

# Public Document Pack



## 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: Thursday, 22 December 2016*

**Date:** Wednesday, 4 January 2017  
**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**

Minutes to follow

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

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

**5 15/1759/FUL MURDOCH HOUSE** *(Pages 17 - 110)*

**6 16/6001/S106A - BRUNSWICK HOUSE** *(Pages 111 - 156)*

**7 16/1164/FUL - FORMER COACH DEPOT - 4B KILMAINE CLOSE** *(Pages 157 - 186)*

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

**8 16/1044/FUL - LAND ADJACENT TO 4 STANLEY ROAD** *(Pages 187 - 200)*

**9 16/1087/FUL - 423-425 NEWMARKET ROAD** *(Pages 201 - 216)*

**10 16/1464/FUL - CHERRY HINTON HALL** *(Pages 217 - 252)*

**11 16/1465/LBC - CHERRY HINTON HALL** *(Pages 253 - 270)*

**12 15/2121/FUL - NETHERHALL FARM** *(Pages 271 - 288)*

- 13 **16/1794/S73 - FORMER PENNY FERRY, 110 WATER STREET** (*Pages 289 - 302*)
- 14 **16/0837/FUL - 95 BARTON ROAD** (*Pages 303 - 338*)
- 15 **16/1234/FUL - 17 HILLS AVENUE** (*Pages 339 - 360*)
- 16 **16/1733/FUL - LAND ADJACENT TO 2 GRAY ROAD** (*Pages 361 - 374*)
- 17 **16/1695/FUL - 8A BABRAHAM ROAD** (*Pages 375 - 394*)
- 18 **16/1457/FUL - 125 MILTON ROAD** (*Pages 395 - 414*)
- 19 **16/0624/FUL - 10 MILTON ROAD** (*Pages 415 - 432*)

<b>Part 3: General and Enforcement Items</b>
--

- 20 **TREE WORKS REPORT (16/462/TTCA) - NEWNHAM CROFT PRIMARY SCHOOL** (*Pages 433 - 440*)

## Meeting Information

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

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

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

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

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

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

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

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

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

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

Members of the public who want to speak about an

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

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

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

Further information is available at

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

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

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

### **Representations on Planning Applications**

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

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

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

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

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

**Filming,  
recording  
and  
photography**

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

**Facilities for  
disabled  
people**

Level access to the Guildhall via the Peas Hill entrance.

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

Accessible toilets are available on the ground and first floor.

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

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

**Queries on  
reports**

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

**General  
Information**

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

**Mod.Gov App**

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

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

(updated August 2015)

### **1.0 Central Government Advice**

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

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

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

Guidance is provided in relation to the following:

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

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

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

1.4 **Community Infrastructure Levy Regulations 2010**

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

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

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

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

have been entered on or after 6th April 2010

**Development Plan policy**

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



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

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

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

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

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

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

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

5/7 Supported housing/Housing in multiple occupation

5/8 Travellers

5/9 Housing for people with disabilities

5/10 Dwelling mix

5/11 Protection of community facilities

5/12 New community facilities

5/15 Addenbrookes

6/1 Protection of leisure facilities

6/2 New leisure facilities

6/3 Tourist accommodation

6/4 Visitor attractions

6/6 Change of use in the City Centre

6/7 Shopping development and change of use in the District and Local Centres

6/8 Convenience shopping

6/9 Retail warehouses

6/10 Food and drink outlets.

7/1 Employment provision

7/2 Selective management of the Economy

7/3 Protection of Industrial and Storage Space

7/4 Promotion of cluster development

7/5 Faculty development in the Central Area, University of Cambridge

7/6 West Cambridge, South of Madingley Road

7/7 College and University of Cambridge Staff and Student Housing

7/8 Anglia Ruskin University East Road Campus

7/9 Student hostels for Anglia Ruskin University

7/10 Speculative Student Hostel Accommodation

7/11 Language Schools

8/1 Spatial location of development

8/2 Transport impact

8/4 Walking and Cycling accessibility

8/6 Cycle parking

8/8 Land for Public Transport

8/9 Commercial vehicles and servicing

8/10 Off-street car parking

8/11 New roads

8/12 Cambridge Airport

8/13 Cambridge Airport Safety Zone

8/14 Telecommunications development

8/15 Mullard Radio Astronomy Observatory, Lords Bridge

8/16 Renewable energy in major new developments

8/17 Renewable energy

8/18 Water, sewerage and drainage infrastructure

9/1 Further policy guidance for the Development of Areas of Major Change

9/2 Phasing of Areas of Major Change

9/3 Development in Urban Extensions

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

10/1 Infrastructure improvements

#### Planning Obligation Related Policies

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

#### 4.0 Supplementary Planning Documents

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

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

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

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

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

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

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

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

5.0 **Material Considerations**

5.1 **City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.2 Area Guidelines

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

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

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

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

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

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

Historic open space guidance.

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

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

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

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

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

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

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

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

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

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

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

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



<b>Application Number</b>	15/1759/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	12th November 2015	<b>Officer</b>	Sarah Dyer
<b>Target Date</b>	11th February 2016		
<b>Ward</b>	Trumpington		
<b>Site</b>	Murdoch House 40 - 44 Station Road And Remains Of Former Silo Associated With Fosters Mill Cambridge Cambridgeshire CB1 2JH		
<b>Proposal</b>	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.		
<b>Applicant</b>	C/o Agent United Kingdom		

<b>SUMMARY</b>	Officers have considered the 'minded to refuse' reasons put forward by the Planning Committee in November 2016. The advice from officers is that these do not present a sound basis for a refusal of planning permission in this case.
<b>RECOMMENDATION</b>	APPROVAL subject to planning conditions and completion of a s106 Agreement.

**UPDATE**

**0.0 Introduction**

0.1 This application was reported to the 2 November 2016 Planning Committee with an officer recommendation of approval. During

the consideration of the application, Members of the Committee raised a number of concerns about the proposal. The Committee voted not to accept the officer recommendation of approval and a decision on whether to approve or refuse the application was subsequently deferred because the Adjourned Decision Protocol (ADP) was triggered. The Committee agreed a motion that they were minded to refuse the application for a number of reasons. The City Development Manager advised the Committee that the ADP applied because the risks of refusing planning permission on the basis of the areas of concern expressed by Committee members was greater than low and further investigation of the issues was required. The Committee agreed that a report should be brought back to a subsequent committee meeting to help inform making a decision.

- 0.2 To ensure safe decision making, members of the planning committee absent from the previous discussion should not take part in the resumed debate. The purpose of the resumed debate is for Committee to determine if their original minded-to resolution is still appropriate should be amended, or whether the original officer recommendation should be followed.
- 0.3 Further analysis is therefore required to understand the policy framework for the potential issues and possible reasons for refusal, to consider any relevant legal advice, relevant appeals and any other guidance available to members to help inform a decision. Officers have also had an opportunity to discuss the issues with the applicants, who have provided a full response, amended plans and further supporting information.
- 0.4 The Committee will recall that the ADP was introduced following a report to Planning Committee in January 2014 which considered the Council's performance on planning appeals with particular reference to the planning appeal at 32-38 Station Road (Wilton Terrace) and a further report in April 2014 which followed a review of the case. The ADP was adopted by Planning Committee at the meeting in September 2014 following consultation with Environment Scrutiny Committee and Full Council.

- 0.5 The Committee should also note that works are ongoing to demolish the remains of the Silo under application ref. 16/1159/FUL (Demolition of silo remains and use of site for temporary buildings and structures required for construction works associated with the redevelopment of CB1) which was approved under delegated powers in September 2016.

### **Key Issues**

- 0.5 The following issues were raised by Members of the Planning Committee as potentially forming 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.
- 0.6 Officers also advise that if Committee are minded to refuse the application, an additional reason for refusal should be added to the decision to address the fact that the necessary mitigation measures have not yet been secured via a section 106 Agreement. It is anticipated that in the event of an appeal it would be possible to negotiate a suitably worded Agreement to address the reason for refusal. Delegated authority would be needed for this. A suggested refusal reason is set out at

paragraph 0.52.

- 0.7 The applicant's agent has submitted further information in response to the Committee's decision. This information has been placed in the public domain and comprises the following:
- o Revision to the plans to include a community room in the ground floor of Block I1.
  - o Commitment to make the community room available at no cost to the community for a period of 5 years following occupation of Blocks I1 and K1.
  - o Revision to cycle parking provision including automatic doors, removal of unnecessary doors, addition off gauge cycle parking spaces and access to the basement via the car lift for off gauge cycles (Off gauge cycles are those with large front baskets, child seats, carriers etc.)
  - o Reference to NPPF and NPPG advice regarding assessment of design
  - o Further illustrative material to show the comparison between the consented scheme at Outline planning stage and the current proposals

I will refer to these submissions in my assessment below.

### **Minded to Refuse Reason One- Design of Block K1**

- 0.8 Committee reached the view that Block I1 which replaces Murdoch House is acceptable in design terms. My further assessment therefore focuses on Block K1 only.

#### Planning policy context

##### *National Planning Policy Framework 2012 (NPPF)*

- 0.9 In my view the following paragraphs in the NPPF are of particular relevance in this case:

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

62. Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review.<sup>13</sup> In general early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel. (The applicant's agent also highlights this advice)

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

*National Planning Policy Guidance (NPPG)*

0.10 The following guidance is of particular relevance in this case:

Paragraph 035 - Design Review is a tried and tested method of promoting good design and is an effective way to improve quality. Local planning authorities should have local design review arrangements in place to provide assessment of proposals and to support high standards of design. Local

authorities should, when appropriate, refer major projects for a national design review. Design review is most effective if done at the early stages of an application, and in many cases local authorities charge for this as part of a pre-application service.

Local authorities can source design reviews in a variety of ways. They could, for example, choose to appoint their own design review panel or share resources with other local authorities or outsource to external organisations.

Developers can apply for planning permission without going through a design review panel. However schemes that have been through the design review process, and have developed positively in response to the recommendations from the design review panel, are less likely to be refused planning permission on the grounds of poor design.

The purpose of design review is to improve the design quality of new development. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel. (The applicant's agent also highlights this advice)

Paragraph 037 - Decisions on planning applications should clearly support the design objectives in the Development Plan. If a local authority decides that an application should be refused on design grounds there should be a clear explanation of the decision.

*Cambridge Local Plan 2006 (CLP)*

0.11 The relevant policies of the CLP are as follows:

Policy 3/4 Responding to Context  
Policy 3/7 Creating Successful Places  
Policy 3/12 Design of New Buildings  
Policy 4/10 Listed Buildings  
Policy 4/11 Conservation Areas

0.12 In order to substantiate a reason for refusal on design grounds in a conservation area and within the setting of a listed building

it is necessary to demonstrate in detail how the development conflicts with this guidance and planning policy.

#### Response from the applicants

- 0.13 The applicants have confirmed that they do not wish to amend the proposals for Block K1. It is their view that the proposals represent a 'very high standard and quality of design'. In particular they reference the Green verdict of the Design and Conservation CB1 Sub Panel and the paragraphs in the NPPF and NPPG highlighted above. They have submitted illustrative material which compares the scheme consented by the Outline planning permission and the current scheme.

#### Assessment of grounds for refusal based on minded to refuse reason one

- 0.14 The basis for the refusal of planning permission which has been opined by the Committee does not provide sufficient detail to explain why the design of Block K1 is unacceptable. There is no reference to a requirement for a building to 'surprise or delight' in the NPPF, NPPG or planning policy. Design quality is a crucial consideration in such a prominent location but the reason put forward does not explain what elements of the building are of poor quality or inappropriate in the site context. There is no explanation of how the setting of the Mill building will be adversely affected or in what way Block K1 would fail to enhance Station Square. For these reasons a more robust and detailed reason for refusal on design grounds would be needed if the Council finds itself in a position of defending a refusal of planning permission at appeal. The Committee is aware of the consequences of refusing planning permission on unsubstantiated grounds.
- 0.15 I accept that the consideration to matters of design quality are 'subjective' however decisions must be made in accordance with planning policy and guidance unless 'material considerations' suggest otherwise. In this case, in my view,

there are no material considerations which would support a refusal on design grounds therefore planning policy and guidance are the only considerations.

- 0.16 In addition to an assessment against planning policy and guidance there is a further important consideration in this case which is the 'fall back' position. This is a material consideration which is in favour of approval of the application and will demonstrate why this is the case later in my assessment.

*Assessment against NPPG and Cambridge Local Plan*

- 0.17 I carried out a full assessment of the application against planning guidance and policy in my original assessment which is set out below in the copy of my report to Committee on 2 November 2016. However there are some aspects of the planning guidance and policy context which I would like to revisit in advising Committee on the robustness of the 'minded to refuse' reason.

- 0.18 In particular I would highlight paragraph 62 of the NPPG which refers to the design review process. The Council has a design review process which includes the Design and Conservation Panel CB1 Sub Panel. In this case the Sub-Panel gave a unanimous 'green' verdict on the scheme that was presented to Committee in November. In relation to Block K1 the Sub-Panel concluded as follows:

Block K1 has a more dynamic shape but more importantly reveals more of the gable of the Mill building. The Panel again considered the proximity issue but the opaque glazing applied to all three floors of the Mill provides some privacy for those flats. Decisions on whether curved or faceted glass is used will make a significant difference to the detailing of K1. The design team are also asked to carefully consider the detailing of the roof top plant as this will impact on views both from the Square and from adjacent buildings.



