens of No.s 89 and 91 De Freville Avenue are located to the north-east.

1.2 The site is located within the Central Conservation Area, the Cambridge Airport Air Safeguarding Zone (15m), Controlled Parking Zone and Flood zones 2 and 3. There are two mature trees to the north-east of the site. These do not have Tree Preservation Orders but are protected by virtue of their location within the Conservation Area.

1.3 The neighbouring First Trinity Boathouse and the nearby St Catherine's College Boathouse are both Buildings of Local Interest.

2.0 THE PROPOSAL

2.1 The proposal involves the demolition of the existing boathouse and its replacement with a new boathouse.

2.2 The proposed replacement boathouse has three levels. The lower floor will be used for the storage of the rowing boats. The first floor includes a club room and bar with toilets and changing rooms. The second floor will be used for gym training.

2.3 It will measure 10.24m in width and a maximum of 27m in length. It extends between 3.77m and 10.9m high. It will be constructed from fairfaced concrete blocks and profiled steel cladding.

2.4 The application is accompanied by the following supporting information:

1. Design Statement
2. Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan in Accordance with BS 5837:2012
3. Ecology Survey Report
4. Flood Risk Assessment
5. Disability Provision Statement
6. FRA permit
7. Daylight & Sunlight Report (dated 13.4.16)
8. Sunlight study of amenity space at 92 Kimberley Road
9. Notice Under Article 13

3.0 SITE HISTORY

Relevant site history:

Reference	Description	Outcome
C/78/0040	Erection of a boat house and ancillary accommodation.	Approved
C/79/0753	Erection of boathouse.	Approved
C/80/0278	Erection of extension to existing boat house.	Approved
C/83/0812	Erection of boat house with club facilities.	Approved
C/83/1016	Erection of boathouse (amended by letter and drawing)	Approved
C/88/0548	Extension to boathouse (outline application for first floor side extension)	Approved
C/90/0562	Refurbishment of boathouse (provision of balcony fire escape and replacement workshop)	Approved
C/91/0574	Erection of first floor extension (renewal of outline permission C/0554/88)	Approved
C/02/0251	Replacement of existing doors to boat bays.	Approved with conditions
16/0275/FUL	Demolish existing boat house and replace with new.	Withdrawn

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	3/1 3/4 3/7 3/9 3/11 3/12

Plan 2006	4/4 4/9 4/10 4/11 4/12 4/13 6/2 8/2 8/6 8/10 8/16

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> Arboricultural Strategy (2004) Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001). Cambridge Landscape and Character Assessment (2003 Cambridge City Nature Conservation Strategy (2006) Cambridge City Wildlife Sites Register (2005)

	Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) Cambridge Walking and Cycling Strategy (2002) Cambridgeshire Design Guide For Streets and Public Realm (2007) Buildings of Local Interest (2005)
	<u>Area Guidelines</u> 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 site specific policies in the emerging Local Plan that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the requested condition and informative requiring a traffic management plan.

Environmental Health

6.2 The development proposed is acceptable subject to the imposition of the conditions and an informative relating to construction hours, piling, dust and plant noise.

Urban Design and Conservation Team

6.3 The development proposed is acceptable subject to the imposition of conditions requiring sample materials and photographic archiving of the existing building.

Head of Streets and Open Spaces (Landscape Team)

6.4 The Landscape Team has no objections to the proposed development.

Head of Streets and Open Spaces (Trees)

6.5 Given the information provided in the AIA, I am satisfied that the new boathouse can be constructed without material damage to either trees' root system, although tree protection details would need to be approved.

6.6 I therefore have no formal objection subject to tree protection conditions.

Response to the updated Tree Survey, Arboricultural Impact Assessment (submitted 21st October 2016):

6.7 No change to original comments. The tree protection status has been updated.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

Original comments: 12th July 2016:

6.8 The current proposal is unacceptable as it will increase flood risk:

- The proposal has a larger footprint that will block more flow and displace more water in flood zone 3.
- The proposals should allow water to flow more easily through the building in the event of a flood.
- Flood resilient construction should be employed.
- A safe means of access and egress from the first floor. The stairs currently land in flood zone 3 and therefore in the event of a flood safe access and egress will not be possible from the first floor.

6.9 In response the agent revised the proposal to include openings for flood water to enter and exit the building. These revisions are shown on the revised drawings 09L and 11G.

Sustainable Drainage Engineer comments 5th September 2016:

6.10 The Sustainable Drainage Engineer confirmed that the revised drawings address the original concerns.

Head of Streets and Open Spaces (Nature Conservation Officer)

6.11 The development proposed is acceptable. I would encourage the applicant to install nest boxes for swifts and / or house sparrows as an ecological enhancement to the site.

Environment Agency

6.12 It is for the local planning authority to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

Environment Agency position – Floodrisk

6.13 The flood risk assessment (FRA) (ref: WCP) dated 10 May 2016 for the proposed replacement Boat House on Kimberly Road, Cambridge has been reviewed.

6.14 The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed within the FRA are implemented and secured by way of planning condition.

Disability Consultative Panel (Meeting of 26th July 2016)

6.15 The conclusions of the Panel meeting were as follows:

6.16 As this is a new build, the Panel were disappointed that more effort had not been made to introduce some accessible features such as a platform lift etc. that would meet Sport England's standards and make the boathouse accessible to disabled rowers and spectators as well as making it a more suitable venue for private functions. It may not be among the larger boathouses but further work could be done to make the site more accessible and therefore more inclusive.

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

7.0 REPRESENTATIONS

7.1 Councillor Tunnacliffe has requested that the application be called in to Planning Committee due to the sensitive location of the site and the neighbour impact.

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

- Goldie Boathouse, Kimberley Road,
- 89 De Freville Avenue
- 90, 92 Kimberley Road
- 29 High Street, Harston and Briggs Mortimer (both on behalf of Beaulands Close Management Ltd, the freehold owners of 52 residential apartments adjacent to the City Boathouse)

7.3 The representations can be summarised as follows:

Access

- Concerned the access route linking to Kimberley Road could be blocked during construction.
- A second access is between the Cambridge ’99 Rowing Club and the City of Cambridge Rowing Club. It is critical that the stated roadway width of 2.9m becomes available as soon as the construction has been completed and remains clear of bikes, boats, trailers etc thereafter. It is the sole access to 7 boathouses for emergency vehicles.
- Cambridge University Clubs can accept a short term closure of the roadway at the rear of the building to construct a retaining wall, provided they can guarantee that an alternative access route between City of Cambridge and Cambridge ’99 Rowing Club remains open to them for the duration of this closure.

Limited alteration to previous scheme

- The only alteration to the previous scheme appears to be a reduction in the size of the flat roofed extension by 300mm in height and 500mm in length. This has a minimal effect of reducing the impact on the new house to be built at the rear of 89 De Freville Avenue.

Impact on residential amenities

- Loss of light.
- Overbearing and impact on outlook.
- Impact on views to the river.
- Disagree with the daylight and sunlight assessment submitted as it says it would have very little impact on 92 Kimberley Road. The majority of daylight entering 92 Kimberley Road is from the south and west. The report has failed to consider the impact on No.92’s garden to the west. The report incorrectly states that there are no relevant amenity spaces to assess and fails to consider the main bedroom window on the southern elevation.
- Garage at No. 92 Kimberley Road is used for storage as there is a space on the access road for parking.
- Loss of privacy.
- There is no stated need for the increased height.
- Flooding could affect nearby homes.

Trees

- Want all recommendations for the retention and protection of T001 and T002 trees to be adhered to.

- The original planning application included discussions about crowning two trees in Kimberley Road. The only trees in this area are a large tree on Beaulands land and the horse chestnut tree. Permission will not be granted for the crowning of the tree on Beaulands Land as it provides screening to the developments. We also value the horse chestnut tree and request that this is retained.

Cycle Parking

- Horizontal rail is not a suitable storage method. Local Plan guidance states that secure cycle storage provision should be made. We feel it could not accommodate the number of bikes required.

Visual impact

- The new boathouse represents overdevelopment. Significant increase in scale, massing and floorspace.
- There is a firm building line for the boathouses. Each boathouse is stepped back from its neighbour. To move the boathouse forward 1.5m would make it out of character and fails to comply with policy 3/4 of the Local Plan.

Disabled access

- No proper provision is made for access by the disabled.

Conditions requested

- Liaison officer be appointed, use safety hoardings, Health and safety of nearby residents and visitors needs to be considered, working hours complied with, advise neighbours in advance of any noise/vibration or nuisance likely to cause disturbance and noise kept to a minimum, joint areas be kept clean and tidy (dirt and dust), no parking of contractors vehicles in front of neighbours' gates, access provided to homes at all times, building contractors respect neighbours' privacy, request the current road markings be repainted when works are completed and any damage to the road made good.
- At no point in the future must the flat roof (north-east side) be made usable or accessible and no new windows or openings introduced to the north-east elevation which could lead to overlooking.

- After construction all existing access rights across any land that City own is maintained, and that the site has a dedicated area for the loading and unloading of boats, and the turning of trailers.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 Policy 6/2 (New Leisure Facilities) of the Local Plan 2006 explains that '*development for the provision or improvement of a leisure facility will be permitted if:*

a) It improves the range, quality and accessibility of facilities;
b) It is of an appropriate scale for the locality; and
c) It would not have a negative impact upon the vitality and viability of the City Centre, including the evening economy.

Where sports facilities are provided through educational development community use may be sought through planning obligations'.

8.3 Policy 6/2 is of relevance to the proposal as the application provides a replacement sports facility. In terms of criteria a) it provides a boathouse which is needed as the existing boathouse is in use. The replacement boathouse is designed to

improve the quality of the facilities available for the City of Cambridge Rowing Club. A Disability Provision Statement has been provided. It explains that disabled rowing utilises specialist boats which this boathouse does not have. However, these are provided at a boathouse adjacent to the City of Cambridge Boathouse. The social functions at the application Clubhouse are limited to the Club. I consider the proposal provides a quality boathouse which will be used by rowers at this boathouse. The access arrangements to the boathouse are similar to existing and disabled rowing facilities are provided at the neighbouring boathouse. Criteria b) will be considered in the following section. In terms of criteria c) I do not consider a replacement boathouse would have a negative impact upon the vitality or viability of the City Centre due to its nature.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 6/2 of the Local Plan 2006.

Flooding

8.5 Section 10 of the National Planning Policy Framework (2012) explains how local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. It also explains that when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- Applying the Sequential Test
- If necessary, applying the Exception Test
- Safeguarding land from development that is required for current and future flood management
- Using opportunities offered by new development to reduce the causes and impacts of flooding; and
- Where climate change is expected to increase flood risk so that some existing development may not be

sustainable in the long term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

8.6 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

8.7 The site is within Flood Zones 2 and 3. The application proposes a replacement boathouse. It is in close proximity to the river as required for a boathouse. The neighbouring buildings along the river's edge are also used as boathouses. The ground floor will be most vulnerable to flooding and will only be used for boat storage. It should be noted that the Environment Agency has given the City of Cambridge Rowing Club a permit to demolish and replace the existing boathouse. I consider that the site is appropriate for a replacement boathouse providing flood risk is mitigated.

8.8 The Environment Agency and the Sustainable Drainage Officer responded to the consultation for this planning application.

8.9 The Environment Agency considers that the proposed development will only meet the requirements of the NPPF if the measures detailed within the Flood Risk Assessment submitted as part of the planning application are implemented and secured by way of planning condition on any planning permission. I consider the condition they requested to be appropriate and recommend its inclusion if planning permission is granted.

8.10 The Sustainable Drainage Officer's original comments raised concerns with the proposal. However, amended drawings numbered 09L and 11G were provided on 30th August 2016 in response to their concerns. The drawings incorporated openings for flood waters to enter and exit the building. The Sustainable Drainage Officer is satisfied with the amended drawings.

8.11 I consider the location of the replacement boathouse to be compatible with its proposed use. The ground floor will be used for boat storage which I consider acceptable in this location. I consider with the inclusion of the condition requested by the Environment Agency, the proposal would be acceptable and accords with the National Planning Policy Framework 2012.

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

Existing boathouse

8.12 The ground level lowers towards the river (the south-west part of the site). As measured from ground level the existing boathouse extends between 2.9m and 5.9m in height. It is a part single storey and a part two storey building. It extends between 4.4m and 7m in width. It is widest at the rear. The existing boathouse extends a total of 16.4m in length and has a front balcony that projects a further 1m at first floor level.

Proposed boathouse

8.13 The proposed replacement boathouse as measured from ground level, extends between 3.77m and 10.9m high. It has a maximum of three levels. The second floor utilises the roof space. It has a total width of 10.24m. It measures between 26m and 27m in length at ground floor level and the upper floors extend 20.9m in length, with a first floor front balcony that extends out an additional 2.85m.

<u>Response to context</u>

8.14 The site lies within the Central Conservation Area and is located adjacent to First Trinity Boathouse which is designated as a Building of Local Interest. Adjacent to this neighbouring boathouse is St Catherine's College Boathouse and Jesus College Boathouse which are both Buildings of Local Interest and beyond these are Goldie Boathouse, Corpus Christi and Sidney Sussex Colleges Boathouse and Clare College Boathouse which are Listed Buildings.

8.15 Historic maps show a building of similar size to the boathouse on its footprint dating back to at least 1886. The existing boathouse has a relatively modern design and is smaller than

the adjacent boathouses. The development provides the scope to enhance the character of the area and improve the appearance of the site and enhance the building when viewed from the opposite side of the river. The replacement building would be a similar height to the adjacent boathouses and, whilst coming forward of its existing position, would be located in a similar position to the boathouses to either side. The proposal to replace the existing building with a pitched roof works in context as it reflects the adjacent buildings. I consider the scale, massing, footprint and form of the proposed replacement building would be acceptable, and would not detract from the character and appearance of the Conservation Area or the setting of the nearby Buildings of Local Interest or Listed Buildings. With regards to the detailing and materials, there is a lot of variety in the area.

8.16 A third party disagrees with the Conservation Officer's comments and believes there is a firm building line for the boathouses. The CRA Boathouse, Cambridge 99 Rowing Club Boathouse and Goldie Boathouse project out slightly further forward than the other existing boathouses located between CRA Boathouse and Jesus College Boathouse. I consider that although many of the boathouses follow a building line, I observe that not all of the boathouses follow this building line. I therefore consider the location of the proposed replacement boathouse forward of the existing boathouse's position to be acceptable and would not adversely harm the visual appearance of the boathouses along this stretch of the river.

Movement, Access and Layout

8.17 Existing access routes to and around the boathouse will be maintained. With no car parking spaces provided on site, which is the same as for the existing boathouse. People using the boathouse are therefore encouraged to walk, cycle or use public transport.

8.18 I consider the proposed boathouse provides attractive built frontages and provides active frontages along the front and side elevations. The proximity of residential buildings to the rear prevents the inclusion of windows along this elevation. However, existing windows on nearby residential properties to the north helps provide surveillance to the northern access route.

8.19 The proposed boathouse will be larger than existing and will offer improved facilities. At present some rowing boats are stored by the side of the building. Additional storage space will allow more rowing boats to be accommodated within the building.

8.20 A bin store is located beneath the stairs on the side elevation. I recommend a condition be included to ensure this is enclosed and visually complements the area.

Scale and massing

8.21 The scale and massing of the proposed boathouse are greater than that of the existing boathouse, however it is considered that the proposal relates well to the other boathouses along the river. Its form is similar to other boathouses with boat storage at ground level, changing facilities and bar at first floor. The existing and proposed replacement boathouse both have front balconies.

Open Space and Landscape

Landscaping

8.22 There is limited space around the building for open space. Space is located at the front of the building where boats are taken in and out. The Urban Design and Conservation team and Landscaping team both find the scheme to be acceptable. I consider the proposal to be acceptable considering the nature of the proposal and that it replaces an existing boathouse which has limited open space.

Ecology

8.23 An Ecology Report was provided as part of this planning application. The Biodiversity Officer finds the proposal acceptable. They do however, encourage the applicant to install nest boxes for swifts and/or house sparrows as an ecological enhancement to the site. I recommend an informative recommends the inclusion of nest boxes.

Trees

8.24 A Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan were submitted as part of the planning application. Two individual trees were identified which are a Beech and Horse Chestnut. The report recommends a 4m crown lift from ground level where branches overhang the existing building for the Horse Chestnut and a 7m crown lift from the ground level where branches over hang existing building for the Beech tree. Both trees would be retained.

8.25 Third party comments have been received from Beaulands Close Management Ltd and they note that the Beech tree is on Beaulands land and they do not consent to it being crowned as it provides screening to the developments both at City Boathouse and behind 89 De Freville. It should however be noted that a property owner has the right to prune branches overhanging their property back to the boundary without consent from the tree owner. The tree is protected by its location within the conservation area. If the application is permitted the applicant will have the necessary permission to prune a tree in a conservation area and the owner would need to get an injunction to stop the applicant pruning it.

8.26 The Tree Officer has commented on the planning application. She has no objection providing the tree conditions she has recommended are included if the application were to be approved. She is satisfied that the new boathouse can be constructed without material damage to either trees' root systems.

8.27 The proposal would retain the Beech and Horse Chestnut trees located near to the boathouse. I support the retention of the trees. I consider the crowning of the branches that overhang the existing boathouse to be acceptable and would comply with policies 4/4 and 4/11 of the Local Plan 2006.

Elevations and Materials

8.28 It is considered that the design of the boathouse is appropriate for this type of building. It includes masonry at ground floor level and metal sheeting for the upper level and roof. I recommend the inclusion of a materials sample condition as recommended by the Urban Design and Conservation team. This will help to ensure the proposed fair-faced concrete blocks

are treated appropriately. The blocks will need to be laid so they form an appropriate external wall which works with the character of the conservation area, with narrow mortar beds and finished joints.

8.29 The Urban Design and Conservation team also request that the fully glazed windows on the upper floors need to be framed so they are finely detailed. It is important that there are no heavy concrete floors visible through the glass to improve the visual appearance of the building.

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

Disabled access

8.31 The Disability Panel has expressed disappointment that more effort has not been made to introduce some accessible features such as a platform lift and to make the boathouse accessible to disabled rowers, spectators and to make it a more suitable venue for private functions.

8.32 In response to these comments a Disability Provision statement has been provided to support the application. It explains that the City of Cambridge Boathouse does not have the specialised boats required for disabled rowing but a neighbouring boathouse does have these along with disabled WC and changing facilities. The provision of a platform lift would reduce the number of boats able to be stored on site (by 5-8 boats) so the applicant is reluctant to install a platform lift. They also note that the clubhouse social functions are limited to the club. I consider their response helps to explain the lack of disabled facilities on site. As a neighbouring boathouse is able to provided disabled rowing facilities, I consider this helps to justify the lack of disabled facilities at the City of Cambridge boathouse which is a constrained site.

8.33 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

Relationship with adjacent dwellings

Boathouses

8.34 The proposed replacement boathouse is located between the boathouses of Cambridge 99 Rowing Club Boathouse and First Trinity Boathouse. Due to the use of the proposed neighbouring buildings I do not consider the proposed replacement boathouse would adversely harm these neighbours' amenities.

8.35 Nearby boathouses have requested that at least one of the access routes by the City of Cambridge Boathouse is maintained during construction and that the proposed access road width is maintained as shown once approved. I see these as valid concerns. If the application were to be approved I recommend the Traffic Management Plan condition be included as requested by Highways. If Planning Committee are minded to approve the application I have also recommended a standard condition be included that it is approved in accordance with the drawings. This would ensure the access routes are kept at the size proposed. The Design and Access Statement also confirms the 2.9m wide access on land owned by Cambridge 99 will remain and be unaffected by the proposed development.

No.92 Kimberley Road

8.36 No.92 Kimberley Road is located to the north-west of the replacement boathouse and on the opposite side of the access road that links to Kimberley Road. This single storey house that has been constructed to maximise light, with high level windows located around the property along with standard glazed windows. Most windows (excluding the high level ones) are located on the south and western elevations of the property. The outdoor amenity space is located to the south-west of the main property.

8.37 The applicant has supplied a Daylight and Sunlight report (dated 13th April 2016) that assesses the impact of the replacement boathouse on No.92 Kimberley Road. Seven windows were assessed at this property, these are on the southern facing elevation by the access road and on the western elevation the windows closest to the boathouse. It

assessed the Vertical Sky Component, Available Sunlight Hours and Daylight Distribution and it concluded that all the windows meet the BRE Guidance. A further study was submitted dated 12th October 2016 of the outdoor amenity space at No.92 Kimberley Road. The report demonstrates that the BRE guidance are also met for this area.

8.38 A neighbour does not agree with the daylight and sunlight study as the report states it '*would have very little impact on 92 Kimberley Road and the residents would experience no effect or a minimal reduction in light*'. They believe it would impact upon light reaching this dwelling and its garden. However, I consider that as the report has been conducted in accordance with the BRE guidance its results are valid.

8.39 The proposed boathouse has no windows on the rear elevation facing towards No.92 Kimberley Road. High level side windows are proposed on the north-west elevation of the boathouse at first floor level, which avoids overlooking of nearby properties. The windows at second floor are located on a wall set in 1.2m and are located towards the front of the building. They are partially screened by the roof of the boathouse. Due to the position of these windows I do not consider they will lead to a loss of privacy to neighbours'. In my opinion the high level rooflights would not affect the privacy of neighbours'.

8.40 The proposed boathouse is larger than the existing boathouse. The rear part of the boathouse remains single storey. The replacement boathouse extends to 3.77m high at the rear in comparison to 2.9m high as existing. The rear roof section on the main part of the replacement building is hipped which helps to lessens the impact of the proposal. An access road separates the site from No.92 Kimberley Road. On balance, I consider the replacement boathouse would not be detrimental to the outlook or lead to a sense of enclosure to No.92 Kimberley Road due to its position and scale at the rear.

Dwelling approved planning permission on land behind 89-91 De Freville Avenue

8.41 Planning permission (reference 15/1710/FUL) was granted in January 2016 at Planning Committee for a single storey detached dwelling. It would be sited to the north of the access road linking to Kimberley Road and to the north-east of the

replacement boathouse. It has not yet been constructed. The new house's footprint forms an 'L' shape which helps to reduce the impact of the proposed boathouse on this dwelling. This is because the part of the site nearest to the boathouse is where the building is set back. A daylight and Sunlight study has been carried out at the neighbouring dwelling of No.92 Kimberley Road and this is closer to the boathouse than this proposed new dwelling. A large Horse Chestnut tree is located between the boathouse and the proposed dwelling, which will provide some natural shading to the new dwelling. On balance, I consider the new house would not experience a detrimental loss of light as a result of the proposal.

8.42 There are no rear facing windows on the boathouse. High level glazing is proposed on the south-east elevation at first floor level. I do not consider this nearby property would experience a loss of privacy as a result of the proposal.

8.43 A large Horse Chestnut tree helps to screen the replacement boathouse from this dwelling. Due to the setback position of this dwelling, I do not consider the replacement boathouse would be detrimental to outlook or lead to a sense of enclosure to this dwelling.

No.89 and 91 De Freville Avenue

8.44 The proposed new dwelling at the end of the rear gardens of No.89 and 91 De Freville Avenue has been approved planning permission but has not yet been built. This new dwelling would be located on the piece of garden land closest to the boathouse. If this were to be built this new dwelling along with the existing trees including the Horse Chestnut tree, Beech tree and trees within the gardens of these properties would help to screen much of the proposed boathouse from these properties and gardens along De Freville Avenue. If this new dwelling were built I do not consider the proposal would result in an unreasonable loss of light, outlook or privacy to these neighbours' properties or gardens.

8.45 As the new dwelling approved planning permission is yet to be built I shall also consider the impact of the proposal on these neighbours' without this new dwelling constructed. The properties of No.s 89 and 91 De Freville Avenue have long gardens. I do not consider the proposal would lead to an

unreasonable loss of light, privacy or outlook to these properties located to the north-east of the site as these properties are located over 40 metres from the proposed boathouse. A neighbour is concerned about loss of light to their garden as a result of the proposal. These neighbours to the north-east have a solid wooden fence/gate along their boundary opposite the boathouse site. The replacement boathouse remains sited the same distance from this neighbour's boundary (over 6m). The proposed single storey rear element of the proposed boathouse extends to 3.77m high for a depth of between 1.8m and 2.8m before it rises a further 3.2m high to the edge of the hipped roof and then rises a further 1.6m to the top of the rear hipped roof. At its maximum height it measures 10.9m high. I consider the combination of the single storey structure and hipped roof help to reduce the impact on the amenity space of No.89 and 91 De Freville Avenue. The Horse Chestnut and Beech tree and trees in the rear of these gardens provide some screening to these amenity spaces. As the rear gardens of these properties are relatively large I do not consider there would be an adverse loss of light to these neighbours' gardens to the north-east.

Other nearby buildings

8.46 The boathouse is accessible via an access road linking to Kimberley Road. No. 90 Kimberley Road, the Fitzwilliam boathouse and CRA Boathouse are located adjacent to this access road. Beaulands Close properties are located to the east of the proposal. I do not consider these buildings and gardens would experience a loss of light, outlook or privacy due to their positon. The impact of the proposal upon the access route has been discussed under paragraph 8.35.

Concern over use of flat roof

8.47 A neighbour has requested a condition that the flat roof of the single storey extension is not useable or accessible and no further windows are added. No rear windows and doors are proposed and therefore I do not consider it necessary to include a condition to prevent access to this area. If a subsequent application requests doors or windows adjacent to this area then it can be dealt with as part of that application.

Impact on parking

8.48 The Design and Access Statement considers traffic and parking arrangements. There is currently no vehicular parking facilities at the current boathouse and none will be provided for the new boathouse. Deliveries currently park in front of the building and this will continue with the new boathouse. Most people travel to the existing boathouse by foot or bike. The boathouse hopes there will be an increase in the number of people using the facility but anticipates these will come from existing boathouses.

8.49 In my opinion, I consider it is unlikely that the proposed replacement boathouse will lead to a significant increase in car parking demands along nearby streets. As the application proposes a replacement building rather than a new boathouse, I consider the pressure on car parking will not differ greatly compared to existing. Kimberley Road is closest to the boathouse and this street is within a Controlled Parking Zone. This will help to retain street parking for resident permit holders.

Noise and disturbance

8.50 It is unclear if there will be any fixed mechanical plant (rooftop or otherwise) associated with air conditioning or extraction. Therefore in line with Environmental Health's comments I recommended a plant condition be included due to the proximity of residential dwellings.

8.51 In the interests of amenity I recommend demolition/construction hours, piling and dust conditions if the application were to be approved as requested by Environmental Health in the interest of residential amenities.

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

Refuse Arrangements

8.53 Bin storage will be provided beneath the stairs to the replacement boathouse. As full details of the bin storage has not been provided I recommend the inclusion of a condition to ensure the provision appears acceptable.

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

Highway Safety

8.55 The Highways Authority considers that the proposal should have no significant impact on the public highway subject to the inclusion of a traffic management plan condition and informative. I consider this to be justifiable considering the potential impact on access routes used by residents and nearby boathouses.

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

Car and Cycle Parking

8.57 The revised elevation drawing includes an extended bar along the side of the proposed boathouse to hold 30 bicycles. The agent has also explained in an email on 19th October 2016 that there is room for additional bicycle storage within the building if needed. The Design and Access Statement explains the cycle storage rail will be offered for use to Trinity students as both boathouses are rarely used at the same time. I recommend a condition be included to demonstrate that 30 bicycles could be accommodated along the bicycle storage rail.

8.58 The proposal is for a replacement boathouse. The site is constraint and there is insufficient space to accommodate off street car parking. No on-site car parking is currently provided for the existing boathouse. Kimberley Road is within a Controlled Parking Zone. The majority of the users to the boathouse arrive by bike or on foot. Under these circumstances, I consider it acceptable that the proposal has no on-site car parking provision as existing, under these circumstances.

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

Third Party Representations

8.60 A third party is concerned that the current proposal has had limited alterations to the previous scheme. Each application is assessed on its own merit.

8.61 Another third party queries why the additional height is needed. The purpose of this planning application is to improve the current boathouse facilities. At present some boats are stored along the side of the building. The proposal will provide additional boat storage space and improved facilities for the rowers. The proposed boathouse will be a similar height to its neighbouring boathouses.

9.0 CONCLUSION

9.1 In conclusion, I consider the proposal would be acceptable in terms of its scale and appearance and would preserve the character of the conservation area and nearby BLIs and Listed Buildings. I also consider it would not adversely harm neighbours' amenities.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

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

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

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

5. No development shall 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

6. 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 said plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

7. 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 works shall take place in accordance with the approved details.

   Reason: in the interests of highway safety and to comply with policy 8/2 of the Local Plan 2006.

8. The development permitted by this planning permission shall be carried out in accordance with the approved FRA WCP (Ref: ms/4965) and the following mitigation measures detailed within the FRA: 1. Finished floor level of the boathouse will be set at 4.54m.ODN. 2. The boathouse will be designed to allow flood waters to pass through the front and back walls up to 5.60m.ODN and allow the entire internal main area of the ground floor to flood. 3. Flood resilience measures will be incorporated into the design of the boathouse, as detailed in the 'Risk and mitigation' section of the FRA.

   Reason: To comply with the National Planning Policy Framework 2012.

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

   Reason: To protect trees of amenity value and accord with policies 4/4 and 4/11 of the Local Plan 2006.

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

    Reason: To protect trees of amenity value and accord with policies 4/4 and 4/11 of the Local Plan 2006.

11. The approved Arboricultural Method Statement (AMS) and Tree Protection Plan (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 trees of amenity value and accord with policies 4/4 and 4/11 of the Local Plan 2006.

12. Before starting works, samples of the facing and roofing materials to be used shall be provided on site. This will include a sample panel of the fairfaced concrete blocks to agree the mortar finish. These details are to be agreed in writing with the local planning authority. The development shall be constructed in accordance with the approved materials and the quality of the approved materials shall be maintained throughout the development.

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

13. No development shall take place until a full photographic record has been made depicting the exterior and interior of the building 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 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 avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

14. Prior to the commencement of development, full details of the on-site storage facilities for commercial waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter.

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

15. No development shall commence until details of facilities for the covered, secure parking of 30; number bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

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

    INFORMATIVE: We encourage the installation of nest boxes for swifts and/or house sparrows as an ecological enhancement of the site.

    INFORMATIVE: Foul drainage from the proposed development shall be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available.

INFORMATIVE: All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. A sustainable scheme for the disposal of uncontaminated surface water will be required. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

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

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012
http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

INFORMATIVE: Traffic Management Plan
The principle areas of concern that should be addressed are:
i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).

iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1413/FUL	**Agenda Item**	
Date Received	1st August 2016	**Officer**	Mairead O'Sullivan
Target Date	26th September 2016		
Ward	East Chesterton		
Site	207 Green End Road Cambridge Cambridgeshire CB4 1RJ		
Proposal	Mixed use development, comprising of 2No. Hot Food Takeaways (A5 use) and 8 No. Flats following demolition of existing buildings.		
Applicant	Mr & Mrs Zhang 207 Green End Road Cambridge United Kingdom		

SUMMARY	The development is contrary to the Development Plan for the following reasons: - The proposed design is considered unacceptable and out of character - The siting of the takeaway and residential bins will result in an unacceptable level of noise and disturbance to both adjoining occupiers
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located on the south western end of Green End Road adjacent to the junction with Chesterton High Street. The area is predominantly residential in character but the site lies within close proximity to the Chesterton High Street Local Centre. The site is currently occupied by two takeaway outlets at ground level with a 2 bed flat above, and a 4 bedroom house with detached double garage at the rear.

1.2 The site does neither falls within a Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for the erection of a new development comprising of 2 no. hot food takeaway units (A5 use) and 8 No. one bed flats.

2.2 The proposal is a resubmission of application 16/0455/FUL which was withdrawn. The proposal has been amended since submission to reduce the height of one element to the north east of the site, adjacent to the boundary with 205 Green End Road, from two storey to single storey.

2.3 The proposed development would be finished in buff brick. The development turns the corner by utilising a 'sawtooth' design approach to the street elevation. There would also be three dormer windows to the front elevation.

2.4 The two A5 units would be located to the western side of the plot. Both would have a shopfront with stallriser and fascia. An ancillary office space with store and WC are to be provided to the rear. Some cycle parking is proposed to the front of the units.

2.5 The two ground floor residential units would be accessed from Green End Road. The other units would all be accessed from a central corridor. This would be accessed from a door fronting onto Green End Road or from a door to the rear adjacent to the proposed bike store. There would be a communal garden to the rear of the property. This would contain a mix of paving and planting. Nine cycle parking spaces would be provided. A bin store is proposed in the northern end of the side adjacent to the rear wall of Flat 2.