0.19 The Urban Design and Conservation team were also very supportive of Block K1 and concluded as follows:

K1 has the potential to create a striking and well composed 'replacement' for the lost Silo and the opportunities created through that loss will improve the composition and containment of Station Square and improve circulation routes between it and the 'ante chamber' located to the south west.

0.20 In bringing forward a robust reason for refusal on design grounds the Committee would need to demonstrate that it has taken account of the outcome of the design review process and would need to provide a detailed explanation of the reasons why it is going against that advice. In any future appeal the appellants would certainly point to the high level of support that the scheme received as a result of the design review process.

0.21 In terms of Cambridge Local Plan policies in order to substantiate a refusal on design grounds it would be necessary to demonstrate a conflict with the tests which are set by these policies. Minded to refuse reason one does not do this and it was not clear from the Committee's discussion what the detailed objections to the design were. In terms of impact on the setting of the listed Station building and the conservation area in general Sub-Panel and officer advice is that the relationship is a successful one. In particular size and footprint of Block K1 opens up the view of the gable end of the Mill which would not have been provided had an application for 'reserved matters' been submitted. This takes me onto consideration of the 'fall back' position.

*The fall-back position in relation to assessment of design of Block K1*

0.22 The approved Outline planning permission for the CB1 Station Area Redevelopment project is a significant fall-back position in this case. In her report to Committee in April 2014 the Head of

Planning summarised the key issues of the outcome of the planning appeal at 32-38 Station Road for the Committee. She referred to the Planning Inspector's view as follows:

*The relationship of the appeal schemes to the outline planning permission. These were full applications rather than reserved matters applications but this difference represents a technicality rather than a radical change of approach. The amendments and adjustments to the original outline approval for this part of CB1 were minor in nature and the original parameter plans remained unchanged. A clear fall-back position existed that was very similar to what was being proposed. This fall back position was material.*

0.23 While I accept that the fall back position has more limited weight in terms of the use of the building it is highly relevant in terms of the scale, massing and footprint of Block K1. It would be very unwise for the Committee to disregard the fall back position in relation to matters of design. There are strong parallels between this case and the scheme at 32-38 Station Road.

0.24 Outline planning permission for CB1 was granted on the basis of a set of parameter plans which set out the maximum footprint and height of development blocks within the area. In the case of Block K1 the parameters were informed by the fact that in 2008 the Silo was still present and also by the then extant planning permission for the conversion of the Silo to the Historical Resource and Cultural Centre.

0.25 The applicants have produced a Computer Generated Image (CGI) to show what a parameter plan compliant scheme would have looked like in comparison with the current proposals for Block K1.

0.26 The approved parameter plans allow for a building on Block K1 with a footprint of 600 square metres and maximum height of 31.2 metres. The footprint of Block K1 is 339 square metres and the maximum height 30.2 metres. In terms of footprint the size of the building is reduced by over 40%. This is clearly a very

significant change and has a radical impact on the appearance of Block K1 in its context.

- 0.27 The parameter plans were predicated on the retention of the Silo, however it was never intended for Silo to be retained and converted as it was. The footprint of the Silo and the lack of any form of original fenestration meant that alterations and extensions of it were inevitable. This is reflected in the approved scheme for the Historical Resource and Cultural Centre and the approved parameter plans. My view is that it would have been very difficult to bring forward a successful office use for the Silo without compromising its inherent character nevertheless the parameter plans allowed for such a scheme to be explored and it may have proved possible to do so. The landscape has changed as a result of the fire which destroyed most of the Silo and this has provided an opportunity to bring forward a design which is not compromised.
- 0.28 In my view the fall back position demonstrates that a building of the height and of greater massing than Block K1 could be erected on the site if a parameter plan compliant scheme was brought forward. This makes it very difficult to robustly defend a refusal based on the height, scale and massing of Block K1. This is demonstrated by the CG1 which has been produced by the applicant.
- 0.29 In terms of the footprint and alignment of Block K1 the current scheme sits within the approved parameter plan footprint. The lozenge shape of the footprint means this block no longer aligns with the front elevation but allows the gable end of the Mill to be exposed and provides an enhanced public realm around the building. I think that there would have been a stronger argument against Block K1 if the reverse had been true and the alignment fell outside the parameter plan envelope and obscured the Mill or resulted in a reduced public realm but this is not the case.
- 0.30 The minded to refuse reason refers to the position of Block K1 as breaking the coherence of the square. I do not agree with

this opinion but more importantly the fall back position allows for building in this location and with this relationship with Station Square.

### *Elevational treatment*

0.31 The detailed reasons why Committee felt the proposed design for Block K1 was contrary to planning policy were not provided at the meeting. I have dealt with the issues of height, scale and massing and impact on the setting of the listed Station building and the Mill above. The only outstanding issue is the appearance of the building i.e. the treatment of the elevations. There was some discussion of the choice of dark bricks during the Committee's discussion and officers advised that this could be a matter for further consideration as part of the discharge of planning conditions. This is normally a matter which is delegated to officers but there is no reason why the decision on brick choice could not be brought before the Committee.

0.32 The treatment of elevations is not something which is controlled by the parameter plans so there is no fall-back position in relation to this matter. However for a reason for refusal to stand up to scrutiny at appeal it would have to address in detail the deficiencies in the elevational treatment that is proposed. In taking forward a reason for refusal based on the appearance of the building the Committee would also have to be mindful of the advice provided by the NPPF at paragraph 60 i.e. that 'decisions should not attempt to impose architectural styles or particular tastes'. The same paragraph also refers to the need to 'seek to promote or reinforce local distinctiveness'. The CB1 development is having a radical effect on the area and is itself producing a new 'distinctiveness' to the character of the area. The elevational treatment which includes setbacks, stone banding and framing elements reflects other new buildings in the vicinity and my view is that it would be difficult to formulate an argument that the architect has not been cognisant of 'local distinctiveness'.

## **Minded to Refuse Reason Two- Provision of Community Facilities**

### Planning policy context

0.33 The relevant policy in this case is policy 5/14 of the Local Plan. This requires that where new developments will lead to an increased demand for community facilities provision will be made or contributions provided for such facilities. The policy does not require provision to be made on site and the Planning Obligations Strategy sets out a process by which offsite contributions may be brought forward.

### Response from the applicants

0.34 The applicants have noted that the contributions that have already been agreed render the scheme policy compliant. However they have offered to provide an onsite community room (20 square metres) in response to the concerns raised by the Committee. This space will be located in the ground floor of Block I1 and has been made available by reducing the amount of space within the lobby area and other internal changes. The number of residential units is unchanged.

### Assessment of grounds for refusal based on minded to refuse reason two

0.35 The minded reason for refusal is based on a view that the development fails to make adequate provision for new residents and that some form of on-site facility should be provided for residents.

0.36 My original committee report sets out the process which officers have gone through to assess a policy compliant position on the provision of community facilities. This has resulted in the applicants being requested to provide contributions towards a Community Development Officer

and the Junction community space. The applicants were not asked to make on-site community facilities available as part to the development because there is no policy requirement for this.

0.37 In my view in the light of the agreement of a policy compliant approach to the provision of community facilities it would be difficult to justify a refusal of planning permission on this ground at appeal. However in light of concerns raised by Committee the applicants have offered to make on-site provision in addition to the contributions towards the Community Development Officer and the Junction community space that they have already agreed.

0.38 The proposed community room can be secured via the Section 106 Agreement and the applicants have offered to do this. They will make the facility available for 5 years following occupation of Block K1 and I1. The facility will be managed by the developers or their agents and there will be no cost to the Council.

0.39 There is already a community space at CB1 in the form of a community room within the Huxley House block of apartments. I have asked the Community Funding and Development Manager for advice regarding how this facility is used and will provide an update at the Committee meeting if there is one. This community room is secured via the s106 Agreement for the CB1 development. It is subject to an approved Management Plan. The community space is managed by the managers for the affordable housing. The maximum occupancy is 20 people and keys for the facility are held by the CB1 Management Company.

### **Minded to Refuse Reason Three – Cycle parking**

0.40 The minded to refuse reason is based on the view that the development does not make satisfactory provisions for cycle parking and particularly that 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 Committee also considers that the failure to provide adequate cycle parking will increase fly cycle parking in the area

- 0.41 The Committee received representations from a member of the Cycling Campaign at the meeting in November 2016.

#### Planning policy context

- 0.42 The relevant policy in this case is policy 8/6 of the Local Plan. This policy requires cycle parking to be provided in accordance with the Parking Standards in number, location and design. The Cycle Parking Standards are embedded in the Local Plan and include reference to both Sheffield stands and high capacity racks as suitable forms of cycle parking and provide optimum layouts.

- 0.43 The Cycle Parking Guide for New Residential Developments is also a material consideration. The guide sets out best practice with regard to layouts, design, spacing and security for use by development control officers, urban designers and developers.

- 0.44 The Cycle Parking Guide states that the use of High-Low stands is generally not acceptable for new residential developments but may be considered on a case-by-case basis (e.g. large blocks of student accommodation). It provides detailed guidance in terms of layout and access to cycle parking.

Response from the applicants

0.45 The applicants have revised the cycle parking provisions as follows:

*Amount and type of cycle parking spaces*

Residential I1 (94 spaces required) 44 Sheffield stands 46 double stackers 5 off gauge 2 on street (97 spaces provided)	Office and Retail I1 (51 spaces required) 12 Sheffield stands 24 double stackers 2 off gauge 16 on street (54 spaces provided)
Residential K1 (38 spaces required) 18 Sheffield stands 18 double stackers 2 off gauge 2 on street (40 spaces provided)	Retail K1 (28 spaces required) 4 Sheffield stands 16 double stackers 4 off gauge 8 on street (32 spaces provided)
Total (November Committee)  218 spaces provided	Percentage (November Committee)  Overall 53% Sheffield stands/47% double stackers taking into account the cycle parking spaces provided on street



Revised Plans	Revised Plans
Totals	Percentage
(211 spaces required)	
78 Sheffield stands	35%
104 double stackers	46%
13 off gauge	6%
28 on street	13%
(223 spaces provided)	
	Overall 54% Sheffield stands/46% double stackers taking account of off gauge and cycle parking spaces on street

0.46 The contents of the table demonstrate that the introduction of off gauge cycle parking spaces has not affected the overall ratio of ground level spaces to double stackers. The internal arrangements have been changed to remove doors that are not needed and which created obstacles for cyclists. An automatic door has also been provided at street level.

Comments from the Cycling and Walking Officer and the Cambridge Cycling Campaign

0.47 The Council's Cycling and Walking Officer has provided the following comments in response to the amended plans:

The applicant has made changes to the basement layout in order to provide additional Sheffield stands; this is welcomed although the use of double stacker stands is not recommended for residential use. The addition of off-gauge spaces is also welcomed although I would question the need for off-gauge spaces for the retail and office cycle parking areas.

The latest plan is of a scale which makes it difficult to ascertain the aisle widths. The aisle widths where double stacker stands are in use need to be a minimum of 2.2m which does not appear to be the case. The door to the retail cycle parking for K1 should be moved so that it opens in front of the aisle space rather than the entrance being impeded by parked cycles. A condition is needed to ensure that the doors at the bottom of the ramped stairs and to the cycle parking areas themselves are automatic to improve ease of use. The ramped stairs remain fairly steep at 1:3 rather than the recommended 1:4. Detail of the material of the ramp and steps should also be conditioned.

0.48 My original report recommended conditions to secure automatic doors to the cycle parking areas (Condition 37) and to control the surface treatment to the ramp (Condition 38). I have asked the applicants to respond to the other matters raised by the Cycling and Walking Officer and they have provided confirmation of aisle widths (2.3m) and the amended door location. The Walking and Cycling Officer is content subject to the imposition of the conditions.

0.49 The applicants agent is also in the process of arranging for the Cycling and Walking Officer to view the extent of use of current cycle parking provision on the residential development at CB1. This is in response to the criticism that the failure to make adequate provision for cycle parking would lead to fly parking on street. The applicants have indicated that existing cycle parking facilities, which are directly comparable with the proposed arrangements, are fully utilised. In their view the fly parking that is taking place does not arise from residents being unable to park their cycles in the cycle parking areas but results from Station users not being willing to access Cycle Point. I have some sympathy with this view but accept that it is appropriate to check the residential parking areas on site. I will provide an update on the Amendment Sheet or at the Committee meeting.

- 0.50 The Cambridge Cycling Campaign has removed their objection to the application following a discussion with the applicant and consideration of the revised plans by members of CCC.

Assessment of grounds for refusal based on minded to refuse reason three

- 0.51 In my opinion the revisions have resolved outstanding issue and address the 'minded reason for refusal' based on inadequacy of cycle parking provision. The withdrawal of their objectives by CCC is germane to this. However there is one detailed matter outstanding and I will come back to this on the Amendment Sheet or at the Committee meeting.

**Failure to enter into a S106**

- 0.52 In the event that the Committee decide to refuse the application two reasons additional reasons for refusal would be needed to address include provisions relating to S106 matters. These are set out in the original committee report. The reasons for refusal would read.

'The proposed development does not make appropriate provision for transport mitigation measures/infrastructure provision, mitigation of potential for overspill car parking, the funding and agreement of the Travel Plan Co-ordinator, public art, restriction on occupation of offices and on-site community space and fails to secure contributions community facilities and open space requirements/mitigation arising from the occupation of the site. As such, the proposal is considered contrary to policies 3/7, 3/8, 5/5, 5/14, 8/2, 8/3 and 10/1 of the Cambridge Local Plan 2006; and the Cambridge City Council Planning Obligation Strategy (2010).'

'The proposed development fails to secure a pre-implementation review of the submitted development viability information should the development not

commence within 2 years of the grant of planning permission and a post-completion review of the submitted development viability information (clawback clause) to enable full consideration to be given to the potential for a financial contribution towards the provision of affordable housing in the City of Cambridge to be made in the light of an improvement in the viability of the development. As such, the proposal is considered contrary to policy 5/5 of the Cambridge Local Plan 2006; Cambridge City Council Affordable Housing SPD (2008) and Cambridge City Council Planning Obligation Strategy (2010).'

0.53 In the event of an appeal, delegated authority is sought to agree a S106 to overcome these reasons for refusal.

### **Recommendation**

0.54 It is open to the Committee to consider either:

1: To **APPROVE** the application in light of this further advice subject to the conditions included in the 2 November 2016 report and amendment to conditions 14, 16, 41 and 42 to read 'Prior to the commencement of development, with the exception of below ground works...' as set out on the Amendment Sheet (02/11/2016) and subject to completion of the necessary s106 agreement.

or

2: To **REFUSE** the application for any or all of the issues as set out above. In considering refusal reasons, the Committee should be mindful of the officer advice and the potential for a costs award against the Council should the decision be subject to a planning appeal. If minded to pursue any of the minded to refuse reasons as formal reasons for refusal, the Committee should be clear exactly which policies the proposed

development would be contrary to and provide full details of the justification for reaching that view.

and/or

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

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Together with other parts of the CB1 development this scheme will provide a sustainable form of development close to Cambridge Station in accordance with government policy (NPPF)</p> <p>Information has been submitted to demonstrate that the development is unviable and unable to provide any affordable housing. This recommendation of approval follows government guidance which is that:</p> <p><i>Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.</i></p> <p>The development would secure the removal of Murdoch House which has an adverse impact on the setting of the listed Station building, the Conservation Area and the Station Area as a gateway into the city for visitors.</p>
---------	--

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site forms part of a larger area, which is the subject of the CB1 Station Area Redevelopment proposals for which outline planning permission was granted in April 2010. The site lies on the south side of Station Road and is currently occupied by a three storey office building known as Murdoch House, and the remains of the Silo, which was substantially destroyed by fire in 2010.
- 1.2 The northern boundary of the site is the pavement on the south side of Station Road. To the west is the site of 50-60 Station Road and to the east is the bus interchange. To the south/rear are residential flats (the Ceres development) and the converted Mill.
- 1.3 The site is within the Station Area Redevelopment Framework boundary and within the Central Conservation Area. The trees on the site are protected by virtue of their location in a Conservation Area. The site falls within the Controlled Parking Zone.

## 2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for two buildings, which are identified as Blocks I1 and K1 on the approved parameter plans. The proposed buildings would replace Murdoch House and the remains of the Silo. Across the two blocks a total of 89 units would be accommodated, 46 one bedroom and 43 two bedroom.

### Block I1

- 2.2 Block I1 would replace Murdoch House and would be eight storeys tall, with the top two storeys set back. The building would provide 419sqm of commercial space (Use Class A1/A3) on the ground floor, 767sqm of office space (Use Class B1) on the first floor and 65 residential units on the upper floors.

## Block K1

- 2.3 Block K1 would replace the remains of the Silo and would be nine storeys tall, with the top two storeys set back. The building would provide 473sqm of commercial space (Use Class A1/A3) on the ground and first floors and 24 residential units on the upper floors.
- 2.4 A single level basement is proposed under both buildings, to accommodate 71 car parking spaces and 190 cycle parking spaces. A further 28 cycle parking spaces would be provided at the front of Block I1. The basement would be accessed by cars via two car lifts on the eastern side of Block I1. Cyclists and pedestrians would access the basement via a staircase and cycle wheel ramp on the eastern side of Block I1.
- 2.5 Full planning permission is required because the proposed buildings differ from the parameter plans in the following ways:
- Use – the parameter plans show the upper floors as in office use and it is now proposed that the upper floors are in residential use.
  - Altered footprint to Block I1.
  - Silo lost to fire – the parameter plans show the Silo converted. A replacement building (Block K1) is now proposed.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
05/1094/FUL	Conversion and change of use of the silo and construction of two modern wings to provide storage, reading rooms and administrative offices and staff facilities to form a Historical Resource and Cultural Centre.	Approved
08/0266/OUT	The comprehensive redevelopment of the Station Road area, comprising up to 331 residential units (inclusive of 40% affordable homes), 1,250 student	Approved

units; 53,294 sq m of Class B1a (Office) floorspace; 5,255 sq m of Classes A1 /A3/A4 and/or A5 (retail) floorspace; a 7,645 sq.m polyclinic; 86 sq.m of D1 (art workshop) floorspace; 46 sq m D1 (community room); 1,753 sq m of D1 and/or D2 (gym, nursery, student/community facilities) floorspace; use of block G2 (854 sq.m) as either residential student or doctors surgery, and a 6,479 sq.m hotel; along with a new transport interchange and station square, including 28 taxi bays and 9 bus stops (2 of which are double stops providing 11 bays in total), a new multi storey cycle and car park including accommodation for c. 2,812 cycle spaces, 52 motorcycle spaces and 632 car parking spaces; highway works including improvements to the existing Hills Road / Brooklands Avenue junction and the Hills Road / Station Road junction and other highway improvements, along with an improved pedestrian / cyclist connection with the Carter Bridge; and works to create new and improved private and public spaces.

#### **4.0 PUBLICITY**

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



## 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/13 4/4 4/7 4/11 4/12 4/13 4/14 4/15 5/5, 5/10 7/2 8/2 8/4 8/6 8/9 8/10 8/16 8/18 9/1 9/9 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Planning Obligation Strategy (March 2010)  Public Art (January 2010)

	Affordable Housing SPD (January 2008)
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridgeshire Quality Charter for Growth (2008)</p> <p>Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p>

	Air Quality in Cambridge – Developers Guide (2008)
	<u>Area Guidelines</u>  Cambridge City Council (2002)–Southern Corridor Area Transport Plan:  Station Area Development Framework (2004) includes the Station Area Conservation Appraisal.

#### 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)**

Application as submitted

- 6.1 Consultation required with Growth and Economy team. Transport Assessment incomplete with regard to cycle parking impact on lift demands.

Comments from Growth and Economy team

- 6.2 All mitigation measures identified for this land parcel as part of the outline permission to be secured against this application.

Site Accessibility Audit - acceptable.

Highway Safety – further information regarding accident data required.

Existing Trip Generation - The existing trip generation has been based on a survey undertaken at Murdoch House in June 2015, which is acceptable.

*Proposed Development*

Overview - the current proposals will result in a net decrease in office and retail floor area and an increase in residential units compared to the permitted outline use.

Site Access - lift queue modelling needs to be updated to reflect use by cyclists and the stacking capacity between the car park access and the public highway should be stated.

Car parking - The car parking provision is below maximum car parking standards and the applicant should commit to the securing of car parking monitoring surveys on local streets in accordance with the outline permission.

*Cycle Parking*

The cycle parking provision is in accordance with the outline permission and complies with minimum cycle parking standards for the residential and B1 office units. According to minimum standards the café/ restaurant would require 53 cycle parking spaces to be provided. A cycle accumulation analysis should be provided for the site to demonstrate that the level of cycle parking provision is adequate for expected demand.

The details of the visitor parking management should be detailed and secured as part of a cycle management strategy as part of the Travel Plan for the site.

Trip Generation - Residential Trips and Office Trips are consistent with those presented in the CB1 Revised Transport Assessment. Further justification should be provided concerning the proportion of linked or pass-by trips to the retail/restaurant/café.

### *Traffic Impact and Mitigation*

Active Travel Mitigation Measures - The Transport Assessment demonstrates that the trip generation for the proposed development is less than what was previously approved for the outline application for the site. Therefore the development is demonstrated to have no worse impact on the network than what was approved previously through the outline permission. The outline permission was supported by a package of mitigation/ contributions therefore an appropriate mitigation package will need to be agreed with CCC for this revised application.

Queue Assessment - The applicant should confirm the stacking capacity within the site for those waiting to access the basement car park, in order for CCC to understand whether there is a potential impact on the public highway. Accumulation analysis is also required.

Travel Plan - The TA should be secured through S106 agreement. The Travel Plan should cover all users of the site not just residential. It is not clear when the final travel plan will be provided to and agreed with CCC. This needs to be revisited. A commitment should be included to provide to annual monitoring report to CCC for comment. The Travel Plan should be monitored for a minimum of 5 years.

Interim Target Mode Split - The target for Car Drivers is 20% however it is not clear how this relates to the car park provision on site, therefore further information is required.

Walking and cycling - Recommend that free cycle training (including maintenance training) is provided to achieve best possible cycling figures. Recommend provision of lockers for

cyclists/runners/walkers and a drying room facility to allow all year cycling/walking. The measures need to be tailored for each of the different users groups of the site.

Servicing & Delivery trips - It is not made clear what the mechanism will be for coordinating services and deliveries, will the occupier be encouraged to do so and if so when?

Further comments regarding the Travel Plan Coordinator and Travel Surveys.

Conclusions - The above issues need to be addressed before the transport implications of the development can be fully assessed. Accordingly CCC submits a holding objection.

#### Comments following further information

### 6.3 Highway Safety – more recent data should be used.

Site Access - CCC remains concerned that cyclists will use the lifts and therefore requires that the lift queue modelling be updated to reflect this.

Car parking - It is noted that the car parking surveys will be secured as part of the S106 for the development.

Cycle Parking - The applicant has provided additional explanation concerning the level of non-staff cycle parking for the retail/restaurants use, however CCC remain to be convinced concerning the balance of cycle parking proposed for staff and non-staff of the retail/ restaurant uses.

#### Trip Generation

Retail Trips - CCC remains to be convinced by linked, pass by and diverted trips to the retail/ restaurant uses on site, therefore further justification should be provided.

Queue Assessment - although the stacking capacity was discussed at the pre-application stage it is for the application to demonstrate that the stacking capacity provided is satisfactory and whether cars from the site queue onto the public highway during the AM and PM peak periods.

CCC requires that the applicant provide details of the hourly capacity of the lift and how this compares to the arrivals and departures in the AM and PM peak periods. This is to understand how the lift capacity and the arrivals and departures associated with the development compare during the peak periods and how this impacts on the available stacking capacity.

Car Parking Accumulation - the car parking accumulation analysis is considered to be appropriate for the purpose of this application.

Travel Plan - The Travel Plan (TP) will need to be updated and agreed with CCC prior to occupation. The TA should be secured through S106 agreement.

The above issues need to be addressed before the transport implications of the development can be fully assessed. Accordingly CCC submits a holding objection.

#### Comments following further information

- 6.4 County Council consider the transfer trips to be reasonable. The lift analysis provides reassurance concerning the cycle times for the lift. In addition, the County Council considers that any potential queuing associated with cars and cyclists associated with the lift could be overcome with a cycle strategy which requires the applicant to control the number of cyclists using the lift.

Therefore the County Council are able to lift the holding objection subject to the follow being secured through S106:

- A cycle strategy to control the number of cycles using the lift and to monitor and manage use of the cycle parking along the frontage of the development.
- A contribution will need to be secured with the applicant for wider off-site mitigation measures.
- A Travel Plan for each of the uses on site prior to occupation
- A contribution towards the costs incurred in implementing a residential controlled parking scheme.

- 6.5 The Highway Engineer has no concerns about highway safety.

## **Environmental Health**

- 6.6 No objection subject to conditions relating to construction/demolition hours, collections and deliveries during construction/demolition, construction/demolition noise, dust, noise insulation scheme, plant noise insulation, odour/fume filtration, contaminated land, opening hours for A1/A3, delivery hours for A1/A3, electric vehicle recharge bays and electric cycle recharge points.

## **Refuse and Recycling**

- 6.7 The suggested refuse stores, for both residential and office are satisfactory – they will be brought to kerbside by building facility staff for collection. The very last page shows in poor detail the collection point, which does not seem very adequate, as it will block the pavement and be on a corner which is far from ideal for emptying. It is advised that in front of the substation/gas room would be a better position. (Access to these rooms being infrequent and unlikely at the time we/other companies collect waste).
- 6.8 The commercial refuse store – yet to be determined in size/type – is difficult to comment on although its ground level position seems adequate.

## **Urban Design and Conservation Team**

- 6.9 In terms of the overall design and relationship to the listed station building and wider Conservation Area, both K1 and I1 are considered acceptable in conservation and urban design terms. K1 has the potential to create a striking and well composed 'replacement' for the lost Silo and the opportunities created through that loss will improve the composition and containment of Station Square and improve circulation routes between it and the 'ante chamber' located to the south west. I1 will help to complete and balance the composition of buildings around Station Square whilst effectively responding to the adjacent approved development at 50 & 60 Station Road. Conditions are recommended relating to materials samples, glass types, brick/stone sample panel, solar panels, balustrades and railings, access to the car park, lighting, signage, and rooftop plant.