3.0 SITE HISTORY

Reference	Description	Outcome
16/0455/FUL	Mixed use development, comprising of 2 No. Hot Food Takeaways (A5 use) and 8 No. Flats following demolition of existing buildings.	Withdrawn
12/1481/FUL	Re-building of garage to form games room/study over garage.	Permitted

10/0500/FUL	Conversion of existing garage to games room/study including creation of first floor.	Refused
07/1409/FUL	Two storey and single storey side extension and addition of first floor to create flat above shop.	Permitted
07/0962/FUL	Erection of 3-bedroom house following demolition of existing garage.	Refused
07/0946/FUL	Erection of 1 No. 1 bed flat over shop	Refused
07/0171/FUL	Erection of 1 No. 1 bed flat over shop	Refused

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annexe A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 Recent guidance within the NPPF and the IHT guidance on best practice in car parking provision advises that parking for new residential development should be based on a level of access to a private car for existing residential uses in the area. Advise that applicant reassess parking provision proposed. Development is likely to impose additional demand upon on-street parking. Do not consider there would be a significant adverse impacts on highway safety but may impact on residential amenity. The proposed takeaway use suggests a demand for short stay parking. There is an existing takeaway use and no parking restrictions have been imposed to the frontage. As a result do not consider that severe detriment from the proposal could be demonstrated.

Environmental Health

6.2 The proposal is acceptable subject to the imposition of 11 conditions and 3 informatives. The conditions relate to construction hours, collections during construction, noise/vibration/piling, dust, odour filtration, noise insulation (residential), building noise insulation, plant noise insulation, ventilation, hours of use and hours of deliveries.

Refuse and Recycling

6.3 No issue in terms of waste facilities. There must be a dropped kerb where the bins are brought out to the highway. Any gates/doors need to have hooks so they can be kept open whist bins are being moved out and in. If there are going to be any locks, they must be digi-code or FB2 key only.

Urban Design and Conservation Team

6.4 Very little has changed since the previous application (16/0455/FUL) was withdrawn. More significant changes are required to the elevation fronting the street. The roof plan, particularly the lean to and rear element, is not working well. The side lean-to appears awkward. The Urban Design Officer requests a reduction in height of the block adjacent to the

barber. There are a number of residential amenity issues. The Urban Design Officer is concerned about the impact on the flat above the barber. The proposal would enclose and overshadow the patio area and kitchen of No. 205 Green End Road. The location of the takeaway bins would create odours which would impact on the flat at No.209. The Urban Design Officer suggests that the number of units be reduced to enable his concerns to be addressed.

Head of Streets and Open Spaces (Landscape Team)

6.5 The proposal is unacceptable. Only minor changes have been made since the previously withdrawn application (16/0455/FUL). The more fundamental concerns in relation to proximity of the development to the highway and the quality of frontage onto Green End Road have not been addressed.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.6 The proposal is acceptable subject to a condition which relates to the submission of surface water drainage details.

Historic Environment Team

6.7 Our records indicate that the site lies in an area of high archaeological potential. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition. This will secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

Anglian Water

6.8 No objection subject to the imposition of a condition which requires the submission of a surface water management plan.

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

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations in objection to the proposal:

- 205 Green End Road x2
- 18 Bourne Road

7.1 The owners/occupier of the following address has made a representation in support of the proposal:

- 204 Green End Road

7.2 Councillor Saris has commented on this application. He considers the proposal to be unacceptable in terms of design and requested that the application be decided at planning committee if officers were minded to recommend approval.

7.3 The representations can be summarised as follows:

<u>Objections</u>

- Unclear if windows on north west elevation could be opened
- Survey shows a two storey garage rather than single storey as existing
- Concerned about loss of light/overshadowing to 205 Green End Road
- Concerned about noise and disturbance
- Lack of parking would be problematic
- What height would proposed boundary fence be?
- Overdevelopment
- City Deal proposes double yellow lines and cycle lanes to this part of Green End Road for safety
- An additional takeaway unit and housing will result in an increase in demand for parking in an already unsafe area
- Concerned about design

<u>Support</u>

- Improvement to the streetscene
- Design looks good
- There have been a number of new houses in area which have resulted in very little noise and disturbance___

Second consultation

Objection

- The revised plans have not addressed the original concerns regarding loss of light, noise and disturbance, and parking.

Support

- Architects have worked to overcome concerns raised by 205 Green End Road
- No parking is in line with Cambridge Deal
- Visually new build will be an improvement

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces (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
9. Planning Obligations (s106 Agreement)

Principle of Development

8.2 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. The surrounding area is predominantly residential in character. As a result I consider the proposal to be in accordance with policy 5/1.

8.3 Policy 6/10 states that developments for A5 uses will be permitted where the proposal will not give rise to unacceptable environmental problems or nuisance and the individual and

cumulative impact of the development is considered acceptable; and where it is in an existing centre or is part of a mixed use area in an urban extension or the Station Area. The Environmental Health Officer considers the proposal would not give rise to any significant impact on the environmental or surrounding occupiers subject to conditions. Whilst the proposal does not fall within a local centre there is an existing takeaway use on the site already. I am mindful that the proposal does not satisfy criterion b of policy 6/10 however I consider the proposed use to be acceptable given the existing arrangement and the proximity of the site to the local centre.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 6/10.

Context of site, design and external spaces

8.5 The Urban Design and Landscape officers have both raised objections to the proposal. The site is a large corner plot which is both prominent and visually significant in the street scene. Whilst the existing buildings on site are of poor quality and do not make a positive contribution to the street scene, the benefits of the proposed scheme do not outweigh the harm caused by its poor design and other impacts.

8.6 The proposed scale is informed by the adjacent development at 6 - 14 Water Lane and 238 - 246 Green End Road. However this development is accommodated on a larger, less constrained plot. The development is also set back and down from the road which appears less prominent as a result. Since the original submission of the scheme under ref. 16/0455/FUL, only minor alterations have been made to the proposed design. Both Urban Design and Landscape Officers consider that fundamental changes are necessary to make the scheme acceptable. As stated above, the site lies on a prominent corner and the proposed design needs to be carefully detailed and relate well to the street scene.

8.7 Given the sensitive and prominent nature of the plot I consider the proposed design inappropriate. It does not respond to the surrounding context and appears overly dominant on the plot. The rear elevation is a mix of multiple different elements which has the appearance of a development which has been extensively extended over time rather than developed as a new

building. The height, massing and form of the front elevation does not read well and would appear incongruous in the street scene.

8.8 In my opinion the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.9 The original proposal was considered to have an unacceptable impact on the amenity of the occupiers of the property to the north, 205 Green End Road, in terms of overshadowing impact. The kitchen and immediate garden area of No. 205 are adjacent to the boundary with the new development. The kitchen, being a habitable room, is single aspect and gets light from the south. The original proposal had a two storey mass adjacent to the kitchen and patio which was considered to result in an unacceptable level of overshadowing of this space. The proposal has been amended and the element which sits directly adjacent to the kitchen and patio has been reduced to single storey. Shadow plans have been submitted showing the impact of the amended proposal. A two storey garage building has previously been granted under permission ref. 12/1481/FUL. Whilst this has not been implemented and has now expired it is a material consideration and the proposed shadow plans show the impact of the proposed scheme in comparison with the previous approval. In my view the height reduction has addressed the overshadowing issue and the proposal would no longer result in a significantly harmful impact on these spaces in terms of loss of light.

8.10 The proposed second floor of the south western element of the proposal runs in close proximity to the sole window on the rear elevation of No. 209. Whilst this protrusion would break the horizontal 45 degree rule, when assessed from this window, the proposed first floor element is lower than the neighbouring window and as a result would not appear unduly dominant.

8.11 A number of first floor windows face towards the side of No. 205 Green End Road. All of these are to be obscure glazed and as a result would not result in any issues in terms of loss of privacy. If I were minded to recommend approval of the

application a condition would be imposed to ensure that all of these windows were glazed to an adequate level and all rooflights were at least 1.7m above finished floor level to protect privacy.

8.12 The positioning of the bin store for all of the residential flats would be located adjacent to the boundary with No. 205 Green End Road. This bin store would serve all 8 flats and is within 1.5m of the common boundary. In my view this would result in a high level of noise and disturbance to the adjacent occupiers. In addition, the proposed bin store for the takeaway units is within close proximity to the boundary with No. 209 Green End Road. Whilst the ground floor of this unit is in use as a barbers the upper floor contains a residential flat with a window which will face towards this store. In my view this bin store would result in an unacceptable level of noise and disturbance to the occupiers of this flat. Given the constrained nature of the site I do not consider that the relocation of both of these bin stores could be adequately dealt with through the imposition of a condition.

8.13 In my opinion the proposal does not adequately respect the residential amenity of its neighbours and the constraints of the site as it would result in an unacceptable level of noise and disturbance to both adjoining occupiers. As a result, I consider that the proposal is contrary to Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.14 The proposed level of amenity space is considered acceptable for this type of development given its proximity to a large area of public open space at Stourbridge Common, a five minute walk from the site. The Environmental Health Officer has recommended a number of conditions regarding plant noise, ventilation and hours of use for the takeaway units. Subject to the imposition of these conditions I consider the proposal would offer a high quality living environment for future occupiers of the units. However this does not overcome or outweigh the other issues set out above.

8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is

compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

8.16 The Refuse Officer considers the proposed refuse arrangements to be acceptable. However, as noted above the proposed bin store arrangement would result in an unacceptable level of noise and disturbance to both adjoining occupiers.

8.17 In my opinion the proposal does not comply with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.18 The Highway engineer notes that the proposal does not accommodate any parking which is likely to result in an increase in demand for on-street parking. He does not foresee that this would result in any significant adverse impact upon the operation of the public highway. He notes that the existing takeaway unit does not have parking restrictions to the frontage. As a result he considers that it would difficult to demonstrate that the lack of parking for the proposal would result in any significant adverse impact to highway safety.

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

Car and Cycle Parking

8.20 The application does not propose any car parking. Given the sustainable location of the site, within close proximity to bike and public transport infrastructure and within walking distance of the Chesterton High Street Local Centre, I consider that residents would not need to own a car. As a result the lack of car parking is considered acceptable.

8.21 Nine cycle parking places are proposed to be accommodated within the internal courtyard to serve the residential units. This meets with the cycle parking standards set out in the Cambridge Local Plan (2006). Two additional spaces are located to the front of the property on Green End Road to accommodate visitors. An additional two spaces are located on

Green End Road to accommodate the takeaway. This is considered an acceptable level of cycle parking provision for the proposed development.

8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10. However this does not outweigh the other concerns expressed in terms of design and impact on residential amenity.

Third Party Representations

8.23 I have addressed the third party representations within the body of my report.

9.0 CONCLUSION

9.1 The proposed development does not adequately respect the amenity of the occupiers of the dwelling at 205 Green End Road or the occupiers of the flat above 209 Green End Road. The siting of the proposed bin stores for both the residential and takeaway uses on the site would give rise to an unacceptable level of noise and disturbance to these occupiers given their proximity to the respective boundaries. The proposed design does not respond to the surrounding context and would appear overly dominant on the prominent corner plot.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The site lies in a prominent corner location within Green End Road. The design of the proposed development fails to respond to the surrounding context. The scale, form and massing of the proposed development, together with its positioning forward on the site, fails to relate well to the surrounding context. As such the proposal would appear incongruous in this prominent location within the streetscene and would be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

2. The bin stores for both the residential flats and the A3 units are sited so that their use would result in an unacceptable level of noise and disturbance to the occupiers of the adjoining dwellings at No. 205 and No. 209 Green End Road. The siting of these bins store would result in an unacceptable loss of amenity for these occupiers and as such the proposal is contrary to Cambridge Local Plan (2006) policies 3/7 and 3/12.

PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1586/FUL	**Agenda Item**	
Date Received	8th September 2016	**Officer**	Mairead O'Sullivan
Target Date	3rd November 2016		
Ward	Petersfield		
Site	5 Hooper Street Cambridge Cambridgeshire		
Proposal	DEMOLITION OF 6NO. EXISTING SINGLE STOREY GARAGES. PROPOSED CONSTRUCTION OF NEW 2 STOREY DWELLING HOUSE TO THE REAR OF 5 HOOPER STREET.		
Applicant	Ms RONIT RONEN 41 HIGH STREET GREAT WILBRAHAM CAMBRIDGESHIRE CB21 4JD		

SUMMARY	The development accords with the Development Plan for the following reasons: - The proposed design is considered of a high quality and would not harm the character or appearance of the Conservation Area - The proposal would not result in any significant harmful impact to the amenity of the surrounding occupiers - The proposal would provide a high quality living environment for future occupiers
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is land to the rear of 5 Hooper Street. 5 Hooper Street is a 2 storey brick detached property with basement which is currently in use as 8 x 1 bed flats. To the rear of the site is an area of hardstanding and 6 garages. The

site lies on the north eastern side of Hooper Street between its junction with Gwydir Street and Kingston Street. This is a predominantly residential area. The area has a mixed character. To the south side of the street is a fenced area surrounding the gardens of 140 Gwydir Street and 75 Kingston Street. There are groupings of terraced houses at both the eastern and western ends of the north side of the street. The adjacent property at No. 3 Hooper Street is also a large detached property that has consent for an extension and conversion to 8 flats. A 2 bed detached dwelling has recently been constructed to the rear of the property to the west at No.6 Hooper Street.

1.2 The site lies within the Mill Road Area of the Central Conservation Area. The site falls with Controlled Parking Area H. There are two trees, a chestnut and lime, located to the front of the property which are protected by Tree Preservation Orders.

2.0 THE PROPOSAL

2.1 The application proposes the demolition of the 6 existing garages. These are to be replaced by a 2 storey detached dwelling.

2.2 The proposal is a two storey L-shaped property with lean-to roofs. The proposal is to be constructed from grey bricks. There is a large glazed area to the upper floor of the front (south) elevation. This is to be screened with a perforated anodized screen. The proposal has been amended to remove the balcony on the front elevation. All other windows proposed at first floor level are either angled or obscure glazed to protect the privacy of surrounding and future occupiers.

2.3 The proposal includes 3 bedrooms on the first floor with an open plan living room/kitchen and study at ground floor. One parking space and storage for 3 bins is to be provided to the eastern side of the front elevation. A paved area of outdoor amenity space is to be provided to the front of the property. A winter garden/enclosed terrace is to be provided to the front of the first floor with a further unenclosed roof terrace to the rear.

3.0 SITE HISTORY

Reference	Description	Outcome
C/88/0194	ERECTION OF THREE STOREY REAR EXTENSION AND CONVERSION OF EXISTING HOUSE TO 4 FLATS.	Approved with conditions
C/89/0967	USE FOR 18 BEDSITTING ROOMS (CLASS C1).	Withdrawn
C/90/0410	USE OF 4 FLATS FOR MULTI-OCCUPATION (4 PERSONS PER FLAT).	Withdrawn
C/99/1096	Change of use from 12no bedsits to 8no one bedroom flats including new window on eastern elevation.	Approved with 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 Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/11 4/13 5/1 8/2 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	<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 information has been provided as to the existing use of the car parking. The proposal may displace parking to the surrounding streets. No significant impact in terms of highway safety but has the potential to impact on residential amenity.

Environmental Health

6.2 The application is considered acceptable subject to the imposition of a number of conditions. These relate to hours of construction, collections during construction, piling and mitigation of airborne dust. As there are 6 garages on site a condition is recommended regarding unexpected ground contamination. An informative regarding dust is also recommended.

Refuse and Recycling

6.3 No comments received.

Urban Design and Conservation Team

6.4 The Conservation Officer has advised that, although the garages are of no particular historic interest, the application does not include any justification for their demolition. Nor does it include any explanation for the choice of materials. Three conditions are recommended; these relate to the approval of materials, roof details and a hard landscaping scheme.

Head of Streets and Open Spaces (Tree Team)

6.5 No comments received.

Head of Streets and Open Spaces (Landscape Team)

6.6 The Landscape Team have no objections to this proposal

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.7 The proposal is acceptable subject to the imposition of a condition regarding surface water drainage.

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:

- Ground Floor Flat, 6 Hooper Street
- 30 Lyndewode Road

7.2 The representations can be summarised as follows:

- Concerned about demolition of garages and subsequent loss of parking and increase to on-street parking
- The parking spaces must have been a key consideration when planning permission was granted for the 8 flats at 5 Hooper Street
- Concerned about contractors parking during construction
- Balcony and windows to front will overlook adjacent properties
- This part of Hooper Street is becoming increasingly dense and overdeveloped
- Lacks any meaningful garden space contrary to policy 3/10

7.3 Councillor Sinnott has commented on the application. She has requested that the application be heard at planning committee on the grounds of loss of parking and over-development.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 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. The character of the surrounding area is predominantly residential. As a result the proposal accords with policy 5/1

8.3 The proposal would be built on the site of 6 existing garages and an area of hard standing to the rear of 5 Hooper Street. As a result policy 3/10 which relates to the sub-division of plots 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), (e) 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 policy 5/1.

Context of site, design and external spaces and impact on the Conservation Area

8.5 The proposal is to the rear of No 5 Hooper Street and set back from the street by over 22m. As a result the new dwelling would not be highly visible in the street scene. The adjacent property at 6 Hooper Street has been subdivided with a modern two storey dwelling being recently constructed to the rear. The proposal is of a similar style and scale to this adjacent dwelling.