Additional detailed comments from the UDC team are embedded in my Assessment.

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

- 6.10 No objection subject to conditions relating to renewable energy and BREEAM

### **Access Officer**

- 6.11 The entrance doors to K1 should be electrically assisted. Twelve flats should be built to lifetime homes standards.

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

- 6.12 No objection. The public realm proposals for the area around Blocks I1 and K1 will do much to add to the quality of the CB1 development and particularly Station Square and the culmination of Station Road. The hard paving materials match that already accepted for Station Square. The planting proposals for the area include eleven large species trees planted into the hard paving. No conditions are recommended.

#### *Following submission of tree pit details*

The assurances are that:

- the rooting space and volume will be adequate to allow the full number of trees to thrive and also to anchor themselves to resist wind loading.
- the structural strength of the development is adequate to withstand the wind loading on the trees and is adequate to accommodate the increasing weight of maturing large species trees.

With these assurances, the Landscape officer is happy to support the landscape proposals.

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

- 6.13 Evidence from blocks already occupied within the station area is that residents prefer to leave their cycles on street rather than negotiate steep ramps and use the two tier cycle parking.

Access to the basement, therefore needs to be as easy as possible and a gradient of 1 in 4 is recommended, rather than the 1 in 3 proposed. The material used for the ramp must be non-slip – again, the metal used for the ramps within the existing blocks is slippery when wet and so is unsuitable. The doors into the basement must be automatic.

Two-tier racks are not suitable for residential use. For staff there should be a minimum of 20% which are Sheffield stands for non-standard bikes, those with child seats, large baskets etc.

There must be a minimum of 2.2m aisle width, 2.5m preferred, between rows of two-tier racks.

The doors to the middle cycle store at the northern end should open outwardly to avoid clashing with poorly parked cycles.

*Following submission of further information*

The applicant has made changes to the basement layout in order to provide additional Sheffield stands and this is welcomed although the use of double stacker stands is not recommended for residential use.

A condition is needed to ensure that the doors at the bottom of the ramped stairs and to the cycle parking areas themselves are automatic to improve ease of use.

The ramped stairs remain fairly steep at 1:3 rather than the recommended 1:4. Detail of the material of the ramp and steps should also be conditioned.

Additional visitor parking should be provided next to the residential entrance to block K1

It is not clear how retail staff for K1 exit the basement and access the retail unit. Use of the ramped steps is not acceptable as this is not convenient and is likely to result in staff using the visitor stands at street level.

**Cambridgeshire County Council (Flood and Water Management) and  
Head of Streets and Open Spaces (Sustainable Drainage Officer)**

Application as submitted

- 6.14 Calculations and design details of the linear drainage channels are required to demonstrate that there will be no surface flooding for a 1 in 30 year event and that no water leaves the site for a 1 in 100 year plus climate change.

*Following submission of further information*

- 6.15 Details acceptable – no conditions required.

### **Historic England**

- 6.16 Historic England does not object to this application, but strongly recommends that if the application is to be approved a condition is included to require the full recording of the Silo and its history, and for a copy of that record to be placed in the Cambridgeshire Historic Environment Record before the remains of the Silo can be removed. Conditions would also be required to control the installation of signage and advertising on the commercial units.

*Following submission of further information*

- 6.17 A recording report has been placed in the Cambridgeshire Historic Environment Record and Historic England has confirmed that the condition is no longer required.

### **Natural England**

- 6.18 No objection. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

### **Environment Agency**

- 6.19 No objection, subject to conditions relating to ground water and contaminated land.

### **Anglian Water**

- 6.20 No objection, subject to conditions relating to foul sewage and surface water disposal.

**Cambridgeshire Constabulary (Architectural Liaison Officer)**

6.21 No objection.

**CCTV Manager**

6.22 No objection.

**Network Rail**

6.23 No objection.

**Cambridgeshire County Council (Education and Strategic Waste Infrastructure)**

6.24 The County Council does not require any developer contributions in regards to education, libraries and strategic waste infrastructure

**Design and Conservation Panel (Meeting of 11 February 2015) (Pre App)**

6.25 Block I1

- Residential use

In the Panel's view, the impact of a residential use in this corner site will be considerable. The building has a distinctly corporate character that does not anticipate the variety that accompanies residential occupancy and is residential architecture at its most suppressed.

- Car lifts

The Panel enquired as to the level of activity at peak times and the likelihood of queues impacting on Station Road traffic movements. (The Panel were informed that the Highways Authority were comfortable with the proposals.)

- Basement cycle parking (staircase)

The Panel would urge that the access staircase is re-designed as a dog-leg staircase can make manoeuvring cycles around the corner very difficult.

- Arcading

As the height of the arcade reads the same as 1 The Square and has a generous 3m set back, careful consideration will need to be given to hanging signage and its impact on the sense of space.

- West elevation

Concern was expressed by the panel about the completely different nature of the west elevation with protruding balconies, which seemed to have very little architectural relationship with the rest of the block. Little appreciation could be gained of the quality of the balcony spaces and how residents would experience them. With no signs of life portrayed, the depiction was viewed by the Panel as entirely corporate.

- Fins to balconies.

The Panel were informed that bronze coloured fins would be added to the balconies to ensure privacy from the adjacent offices. The louvers were difficult to detect in the illustrations provided, but there was a sense that the building would not appear as 'seamless' as in the illustrations, especially when seen from Station Road. Further work on the detailing is therefore encouraged and should be brought back to the panel.

- Fritted glass

The Panel were not entirely comfortable with this predominantly corporate approach to controlling the fenestration. Greater nuance is needed in a residential development.

- Long views (from the hotel at the northern end of The Square)

In the Panel's view, as this building will appear higher than in the recommended parameter plan, the two storey block set back behind a parapet will appear ungainly. A more elegant solution for the penthouse block should be explored.

- Solar heat gain

The elevation facing due east towards the Station Building is likely to experience solar heat gain. It would therefore be important for this residential block to have openable windows.

### Block K1

- Enclosing The Square

Although the Panel could see the benefits of this lozenge shaped building in terms of its effective relationship with the Mill, there was some discussion as to its impact on the southern side of the Square. It could be argued that the square has now lost its sense of enclosure due to a building that establishes a far looser boundary on this southern edge

- Referencing the proportions of the former Silo (Ground floor + 9 storeys)

As the silo has been lost, the Panel questioned the validity of using the previous scheme incorporating the silo as the basis for making decisions about the new buildings. As it is recorded only in record photographs and not in the built form, they feel that it is irrelevant to current discussions. Although the commercial argument is understood, the proposal for nine storeys + GF would not relate to any existing structures in this area. The design team are reminded of the need for an appropriate relationship of buildings for this part of Cambridge.

- Ground floor + 8 storeys

The Panel felt that this height was more appropriate as it related with the shoulder height of Block I1 and therefore to the wider family of buildings, providing a degree of continuity. The panel felt it created an elegant proportion without needing an additional storey height as the design team suggested.

- Overlooking between flats.

The building's close proximity to the Mill at the NW corner with only 3 metres of separation, raised concerns regarding the impact on the quality of the adjacent living spaces in both

schemes in terms of natural light levels and problems of overlooking. More detailed studies of the issues around this adjacency are required.

- Ventilation grills

The Panel would welcome clarity on the materials used for the ventilation grilles and how they would appear as darker vertical stripes on the elevations.

- Amenity spaces

Block K1 with its lack of balconies etc. has much less amenity space than neighbouring I1. The design team are reminded of the need to provide high quality residential accommodation in this area that exceeds that of the student accommodation already provided nearby.

- Central lift lobby

There seems to be no daylighting to the central lift lobby within the block. This should aim to provide a high quality entrance space to the apartments

- Micro climate

The Panel expressed some concern regarding the potential 'wind tunnel' effect created within the narrow canyon between the Mill and K1 and at I1's NW corner.

## Conclusion

Although the Panel were comfortable in principle with K1's 'lozenge' form, they would like to see the scheme developed in more detail. Both blocks seemed to deny rather than accommodate the residential users within an overall corporate expression. The elevations on both I1 and K1 as depicted seem light on actual detail that reveals a lack of embrace of the residential. The elevations need to be more convincingly thought through and firmer about the quality of the detailing, if the scheme is to create a successful addition to the end of Station Square.

VERDICT (on Blocks I1 and K1) – AMBER (unanimous)

## Design and Conservation Panel (Meeting of 13 July 2016)

### 6.26 Block I1

- Residential use. I1 was described as 'corporate' in character. The façade facing the Square has now been remodelled with a double storey colonnade for the ground and first floors. The use of more brick including in the columns, is intended to provide a more grounded, residential feel. Juliet balconies have been introduced, where appropriate, and a transom to windows to accommodate openable windows and separate the lower panels with obscured glazing for privacy from clear glazing above.
- Basement cycle parking. Access has now been reconfigured with a route from ground floor level at a gradient which has been established within CB1. The basement has also been separated into the different uses and parking areas. Bins will also be stored at basement level and managed.
- West elevation and balconies. Horizontal stone banding has been introduced to bind all four facades including the balconies so the block reads more as a single building. The fins on the western elevation have been removed.
- Fritted glazing and solar heat gain. This will be used to obscure some of the residential activity from street level. The brise soleil at the top level has been broken down for a more modular treatment. Windows on the south-facing façade are now narrower to mitigate solar gain.
- The top floor duplex units have been recessed.

### Block K1

- Height of Building Now reduced to ground floor + 8 storeys. The building height has been reduced so that K1 and I1 can be read more as a pair but are still distinguished by the materials used. Horizontal bands have been added to counter the relentless verticality.
- Double-height crown. The building in general has a narrower and more slender proportion which reveals more of the northern elevation of the Mill giving it a presence on the square. Particularly at the top level, the new transparency adds lightness to the massing.
- Overlooking between flats - proximity of K1 to the Mill. The building has been moved 1m north towards the Square in order



to address the issue of privacy. Obscured glass has already been fitted to adjacent windows in the Mill building.

- Residential lobby area. This has been recessed into the façade to provide shelter.

## Conclusions

The design team have responded well to the comments made at the last review and the provision of additional information on materials and detailing is welcomed. In terms of Block I1, the Panel still had some lingering concerns regarding bin storage and servicing arrangements and how these vehicular movements within such a public circulation space would work in practice. In general terms however, the new design appears to be better able to accommodate the façade variation that is an inevitable aspect of it becoming a residential, rather than a commercial block.

Block K1 has a more dynamic shape but more importantly reveals more of the gable of the Mill building. The Panel again considered the proximity issue but the opaque glazing applied to all three floors of the Mill provides some privacy for those flats. Decisions on whether curved or faceted glass is used will make a significant difference to the detailing of K1. The design team are also asked to carefully consider the detailing of the roof top plant as this will impact on views both from the Square and from adjacent buildings.

## 2. Public realm and landscaping.

The antechamber space is under construction. There is still the need to deliver the wholly pedestrian NE corner of Station Square where service points will be provided to facilitate weekend market stalls. Granite sets will continue the hard landscaping over the busway although crossing points will be made of a different material to provide a degree of formality for the benefit of the visually impaired, disabled or parents with buggies. The space around Block K1 is intended to be a quieter environment with benches inviting pedestrians to pause. This area will however relate to the larger Square as a whole. Plane trees will be planted over basement spaces

## Conclusion

The Panel note that the original 2010 Landscape Strategy is being adhered to in terms of the planting etc. The inclusion of benches that provide the additional function of ventilation for basement car parking is a welcome response to the Panel's comments from last time.

Issues have been highlighted regarding the trees at 22 Station Road. The Panel feel it is crucial that the trees are provided with the appropriate volume of soil and irrigation in order to flourish.

The Panel appreciate the opportunity to see these blocks again and for the substantial and significant progress made since last time.

VERDICT (on Blocks I1, K1 and the landscaping) – GREEN (unanimous)

## **Developer Contributions Monitoring Unit**

### 6.27 Consultation response from Developer Contributions Monitoring Unit

#### *Community facilities:*

What are the additional needs to be mitigated?

Using the assumptions included in the council's Planning Obligations Strategy SPD 2010 about the numbers of residents per size of dwelling, this proposed development could lead to a population increase of more than 150 residents. Its proximity to the railway station would suggest that many residents from this development might commute to work by train, leading to a particular need for community facilities outside working hours, during the evenings and at weekends. At the same time, given that no affordable housing is proposed in the current planning application, it would be reasonable for this proposed development to promote wider community cohesion on the CB1 site. There are two main needs.

a. A community development resource (in the form of a part-time community developer worker) is vital to integrate these next phases of proposed development into what is a relatively

new community on the CB1 site (within the last few years), which is still in its formative stages. The mix of residential accommodation (both private and social housing) with student accommodation brings together a wide variety of people and expectations. The role would help to develop better understanding and respect between neighbours (manifested in greater consideration and tolerance) and foster better relationships and a sense of being part of the same community.

b. The increase in the local population will place extra demands on four community facilities within the immediate vicinity of the proposed development. Three of these (Huxley House, the Signal Box and the community meeting space at Hanover Court and Princess Court are small venues which could not be expanded. However the council has plans to develop community facilities at The Junction, which is within five minutes' walk of the proposed development. Owned by the council, The Junction is already a popular local arts venue, for which there are plans for wider refurbishment and development.