8.6 The Conservation Officer has raised concerns regarding the proposed use of grey bricks noting that it would draw 'inappropriate attention to the building'. The new build to the rear of No.6 also uses materials which are untypical in the area; being predominantly clad in timber with large glazed elements. The agent has provided a justification for the use of the grey brick. She states that the grey brick would provide a strong contrast to the Gault brick, which is characteristic in the area, and would provide a pleasing combination of colours. She also states her belief that the proposal would sit well with the new build at No.6 and she considers that new, well designed buildings in the Conservation Area should be clearly read as contemporary. I share her view and consider the use of the grey bricks would successfully contrast with the surrounding Gault. I also consider that the proposal would sit well with the new dwelling to the rear of No.6. As a result I consider the proposal acceptable in design terms and consider it would preserve and enhance the character and appearance of the Conservation Area subject to the incorporation of the conditions recommended by the Conservation Officer.

8.7 The Conservation Officer has also requested a justification for the demolition of the 6 garages. The applicant has stated that these garages are in poor repair and have no architectural merit. The Conservation Officers comments also note that these garages are of little architectural or historical interest. As a result their loss is considered acceptable and I do not consider further justification for their demolition to be required.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.9 There is over 9m between the proposed new dwelling and the host flats at 5 Hooper Street. Given the relatively modest height of the proposed dwelling and its siting to the north of the host building I do not consider that it would result in any significant impact in terms of loss of light or visual enclosure.

8.10 The proposal has a number of upper floor windows which would look towards the host property. All windows, except those to the

front terrace, are either glazed or angled to prevent any direct overlooking between the two properties. The front terrace is proposed to be screened with a perforated anodised aluminum screen. A condition is recommended requiring details of this screen to be approved prior to occupation of the site. Subject to the incorporation of this condition I consider that the proposal would adequately respect the privacy of the surrounding occupiers.

8.11 The proposal would sit in line with the side wall of the adjacent property to the rear of 6 Hooper Street. The proposal would then pull away from the adjacent glazed area with a set away of 3.4m between the upper floor bathroom element and the boundary with No.6. As a result of the siting and design of the proposal I do not consider it would result in any significant loss of light to this property nor would it appear visually dominant.

8.12 The proposal would run in close proximity to the extension, which is currently under construction, at No 3 Hooper Street. 3 Hooper Street is currently being extended as part of a recently approved application (15/1194/FUL) which permitted the works and change of use to 8 flats. The proposed balconies to the extension would sit in close proximity to the proposal with a set away of 1.3m from building to building. As these balconies are located due south of the proposal there would be no significant impact in terms of loss of light. Given the relatively low height of the proposal with an eaves height of 4.3m close to this boundary and roof sloping upwards away from the boundary I do not consider the proposal would be unduly dominant when viewed from these adjacent balconies.

8.13 There are a number of windows in a narrow depression between 13 and 15 Sturton Street. In this depression are two windows belonging to 15 Sturton Street. These windows do not receive much light given that they face a brick wall and as a result the proposal is not considered to have an unacceptable impact in terms of loss of light or enclosure to this property. The roof terrace, which would look towards these windows, is proposed to include a 1.9m screen which would prevent any inter-looking between users of this space and the windows on No.15 Sturton Street.

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 The proposal provides a 3 bedroom dwelling. Whilst the outdoor amenity space to the front of the property is relatively small there is additional space provided at first floor level with a roof terrace to the rear and enclosed terrace to the front of the first floor. The total amount of outdoor amenity space (minus car parking and bin storage area, would be approx. 31.5sqm. The roof terrace and front terrace add a further 17sqm of amenity space. The site is also within close proximity to public open space at Mill Road Cemetery which is within 5 minutes walking distance. As a result I consider the proposed new dwelling would provide a sufficiently high quality living environment for future occupiers of the site.

8.16 The host building at 5 Hooper Street currently does not have any meaningful outdoor amenity space with the only provision being a hard standing and gravel area between the rear of the property and the garages on site. Whilst the proposal will reduce the size of this outdoor amenity space provision to the host property I consider this to be acceptable given that the existing provision is not of high quality and given the proximity to public open space.

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 Space for three bins is shown to the front of the property. Although the Refuse Officer has not commented on the proposal, I consider this arrangement 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 does not consider the proposal would have any significant impact upon the operation of 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 No information has been provided regarding cycle parking for the proposed new dwelling. A condition is recommended to obtain these details prior to the occupation of the dwelling. The applicant would need to provide three cycle parking spaces.

8.23 The Highway Engineer notes that the removal of the garages may lead to an increase in demand for on-street parking on the surrounding streets. Both representations have also raised concerns regarding parking. The applicant's agent has responded to the Highway Authority's comment, stating that the garages have not been used for parking for over 15 years. They are currently vacant or used for storage. I have measured the existing garages on site and note that they do not meet with the space requirements for a garage for car parking set out by the Highway Authority.

8.24 I note that the previous consent on the site (C/99/1096) required that 8 car parking spaces be provided for the occupiers of the flats. It does not appear that this condition was ever complied with. Given the time that has elapsed since the breach it would not be possible to enforce against the breach of this condition. As a result I have made my assessment based on the information supplied by the applicant regarding the current parking situation on site.

8.25 The agent does acknowledge that some informal parking does occur in the gravel/hard standing area to the rear of 5 Hooper Street. However the terms of the lease for the occupiers of the flats at 5 Hooper Street do not include off-street parking provision. However the agent also notes there are no formal arrangements with the owner of the garages to allow parking in this location. As a result I do not consider that the displacement

of this informal parking area would have a significant impact on the amenity of the surrounding occupiers.

8.26 One parking space is to be provided for the new dwelling which is considered acceptable. As noted above the existing flats do not include off-street parking. Given that the situation already exists and the site is in a sustainable location within close proximity to public transport, cycle infrastructure and the Mill Road District Centre, I consider this arrangement to be acceptable.

8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 8/6 and 8/10.

Third Party Representations

8.28 The Highway Engineer has not raised concerns regarding contractor parking. The applicant notes that contractors would park to the rear of 5 Hooper Street during construction and as a result would not put an additional pressure on on-street parking provision. A condition will be imposed to ensure this would be the case. I consider this arrangement to be acceptable. A construction hours condition is recommended to reduce the impact of noise and disruption during the construction phase.

Planning Obligations

8.29 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

8.30 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary

9.0 CONCLUSION

9.1 In my view the proposed dwelling is a high quality design. The use of the grey brick would successfully contrast with the surrounding Gault palette. The proposal would also work well with the adjoining new build to the rear of 6 Hooper Street. The proposal would not have a significant impact on the amenity of the surrounding occupiers subject to details of the proposed screen being approved prior to occupation of the dwelling. The existing garages are not used for car parking and the tenants of the flats at 5 Hooper Street do not have any right to park in the gravel area to the rear of the property as part of the terms of their lease. As a result the proposal would not result in any significant increase in demand for on-street parking. The proposal would provide a high quality living environment for future occupiers with adequate amenity space and bin storage provision. A condition is recommended to secure details of cycle parking arrangements.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. The first floor terrace areas to the front and rear of the dwelling, hereby permitted, shall be fitted with minimum 1.7m high screens in accordance with details that shall previously have been submitted to and agreed in writing by the Local Planning Authority. The screens shall be installed in accordance with the approved details prior to occupation of the dwelling and shall be maintained in accordance with the approved details thereafter.

   Reason: To protect the privacy of the surrounding occupiers (Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/11)

4. 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)

5. No metal-clad or other non-traditional roofs shall be erected until full details of such roofs including materials, colours, surface finishes and relationships to rooflights or other rooftop features 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 avoid harm to the appearance of the Conservation Area (Cambridge Local Plan 2006, policy 4/11)

6. Prior to the occupation of the development a hard landscaping scheme, including full details of surface and boundary treatments, is to be submitted to and approved in writing by the Local Planning Authority. Landscape works 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. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

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

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

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

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

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

10. 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

11. If during the works suspected contamination or suspect ground conditions are encountered, the Local Planning Authority should be informed, the suspect materials shall be fully assessed and an appropriate remediation scheme should be submitted to and agreed in writing with the Local Planning Authority. Works shall thereafter be constructed only in accordance with the approved details.

    Reason: To protect the amenity of future occupiers of the site and to ensure a premises prejudicial to health situation does not arise in the future (Cambridge Local Plan 2006 policy 4/13)

12. No building hereby permitted shall be occupied until details of surface water drainage works have been submitted to and agreed in writing by the Local Planning Authority. Surface water drainage will be implemented in accordance with these agreed details.

    Reason: To ensure the development will not increase flood risk in the area in accordance with the National Planning Policy Framework (2012)

13. Prior to the commencement of development details of cycle parking for the new dwelling hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the agreed details before the dwelling is occupied and shall be retained in accordance with these details thereafter.

    Reason: To ensure adequate cycle parking provision in accordance with policy 8/6 of the Cambridge Local Plan (2006).

14. The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)

15. 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), no new windows (other than those expressly authorised by this permission), shall be constructed at and above first floor level unless non-opening and fitted with obscure glass up to a minimum height of 1.7m above the internal finished floor level.

    Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

16. Contractor parking during construction will take place within the site, to the rear of 5 Hooper Street, unless otherwise agreed in writing with the Local Planning Authority.

    Reason: To protect the amenity of surrounding occupiers during construction in accordance with policy 4/13 of the Cambridge Local Plan (2006)

    INFORMATIVE: Before the details of the surface water drainage 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 details and management and maintenance plan.

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

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012
http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.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

PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1543/FUL	**Agenda Item**	
Date Received	22nd August 2016	**Officer**	Mairead O'Sullivan
Target Date	17th October 2016		
Ward	Romsey		
Site	2 Uphall Road Cambridge CB1 3HX		
Proposal	Erection of new three bedroom detached dwelling on land adjacent to 2 Uphall Road.		
Applicant	Mr Mangus Alexander & Ms Sarah Reilly 2, Uphall Road CAMBRIDGE CB1 3HX		

SUMMARY	The development accords with the Development Plan for the following reasons: - The proposal would not harm the character of the area - The proposal would not negatively impact on the amenity of the adjoining properties
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located on a corner plot at the junction of Uphall road and Nuttings Road; a predominantly residential area. It is comprised of former garden land from 2 Uphall Road.

1.2 The site is outside designated Flood Zone 2. It is not located within a Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 The application proposes the erection of a new three bed detached dwelling on land adjacent to 2 Uphall Road.

2.2 In the past two years two previous applications for a detached three bed dwelling have been approved on the site. The current

proposal is of a similar size, scale and design to the previously approved schemes. The current proposal has been submitted as some minor amendments were required to obtain a "build-over" agreement with Anglia Water. As a result the building has reduced in depth adjacent to the passageway with 2 Uphall Road. To compensate for this the western gable end has been extended out slightly and a pitched roof added over the front lean-to.

2.3 The proposed new dwelling will be of a similar height and scale to the surrounding properties. It will be finished in facing brickwork to match existing. Amenity space for the new dwelling will be provided to the side and rear.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1097/FUL	Erection of new three bed detached dwelling on land adjacent to 2 Uphall Road	Permitted
15/0639/FUL	Erection of new three bed detached dwelling on land adjacent to 2 Uphall Road.	Permitted

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	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, the following policies in the emerging Local Plan are of relevance:

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No off-street car parking provision is made for the new dwelling. As a result it may impose additional parking demands upon the on-street parking on the surrounding streets. This is unlikely to result in any significant adverse impact upon highway safety but there is potentially an impact upon residential amenity.

Environmental Health

6.2 The proposal is acceptable subject to the imposition of a number of conditions. These relate to construction hours, collections during construction and piling. The site is located on an old sand and gravel pit. As a result all 6 contaminated land conditions are recommended.

Refuse and Recycling

6.3 No comments received.

Head of Streets and Open Spaces (Landscape Team)

6.4 The proposal is acceptable subject to a condition requiring details of hard and soft landscaping to be agreed.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.5 The proposal is acceptable subject to the imposition of a condition requiring details of the surface water drainage scheme to be agreed prior to the commencement of work.

Marshalls Airport

6.6 No objection

Airport Safeguarding

6.7 No comments received

Defence Infrastructure Organisation

6.8 No safeguarding objection.

Minerals and Waste

6.9 No comments received.

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

7.0 REPRESENTATIONS

7.1 The owners/occupier of the following address has made a representation:

- 27 Nuttings Road

7.2 The representation can be summarised as follows:

- The distances between the boundaries are unclear
- Out of keeping with the area which is mainly semi-detached and terraced housing
- The street frontage for the proposal and existing dwelling are presented inaccurately.
- Concerned about parking
- Will overshadow amenity area to the side of No.27 Nuttings Road
- Will result in a loss of privacy (inter-looking between side windows)
- Concerned about noise and disturbance

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 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. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning obligations

Principle of Development

8.2 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. The character of the surrounding area is predominantly residential. As a result the proposal accords with policy 5/1

8.3 The proposal would be built on garden land which serves 2 Uphall Road. As a result policy 3/10 which relates to the sub-division of plots 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), (e) 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 policy 5/1.

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

8.5 The area is characterised by a mixture of semi-detached and terraced brick properties. The principle of a detached house on the site has already been established in the previously approved schemes. As set out in paragraphs 2.2 and 2.3, the proposed design is very similar to the other previously approved applications. The case officer on the previous applications noted that although the area is characterised by semi-detached and terraced properties, the proposal would be of a scale and form which is typical in terms of design for the area. I share this view. As a result I consider the proposed new dwelling to be in keeping with the surrounding properties and acceptable in terms of design. The proposal would be red brick to match the surrounding properties. A condition is recommended to control the materials.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.7 The scale of the proposal remains unchanged from the previous proposal. However there have been a number of relatively minor amendments. The element closest to the boundary with No. 2 Uphall Road has been reduced in length. As a result the proposal now extends marginally closer (0.9m) to the boundary with the neighbour at No. 27 Nuttings Road. However there is still a significant set-away, of over 11m, between the two properties. Due to the separation and orientation to the north of No. 27 Nuttings Road, I do not consider the proposal will overshadow or visually enclose this neighbouring property.

8.8 The representation from 27 Nuttings Road notes that their largest and main amenity area is to the side rather than the rear of the property. The occupiers of this property have expressed concern that the proposal will overshadow this space. The proposal would not have a significantly more harmful impact than the previously approved schemes. Whilst the proposal is likely to result in some later afternoon overshadowing this would only affect a small proportion of this space and would be for a

limited time. As a result I do not consider this impact to be significantly harmful to warrant a refusal.

8.9 The representation also expresses concern that the side windows and balcony doors of the proposal would overlook the upstairs bedroom window of No.27. Due to the orientation of the plots the balcony window will look towards the road and communal grass area of the estate. As a result there will be no inter-looking issues. A 1.8m wall will run along the boundary. As a result the ground floor windows will not look onto the amenity space of No.27. Both windows on the elevation looking toward 2 Uphall Road are to be obscure glazed. There are only two first floor windows proposed to the rear elevation. These serve a bathroom and would be obscure glazed.

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, 3/7 and 3/10.

Amenity for future occupiers of the site

8.11 The amount of outdoor amenity space to be provided remains unchanged. I consider there to be an adequate amount of space with adequate bike and bin storage. In my view the proposed new dwelling would provide a high quality living environment for future occupiers of the site. As a result it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

Refuse Arrangements

8.12 The Refuse Officer has not commented on the proposal. The plans show space for three bins. I consider this to be acceptable and in line with what was previously approved.

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

Highway Safety

8.14 The Highway Engineer notes that the proposal may result in an increased demand for on-street parking but does not consider

this would have any significant adverse impact upon the operation of the public highway. I share this view.

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

Car and Cycle Parking

8.16 No off-street parking is proposed for the new dwelling. Given the sustainable location of the site within close proximity to cycle and public transport infrastructure I consider this to be acceptable.

8.17 The submitted plans show three cycle parking spaces are to be provided. This meets with the standards set out in the Cycle Parking Guide for New Residential Developments (2010).

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

Third Party Representations

8.19 The applicant has provided accurate scaled plans which demonstrate how the proposal would sit within the plot.

8.20 The council does not have minimum car parking standards. Given the sustainable location of the site I do not consider off-street car parking provision to be necessary.

8.21 One additional dwelling will not result in an unacceptable level of noise and disturbance to the surrounding occupiers. A construction hours condition and condition relating to collections during construction are recommended. In my view these would offer adequate protection to the amenity of the surrounding occupiers during construction.

8.22 I have addressed the other issues raised in the representation within the body of my report.

Planning Obligations

8.23 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning

obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

8.24 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary

9.0 CONCLUSION

9.1 The application is a resubmission of two previously approved schemes. Minor alterations are proposed to allow the applicant to obtain a “build-over” agreement with Anglia Water. The proposed amendments would not materially alter the appearance of the previously approved schemes and as a result the design is considered in keeping with the surrounding area. The proposed alterations would not result in any significant further harm to either of the adjoining occupiers at 2 Uphall Road or 27 Nuttings Road.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:
-Detailed history of the site uses and surrounding area (including any use of radioactive materials)
-General environmental setting.
-Site investigation strategy based on the information identified in the desk study.
(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

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

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:
(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

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

5. Implementation of remediation.

Prior to the first occupation of the development (or 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. The windows identified as having obscured glass on drawing number P-01 rev. F on the southeast and southwest elevation at ground and first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and any opening shall be 1.7m above floor level and be retained as such thereafter. The first floor windows to the rear elevation shall be obscure glazed to at least 1.7m above the finished floor level and be retained 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 collections from 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)

13. 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)

14. Prior to the occupation of the dwelling hereby permitted an assessment shall be carried out to assess the potential for disposing of surface water by means of a sustainable drainage system. This information and detail of the surface water drainage works will be submitted to and approved in writing by the Local Planning Authority.

    Reason: In accordance with the National Planning Policy Framework 2012

15. 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)

16. 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), no new windows (other than those expressly authorised by this permission), shall be constructed at and above first floor level in the rear elevation of the dwelling unless non-opening and fitted with obscure glass up to a minimum height of 1.7m above the internal finished floor level.

    Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

    INFORMATIVE: The surface water drainage 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 which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/1514/FUL	**Agenda Item**	
Date Received	16th August 2016	**Officer**	Michael Hammond
Target Date	11th October 2016		
Ward	Abbey		
Site	Land At 161 Newmarket Road Cambridge Cambridgeshire		
Proposal	Erection of four self-contained flats & associated works & infrastructure.		
Applicant	N/A C/O Agent		

SUMMARY	The development accords with the Development Plan for the following reasons: – The proposal would enhance the character and appearance of the Conservation Area. – The proposed works would not adversely impact on the amenity of neighbouring properties. – The proposal would provide an acceptable standard of living environment for future occupants.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site comprises an empty parcel of land on the north side of Newmarket Road. The site is situated between the land formerly used as a car sales lot to the west, and the dentist surgery building to the east. To the north-east of the site are the Beche Court terraced properties which were built in the 2000's. The gardens of these neighbours are sunken below the ground level of the application site. Opposite the site to the south are the recently constructed flats of Beacon Rise. There are a

variety of uses and building types present along Newmarket Road.

1.2 The site falls within the Central Conservation Area.
The site falls within the Air Quality Management Area.
The site falls within the Controlled Parking Zone.

2.0 THE PROPOSAL

2.1 The proposal, as amended, seeks planning permission for the erection of four self-contained flats.

2.2 The proposed building would adjoin onto the existing dentist surgery building to the east, extending the terrace. The building would be two-and-a-half storeys in scale and constructed with a pitched roof and chimney. The eaves line would be marginally above the eaves line of the existing terrace adjacent and the ridge line would be approximately 1m higher than the adjacent terrace. There would be a small front (south) facing dormer window and front and rear rooflights. The building would occupy the entire width of the application site.

2.3 The building would be sub-divided internally to provide four one-bedroom flats. All of the flats would be accessed from Newmarket Road through an entrance lobby. Flat nos.1 and 2 would occupy the lower-ground and ground floors of the building and wold have access to small private courtyard spaces to the rear of the site. Flats nos.3 and 4 would occupy the first-floor and roof space of the building and these flats would not have their own private outdoor space. There would be an undercroft area along the western boundary to provide a route through to the proposed bin and cycle store areas situated in the north-west corner of the site.

2.4 The application has been amended following concerns raised by officers regarding potential visual enclosure and overlooking to the adjacent properties of Beche Court to the north. The amendments consisted of lowering the eaves height by 1m down to 5.5m (from Newmarket Road ground level) and the ridge down by 0.5m. The roof form has also been changed to a traditional pitched roof. The application originally proposed standard and louvered windows on the rear elevation at ground-floor and first-floor level. These have been replaced with high level windows to prevent overlooking out to the north.

2.5 The application is accompanied by the following supporting information:

1. Planning and Heritage Statement
2. Drainage and Flood Risk Strategy
3. Acoustic Assessment
4. Air Quality Assessment
5. Phase I & II Geo-Environmental Assessment
6. Design and Access Statement
7. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
C/74/0033	Provision of new vehicular access	Permitted.
C/73/0455	Use of land as car park and provision of vehicular access	Refused

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

	10/1

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

Central Government Guidance	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) Eastern Gate Supplementary Planning Document (October 2011)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Air Quality in Cambridge – Developers Guide (2008)
	<u>Area Guidelines</u> Riverside and Stourbridge Common Conservation Area Appraisal (2012) Newmarket Road Suburbs and Approaches Study (October 2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, 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 subject to the following condition and informatives:

- Traffic Management Plan Condition
- Traffic Management Plan Informative
- Residents Parking Informative

Environmental Health

Original Comments (09/11/2016)

6.2 Further information regarding plant noise is required.

Comments on Additional Information (31/10/2016)

6.3 The proposed development is acceptable subject to the following conditions and informatives:

- Construction Hours
- Collection during construction
- Piling

- Contaminated Land
- Acoustic Assessment compliance condition
- Ground-floor windows non-openable
- Ventilation Scheme
- Site investigation informative
- Remediation works informative
- Materials chemical testing informative
- Contaminated land guide informative

Refuse and Recycling

6.4 No comments received.

Urban Design and Conservation Team

6.5 The proposed development is acceptable subject to a materials sample condition. It is considered there are no material conservation issues with the proposal.

Cambridgeshire County Council (Archaeology)

6.6 No objection subject to archaeology condition.

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:

- 553 Newmarket Road
- 3 Beche Court
- 4 Beche Court
- 5 Beche Court

7.2 The representations can be summarised as follows:

- The proposed building is too high and out of keeping with the Conservation Area.
- Where is the ventilation scheme going to be placed? It could result in noise disturbance to Beche Court properties.

- Overlooking/ loss of privacy due to change in ground levels between site and Beche Court properties.
- Visual enclosure/ dominance
- Potential impact on the stability of adjacent walls.
- Will the timber wall be replaced, maintained or increased in height?
- Concern regarding impact of drainage solutions on adjacent land.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses. The site is located within a mixed use context with a combination of residential and commercial uses nearby. Therefore, the proposed redevelopment of the site to provide a new building consisting of four flats is acceptable in principle.

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

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

8.4 The Eastern Gate Supplementary Planning Document (2011) identifies the application site as forming part of a potential development site and outlines an indicative building frontage extending from the existing terrace of the dental surgery adjacent.

8.5 The Newmarket Road Suburbs and Approaches Study (2011) describes the area of the site as follows:

"Continuing west from Godesdone Road is a range of mostly mid-late 19th century properties, altered to fit their predominantly commercial use. This range is followed by a car sales lot which breaks the building line and which allows views through to Beche Court, a modern infill development."

8.6 The character assessment map of this study identifies the buildings either side of the application site as 'buildings important to the character of the area'. The view of the site from the south is also characterised as a 'view which detracts'. The Riverside and Stourbridge Conservation Area Appraisal (2012) also labels the site in the same manner.

8.7 In respect of the context of the site provided by the supplementary planning document and area guidelines, I am of the opinion that the proposed redevelopment of the site is acceptable in principle.

8.8 The proposed building would have the appearance of a two-and-half-storey scale residential building by virtue of the rhythm of windows, legible entrance points and similar form to the nearby terraces. It is acknowledged that the proposed ridge and eaves are higher than the adjoining terrace. However, the height would mirror that of the existing buildings further to the west and would act as a transition point between the two-storey scale to the east and the two-and-half storey scale to the west. The Urban Design and Conservation Team is supportive of the proposed increase in height given the inconsistency in the street scene. The western-most block of the building which extends further to the south would provide a break in the fa3ade to help reduce the perceived massing of the scheme from public viewpoints.

8.9 The proposed materials, a slate roof with brick walls, are supported by the Conservation Team and I agree with this. The detailing of the brick would be dealt with by way of a sample condition.

8.10 A small low threshold of hedge planting is proposed along the Newmarket Road boundary to provide defensive planting along the ground-floor windows. This would also help to improve the greenery in the area which is identified as a desired improvement to the public realm in the Newmarket Road Suburbs and Approaches Study (2011). A boundary treatment condition has been recommended to ensure that this planting is acceptable and maintained accordingly.

8.11 An archaeology condition has been recommended in accordance with comments from the archaeology team.

8.12 Overall, I consider the proposed development would enhance the character and appearance of the Conservation Area.

8.13 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/9 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.14 The proposed works would not detrimentally impact on the adjacent dentist surgery in my opinion. There would be no loss of privacy, overshadowing or visual dominance of the rear windows of this commercial use.

8.15 The proposed building is situated a considerable distance from the nearest building of nos.155 – 163 Newmarket Road to the west and I am of the view that the privacy, outlooks and levels of light reaching this neighbour would not be compromised by the proposed development.

8.16 The main consideration in my opinion is the impact of the proposed works on nos.5 and 6 Beche Court to the north of the site.

Impact on nos.5 and 6 Beche Court

8.17 Nos.5 and 6 Beche Court comprise an end-of-terrace and terraced property situated to the north and north-east of the application site. The properties appear to have been built at some point in the 2000's and are modern in style. There is a noticeable drop in levels between the ground-level of Newmarket Road and these neighbouring properties. The rear kitchen/ dining rooms of these properties are set roughly 2.6m below the ground level of Newmarket Road. The two properties are laid out identically with small rear gardens/ courtyards, ground-floor rear kitchen/ dining room fully glazed windows and doors, and first-floor rear bedroom windows. No.6 is three-storeys in scale and has a second-floor bedroom window that faces towards the application site. The owner/ occupier of No.5 has objected to the application and I have visited this property. No comment has been received from the owner/ occupier of no.6.

8.18 As explained in paragraph 2.4 of this report, the proposal has been amended following concerns raised regarding overlooking. The proposal originally included standard sized windows at ground-floor and first-floor level which would have overlooked the rear gardens and habitable rooms of these neighbours. Following this, the agent has changed the internal layout where appropriate and replaced these windows with high level windows which would only serve for natural lighting purposes and would not offer views towards these neighbours. The lower ground-floor level French doors would face onto the brick wall enclosing the courtyard. Overall, I consider the amended scheme has overcome the concern raised and the proposal would not compromise the privacy of these neighbours. I have recommend a condition to ensure any windows inserted in the rear elevation at a later date are designed to prevent overlooking issues.

8.19 The proposed works are situated to the south and south-west of these neighbours and consideration therefore needs to be made of the potential overshadowing impact of the works. The agent has submitted a shadow study showing the impact of the proposed works in the morning (09:00), midday (12:00) and early afternoon (15:00). At the vernal (March 21st) and autumnal (September 21st) equinoxes, there would be slight increases over the western portion of the garden of no.6 at the midday

point and over the eastern portion at the early afternoon point. At the summer equinox (June 21st) there would be a very minor increase over the garden of no.6 around midday. In the winter (December 21st) the levels of light reaching this garden would not be significantly affected. There would not be any noticeable increase in overshadowing over the garden of no.5. Overall, the existing 2.3m high brick wall along the southern boundary of these neighbours is already responsible for overshadowing much of these neighbours gardens at key times, which is exacerbated due to the steep change in levels from this wall to the rear walls of these properties. The proposal would only result in a slight increase over part of the garden of no.6 and I do not consider this impact would be significant enough to drastically affect the amenity of this neighbour.

8.20 A concern was also raised with the original proposal regarding the visual enclosure that would be caused on the rear gardens, ground-floor rear windows and first-floor rear windows of these neighbours. As demonstrated on the north elevation drawing, the significant shift in ground levels means that the proposal effectively reads as a three-storey building from these properties, similar to the existing relationship between these properties and the dentist surgery. A shallow pitched roof was originally proposed on the north elevation which means that a large expanse of brickwork running beyond the eaves of the adjacent dentist surgery was proposed. To attempt to overcome this concern, the agent has revised the drawings to lower the ridge height by 0.5m and bring the eaves of the roof down by 1m to be level with the adjacent terrace.

8.21 I do not consider the proposal would harmfully enclose the neighbour at no.5 Beche Court. This neighbour is orientated with its rear outlooks facing towards the existing terrace along Newmarket Road. The proposed building would be visible from the rear outlooks but it would be in more of a peripheral view rather than directly opposite these outlooks. The reduction in the eaves and ridge line would channel views up and over the building and reduce the perceived visual mass from these outlooks. The nearest window of this neighbour is situated over 11.5m from the proposed building and given the compact urban grain of the area I consider this separation distance to be sufficient in this instance.

8.22 There would be a separation distance of just over 10m between the rear ground-floor windows of no.6 and the central staircase element of the proposed building which projects furthest to the rear. This staircase block is set below the main roof of the proposed building. In my opinion, while the proposal would inevitably be visible from this rear outlook, the reduction in height and change in roof form would direct views up and over the pitched roof and would not overbear this rear outlook. There would be a separation distance of over 12.5m between the proposed building and the upper floor windows of this neighbour. I do not consider that these outlooks would be visually dominated by the proposed building by virtue of the separation distance and alteration to the roof form. In my opinion, although the proposed works will clearly be visible from the rear outlooks of this neighbour, I am of the view that the outlooks would not be visually oppressed by the proposed development.

Noise and disturbance

8.23 The movements to and from the proposed flats would be contained to the site itself and would not involve regular comings and goings along neighbouring properties. The use of the courtyard areas for domestic purposes would be similar to that of the adjacent terrace gardens and is acceptable.

Impact on on-street car parking

8.24 The proposal is a car free development. The City Council has maximum car parking standards. The site is situated within the controlled parking zone which covers the vast majority of residential streets to the west, north and east of the site that are in close proximity to the site. There are frequent bus routes along Newmarket Road and the site is within walking distance of the City Centre which is situated approximately 270m to the west of the site. The proposal provides secure covered cycle parking for future occupants and there are excellent cycle links into the City Centre to access local shops and services. In my opinion, the proposed development would not significantly impact on-street parking in the area and is acceptable from a residential amenity perspective.

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.

Amenity for future occupiers of the site

8.26 The site is considered to be in a sustainable location as it is well served by public transport links and is within close proximity to local shops and services. Sufficient bin and cycle storage would be provided for future occupants. All of the habitable rooms would have acceptable outlooks.

8.27 The lower floor flats would have access to their own private outdoor courtyard areas. The upper floor flats would not have access to any private outdoor amenity space. The flats are likely to be occupied by single people rather than by families. The majority of upper floor flats along Newmarket Road do not benefit from any outdoor amenity space and the site is situated in an urban context close to the City Centre. St Matthews Piece open space is situated within walking distance to the south of the site and Midsummer Common is nearby to the west. Overall, given the size of the proposed dwellings and context of the site, I am of the view that the lack of dedicated outdoor amenity space for the upper floor flats is acceptable.

8.28 The agent has provided an acoustic assessment and air quality assessment which has been assessed by the Environmental Health Team. The Environmental Health Team is satisfied that the habitable rooms of the proposed flats can provide sufficient ventilation without resulting in harm from the noise associated with traffic along Newmarket Road or the adjacent commercial use. Conditions have been recommended regarding the ventilation scheme, acoustic assessment compliance and ensuring that the ground-floor windows are non-openable.

8.29 In my opinion, subject to conditions, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 4/13.

Refuse Arrangements

8.30 Bin storage would be provided in the north-west corner of the site and accessed through the undercroft passage. The

capacity of bins appears to meet the RECAP Waste Management Design Guide (2012) and there would be a logical route out to Newmarket Road on collection days.

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

Highway Safety

8.32 No vehicular access is proposed and the Highway Authority has raised no objection to the proposed works, subject to a traffic management plan condition.

8.33 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.34 Car parking has been addressed in paragraph 8.22 of this report. A car club informative has been recommended.

8.35 Four cycle parking spaces would be provided by way of Sheffield stands within an enclosed timber shelter in the north-west corner of the site. The level and type of provision proposed is acceptable.

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 The representations have been addressed in the table below:

The proposed building is too high and out of keeping with the Conservation Area.	See paragraph 8.8 of this report.
Where is the ventilation scheme going to be placed?	This would be dealt with by way of condition.
Overlooking/ loss of privacy	See paragraph 8.18 of this report.
Visual enclosure/ dominance	See paragraphs 8.20 – 8.22 of this report.
Potential impact on the	This is a party wall/ civil matter

stability of adjacent walls.	and not a planning consideration.
Will the timber fence/ wall be replaced, maintained or increased in height?	This would be dealt with through the boundary treatment condition.
Concern regarding impact of drainage solutions on adjacent land	The site is not situated within a flood zone. The third party has expressed that option C of the applicant's submitted drainage solutions is preferred. The agreement of this is a building control matter and not a planning consideration.