How much would the council seek in S106 contributions in order to mitigate this proposed development?

In line with the funding formula set out in the council's Planning Obligations Strategy 2010, this scale of this proposed development would require S106 contributions of £111,784 (plus indexation).

This is in the context of an earlier S106 agreement since April 2010, relating to the outline application for the CB1 development (08/0266/OUT), which included 331 residential dwellings. As well as securing the on-site community facility provision (Huxley House), £32,706 was collected for a community development worker (now fully spent) and a further £97,947 has been collected for improvements to The Junction or another community facility.

Any suggestion that a £111,784 contribution request for 89 dwellings would be disproportionate with the earlier £130,653 contribution from 08/0266/OUT for 331 dwellings needs to be countered with a reminder that the costs of the on-site provision of the Huxley House community facility also need to be taken into account. The current request for the proposed new development, which did not form part of the 08/0266/OUT

outline application, is therefore fair and reasonable in scale and kind to the proposed development.

How would the requested developer contributions be used on specific projects?

Of the £111,784 (plus indexation),

a. £50,000 (plus indexation) would enable the council to employ a community development officer (pay band 5) for two days a week for three years (including support costs, such as pension and national insurance). Given the high proportion of commuters living on the CB1 site, this role would be recruited to work mainly in the evenings and at weekends, and would liaise closely with the council's Community Safety team.

b. The remaining £61,784 (plus indexation) would be put towards the provision of new multi-purpose, flexible community meeting space within the re-development plans for the Junction site (as part of a wider planned redevelopment of The Junction). This meeting space would provide an opportunity for hosting larger scale community events and activities, and could also be hired out to community groups for community activities.

These requests comply with the CIL regulations, including the pooling constraints which mean that no more than five specific S106 contributions can be collected for the same project. The only specific contributions similar to the projects outlined above, which have been collected since April 2010, relate to the CB1 Cambridge Station redevelopment (08/0266/OUT). The costs of the new multi-purpose, flexible community meeting space at The Junction would exceed the combined total of the £97,947 already collected from the 08/0266/FUL and the amount now requested from this proposed development. The other funding requested will be raised from other sources.

#### *Indoor sports:*

The proposed development is within half a mile of the Kelsey Kerridge Sports Centre facility, which is on the Council's 2016/17 target list of indoor sports facilities for which specific S106 contributions may be sought in order to mitigate the impact of development. This target list was agreed by the City Council's Executive Councillor for Communities in June 2016.

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, a specific S106 contribution of £41,137 (plus indexation) is requested towards the provision of a multi-purpose studio at Kelsey Kerridge Sports Centre, Queen Anne Terrace, Cambridge, CB1 1NA.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, one specific contribution has been proposed for this project, namely the one associated with development at 64 Newmarket Road (14/1905/FUL).

*Outdoor sports:*

This proposed development is within half a mile of Coleridge Recreation Ground, which is on the Council's 2016/17 'target list' of outdoor sports facilities for which specific S106 contributions may be sought in order to mitigate the impact of development. This target list was agreed by the City Council's Executive Councillor for Communities in June 2016 and is based on evidence and recommendations from the Cambridge and South Cambridgeshire Playing Pitches Strategy (2016).

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, a specific S106 contribution of £36,414 (plus indexation) is requested towards the provision and/or improvement of outdoor sports pitches and changing rooms at Coleridge Recreation Ground.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, the council has not agreed any other specific contributions for this project.

*Informal open space:*

1. This proposed development is within half a mile of Coleridge Recreation Ground, which is on the Council's 2016/17 'target list' of informal open spaces for which specific S106 contributions may be sought. This target list was agreed by the City Council's Executive Councillor for City Centre and

Public Places in March 2016 and is based on evidence the 2015/16 informal open spaces audit. Coleridge Recreation Ground was rated as 67% for being well-placed, but only 58% for the open space facilities on offer, denoting room for improvement in order to mitigate the impact of local development on the natural environment.

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, a specific S106 contribution of £22,026 (plus indexation) is requested for the improving facilities, equipment and access to the open spaces at Coleridge Recreation Ground. This could be used, for example, for the provision of new benches, bins, noticeboards, interpretation boards, footpath surface signs, tree planting and new boundary hedges.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, one specific contribution has been proposed for this project, namely the one associated with development at 60-80 Perne Road (16/0641/FUL).

2. This proposed development is within a mile of Coe Fen, which is on the Council's 2016/17 'target list' of informal open spaces for which specific S106 contributions may be sought. This target list was agreed by the City Council's Executive Councillor for City Centre and Public Places in March 2016 and is based on evidence the 2015/16 informal open spaces audit. Coe Fen was rated as 52% for being well-placed, but only 55% for the open space facilities on offer, denoting room for improvement in order to mitigate the impact of local development on the natural environment.

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, a specific S106 contribution of £15,000 (plus indexation) is requested for the improving facilities, equipment and access to the open spaces at Coe Fen. This could be used, for example, for the provision of and / or improvements to landscaping and habitat creation.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same

project. So far, no specific contributions have been proposed for this project.

*Play provision for children and teenagers:*

This proposed development is within half a mile of Coleridge Recreation Ground play area. The Outdoor Play Investment Strategy 2016-2021 rated this play area facility as 86% for its location.

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, a specific S106 contribution of £24,648 for the provision and/or improvement of the children's play area at Coleridge Recreation Ground play area.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, the council has not agreed any other specific contributions for this project.

6.28 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 following representation has been received:

- Cambridge Cycling Campaign

7.2 The representations can be summarised as follows:

- The proposed double stacker cycle parking discriminates against cycle users with mobility issues and prevents the secure parking of tandems, cargo bikes and all types of trike.
- Prepared to accept the principle of basement parking if it is easily accessible by a shallow cycleable ramp. The current proposal is inaccessible.
- Object to the use of double stackers, especially for residential provision.
- Object to the residential and commercial cycle parking being shared.

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. Environmental Impact Assessment
3. Housing mix
4. Development Viability and Affordable Housing
5. Context of site, design and external spaces (and impact on heritage assets)
6. Public Art
7. Renewable energy and sustainability
8. Disabled access
9. Residential amenity
10. Refuse arrangements
11. Highway safety
12. Car and cycle parking
13. Third party representations
14. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The principle of a mixed use development in the Station Area was promoted by the Station Area Development Framework and realised by the approval of Outline planning permission in 2010 which included a number of approved Parameter Plans. The Parameter Plan established the location and mix of uses across the site and the development has begun to be built out. In most cases the location and use of each block has been brought forward in accordance with the parameter plans with the notable exception of Block A1/A2 which was proposed as a polyclinic and hotel but is currently under development as an office building.

8.3 Local Plan policy 9/9 identifies the key land uses for the Station Area of Major Change including housing and gives an indicative capacity of 650 dwellings. 331 dwellings have been approved as part of the CB1 development and there are 183 properties



were approved in the Warren Close development which is within the Area of Major Change. This gives a total of 514 dwellings against the indicative capacity of 650 dwellings. The current proposals would increase the total number to 603. The principle of additional residential development is supported by policy 9/9 and in any event additional residential uses in highly accessible locations such as this are supported by other local plan policies and the NPPF.

- 8.4 The provision of commercial uses and office use are also compatible with policy 9/9. However policy 7/2 is also relevant and this requires the occupation of office space to be limited to 'local users'. This requirement can be secured via a s106 Agreement in common with other office uses on CB1.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 3/1, 7/2 and 9/9.

### **Environmental Impact Assessment**

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

### **Housing Mix**

- 8.7 The proposed development does not include any affordable housing and I have addressed this issue below. Notwithstanding this it is important to also look at the mix of size of housing units. The scheme would bring forward 46 one bed units and 43 two bed units (52%/48%).
- 8.8 This ratio can be compared with the anticipated housing mix when the CB1 proposals were first considered, (2008) the Ceres development (CB1 first residential phase) and the Vesta

development (CB1 second residential phase). The following table sets this out.

Housing mix (type/percentage)

	Studios	1 bed	2 bed	3 bed
Current Scheme	0	52	48	0
CB1 mix	9	36	49	6
Ceres	6	30	59	5
Vesta	0	28	67	5

- 8.9 This analysis shows that there will be a larger proportion of 1 bed houses in the proposed scheme than in other schemes on CB1. Policy 5/10 requires that housing developments of this scale provide a mix of dwelling sizes and types. In my view the development achieves the aim of providing a mixed size of unit particularly when viewed against the wider CB1 development. In terms of a mix of tenure I have set out below my reasons for accepting a scheme that does not deliver any affordable housing in this case.

### **Development Viability and Affordable Housing**

- 8.10 Policy 5/5 seeks to ensure that local housing needs are met through new development in the context of producing a mixed and balanced community. The proposed development does not include any affordable housing. In line with policy 5/5 the applicants have sought to justify this position on the grounds of development viability. Whilst policy 5/5 seeks to secure 40% of affordable housing (in this case 36 homes) it is clear that 'The precise amount of such housing to be provided on each site will be negotiated taking into account the viability of the development, any particular costs associated with the development and whether there are any other planning objectives which need to be given priority'.
- 8.11 Paragraph 173 of the NPPF (2012) requires local planning authorities (LPAs) to consider development viability, indicating that:

*To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions*

*or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

- 8.12 The National Planning Practice Guide (NPPG) also provides clear advice to local planning authorities on the consideration of viability in decision making:

*Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.*

*This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance. (Paragraph 19)*

- 8.13 The Council is therefore in a position where it must consider the viability information that has been submitted and make a decision on the application in the light of that information. In my view the key issues to be considered are as follows:

- o The viability assessment and supporting information submitted by the applicant
- o The independent assessment carried out by consultants appointed to act for the Council
- o The arguments in favour of the development (without affordable housing)
- o The balance of all material planning considerations having regard to the viability argument

The viability assessment and supporting information submitted by the applicant

- 8.14 The viability assessment identifies that the key issue impacting viability is the value of the existing office building and the existing planning permission for office development on this site. RICS guidance on the assessment of viability, which has been

accepted as a framework for consideration of such matters on appeal, acknowledges that the existing use or alternative consented value has an important role in determining whether re-development of a site results in an “uplift” above that value so that development comes forward. The commitments in the S106 concerning delivery of other infrastructure introduce a cost of approximately £0.5 million onto the development. Together, these two factors mean that when considered against the value of residential development, the “sales receipts etc.” cannot also cover the cost of delivering the affordable housing.

The independent assessment carried out by consultants appointed to act for the Council

- 8.15 The applicant’s claims regarding viability have been challenged by the Council. To test the claims the Council has appointed BPS Chartered Surveyors. BPS has recently assisted the Council with applications at 64 Newmarket Road and other sites in the city and they are acknowledged property valuation experts.
- 8.16 The BPS review of the viability information has also been considered by Housing Officers who confirm that in their view the analysis appears sound. The information provided by the applicants when the application was submitted was analysed and BPS requested additional information which they have also examined. Following receipt of further information a second report was produced. Redacted versions of the viability information have been published on the Council’s website
- 8.17 The conclusion by BPS is that the applicant’s claim that the proposed development would generate a lower land value than the alternative use office development is sound. However the scheme deficit identified by BPS is smaller than the applicant’s figure.
- 8.18 In accepting the conclusions reached by BPS, officers have acknowledged that the assessment is based upon forecast future values (of the units) and build costs. Given this can only ever be a forecast, in this case, and having regard to policy 5/5 and the development programme on CB1, officers consider that a review prior to construction of the viability appraisal (pre-implementation review) is justified. This would allow for any changes in the forecast values and costs to prompt a

reassessment of the developments capacity to support affordable housing.

- 8.19 Officers have negotiated a combined approach of a pre-implementation review should the development not commence within 2 years of the grant of planning permission and a post-completion review (clawback clause) of the type accepted on other sites in the city.

The arguments in favour of the development (without affordable housing)

- 8.20 The applicants have made the following comments in bringing forward the scheme without the provision of any form of affordable housing:
- a. The economics of completing the CB1 development are challenging and this is compounded with regard to Blocks I1/K1 which will deliver the second phase of the Station Square.
  - b. It is accepted that as a standalone application this scheme is not viable as the underpinning existing use value would not justify redevelopment. However we (the applicants) are committed to delivering the Masterplan and completing Station Square.
  - c. We (the applicants) have 'promised' the Council that they will remove the 'unsightly' Murdoch House.
  - d. The proposed development provides a 'better setting and environment for tenants of commercial floorspace on the wider CB1 Estate'.
  - e. The movement of the Southern Access Road has changed the 'dynamic' of Block I1. Block I1 is the least attractive block of the Masterplan and the floorplate does not meet current market requirements. This means that 30, 10 and 20 Station Road would be brought forward first and there is no guarantee that Murdoch House would be redeveloped or the Station Square completed.

- f. The principle of residential use within the CB1 development has been accepted and the scheme will contribute more housing to the city.
- g. 'A central tenet of a good Masterplan is flexibility and the Lord Rogers Plan has shown a robustness to accommodate these changes'.
- h. 'Development (will) not proceed if the financial burden is too great and that would be a missed opportunity to complete the Masterplan that will not be repeated.'