Planning Obligations

8.38 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

8.39 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

9.1 The proposed development would not significantly harm the amenity of neighbouring properties. It would enhance the character and appearance of the Conservation Area and provide an acceptable living environment for future occupants.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

   (a) Desk study to include:
   -Detailed history of the site uses and surrounding area (including any use of radioactive materials)
   -General environmental setting.
   -Site investigation strategy based on the information identified in the desk study.
   (b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

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

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:
(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

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

5. Implementation of remediation.

Prior to the first occupation of the development (or 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 collections from 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. 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)

12. The noise insulation scheme and mitigation requirements as stated within the Cass Allen Acoustic Assessment dated 10th August 2016 (RP01-16335REV1) shall be fully implemented prior to occupation and shall be maintained in accordane with these details thereafter.

    To protect the amenity of the adjoining properties and to provide an acceptable standard of amenity for future occupants. (Cambridge Local Plan 2006 policies 3/12 and 4/13)

13. The windows located on the ground floor Newmarket Road façade shall be non-openable.

    Reason: To provide an acceptable standard of amenity for future occupants. (Cambridge Local Plan 2006 policy 3/12)

14. Prior to the commencement of development/construction, details of an alternate ventilation scheme to open windows for the accommodation units shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall source air from the rear of the development away from Newmarket Road. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed before the use hereby permitted is commenced and shall be maintained in accordance with the approved details thereafter.

    Reason: To provide an acceptable standard of amenity for future occupants. (Cambridge Local Plan 2006 policies 3/12 and 4/13)

15. 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 (Cambridge Local Plan 2006 Policy 8/2)

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

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

17. 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)

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

    Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate (Local Plan 2006 policy 4/9).

19. Following completion of the development hereby approved, any windows inserted in the rear elevation must be over 1.7m above finished floor level, or, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 (or equivalent) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

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: Traffic Management Plan Informative:

The principle areas of concern that should be addressed are:
i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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

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

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

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

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
https://www.cambridge.gov.uk/land-pollution
Hard copies can also be provided upon request.

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. 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.

PLANNING COMMITTEE **DATE: 30TH NOVEMBER 2016**

Application Number	16/0851/FUL	**Agenda Item**	
Date Received	31st May 2016	**Officer**	Sophia Dudding
Target Date	26th July 2016		
Ward	Abbey		
Site	13 Swann Road Cambridge CB5 8JZ		
Proposal	Change of use from Renault dealership with service workshop MOT testing to Renault, Dacia and Infiniti Sales showroom, parts storage, parts sales and offices including demolition of existing external wash bay and installation of new wall cladding and glazed curtain walling.		
Applicant	Mr Mark Banks 13, Swann Road CAMBRIDGE CB5 8JZ		

SUMMARY	The development accords with the Development Plan for the following reasons: - The principle of the change of use has been demonstrated to be acceptable. - The development would not give rise to any detrimental visual or environmental impacts
RECOMMENDATION	APPROVAL with conditions

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the northeast side of Swanns Road and lies within a protected industrial/storage site as defined within the Cambridge Local Plan 2006. The site is currently in mixed used for automotive maintenance and vehicle showroom on the ground floor and associated office and storage use at first floor. To the north and west of the site the area is predominantly used for motor-related uses such as

car rental and repair services. To the east and south of the site the area is in mixed use for residential, commercial and industrial. The site is accessed from Newmarket Road and falls just outside the Central Conservation Area.

2.0 THE PROPOSAL

2.1 Full planning permission is sought for the change of use from the existing industrial car workshop to car sale showroom (sui generis) incorporating demolition of an existing wash bay and installation of new wall cladding and glazed walling.

2.2 The application follows the granting of planning permission for the change of use of a part of the ground floor on the eastern side of the building from car workshop to car showroom under application ref. 14/0697/FUL (see below history). The current proposal is for the change of use and alteration of the remaining ground floor of the car workshop to car showroom and associated office and storage use following the relocation of the car maintenance services to 19 Mercers Row.

2.3 The application is accompanied by the following supporting information:

1. Drawings
2. Planning statement
3. Transport statement
4. Supply/Demand Assessment

3.0 SITE HISTORY

Reference	Description	Outcome
14/0697/FUL	Alterations to Existing Renault Aftersales Centre to incorporate; New Car Sales Showroom, Associated Offices and External Used Car Display.	Permitted
14/1880/FUL	Alterations to existing Renault Aftersales Centre to incorporate new car sales showroom, associated offices and external used car display.	Withdrawn

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 4/13 7/3 8/2 8/10 8/18

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

Central Government Guidance	National Planning Policy Framework March 2012 (NPPF) National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Cambridge and Milton Surface Water Management Plan (2011)

	<u>Area Guidelines</u> 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 this application, Policy 41 in the emerging Local Plan is of relevance. However, it should be afforded only limited weight in light of outstanding objections.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

6.1 The applicant has submitted a Transport Statement quantifying vehicular generation and impact from the existing and proposed use of the site.

The contents of that Statement are acceptable to the Highway Authority and demonstrate that the proposal would be unlikely to result in any significant adverse impact upon the public highway should it gain the benefit of planning permission.

Environment Health Team

6.2 Additional information is required to confirm if groundworks are proposed as the full suite of contaminated land conditions would be required if this is the case. If no groundworks are proposed

this would not be required and a condition to address any unexpected contamination would be recommended. A construction hours condition is also recommended.

Drainage Team

6.3 Additional details are required to explain how cars will be washed once the development has been completed and the car washing bay has been removed. Car washing must not take place without suitable drainage provision.

Policy Team

6.4 The site lies within a protected industrial area. Policy 7/3 provides no flexibility to consider the loss of floorspace within use classes B1(c), B2 and B8 in such areas. However, this approach is inconsistent with the NPPF and criteria a) to e) should apply to the proposal. Criterion a) and at least one other should be satisfied.

6.5 Criterion a) requires it to be demonstrated that there is sufficient supply of floorspace in the City to meet the demand and/or vacancy rates are high. The applicants have demonstrated that criterion b) of policy 7/3 has been satisfied.

6.6 The information submitted with the application does indicate that there is a reasonable supply of industrial floorspace in the area. The evidence demonstrates that there are a range of industrial and storage units available on the market at the moment, including two units that have been on the market for a considerable period of time. This indicates that any potential occupiers have a choice of units to meet their needs. Furthermore, while not directly addressing the policy requirements, the long marketing periods prior to units being let on sites near Newmarket Road does demonstrate that units in this location are less desirable to occupiers.

Having previously demonstrated compliance with criterion b), and now demonstrating compliance with criterion a), the proposal is compliant with policy 7/3 and acceptable in policy terms.

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 owner/occupier of the following addresses has made representations:

- Cambridge Vehicle Service Ltd

7.2 The representations can be summarised as follows:

- An increase in business use could lead to more parking on an already overcrowded road unless it could be guaranteed that the site would be self-contained.

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

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. Pollution and Amenity
4. Drainage Infrastructure
5. Highway safety and Car parking
6. Third party representations

Principle of development

8.1 The site is designated as part of Mercers Row protected industrial site. Local Plan (2006) policy 7/3 states any development that results in loss of floorspace within Use Classes B1(c), B2 and B8 will not be permitted where the site is identified as a protected industrial/storage site. There is no flexibility within the policy. However, Paragraph 22 of the NPPF states that 'Planning Policy should avoid the long term

protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'.

8.2 This potential conflict between Policy 7/3 and the NPPF has been noted by the Council's Environment Scrutiny Committee in June 2012 as part of its assessment of policies within the Local Plan 2006. The Emerging Local Plan Policy 41 has avoided the inflexibility and requires sites to be marketed for 12 months prior to the loss of industrial/storage floorspace. This emerging policy has limited weight due to outstanding objections but the Policy team advises that it remains the Council's position that a reasonable marketing time is appropriate to assess the significance of the loss. The Policy team suggests that it would therefore be reasonable to assess the current application against criteria a) through to e) of policy 7/3 which are applied outside protected industrial areas and I share this view.

8.3 Policy 7/3 states that development, including changes of use, that results in a loss of floorspace within Use Classes B1(c), B2 and B8, will only be permitted if:

a. *there is sufficient supply of such floorspace in the City to meet the demand and/or the vacancy rates are high; and either*
b. *the proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or*
c. *the continuation of industrial and storage uses will be harmful to the environment or amenity of the area; or*
d. *the loss of a small proportion of industrial or storage floorspace would facilitate the redevelopment and continuation of industrial and storage use on a greater part of the site; or*
e. *redevelopment for mixed use or residential development would be more appropriate.*

8.4 The application states that Renault's market share has increased in 2015/2016 which has resulted in increasing demands for both sales and after sales services for Renault. The site on Swanns Road has been considered to have insufficient space to contain both sales and operation services. Following the reallocation of car operation services to 19 Mercers Row (following the granting of planning permission ref. 15/1400/FUL), the company wishes to convert the whole site to

their car sales business. The proposal would therefore involve the loss of the industrial use that currently exists within the building.

8.5 In relation to criterion a), the applicants state that 19 Mercers Row had been on the market for 14 months prior to its sale in April 2016. They argue this demonstrates that there is insufficient demand for the floorspace in such use in the local area.

8.6 The Policy officer comments that 19 Mercers Row being vacant for 2 years does not prove there is insufficient demand in the local area and states that the purchase of 19 Mercers Row by the company just proves that demand exists. The Policy Officer states that in order to justify criterion a) it requires direct evidence related to unsuccessful marketing of the site and similar sites in the local area for B1(c)/B2/B8 or more up to date evidence to indicate there is sufficient such floorspace in the local area.

8.7 The submitted supply/demand assessment undertaken by Barker Storey Matthews identifies six available industrial units on the market within a 2 miles radius of the site for relevant uses. It states that four of these units have been on the market for 3 months or less and two units have been on the market for about 18 months. These latter two exceed the 12 months which is considered reasonable to demonstrate there is no genuine interest in the properties.

8.8 The Policy team has assessed the work undertaken by Barker Storey Matthews. It is satisfied that the evidence submitted demonstrates that there are a range of industrial and storage units available on the market at the moment including two that have been on the market for a considerable time and that this indicates that any potential occupiers have a choice of units to meet their needs. In addition the team considers that the long marketing periods demonstrate that units in this location are less desirable to occupiers. The team concludes that it has been demonstrated that criterion a) has been satisfied and I agree with this view.

8.9 As stated above, only one of the remaining criteria need to be met for the proposal to be considered to be in compliance with Policy 7/3.

8.10 Criterion b) requires the proposal to demonstrate it will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use. The applicants state that through business expansion, in total 75 jobs will be secured between the application site and two other sites from which the business operates. Service and operation staff would be relocated to 19 Mercers Row and staff from the site at 444 Newmarket Road would also be relocated. The application forms state that at present on the site there are 25 employees and the proposed number would be 28. The Policy team is satisfied that criterion b) is met and I share this view. I therefore consider the principle of the development to be acceptable and the proposal to be in compliance with Policy 7/3 of the Cambridge Local Plan 2006.

Context of site, design and external spaces

8.11 The majority of the proposed works to the building are internal to form the new showroom. The proposed exterior works include the demolition of the wash bay and the installation of new wall cladding and glazing. I consider the resultant appearance of the building to be acceptable within the context of its surroundings and in my opinion the proposal will not give rise to any harm to the visual quality of the area.

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

Pollution and Amenity

Impact on amenity of neighbouring occupiers

8.13 In the transport statement, it is stated that the new business would generate on average 20 customers and 144 vehicle movements per day compared with the existing development which generates around 239 vehicle movements. I consider the new development is likely to generate less comings and goings and will not therefore generate additional noise and disturbance to residents of neighbouring properties.

Contamination

8.14 The Environmental Health officer comments that historic records show the area of the application site to have been part of a builder's yard and a brick and tile manufacturing site was also present in close proximity to the site. He states that due to the previous uses of the site, any potential contaminated land issues associated with the site should be adequately addressed. He recommends that if no groundworks are proposed, that a condition to address any unexpected contamination found during the course of the works should be attached to any planning permission otherwise more stringent controls should be put in place. The applicant has confirmed that no groundworks would be involved and I have therefore recommended the said condition.

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, 3/14 and 4/13.

Drainage Infrastructure

8.16 Due to the demolition of the wash bay, the drainage Officer is concerned that the washing of cars on the site may result in pollutants entering the aquatic environment through the lack of appropriate facilities. As the existing car service and operation would be relocated to 19 Mercers Row, the application site would be used only for car sales and I believe car washing service would take place only at 19 Mercers Row. However, in order to avoid pollution to the aquatic environment, a condition is recommended to prevent car washing on site.

Highway Safety and Car Parking

8.17 The adjacent business, Cambridge Vehicle Service Ltd, objects to the proposal on the grounds that the proposed development by virtue of intensification of business use would increase the demand for parking on Swanns Road. The proposed drawings show that the development would provide the same number of staff car parking spaces and a few more customer car parking spaces. The submitted Transport Statement suggests that the new development would attract significantly less vehicle movements. The Local Highways Authority states that the proposal has demonstrated to its satisfaction that the proposal would be unlikely to result in any significant adverse impact

upon the public highway should it gain the benefit of planning permission and I agree with this view.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2 and 8/10.

Third Party Representations

8.19 The objection received has been addressed above.

Conclusion

8.20 I consider it has been demonstrated that there is sufficient supply of appropriate floorspace in industrial/storage use in the local area and no job losses would result from the proposed development. In this regard I am satisfied that the principle of the development is acceptable and in compliance with Local Plan (2006) Policy 7/3. In addition, I consider the development would not give rise to any detrimental impact upon the visual quality of the area, neighbour amenity, highway safety or the aquatic environment. I therefore consider the proposal to be in compliance with Local Plan (2006) Policies 3/4, 3/7, 3/11, 4/13, 8/2 and 8/18 and I recommend approval of the application.

9.0 RECOMMENDATION

APPROVE, subject to the following conditions:

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

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

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

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

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

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

4. No vehicle washing shall take place within the site without the prior written approval of the Local Planning Authority.

   Reason: The proposal fails to demonstrate how pollutants would be prevented from entering the aquatic environment. (Cambridge Local Plan 2006 Policies 4/13, 8/18)

5. 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 in writing. The remediation shall be fully implemented as approved.

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

PLANNING COMMITTEE **Date: 30TH NOVEMBER 2016**

Application Number	16/1587/FUL	**Agenda Item**	
Date Received	19th September 2016	**Officer**	Michael Hammond
Target Date	14th November 2016		
Ward	Arbury		
Site	58 Harvey Goodwin Avenue Cambridge Cambridgeshire CB4 3EU		
Proposal	Erection of bed-sit/studio to the rear of 58 Harvey Goodwin Avenue, with access from Hale Avenue.		
Applicant	Mr And Mrs Ray Colclough 58 Harvey Goodwin Avenue Cambridge Cambridgeshire CB4 3EU		

SUMMARY	The development accords with the Development Plan for the following reasons: – The proposed dwelling would be in keeping with the character and appearance of the area. – The proposal would provide an acceptable living environment for future occupiers. – The proposed works would not harm the amenity of neighbouring occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is situated to the rear of no.58 Harvey Goodwin Avenue, which is a semi-detached property on the corner of Harvey Goodwin Avenue and Hale Avenue. The area is characterised by dwellings that are mixed in form and style. The site is currently the rear garden area belonging to no.58. Beyond the rear boundary of the site, is a single storey dwelling which faces onto Hale Avenue. The site, subject of this

application, is a small narrow area and is bounded by a timber fence.

1.2 There are no planning constraints.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the erection of a single-storey bed-sit/ studio dwelling on land to the rear of no.58 Harvey Goodwin Avenue.

2.2 The proposed building would be constructed in brick with a slate tiled pitched roof measuring approximately 2.5m to the eaves and 4.35m to the ridge. The building would occupy a floor area of roughly 36m^2. There would be a small patio area to the east of the building which would also include space for the storage of cycles. Bin storage would be to the front of the site behind a low timber fence.

2.3 A previous application (15/2242/FUL) was dismissed at appeal on this site for the proposed erection of a one-and-a-half storey dwelling. This appeal was dismissed due to the unacceptable harm to the character and appearance of the area it would cause. A copy of this appeal decision letter has been attached to the appendices.