8.21 In my view the key issues for consideration of the acceptability of this scheme are how it fits into the strategic vision for the site and whether it represents sustainable development. There is a need to consider the balance between the strategic aim of providing a new transport interchange and the strategic aim of meeting local housing need through the provision of affordable housing in this location. These are material planning considerations.

8.22 The adopted Local Plan includes a Spatial Strategy. One of the main components is the 'regeneration of the Station Area as a mixed use City district built around an enhanced transport interchange'. The Station Area Development Framework (SADF) was produced to drive that vision forward and it remains a material consideration in the determination of planning applications. In 2004 when the SADF was adopted the Station Area was in need of regeneration and the vision of the document was about transformation including providing a greatly improved transport interchange and a mixed use but predominately residential neighbourhood.

8.23 The Station has undergone a period of rapid change and the developers are delivering on the vision of a greatly enhanced transport interchange. The bus interchange and access to it was provided at an early stage through collaboration with the County Council. The first stage of the Station Square has been opened and the changes to the station buildings which will significantly enhance the experience of all users are about to be revealed.

8.24 The delivery of the second phase of Station Square is a complex exercise. Murdoch House needs to be removed in

order to facilitate the completion of the Square and this application offers the opportunity for this to happen. Murdoch House is an unattractive building and there is merit in its removal and replacement with new buildings the design of which are supported by officers and the Design and Conservation Sub-Panel (CB1)

8.25 The viability assessment exercise has demonstrated that Murdoch House has a significant value as an office building and the applicants have indicated that if planning permission is not granted they may decide to refurbish and re-let Murdoch House. This could be regarded as a lost opportunity to complete the Station Square at this time.

8.26 Additional housing in a highly accessible location such as this is supported by national and local planning policies. Despite the lack of affordable housing the development will have a positive effect on meeting housing needs albeit only part of that need. Compliance with planning policy can be justified on the basis that the development contributes to a sustainable development in the CB1 area. The Strategic Housing Market Assessment (SHMA) identifies a need for all types of housing in Cambridge and aims to achieve mixed and balanced communities.

8.27 I have looked at the delivery of affordable housing in the area defined by the Station Area Development Framework and the CB1 Masterplan. The following table sets out the position in detail:

Site	Total dwellings	Total affordable dwellings	% affordable housing
CB1 Phase 1 (Ceres)	169	63	37%
CB1 Phase 2 (Vesta)	137	58	42
Total CB1 to date	306	121	39.5
Blocks I1/K1	89	0	0

Total CB1 with Blocks I1/K1	395	121	30%
Warren Close	183	43*	23%*
Total CB1 + Warren Close	489	164	33%
Total CB1 + Warren Close + Blocks I1/K1	578	164	25%

\*Based on % of developable area (34%) against policy for 30% affordable housing

8.28 The analysis of affordable housing provision when Blocks I1 and K1 are included varies between 25% and 30% depending on whether or not the Warren Close development is included. The Warren Close development was permitted under the previous Local Plan and the policy for affordable housing provision has changed. This is why including it in the calculation has the effect of reducing the percentage.

8.29 In my view bringing forward about 27% of affordable housing on a complex, large scale development such as CB1 amounts to sustainable development which is the key strand of the NPPF and is supported by policy 3/1 of the Local Plan. The new community at CB1 already provides for a range of housing tenures and a mixed form of development including office/commercial/hotels is being delivered. These uses contribute towards CB1's sense of place and community infrastructure has been provided in the form of open space, public art and community facilities. Mitigation measures to deal with the demands of the occupiers of 89 new homes have been negotiated and these will also benefit existing residents and users of CB1.

The balance of all material planning considerations having regard to the viability argument



8.30 The NPPF reflects planning legislation and requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, in the light of the outcome of the viability assessment the development is accords with policy 5/5 of the Local Plan. The applicants have argued that the proposal delivers a range of benefits that amount to material planning considerations in favour of the proposals. I have considered all other planning policies in the remainder of my assessment and have concluded that the scheme is in accordance with the Local Plan for the area. This conclusion is predicated on the conclusion that the development is consistent with local plan policy 3/1 which states that development will be permitted if it meets the principles of sustainable development having regard to both the Local Plan and the more recent NPPF definitions.. If the application is considered to comply with policy 3/1 then planning permission should be granted. If it does not then material considerations will come into play.

8.31 My view is that the proposed development, together with existing development on CB1, constitutes a sustainable form of development and should be supported. If the Committee does not agree with this conclusion then it would be appropriate to consider whether material considerations, including those cited in the report elsewhere and including those specifically cited by the applicant above, outweigh the conflict. The opportunity to complete the Station Square and deliver on the CB1 vision and the aspirations of the SPD is nevertheless considered to be a material planning consideration of significant weight in support of the scheme

8.32 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/1 and 5/5.

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

#### Impact on the Conservation Area

8.33 The visual impact of the whole scheme on the character of the Conservation Area has been addressed the outline permission in broad terms and the various amendments thereto as individual building designs have come forward. The buildings proposed, and partially built, along the southern side of Station

Road and elsewhere nearby affect the approach to the Listed railway station, the terraced houses along the Eastern side of Hills Road and the 19<sup>th</sup> century villas on the Northern side of Station Road as well as more distant views from various vantage points of the Conservation Area. This proposal will have an impact but this will be largely as expected by the 'masterplan', outline permission and the subsequent amendments and these have been considered to be acceptable in the past. The design of the buildings K1 and I1, materials of construction and setting will be part of the coherent grouping of new buildings planned around the new Station Square and should not have an adverse impact on the Listed building or character of the Conservation Area.

### Design & Conservation CB1 sub-panel comments

- 8.34 The emerging proposals for K1 and I1 were presented to the D&C sub-panel on the 11th February 2015. The panel were comfortable with the lozenge form of K1 but felt that further refinement of the scheme was needed and in particular resolving the challenges of the residential use fronting on to the Square. Accordingly the scheme received a unanimous 'amber' vote. Since the D&C CB1 sub-panel presentation, the elevations and details of the scheme have been further refined and in my view and that of the Urban Design and Conservation (UDC) team, results in a proposed scheme that reconciles the challenges of delivering residential use buildings fronting on to Station Square. The revised scheme was presented to the D & C sub-panel in July this year and it received a unanimous Green verdict.

### Building K1

- 8.35 The K1 building has been conceived as the replacement for the silo which was destroyed following a fire in 2010. A previous planning permission had approved conversion and extension of the silo building to create office space with A1 (retail) or A3 (restaurant) use on the ground floor.
- 8.36 The proposals subject to this application are to construct a nine storey building on the site of the former silo. The building will be residential with an A1/A3 use at ground floor. The change in use from the Outline is considered acceptable in urban design and conservation terms and will improve activity and surveillance of

the Station Square throughout the day. The non-rectilinear form is considered appropriate in the place of the lost silo.

#### Building K1 Context - Relationship to 'The Mill'

- 8.37 At pre-application discussions the opportunity to improve the relationship with the restored Mill building was explored and is well summarised in the submitted Design & Access Statement. The footprint of the building creates a more slender profile when viewed from the new Station Square. The form also compensates for the variation in the alignment of the Mill when compared to the completed M1 and M2 student blocks to the south and the alignments of One The Square' and I1 to the north.
- 8.38 The proposed building has been angled to allow the restored gable of the Mill to be visible from the Station entrance and so has improved the relationship between this heritage asset and the listed building. The lozenge shape also allows for the creation of an appropriate connection between Station Square and the 'ante chamber' located to the south west of K1 at ground floor level and vistas through the development.

#### Building K1 Scale and massing

- 8.39 The overall approach taken to the scale and massing of K1 is to create a simple and confident form that relates well to the retained Mill building and which creates a focal building to hold the southern edge of the new Station Square. The lozenge shaped footprint of the proposed building has been designed to present a slender elevation to Station Square and to catch the 'essence' of the former Silo which had a unique silhouette with a distinctive roof form.
- 8.40 The overall height of K1 at 9 storeys (30.2m) sits within the overall envelope of the former silo as identified in the approved Outline parameter plan of 31.2m and occupies a smaller footprint. In our view, the scale and massing and overall form of the building does not compete with the retained restored Mill building and creates a positive 'marker building' holding the southern edge of Station Square and is therefore considered to be acceptable in design terms.

#### Building K1 Elevations and Materials

- 8.41 The overall approach to the elevations creates a well ordered building that expresses a clear base, middle and top to the building. The columns and their spacing are reminiscent of the spacing and rhythm of the old silo elevations. The upper two floors of the building would be set back behind an openwork form that is an extension of the structural frame at lower floors to create further articulation and refinement of the overall form. The ground and first floors are also grouped to better express the base of the building and the window and entrance reveals are proposed to be lined in reconstituted stone to provide additional articulation and modelling. A series of reconstituted stone bands are proposed between floors to add further modelling to the elevations. A transom has been introduced to the proposed full height windows with the lower section being a 'frosted fixed glass panel'. This detail will help to resolve concerns about privacy of occupiers and the impact of 'clutter' within rooms on the external elevations.
- 8.42 The proposed main facing materials are a red coloured facing brick with reconstituted stone detailing. It is proposed that the brick forms a contrast to the prevailing buff tones of the Station and elsewhere at CB1. The use of the contrast brick on L1-L4 as part of the Ceres development was supported previously and a contrast could be considered an appropriate response for this site subject to careful selection of an appropriate tone. This element can be conditioned as part of the materials condition and considered in the context of the repainted Mill building and other existing development in the immediate vicinity.

### Building I1

- 8.43 Building I1 is positioned to form the western edge of the new Station Square on much of the site of Murdoch House. In the approved Outline 08/0266/OUT), the eastern edge of the building did not align with One the Square (Block A1/A2) located to the north. This was in part due to the need to provide a pedestrian route between it and the Silo. With the loss of the silo and reconfiguration of the K1 block, the opportunity to revisit the alignments has been taken with the submitted application. Building I1 now follows the building line dictated by One the Square and creates a more consistent edge to the western side of the Station Square. These changes are supported in conservation and design terms.

8.44 One the Square has created several important design cues for Building I1. The colonnade setback and height at ground and first floor has been translated across to I1 and so has the setback 'shoulder height' at the fifth floor. As such there will be a clear relationship between these buildings with consistent ground floor uses maintaining activity and surveillance on the western edges of Station Square.

#### Building I1 Scale and massing

8.45 The building would be 8 storeys in height with a recessed and well set back plant enclosure. The overall scale and massing is similar to that agreed through the parameter plan approved as part of the Outline application. The Outline permission allows for an overall height of 23m plus 2m plant (total height 25m). The proposed building at 20.6m to the setback with additional 5.2m for the recessed upper two floors and a further setback of a 1.8m high plant enclosure will have a total height of 27.6m. This exceeds the parameter plan height but officers are convinced on the basis of material that has been submitted that this increase should be supported. The form of the bronze louvred upper level plant room creates a clean silhouette to the roofscape of the building.

#### Building I1 Elevations and materials

8.46 The east elevation creates a well ordered frontage to the square which returns round to the north facing Station Road frontage and similarly to the south facing elevation on to the 'ante chamber'.

8.47 The west facing elevation is more articulated and is faceted to orientate balconies to take advantage of views across the park located to the south and mitigate overlooking into the adjacent development at 50 & 60 Station Road. A buff coloured brick is proposed for the elevations with bronze coloured panels and window frames. The overall palette is supported in principle but the brick in particular will need to be carefully chosen to compliment the listed station and the colour palette of One the Square located to the north. Materials can be covered by condition should the application be approved.

## Buildings K1 and I1 Conclusion

8.48 In terms of the overall design and relationship to the listed station building and wider Conservation Area, both K1 and I1 are considered acceptable in conservation and urban design terms. K1 has the potential to create a striking and well composed replacement for the lost Silo and the opportunities created through that loss will improve the composition and containment of Station Square and improve circulation routes between it and the 'ante chamber' located to the south west. I1 will help to complete and balance the composition of buildings around Station Square whilst effectively responding to the adjacent approved development at 50 & 60 Station Road.

### **Public Art**

8.49 The site falls within the Red Phase of the CB1 development and is covered by the CB1 Public Art Strategy. The S106 agreement for the Outline application requires that the detailed delivery of public art is agreed via Public Art Delivery Plans. The application is supported by the CB1 Red Phase Public Art Delivery Plan (PADP).

8.50 The PADP proposes the following:

- The Linear Park commission involving collaboration between the landscape architects, project architects and an artist to deliver a series of works within the landscape.
- The Station Gateway commission which will be a sculptural commission focused on the point where the Station Road approach narrows and the linear park comes to an end.
- The Lighting commission which aims to provide an interactive approach to lighting Station Road.

8.51 The Public Art Officer is satisfied with the PADP subject to additional information being submitted for approval. This can be secured and agreed under officer delegated powers through the S106 agreement.

8.52 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

## **Renewable energy and sustainability**

- 8.53 Policy 8/16 of the Cambridge Local Plan (2006) requires all developments over a threshold of 1,000 square metres to provide at least 10% of the developments predicted energy requirements from on-site renewable energy. The proposed development can also be viewed against the context of the plans for the redevelopment of the CB1 area as a whole, albeit this is a full planning application that is not bounded by the conditions attached to the outline application. The masterplan for the site contains the ambition for the development to exceed Part L of the Building Regulations by 10% and to achieve a 15% abatement of carbon emissions from renewable energy systems. It should be noted that since the outline permission was granted, changes to Part L of the Building Regulations have included more stringent carbon reduction targets for both residential and non-residential development, with a focus on encouraging a hierarchical approach to reducing carbon emissions.
- 8.54 The submitted Energy Strategy, prepared by Hilson Moran, sets out that by taking a hierarchical approach (passive design measures, fabric improvements, energy efficiency, and the use of renewable and low carbon technology) carbon reduction of 15% compared to a Part L 2013 compliant baseline for regulated emissions is predicted to be achieved. This approach is supported. In terms of renewable energy provision, two technologies are proposed; gas fired Combined Heat and Power (CHP) and 50 m<sup>2</sup> of photovoltaic panels, to be located above a brown roof on the I1 block. Together, these two technologies are predicted to reduce emissions by 23,300 Kg/CO<sub>2</sub>/annum, which equates to a 14% reduction, with the gas fired CHP reducing emissions by 20,400 Kg/CO<sub>2</sub>/annum and the photovoltaic panels reducing emissions by 2,900 Kg/CO<sub>2</sub>/annum. This approach is supported.
- 8.55 Further details are required on the technical specification of the proposed CHP system. While the use of this technology is supported, it will be important to ensure that it does not contribute to a reduction in air quality in this area, particularly as the site is located within the AQMA. This information can be secured by condition.

8.56 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

### **Disabled access**

8.57 The scheme has been considered by the Access Officer. The Design and Access Statement emphasises that level changes are reduced to a minimum, all dwellings are compliant with Lifetime Homes Standards, 5% of the dwellings can be adapted to wheelchair standards, all floors are served by lifts, level access from the dwellings to all balconies and terraces is provided, and 10% of the parking spaces are designed to wheelchair standards. The Access Officer has recommended internal changes and I have included these in my recommendation as an informative.

8.58 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

8.59 There are no residential properties to the north, east and west and therefore the only residents who will be affected by the development are to the south in the Warren Close and Ceres developments. The residents of these flats could be affected by the development in a number of ways which I consider below.

#### Relationship with adjacent dwellings

8.60 Block I1 will sit to the north of Meade House which is part of the Ceres housing development. Block K1 will screen Block I1 from the converted Spillers Mill. The separation distance between Block I1 and Meade House will be about 30 metres. The separation distance between Block I1 and the nearest block on the Warren Close development will be in excess of 50 metres.

8.61 Block K1 will sit to the north of the converted Mill and to the northeast of Meade House. At its closest point Block K1 will be approximately 3 metres from the Mill and 12 metres from Meade House.



### Overshadowing/loss of light

- 8.62 As a result of the orientation there will be no overshadowing or loss of light to Meade House arising from the development of Block I1. The shadow studies submitted with the application also demonstrate that Block K1 will not cast a shadow on Meade House or the Mill.

### Overlooking/loss of privacy

- 8.63 In my view the separation distance between Block I1 and Meade House will reduce any potential overlooking/interlooking to a reasonable level. The relationship between Block K1 and Meade House is much closer; however the relationship between windows means that the opportunity for direct overlooking is limited. The intervening space between the two residential blocks is the access road Mill Park. In my view given the context and limited opportunity for interlooking this arrangement is acceptable.
- 8.64 Block K1 and the Mill are only 3 metres apart; therefore the potential for overlooking/loss of privacy is heightened. The ground and first floor of the northern end of the Mill is given over to commercial space whilst the upper floors accommodate flats. There are rows of four windows in the gable end of the Mill. The central pair serve bathrooms therefore overlooking/loss of privacy will not arise. However the windows on the outer corners serve bedrooms although the room itself has dual outlooks also to the east or west respectfully.
- 8.65 In 2006 planning permission was granted for the addition of two wings to the Silo building and conversion to office use. These wings ran parallel the Mill Building in a very close relationship of less than 3 metres separation. Similarly the approved parameter plans, which assumed retention of the Silo allowed a very close relationship between the Mill and the Silo.
- 8.66 When planning permission was granted for the conversion of the Mill to flats the following observations were made in the Committee Report:

Block K2 sits to the north of the new student residential blocks that are currently under construction. The

buildings are on the same alignment, which prevents any overlooking from the principle elevations to the front and back. Windows are proposed in the south (side) elevation which face the student blocks and there will be windows in this elevation of the student accommodation. A similar inter-relationship would result if the extant approval for the (Silo) conversion were implemented. Although there will be potential for inter-looking, given the high-density urban nature of the scheme it is my view that this is acceptable.

- 8.67 As a result of the lozenge shape of Block K1 a greater part of the north end of the converted Mill will be exposed in comparison with the 2006 Silo scheme or the approved parameter plans. The applicants have undertaken a 'proximity study' which highlights that three windows on the second, third and fourth level of the new building are particularly affected. These windows will be obscure glazed and I have recommended a planning condition to control this.

#### Enclosure/loss of outlook

- 8.68 The buildings that have been brought forward for Blocks I1 and K1 are comparable with the scale and massing that has been approved in principle via the Outline consent/parameter plans. The relationship between Block I1 and Meade House is acceptable in my view and the shape of Block K1 represents a reduction in the enclosure and loss of view to the Mill in comparison with the parameter plan arrangements.

#### Noise and disturbance

- 8.69 Although residential use will result in a different pattern of use of the buildings I do not think that against the context of a mixed use area, there will be a significant level of noise and disturbance arising from the development. I have recommended conditions suggested by the EHO team regarding control of noise from plant and opening and delivery hours of the A1/A3 units which will control impacts both for nearby residents and residents of the new buildings.

#### Overspill car parking

- 8.70 71 car parking spaces are provided, with 65 spaces for use by residents and 6 spaces to serve the commercial uses. I have

assessed this against the parking standards below but the limited amount of car parking could have a consequence in terms of overspill parking. This issue has arisen on other sites within the CB1 development and has been addressed via a parking survey and potential mitigation measures being secured in the s106 Agreement. The County Council has recommended this provision and I have included it in my recommendations regarding the s106 Agreement. In my view this will satisfactorily address the issue of overspill parking impact.

### Construction activities

- 8.71 I have recommended the conditions suggested by the EHO team regarding contaminated land, construction hours and construction activities and recommended an informative in relation to the Considerate Contractors Scheme.
- 8.72 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

- 8.73 The floorspace of the residential units varies between 46 sq m and 108 sq m. All units have lift access and usable external balcony spaces. Due to the proximity of the two blocks to each other there will be overshadowing of Block I1 by block K1. Also there will be a degree of overshadowing on the West side of block I1 and the outlook from windows in the elevation will be affected by the close proximity of 50/60 Station Road when it is constructed. 50/60 Station Road will be on the opposite side of Mill Park and 12 metres from Block I1 at its closest point. The balconies serving units on the west side of Block I1 have been angled to direct views to the public space to the south and also to provide a sense of privacy and enclosure for the flats.
- 8.74 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**

- 8.75 An area for the storage of refuse bins is located within the basement. The car lifts will be used to move the bins to street level. Refuse and Environment officers have confirmed that the refuse arrangements are appropriate and acceptable, but have sought a redesign of the bin collection point. This can be secured by condition.
- 8.76 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.77 Following the receipt of further information the Highway Engineer has confirmed that he does not have any concerns regarding highway safety. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.78 Conditions 26 and 27 of the outline planning permission are of relevance to the consideration of car parking. They read as follows:

'26 5% of short-term car parking spaces and 5% of long-term car parking spaces within the multi storey car park and 5% of all other parking spaces within the rest of the development shall be suitable for, and reserved for, people with disabilities.

Reason: To ensure an appropriate level of car parking provision for people with disabilities (Cambridge Local Plan policy 8/10 and appendix C).

27 Car parking provision shall not exceed a maximum of 425 car parking spaces to serve the office accommodation (B1a use class) and 232 car parking spaces to serve the residential accommodation (C3 use class).

Reason: To ensure an appropriate level of car parking provision in the interests of sustainable development and impact on air quality. (Cambridge Local Plan policies 4/14 and 8/10 and appendix C).'

8.79 The plans show that seven of the car parking spaces proposed are designed for use by disabled people; this represents 5% of the total number of spaces (71 spaces) and accords with condition 26 of the outline consent and adopted Car Parking Standards.

8.80 In the controlled parking zone, the adopted Car Parking Standards allow a maximum of one car parking space for each 100 sqm of office floorspace, one car parking space for each residential unit and disabled car parking only for retail uses. For the proposal this equates to a maximum of 96 spaces. 71 car parking spaces are proposed, 6 spaces for the office space (1 space per 128 sqm) and 65 spaces for the residential units (0.75 units per space)

8.81 The following table sets out the comparative numbers and ratio of car parking in the CB1 development to date.

SITE ADDRESS	NUMBER OF SPACES	CAR PARKING RATIO
Office development		
50/60 Station Road (first scheme)	60	1 space per 274 sqm
50/60 Station Road (second scheme)	76	1 space per 209 sqm
50/60 Station Road (third scheme)	83	1 space per 198 sqm
50/60 Station Road (scheme to be implemented)	124	1 space per 137 sqm
Microsoft (excluding temporary car park)	35	1 space per 280 sqm
Block J1 (30 Station Road)	40	1 space per 186 sqm

Block J2 (22 Station Road)	40	1 space per 186 sqm
Block J3 (20 Station Road)	40	1 space per 186 sqm
Block J4 (10 Station Road)	37	1 space per 153 sqm
Block A1/A2 (One the Square)	92	1 space per 156 sqm
Residential development		
Ceres development	104	0.62 spaces per dwelling
Vesta development	48	0.36 spaces per dwelling

8.82 71 car parking spaces are proposed to serve 89 flats which is a ratio of 0.8 spaces per dwelling. This development is not bound by the conditions attached to the Outline planning consent however the total amount of car parking provision associated with residential uses (223) remains below the level set out in condition 27 of the Outline consent.

### *Cycle Parking*

8.83 A total of 218 cycle parking spaces are provided to serve the development. 190 are in the basement and 28 at ground floor level. The proportion of Sheffield stands to double stackers has been revised since the submission of the application.

- o The Sheffield stands / double stackers split for residential use in the basement has been revised from 100% double stackers to 52/48% Sheffield stands / double stackers. This arrangement ensures that every residential storage area has a maximum of 50/50% Sheffield stand / double stackers, and consequently, a maximum of 25% of cycle parking spaces are on the upper rack.

- o In addition, the office and retail cycle storage split has been revised from 100% double stackers to 34/66% Sheffield stands / double stackers, with a maximum of 34% of cycle parking spaces on the upper rack.
- o The overall split of Sheffield stands and double stackers results in 53/47%, taking into account the cycle parking spaces provided on street.

8.84 I share the concerns of the Walking and Cycling Officer about the use of double stackers in connection with residential development. Hi-capacity stands have been permitted as part of the Vesta housing development but the ratio of Sheffield stands to hi-capacity stands is 81% to 19%. The Cycle Parking Guide for New Residential Developments which is a material planning consideration advises that the use of high-low stands and two-tier stands is generally not acceptable for new residential developments but may be considered on a case-by-case basis. In this case the Cycling and Walking Officer has welcomed the increased numbers of Sheffield stands but remains of the view that use of double stackers is not recommended. In my opinion this does not form a strong enough basis for a refusal on the grounds of the inadequacy of cycle parking provision.

8.85 I have recommended planning conditions to address the detailed design matters raised by the Cycling and Walking Officer.

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

### **Third Party Representations**

8.87 The Cambridge Cycling Campaign has raised similar issues to the Cycling and Walking Officer and I have dealt with these above. The amended basement plan shows a segregated area for cycle parking for the office and retail uses.

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

8.88 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three

tests. Each planning obligation needs to pass three statutory tests to make sure that it is

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

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

8.89 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.

#### City Council Infrastructure (Open spaces and Community facilities)

8.90 The Developer Contribution Monitoring team has recommended that contributions be made to the following projects:

##### *Community Facilities*

Community Development Officer (2 days per week) (£50,000)  
The Junction (meeting space) (£61,784)

##### *Indoor Sports*

Kelsey Kerridge Sports Centre (Multi-purpose studio) (£41,137)

##### *Outdoor Sports*

Coleridge Recreation Ground (Improvement of pitches and changing facilities) (£36,414)



### *Informal Open Space*

Coleridge Recreation Ground (Improvement of facilities, equipment and access) (£22,026)

Coe Fen ((Improvement of facilities, equipment and access) (£15,000)

### *Play provision for children and teenagers*

Coleridge Recreation Ground (Provision/improvement of play area) (£24,648)

- 8.91 I agree with the reasoning set out in paragraph 6.27 above that contributions towards these projects meet the requirements of the CIL regulations. Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8, 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### County Council infrastructure (Education/Libraries/Strategic Waste)

- 8.92 The County Council does not require any developer contributions in regards to education, libraries and strategic waste infrastructure

### Transport Infrastructure

- 8.93 County Council officers have confirmed that mitigation measures are needed to address the demands imposed on the transport network as a result of the development. In common with recent phases of CB1 transport contributions have been reviewed to ensure that they meet the CIL tests and are reasonably related to the development. Officers at the County Council have assessed the transport information submitted by the applicants and reached the view that the following contributions are appropriate:

- o £383,539 for Station Road improvements
- o £110,000 for Wayfinding in the CB1 area

## Travel Plan Co-coordinator and Travel Plan

- 8.94 The outline s106 Agreement secures the submission and approval of a Travel Plan and provision of a Travel Plan Co-coordinator for each block in the Masterplan. These provisions need to be secured for Blocks I1/K1.