3.0 SITE HISTORY

Reference	Description	Outcome
15/2242/FUL	Erection of dwelling at rear of 58 Harvey Goodwin Avenue	Refused – Appeal dismissed.
15/1063/FUL	Erection of dwelling	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 Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/13 5/1 8/2 8/4 8/6 8/10 10/1

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

Central Government Guidance	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)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity.

Environmental Health

6.2 No objection subject to construction hours and piling conditions.

Refuse and Recycling

6.3 No comment received.

Landscape Team

6.4 No objection.

Drainage Officer

Original Comments (04/10/2016)

6.5 The applicant has not demonstrated within the submission that an appropriate surface water drainage scheme can be delivered within the constraints of the site.

Comments on Additional Information (04/11/2016)

6.6 No objection, subject to surface water/ foul water drainage scheme condition.

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 owner/occupier of the following address has made a representation objecting to the application:

- 6 Hale Avenue

7.2 The representation can be summarised as follows:

- Noise and disturbance due to proximity of garden and bike storage area to No.6 Hale Avenue.
- The windows close to the road would be the subject of anti-social behaviour.
- The loss of the garden area would be harmful to the character of the area.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

8.0 ASSESSMENT

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

1. Principle of development

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

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site is surrounded by residential uses and it is therefore my opinion that the proposed residential development is acceptable in principle, and is in accordance with policy 5/1 of the Cambridge Local Plan (2006).

8.3 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remain acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value that gardens contribute to the City.

8.4 Policy 3/10 of the Cambridge Local Plan 2006, Sub-division of Existing Plots, states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

a) have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
b) provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
c) detract from the prevailing character and appearance of the area;
d) adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;

e) adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and

f) prejudice the comprehensive development of the wider area of which the site forms part.

8.5 In my view, criteria d, e and f are not applicable to this site. I consider criteria a, b and c to be relevant in this instance and have assessed the proposal against these in the relevant sections of this report.

8.6 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

8.7 As stated in paragraph 2.3 of this report, the previously dismissed scheme was deemed unacceptable solely on design grounds and the impact it would have on the character and appearance of the area. I have assessed the proposed application against the two main reasons for this dismissal in turn below.

8.8 The previously dismissed scheme proposed a building hard up against the pavement and well forward of the main building line of Hale Avenue which the building would face onto. In addition to this the building would have occupied a large proportion of the plot (44m^2). The inspector deemed that the encroachment of the front building line and limited plot size would have resulted in a layout that would be harmful to the character of the area. In response to this the proposed building line has been set back by roughly 1m from the pavement edge, with the exception of the projecting gable which is 0.8m back. The building footprint has been reduced down to 36m^2 and the reconfiguration of the entrance and bin storage has meant that the amount of usable private outdoor amenity space has increased in practical terms. In my opinion the proposed scheme overcome this specific aspect of the previous reason for dismissal. The dwelling would sit comfortably within the plot, respect the pattern of development in the surrounding area and would provide an acceptable layout that is in keeping with the character of the area.

8.9 The other design concern raised by the inspector was the lack of an active frontage and how the building would consequently appear as an incongruous feature in the street scene. The previous application did not include any windows or main entrances along the elevation fronting Hale Avenue and was comprised of a 9m long blank wall. The proposed application seeks to address this by introducing large windows and a front door on the principal elevation. In my view, the proposed fenestration of this elevation has overcome the previous reason for dismissal and would read as a residential dwelling that engages with the street scene of Hale Avenue. The presence of domestic scale windows and a clear legible entrance to the dwelling would provide a successful active frontage and relate well to the character of the area.

8.10 Overall, I consider the proposed scheme has overcome the issues raised in the previously dismissed application regarding the harm to the character and appearance of the area. A materials sample condition has been recommended to ensure that the materials are in keeping with the surrounding area. A condition restricting the permitted development rights of classes A (extensions) and E (outbuildings/ enclosures) has been recommended to ensure that the level of amenity space is maintained.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.12 The previous application was refused on the grounds that the height and length of the proposed building would adversely enclose the gardens of the host dwelling and neighbour at no.56 Harvey Goodwin Avenue. However, the inspector did not agree with this reasoning and did not include this as a reason for dismissing the appeal scheme.

8.13 The proposed scheme is actually lower in height and narrower in width than the previous application. As the previous application was deemed acceptable by the inspector, in terms of impact on neighbour amenity, and the proposed application

would be reducing the scale and mass, I am of the view that the proposal would not harm the amenity of the host or neighbour dwelling in terms of loss of light or visual enclosure. There are no ground-floor windows facing towards either of these neighbours and the views up from the roof lights would not allow for views across the garden of no.56.

8.14 The 2m high wall close to the nearest front window of no.6 Hale Avenue would not in my opinion visually enclose this neighbour. The proposed building is also set off to the north-west of this neighbour and at single-storey in scale would not harmfully overshadow or visually dominate views from this neighbour. The proposed side facing patio door would only have limited views across the front of this neighbour and would not have any direct or harmful views of this neighbour's windows.

8.15 It is acknowledged that concerns have been raised from no.6 Hale Avenue regarding the noise and disturbance from the future occupants using the patio area. I do not consider the proposal would give rise to unacceptable levels of noise and disturbance. The patio area is situated to the front of this neighbour and away from the main private amenity space to this neighbour which is to the rear. The proposal would be a one-bedroom dwelling and the intensity of use and comings and goings would be relatively low. The site is situated in a residential context and I do not consider the use would be out of keeping with the area. The main entrance would be from the street and the patio would only be accessed for the enjoyment of the future occupiers or for storing bicycles. I do not consider the noise associated with this would adversely impact on the neighbouring windows.

8.16 The proposal is a car free development. The City Council has maximum parking standards. Hale Avenue, Stretten Avenue and Harvey Goodwin Avenue are the subject of high levels of on-street parking as the area is not situated within the controlled parking zone. The site is within walking distance of the Akeman Street and Victoria Road Local Centres which provide local shops and services. Cycle parking would be provided in the patio area and there are good cycle links into the City Centre. There are frequent bus routes into the City Centre provided by bus stops along Gilbert Road, Victoria Road and Histon Road in walking distance of the site. In my opinion, the site is situated in a sustainable location and is not dependent on private car as

the main means of access to and from the site. In the event that the future occupants do own cars, I do not consider the level of development proposed would displace on-street parking to such an extent as to adversely impact residential amenity in the surrounding area.

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 proposal would provide habitable rooms to all of the habitable rooms for the one-bedroom dwelling. There would be a reasonable sized patio area to the side of the dwelling and space for the storage of bins and cycles. The site is situated in a sustainable location, close to Local Centres, and well served by public transport and cycle links into the City Centre. A condition restricting the permitted development rights for the site has been recommended to ensure that there would be sufficient outdoor space for future occupants.

8.19 In my opinion, subject to condition, the proposal provides an acceptable 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

8.20 The proposal would provide space for two bins behind a low timber fence in the north-west corner of the site. The position of the bins would be shielded by the fence and I do not consider this would detract from the character and appearance of the area. There would be no full-sized green bin provided in the designated waste storage area. However, given the lack of any green garden space and the one-bedroom size of the dwelling, I do not consider a full-sized green bin would be needed. The future occupants could make provision for a small green bin to be stored internally if needed but I do not consider this detail needs to be conditioned or dealt with as part of this application.

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

Highway Safety

8.22 No works to the public highway are proposed and the Highway Authority has raised no objection to the application.

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

Drainage

8.24 The application proposes a large quantity of hardstanding on the site. Following concerns raised by the Drainage Officer, the agent has confirmed that surface water will be dealt with by means of a soakaway within the host dwelling's garden and that paving would be semi-permeable or block paviours. The Drainage Officer is satisfied with this approach in principle and has recommended a condition requiring the full details of this to be agreed prior to commencement of development.

8.25 In my opinion, subject to condition, the proposal is compliant with Paragraph 103 of the National Planning Policy Framework (2012).

Car and Cycle Parking

8.26 Car parking has been addressed in paragraph 8.16 of this report. A car club informative has been recommended.

8.27 The application indicates that cycle parking would be provided in the proposed patio area. Whilst this position is acceptable in principle, further information regarding the type and number of cycle parking spaces is required. Given the level of development proposed, I am confident that this can be dealt with through condition.

8.28 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.29 The concerns regarding noise and harm to the character of the area have been addressed in the main body of this report.

8.30 The concern regarding anti-social behaviour to the proposed front door and windows is a police matter. The proposal would provide an active frontage onto the street, similar to that of other properties in the area, and I do not consider future occupants would experience a poor living environment.

Planning Obligations (s106 Agreement)

8.31 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

8.32 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

9.1 I consider the proposed development would not harm the character and appearance of the area and overcomes the reason behind the previous scheme being dismissed at appeal. The proposal would provide an acceptable living environment for future occupants and would not harm the amenity of neighbouring properties.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

   Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and 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 enlargement, improvement or other alteration of the dwellinghouse; and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

   Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling and to protect the character of the area (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

7. Prior to commencement of development a scheme for the disposals of surface water and foul water shall be provided to and agreed in writing with the local planning authority. All external areas should utilise permeable surfaces. The development shall be carried out in accordance with the approved scheme.

   Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

8. Prior to occupation of development, details of facilities for the 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 the development is occupied.

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

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 **DATE: 30TH NOVEMBER 2016**

Application Number	16/0990/FUL	**Agenda Item**	
Date Received	31st May 2016	**Officer**	Sav Patel
Target Date	26th July 2016		
Ward	Romsey		
Site	1 Great Eastern Street Cambridge CB1 3AB		
Proposal	Demolition of existing frontage building (1 Great Eastern Street) and replace with 2no. flats (as approved under application 14/0607/FUL), alteration to the cycle / refuse area and minor fenestration alterations.		
Applicant	N/A c/o Agent		

SUMMARY	The development accords with the Development Plan for the following reasons: – The proposed replacement of the front façade with matching brickwork and design would help to maintain the traditional appearance of the original property and preserve the character and appearance of the Conservation Area. – The proposed alterations to the rear and side are of a minor nature and would not have any significant adverse impact on the character and appearance of the Conservation Area. – The proposed alterations would not have any significant adverse impact on the residential amenity of the adjacent neighbours.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site consists of a two storey end of terrace property located on the western side of Great Eastern Street. This primarily residential area is characterised by two storey terrace housing fronting the back edge of the pavement. To the south of the site is a car park and play area. To the west of the site is the railway line.

1.2 The site is located within the Mill Road Conservation Area. There are no Listed Buildings or Building of Local Interests within close proximity of the site.

2.0 THE PROPOSAL

2.1 The proposal is for the demolition of the existing frontage building, No. 1 Great Eastern Street, which is in office use, and the construction of a new two storey building consisting of two flats. It follows a previous consent on a larger site that included a replacement building for 4 flats to the rear and a similar proposal for the frontage building No. 1 albeit that the front façade of this building was to be retained. The new proposal also includes alterations to the cycle store, refuse area and minor alterations to the fenestration for the front and side of the building. This planning application does not include any alterations to the approved building to the rear of No.1 which consists of four flats. It is the applicant's intention to part implement the previous consent in relation to the consented redevelopment to the rear and to implement this new proposal to rebuild No. 1 without having to retain its front façade.

Background

2.2 Planning permission (ref: 14/0607/FUL) was granted in January 2015. The site encompassed the frontage building, No. 1 and land to the rear. The planning permission was for the conversion and extension of the existing frontage building from office into two flats and the erection of a building in the rear garden area following demolition of the existing outbuilding to provide 4 flats with associated provisions. The frontage building was not consented to be demolished and the front façade was shown to be retained.

2.3 The planning application was originally presented to East Area Committee on 31 July 2015 but was deferred due to members not been given or being made aware of the relevant appeal decision on the site which related to planning application 11/0351/FUL and Conservation Area Consent (CAC) ref: 11/0865/CAC. The CAC application related to the demolition of the existing outbuildings. The 11/0351/FUL application was for the change of use and side extension to the frontage building from office into two flats and erection of a building at the rear to provide 6 flats following demolition of the existing outbuildings.

2.4 The Inspector ruled that the design of the building would not harm the character of the Conservation Area, and that the residential amenity of occupiers of no. 5 would not be harmed. However, he considered that the enclosing impact of the building on the garden of no.3, the absence of appropriate amenity space for future occupiers of the scheme, and the impact on the adjacent Tree of Heaven all meant the appeal should be dismissed. He also dismissed the appeal on the associated Conservation Area Consent application saying that in the absence of an acceptable scheme to replace, the loss of the existing outbuildings was not justified, despite the fact that they did not enhance the character of the Conservation Area.

2.5 The 2014 scheme (14/0607/FUL) was revised to accommodate the issues raised by the inspector. The revision consisted of the following:

1. The single-storey element along the common boundary with number 3 Great Eastern Street was removed;
2. The main two storey rear building was set further away from the common boundary with number 3 by a further 2m, giving a 3m gap rather than the 1.3m gap in the dismissed appeal scheme
3. The new bin and bike store was set in from the common boundary with number 3 by 2m;
4. The roof over the existing two-storey wing was increased in height
5. The existing single-storey flat roof is to be a lean-to.

2.6 Prior to the determination of the 2014 application a Development Control Forum was held with local residents and the developer to discuss possible alterations to improve the scheme. Prior to the DCF the applicant submitted amended

plans which showed, amongst other minor alterations, the garden of number 3 Great Eastern Street being extended by 2 metres into the application site, effectively transferring ownership to the neighbouring resident.

2.7 The minutes of the East Area Committee note the concerns raised by local residents but made no reference to the scheme being reliant on extending the rear garden of no.3 GES by 2 metres. Furthermore, the original plans were listed on the final decision notice rather than the revised plans showing the additional land given to no.3.

3.0 SITE HISTORY

Reference	Description	Outcome
11/0351/FUL	Change of use and side extension to the frontage building from an office to create 2no 1 bed flats; and erection of 6 studio apartments at the rear (following demolition of existing rear buildings), together with associated infrastructure.	Non-determination – appeal dismissed.
11/0865/CAC	Demolition of existing rear outbuildings.	REFUSED – dismissed at appeal
14/0607/FUL	Conversion and extension of existing frontage building from office to 1no. flat and 1 studio flat; and erection of 4 studio flats to the rear (following demolition of existing outbuildings), together with associated infrastructure.	APPROVED
16/0146/NMA	Non material amendment on application no 14/0607/FUL to add condition linking planned drawing nos.	APPROVED

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/10 4/11 5/1 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 (Appendix A) Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential

	Developments (2010)
	Area Guidelines 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 The proposal should have no significant impact on the public highway subject to the following informatives:

- Traffic Management Plan;
- No structures to overhang the highway;
- Public utility apparatus;

Environmental Health

6.2 The proposed development is acceptable subject to the following conditions and informatives:

- Demolition/Construction hours;

- Piling;
- Dust;
- Dust informative
- Contaminated land informative

Head of Streets and Open Spaces (Landscape Team)

6.3 The proposal is acceptable.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.4 The proposal is acceptable subject to condition on maintenance and management of surface water drainage.

Urban Design and Conservation Team

6.5 The proposals for the alterations to the fenestration and the cycle/refuse area are acceptable as they will not impact on the character or appearance of the conservation area. By demolishing the whole building, the total loss of historic fabric will be that shown on drawing number 2446-P78. When balanced against the public benefit of a rebuilt façade in appropriate brick and mortar, the Conservation Team believe that the rebuilt façade would better preserve the character and appearance of the conservation area than the patched in alternative. The following conditions have been recommended:

- Sample panel;
- Matching brickwork;
- Stonework details;
- Joinery materials;
- Joinery details matching;
- New joinery;
- Roofing details;

Drainage Officer

6.6 The proposed development is acceptable subject to condition on maintenance and management of surface water drainage.

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:

- 3 Great Eastern Street;
- 5 Great Eastern Street;
- 17 Great Eastern Street;
- 96 Cavendish Road;

7.2 The representations can be summarised as follows:

- Demolition of the frontage does not maintain the integrity of a key building at the start of Great Eastern Street;
- Demolition of the building based upon cost and convenience;
- An entirely new building will change the character of the entry into Great Eastern Street;
- Concerns with the potential noise impact from the changed siting of bin area;
- Maintain the initial objections to the whole development as outlined previously;
- Permission would never have been granted if the committee knew of the developer intention to demolish the building;
- No.1 is the most important building in the terrace being visible from Mill Road;
- Replacing the frontage will change the reason the area was made a Conservation Area;
- The proposal would negatively impact the street and ruin the look of the street;
- Cramming too many dwellings on to one site;
- The row of terrace houses should be preserved for generations to come;

7.3 Cllr Baigent has requested this application be referred to the planning committee for the following reasons:

- Object to the proposed loss of the original brickwork which should not change;
- Concerns with how the material from the demolition work will be taken from the site without considerable impact on Great Eastern Street in regards to the means of removal and dust.
- Unacceptable to use the car park for lorries or to move the height restriction.

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. Refuse arrangements
4. Car and cycle parking
5. Third party representations

Context of site, design and external spaces

8.2 Great Eastern Street is characterised mainly by two storey terrace housing dating to between 1860s or 1870s. The houses in Great Eastern Street were originally built for and occupied by railway workers working on the Eastern Counties line. They are modest in scale with flat frontages, gault brickwork and located on the back edge of the pavement. No.1 currently has facing yellow buff brick work with sash windows on the front elevation and a white render cement side gable with a small window at ground floor level. Unlike the other properties, no.1 benefits from two first floor windows in the front elevation. This appears to be due it being a wider property than the rest. Within the terrace row there are some properties which have painted brick work on the front elevation and some dwellings have darker brick tones. There are also some properties which have replaced the original sash windows with UPVC casement windows. Therefore whilst there is a general consistency with the scale of the houses, the houses on both sides are varied in terms of external treatment. However there appears to be a general consistency with the lintel detail and fanlight above the front door and dentil features below the eaves. This general consistency is acknowledged in the Mill Road Conservation Area Appraisal (2011). The properties in Great Eastern Street, apart from two (no.31 and 35), are identified as being 'Positive Unlisted Buildings. Properties that are identified as being 'Positive Unlisted Buildings' vary but commonly they are good examples of relatively unaltered buildings where their style,

detailing and building materials provide the streetscape with interest and variety. Most importantly, they make a positive contribution to the special interest of the Conservation Area.

Front façade and side elevation

8.3 The proposal differs from the approved scheme in that it is proposed to demolish the front façade (along with the remainder of the building which has already been approved under the previous consent) and replace it with matching brickwork and replicate the existing design. The front façade has in the past been sandblasted and repointed, which has deteriorated the quality of the brickwork. The quality of the existing brickwork therefore makes it difficult to blend and tie in any new bricks into the retained fabric of the facade without carrying out significant work to each connecting brick. The proposal is to try and reuse, where possible, recovered bricks which have not been damaged by sandblasting in the rebuilding of the front façade. However, this will be subject to the condition of each brick when assessed. The proposal to use matching bricks and to replicate the design would avoid the need to see patched brickwork around the new side door, ground floor and junction between the existing and new side extension which would have been visible if the approved scheme was implemented. Whilst this would retain some of the historic fabric of the original property it would appear incongruous within the streetscene and undermine the heritage value of the terrace. As such it would fail to preserve or enhance the character of the Conservation Area.

8.4 Paragraph 4.40 of the Local Plan (2006) states that when considering the demolition of buildings which contribute positively to the character of a Conservation Area the same tests would apply to the demolition of a Listed Building. Policy 4/10 (Listed Buildings) states that works for the demolition of Listed Buildings will not be permitted unless:

a. *The building is structurally unsound for reasons other than deliberate damage or neglect;*
b. *It cannot continue in its current use and there are no viable alternative uses; and*
c. *Wider public benefit will accrue from redevelopment.*

8.5 It is important to understand that the principle of demolishing the side, rear and roof of the existing building has already been established through planning permission ref: 14/0607/FUL which is extant. Therefore, the only element for consideration is whether the removal of the existing front façade would conflict with policy 4/10. In my view, the proposal to use matching bricks and reuse reclaimed bricks, where possible, would provide a better finish and outcome overall than retaining the existing façade and patch working in brick work to accommodate the approved scheme. The building is not a Listed Building and has not been singled out in the Area Appraisal as a building of special interest. I agree with the Conservation Officer that the proposed approach of taking down and rebuilding the front façade to the same design using a matching brick (and where possible reclaimed bricks) would preserve the character and appearance of the Conservation Area. The proposal would also ensure the replacement windows match the existing sash windows. I have recommended conditions to ensure the joinery detail matches the existing to ensure the proposed alterations respect the original appearance of the property. Therefore, the proposal to replace and rebuild the front façade is acceptable and would ensure a better outcome in order to preserve the intrinsic heritage value of the street. Drawing no.2446-P78 (Estimated extent of replacement brickwork) demonstrates the area and amount of patchwork that could potentially be required. The patchwork would be in and around important areas of the front facade which would be very noticeable.

8.6 Therefore, I consider the proposal would be compliant with section c) of policy 4/10 (as detailed above). The proposed rebuilding of the front façade would, once completed using materials that have been agreed through appropriate conditions that would also ensure the brickwork exactly matches the historic work nearby in terms of bond, mortar, mix design, joint thickness, pointing technique, brick dimension, colour and texture, will achieve a much better outcome than the consented patch brickwork approach.

8.7 The proposal includes a break/step in the side (south) elevation. In the approved scheme the side gable including a single storey rear element extended up to the side boundary. The proposal is for the single storey element, which consists of the ground floor and first floor terrace to be set 300mm off the boundary and the

main two storey gable to remain on the boundary. This alteration is acceptable, as it would create a shadow line/break in the side elevation and gives architectural interest to the side elevation which is most visible from the public realm. This alteration would not have any detrimental visual impact on the character or appearance of the Conservation Area.

Bin and cycle storage

8.8 The proposal also includes the rearrangement of the approved bin and cycle storage provision. In the approved scheme (ref:14/0607/FUL), the bin store opened out onto the shared space and would have required future residents to have to travel further to put out the bins for collection. However, as part of the discharge of condition 9 (bin storage - 14/0607/COND9A), the applicant submitted revised details showing what is now proposed and the condition has been discharged on this basis following approval by the Council's Waste Team. The proposed arrangement is for the bin store to open onto the side passage via a sliding door. This reduces the travel distance for future occupiers, makes the cycle parking more secure and would improve the use and visual appearance of the shared space. The revised bin store arrangement is therefore an acceptable alteration to the original.

8.9 In terms of the cycle store, this has been rotated 90 degrees so that it opens onto the shared space to the rear of the property rather than the side passage. This would make it more convenient and accessible to parking and removing cycles. The store would continue to have sliding doors and provide four cycle stands. The relocation of the cycle store would mean that it would be more secure as it would be located centrally and in a part of the site that would be under natural surveillance. It would also reduce conflict with anyone parking or taking out a bike with anyone entering or leaving the site. Details of the cycle parking arrangement was not conditioned so no further information is required to be submitted. In these terms, therefore, I am satisfied that the revised cycle parking arrangement is acceptable as it would be an enhancement over the approved scheme.

Rear elevation

8.10 The approved shallow pitched glazed and standing seam metal roof covering of the cycle store is proposed to be replaced with a deeper pitched lean-to roof with slate. The size of the roof would also be reduced in width. The roof in the approved scheme extended across to the boundary with no.3. The proposal would remove this and the roof would only cover the area for the cycle store. The proposed revision to the roof form and material (standing seam to slate) would be in keeping and relate better to the original features of the property.

8.11 The other proposed minor alteration to the rear elevation is to replace the first floor window in the rear elevation with a door. This is acceptable as it would not have any adverse visual impact on the area.

South (side) elevation

8.12 The first floor door in the side elevation of the two storey outrigger would be replaced with patio doors which open out onto a terrace. This is a minor alteration and is acceptable as it would not impact on residential amenity or adversely affect the appearance of the side elevation.

8.13 Part of the side boundary wall would be increased in height by 500mm from 2.5 metres to 3 metres but the overall height of the boundary (brick wall and railing) would continue to be 3.7 metres. This alteration is acceptable and would not have a detrimental impact on the character or appearance of the Conservation Area.

8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/10, 4/11 and 8/6

Residential Amenity

Impact on amenity of neighbouring occupiers

8.15 The proposed alterations would not have any adverse impact on the residential amenity of the adjoining neighbours over and above that which would be experienced from the approved scheme. In the approved scheme, the impact on the residential amenity of the adjacent occupiers was carefully assessed in terms of overlooking, overbearing impact and overshadowing. The proposed scheme does not raise any new or make worse

any existing residential amenity issues on adjacent occupiers than the approved scheme. The proposed amendments would overall result in a status quo but it could be argued that the revised roof detailing for the cycle store would improve the relationship with the occupier of no.3.

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

Amenity for future occupiers of the site

8.17 The proposed alterations to the ancillary provision would improve the living environment for future occupiers.

8.18 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 *(or 3/14).*

Third Party Representations

8.19 I have addressed some of the third party representations in the above section of the report. However, for the issues that I have not responded to I address these in the below table:

Representation	**Response**
Demolition of the frontage does not maintain the integrity of a key building at the start of Great Eastern Street;	See para 8.3 to 8.6
Demolition of the building based upon cost and convenience;	The demolition of the front façade would enable a better finish to the property which would preserve the character and appearance of the Conservation Area.
An entirely new building will change the character of the entry into Great Eastern Street;	The principle of demolishing the side, rear and roof has already been established. The proposed approach to deal with the front elevation is

	considered to be better than the approved patchwork approach.
Concerns with the potential noise impact from the changed siting of bin area;	The impact from noise generated from the change to the bin store would be no worse than the approved arrangement.
Maintain the initial objections to the whole development as outlined previously;	The objections to the original scheme were addressed in the previous report.
Permission would never have been granted if the committee knew of the developer intention to demolish the building;	Each planning application is considered on its own merits.
No.1 is the most important building in the terrace being visible from Mill Road;	The Area Appraisal does not give no.1 any enhanced status over the other Positive Unlisted Buildings in the terrace. The gable end of the property would be the most visible aspect of the property. Consent has already been established to take this down and rebuild it.
Replacing the frontage will change the reason the area was made a Conservation Area;	I have recommended a materials condition and brickwork condition to ensure the appearance of the new brickwork matches the existing. I am satisfied with this would result in a better outcome than the approved patchwork approach.
The proposal would negatively impact the street and ruin the look of the street;	As above.
Cramming too many dwellings on to one site;	The number of dwellings on the site has already been established.
The row of terrace houses should be preserved for generations to come;	The extension to the frontage property has already been established. The new brick will

	match the existing to ensure continuity with the rest of the street.

9.0 CONCLUSION

9.1 The proposal to demolish the existing front façade which was to be retained as part of the approved scheme (140/0607/FUL) would result in a better outcome for the benefit of the public. The approved scheme would have resulted in a patchwork of brickwork by knitting in the original façade into the new elements. This would have resulted in areas of patch brickwork around the new undercroft side passage, around the ground floor window and between the existing and new side extension. By taking down the entire brickwork façade of the front elevation, it would allow for consistent brickwork which matches the brickwork design of the original terrace. I am satisfied that the harm of demolishing the front façade would be outweighed by the public benefit of seeing a better finished facade which respects and preserve the character and appearance of the Conservation Area.

9.2 The other minor alterations are acceptable as they would not have a detrimental impact on the character or appearance of the area.

9.3 The proposed alterations would not have any adverse impact on the residential amenity of the adjoining neighbours over and above the approved scheme.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

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

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

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

5. No development shall 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

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

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

7. All new brickwork shall match exactly the historic work nearby in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture, etc.

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

8. 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 bricks from the demolished building are to be re-used unless otherwise agreed by 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)

9. No stonework, artificial or natural, (including columns, strings, quoins, lintels, sills, copings, plinths or kneelers) is to be erected until details of the source, colour, texture, coursing, mortar mix design, joint type and thickness and pointing technique, have been submitted to, and approved in writing by the local planning authority in the form of large-scale drawings and/or samples. If so required by the local planning authority, the latter may need to be submitted as a panel, which must be retained on site for comparative purposes until the development is completed. 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)

10. All new joinery is to be of timber and not metal or plastic.

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

11. All new joinery works shall match exactly the existing in every respect including material, style, moulding detail and workmanship unless otherwise agreed in writing by the local planning authority.

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

12. 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)

13. 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)

14. 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

15. No development shall take place until details of the maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

    INFORMATIVE: If previously unidentified contamination is encountered whilst undertaking the development, works should cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the LPA. Remedial actions should then be implemented in line with the agreed remediation scheme and a validation report will be provided to the LPA for consideration.

    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

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012
http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

INFORMATIVE: Traffic Management Plan condition informative

The principle areas of concern that should be addressed are:

i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

INFORMATIVE: 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: 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.

Agenda Item

CAMBRIDGE CITY COUNCIL

REPORT: Toby Williams
TO: Planning Committee
WARDS: Market

Planning Update Report, 30 November 2016

64 Newmarket Road, 14/1905/FUL

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1 **INTRODUCTION**

1.1 This application was reported back to the 3 February 2016 Planning Committee as part of the Adjourned Decision Protocol. The officer recommendation of approval for the scheme was supported at that meeting and the Committee resolved to approve planning permission subject to the completion of a S106.

1.2 The officer recommendation included a requirement for a clause in the S106 agreement to secure direct odour mitigation at the Orchid Restaurant, which is adjacent to the site. This was because the restaurant does not currently have any form of odour abatement other than high level discharge and standard grease filters and the proposal would place residential windows/balconies close to and higher than the extract. This has the potential to expose future residents to cooking odour.

1.3 The upgrade of the kitchen extraction/odour was dependent on the acceptance and cooperation of the Orchid Restaurant. Since the grant of planning permission, the applicants have engaged a consultant to assess and work-up a detailed system for the restaurant. The size and cost of this system is substantial and it would involve significant structural alterations to the roof of the restaurant. The applicants have stated that the restaurant owners are unwilling to agree to these works or to incur yearly maintenance costs arising. As such, it has not proven possible to agree mitigation of the odour at source as originally envisaged.

1.4 As part of the scheme, a number of rooms in close proximity to the plant on the roof of Orchid restaurant had to have non-openable windows overlooking the plant (east façade) because of potential noise issues with its operation. The applicants are now proposing that a number of additional rooms (within an approximate 40m radius of the plant) on the east façade of the

development would be sealed and mechanically ventilated from the west side of the building to remove any issue of reasonable complaint arising.

1.5 Three windows as part of the original consent would have been sealed. The revised proposal affects 25 windows. The windows mainly serve bedrooms and are single aspect.

1.6 I have asked the Environmental Health officer whether it would be acceptable for the occupants of the bedrooms to have the option of either mechanical ventilation or openable windows to enable choice, as the plant would not always be operational. However, they have confirmed their view that future residents would have reasonable cause for complaint if an openable window were provided and odour impacted upon them and that the Council would have no recourse to insist on mitigation by the restaurant because it was operating with the plant in place prior to the development coming forward. In this scenario, the Council would be culpable of allowing an unacceptable impact to occur.

1.7 I recognise that the proposed solution would reduce the amenity for future residents to a degree but the main outlook and amenity is onto Severn Place to the west and not to the rear to the east over the restaurant. These units typically have west facing kitchen-diners and living rooms leading onto a large balcony or raised garden terraced area. My view is that the residents of the scheme would still be afforded a good level of amenity.

1.8 I am of the opinion that the revised proposal would provide a good living environment and is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 4/13.

2.0 CONSULTATIONS

2.1 Environmental Health Officer: Supports the revised arrangement

3.0 CONCLUSION

3.1 The revised treatment for the windows should be accepted together with two new conditions proposed in the recommendation.

4.0 **RECOMMENDATIONS**

4.1 To **APPROVE** the planning application in line with the previous recommendation, subject to:

1: Removal of the S106 requirement for at source mitigation of odour from the Orchid Restaurant.

2: Imposition of two new conditions to read as follows:

<u>37: Non opening windows/doors – compliance</u>

To mitigate against adverse odour and noise impact, all non-opening windows and doors as highlighted in yellow within the Alison Brooks Architects Ltd Drawings (East facing elevation - Block A-G, ref: 2348_A_SE_XX_0152, dated 29/6/16 and Second Floor Plan as repeated on other levels 161.02.103 REVA, dated 26/10/16) shall be fully installed, maintained as non-opening and not altered.

Reason: In order to protect the amenity of future residents (Cambridge Local Plan policy 4/13).

38: Mechanical ventilation to serve non opening window rooms

Prior to the commencement of development above ground floor level, details of an alternate ventilation scheme for the accommodation units with non-opening windows/doors specified in condition 37, shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall source air from the West façade of the development, away from traffic and odour sources. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed before the use hereby permitted is commenced. The scheme shall be retained and shall not be altered.

Reason: In order to protect the amenity of future residents (Cambridge Local Plan policy 4/13).

5 IMPLICATIONS

(a) **Financial Implications:** None

(b) **Staffing Implications**: None

(c) **Equality and Poverty Implications:** None

(d) **Environmental Implications:** None

(e) **Procurement:** None

(f) **Consultation and communication:** None

(g) **Community Safety:** None

6 BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

-3 February 2016 Planning Committee Report for 14/1905/FUL

The author and contact officer for queries on the report is Toby Williams on extension 7312.

Report file:

Date originated:	17 November 2016
Date of last revision:	17 November 2016