## Residents Parking Scheme

- 8.95 Overspill parking from the development has the potential to have an adverse impact on the amenity of residents in the vicinity of the site. A pre-construction and post occupation parking survey is necessary to assess the impact of the development the outcome of which may be the establishment of a Residents Parking Scheme. The costs of carrying out the survey and setting up the Scheme are to be borne by the applicant.
- 8.40 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

## Other Planning Obligations

Affordable Housing (Pre-implementation review and Clawback clause)

- 8.41 As set out in paragraph above the s106 Agreement should include clauses to secure a pre-implementation review and a claw-back clause. These will ensure that any uplift in actual value of the scheme compared to actual costs will initiate a review of the potential to provide affordable housing in some form. This would normally be a matter for detailed negotiation by officers as part of the detail of the s106 Agreement.

Triggers for implementation of Station Square (Phase 2)

- 8.42 The s106 Agreement for the CB1 development links the occupation of Block I1 with the completion of Station Square. The developers have also emphasised the strong link between the development of the site and the delivery of Station Square. The new s106 Agreement will need to secure this trigger with the detailed wording being the subject of negotiation by officers.

## Restrictions on occupation of office accommodation

- 8.43 Policy 7/2 requires the occupation of office space to be limited to 'local users'. This requirement can be secured via a s106 Agreement in common with other office uses on CB1.

## Public Art

- 8.44 In common with other phases of CB1 the s106 Agreement needs to tie the development of this site into the Public Art Delivery Plan for this part of CB1.

## Public Realm

- 8.45 In common with other parts of CB1 clauses are needed in the s106 Agreement to control the public realm within the site to ensure that public access is provided.

## Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 In my view this scheme is consistent with the vision of CB1 in that it supports the delivery of a high quality transport interchange within a mixed use development. The implementation of a regeneration scheme is complex but this scheme offers the opportunity to deliver a key piece of transport interchange, the completed Station Square. The viability of the development has been robustly scrutinised and in accordance with local and national policy it has been demonstrated that the scheme is unable to provide any affordable housing. This is complaint with planning policy because the policies require that consideration be given to development viability. In my view there is a strong argument in favour of the principle of this development because of the particular circumstances of the case. If a contrary view is adopted my opinion is that this can

only be based on an argument that the scheme does not amount to sustainable development which I do not support.

## 10.0 RECOMMENDATION

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

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

Prior to the first occupation of the development (or 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. Construction/Demolition works shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise agreed in writing by the local planning authority in advance.

Variations to the permitted construction/demolition hours and/or permitted delivery/collection hours during construction/demolition will require a submission to the local authority for consideration at least 10 working days before the event. Neighbouring properties are required to be notified by the applicant of the variation within 5 working days in advance of the works

Reason: To protect the amenity of occupiers 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, unless otherwise agreed in writing by the local planning authority in advance.

Variations to the permitted construction/demolition hours and/or permitted delivery/collection hours during construction/demolition will require a submission to the local authority for consideration at least 10 working days before the event. Neighbouring properties are required to be notified by the applicant of the variation within 5 working days in advance of the works

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

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

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

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

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

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



13. 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.

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

14. Prior to the commencement of development/construction, a noise assessment of external and 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 residential units (having regard to the building fabric, glazing and ventilation) and other mitigation to reduce the level of noise experienced externally and internally at the residential 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 external and 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 nearby properties (Cambridge Local Plan 2006 policy 4/13)

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

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

16. 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.  
Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)
17. The commercial units in A1 and A3 use hereby approved 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 policy 4/13)
18. Commercial deliveries to the A1, A3 and B1 uses hereby approved shall not be made outside the hours of 0700-2300hrs on Monday to Friday, 0800-1300hrs on Saturday or at any time on Sundays or public holidays.  
Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)
19. A minimum of five (5) electric vehicle recharge bays shall be installed and maintained within the car parking area for I1/K1.  
  
Reason: to promote the use of low emission electric vehicles in Cambridge in the interests of air quality (Policy 4/14 of the Local Plan 2006).
20. A minimum of ten (10) electric cycle recharge points shall be installed and maintained within the bicycle parking area for I1/K1.  
  
Reason: to promote the use of alternative modes of transport to and from the site in the interests of air quality (4/14 of the Local Plan 2006).
21. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details.

Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

22. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding. National Planning Policy Framework (NPPF), paragraphs 109, 120, 121

23. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

24. An assessment of potential impacts on groundwater flow and down-gradient water environment receptors shall be undertaken. The assessment shall include dewatering, excavation of the aquifer and construction of a basement. Should significant impacts be identified, appropriate mitigation measures shall be agreed and implemented.

Reason (5). To protect the available water resource for sensitive water features / protected water users. National Planning Policy Framework (NPPF), paragraphs 109, 120, 121

25. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding. National Planning Policy Framework (NPPF), paragraphs 109, 120, 121

26. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details including samples of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

27. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details of glass type(s) to be used in curtain walling/windows/doors or other glazed features shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

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

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

29. Prior to the commencement of installation of any roof mounted equipment, full details of all solar panels [water pre-heat, etc.] and/or photovoltaic cells, including type, dimensions, materials, location, fixing, etc. shall be submitted to and approved in writing by the local planning authority. In bringing forward such details the applicant is reminded of the restrictions imposed on the height of buildings under the outline planning approval and encouraged to site such features so as not to be visible from ground level. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the streetscene. (Cambridge Local Plan policies 3/4, 3/12 and 4/11).

30. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details of all balustrades & railings [for decorative or safety purposes] for balconies, flat roofs and other accessible locations including materials, fixings, colours and finishes shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the agreed details.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the balustrades and railings is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

31. Prior to commencement of occupation full details of the access arrangements to car lifts, entry control lights and intercom bollard shall be submitted to and approved by the local planning authority in writing. The approved provisions for car lifts shall be provided prior to the first occupation and shall be retained thereafter.

Reason: To provide ensure that the entrance to the car lifts does not detract from the overall design of the building. (Cambridge Local Plan policy 3/12).

32. Prior to the commencement of occupation, a lighting plan including details of the height, type, position and angle of any external or colonnade/soffit lighting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and maintained in accordance with the approved plan.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policy 4/13)

33. Full details of designed locations for signage systems for the building [including fascias, hanging signs, lighting systems, etc.] to be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to any variation in writing.

Reason: In the interests of visual amenity and to ensure that the quality of the signage, fascias, hanging signs, lighting systems, etc. is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

34. No rooftop plant shall be constructed on the building hereby approved until such time as full details, to a large scale, of any rooftop plant screening systems to be installed, where relevant, have been submitted to and approved in writing by the local planning authority. This may include the submission of samples of mesh/louvre types and the colour(s) of the components. Colour samples should be identified by the RAL or BS systems. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of development are acceptable. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

35. The proposed on-site renewable and low carbon technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Further information shall also 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. The renewable and low carbon energy technologies shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

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

36. The office space shall be constructed to meet the applicable approved BREEAM 'excellent' rating. Prior to the occupation of the building, or within six months of occupation, a certificate following a post-construction review, shall be issued by an approved BREEAM Assessor to the Local Planning Authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development unless otherwise agreed in writing by the Local Planning Authority.

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

37. Automatic doors shall be installed in all areas used to access cycle parking spaces.

Reason To facilitate access by cyclists (Cambridge Local Plan policy 8/6)

38. Prior to the commencement of installation of ramp and steps serving the cycle parking area, full details of the external finish of the ramp and steps shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved plans.

Reason To facilitate access by cyclists (Cambridge Local Plan policy 8/6)

39. Prior to occupation of the development a Cycle Parking Access and Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include a strategy to control the number of cyclists using the car lift and to monitor and manage the use of all cycle parking adjacent to the buildings.

Reason: To ensure satisfactory arrangements are in place to secure management of cycle parking.(Cambridge Local Plan 2006 policies 8/2 and 8/6)

40. The windows identified as having obscured glass on drawing numbers 6343 D3121 REV 10, 6343 D3720 REV 05 and 6343 D3721 REV 05 at second, third and fourth floor level) shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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



41. 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

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

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

43. Prior to the commencement of occupation, full details of the storage facilities for the separation of waste for recycling and composting within the individual flats shall be provided. The approved arrangements shall be retained thereafter.

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

**INFORMATIVE:** 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](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](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](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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

**INFORMATIVE:** As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. Contact the Commercial Team at Cambridge City Council on telephone number (01223) 457890 for further information.

**INFORMATIVE:** A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email [Licensing@cambridge.gov.uk](mailto:Licensing@cambridge.gov.uk) for further information.

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

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

**INFORMATIVE:** Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m<sup>3</sup> or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

**INFORMATIVE:** To satisfy the backup generator condition the noise level from the generator associated with this application should not raise the existing background level (L90) by more than 5 dB(A) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Note: Only in exceptional circumstances where the applicant has shown that the above cannot be achieved and the need is for real emergencies (e.g. hospital operating theatre or emergency services) the following standard may be used

To satisfy the emergency generator condition the noise level from the emergency generator associated with this application should not raise the existing background level (L90) by more than 10 dB(A) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

**INFORMATIVE:** Furnace chimney height 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>), prior to installation

**INFORMATIVE:** The entrance doors to K1 should be electrically assisted to aid access for people with mobility issues.

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

<b>Application Number</b>	16/6001/S106A	<b>Agenda Item</b>	
<b>Date Received</b>	16th August 2016	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	11th October 2016		
<b>Ward</b>	Market		
<b>Site</b>	Brunswick House 87 Newmarket Road Cambridge Cambridgeshire		
<b>Proposal</b>	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).		
<b>Applicant</b>	Brunswick Cambridge Limited C/o Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposed variation to the S106 Legal Agreement would accord with Policies 7/9 and 7/10 of the Cambridge Local Plan 2006</p> <p style="padding-left: 40px;">The proposal would not materially change the use of the site, and the premises would be subject to the same management controls outside term time. The variation would not therefore have a significant adverse impact upon the amenities of nearby residents</p>
<b>RECOMMENDATION</b>	<p>APPROVE 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, subject to the inclusion of the Student Management Plan</p>

## **0.0 UPDATE**

- 0.1 The application was considered at Planning Committee on 2<sup>nd</sup> November 2016. The Committee resolved to defer the application in order to seek advice on whether a Management Plan could be put in place and secured through the revised S106 Agreement.

### **Student Management Plan**

- 0.2 Following the 2<sup>nd</sup> November Committee meeting, the applicants have submitted a Student Management Plan (SMP). The initial version has had some minor revisions following a meeting with the Cambridge Riverside Residents Association. The amended version is online and I have attached it as an appendix to the report but I have summarised the content of the plan within this section.

#### *Introduction including Tenancy Agreement and Code of Conduct*

- 0.3 The SMP explains that the day-to-day running and operations at Brunswick House are managed by Derwent FM Facilities Management Ltd (DFM). DFM states that it is very experienced in the student accommodation sector and employs a 'good neighbour' policy that includes working with local community groups in order to try and settle local issues. DFM is accredited by ANUK, a body recognised for defining a code of standards for student accommodation, and means they have demonstrated excellence in areas such as property condition and management.
- 0.4 Each occupier is required to enter into an Assured Shorthold Tenancy Agreement which outlines all terms and conditions and covers matters such as anti-social behaviour and disciplinary procedures. If tenants fail to follow the rules, they can be evicted for persistent or unacceptable behaviour. DFM works closely with the University regarding breaches relating to anti-social behaviour, car parking and S106 requirements.
- 0.5 The Agreement encourages students to keep noise to a minimum when entering and exiting the building along the principal entrance routes. It includes a clause that prohibits noise that would be audible outside the accommodation and



makes it clear that persistent breaches, especially between 11pm and 8am, may result in termination of contracts.

- 0.6 Students are also required to sign up to the University's Student Code of Conduct and terms and conditions. If they contravene either, the University can take appropriate action.

### *Site Management*

- 0.7 The onsite team consists of a Scheme Contracts Manager and Assistant Manager as well as a maintenance and housekeeping team. The Onsite Manager, who is responsible for looking after the premises and surrounding environment, is present from Monday-Friday 8am – 6pm, with out of hours supervision provided by Resident Advisors, who are usually postgraduate students, and a security company called RCS who are on duty from 11am-5pm 7 days a week. The hours of service undertaken by the security company can be increased at key times during the academic year, eg – around exam results and festive holiday times.
- 0.8 Resident Advisors, who provide out of hours cover, live at the premises full-time and work under the Scheme Manager. Their responsibilities include welfare, discipline & conflict resolution (including noise complaints), and out-of-hours emergency cover. They work as a team on a rota basis thereby ensuring that DFM employed staff ensure 24 hours on-site coverage. This position will be closely monitored and, if it is felt that an additional management/security presence is needed at the weekends, this will be put in place. The Resident Advisors are supported by a 24-hour helpdesk, based in Stockton-upon-Tees, and the site management team are also on-call to deal with issues that require their attendance.

### *Out-of-hours management and security measures*

- 0.9 Out of hours, Brunswick is supported by a national call centre that has direct access to the designated maintenance contractors to respond to emergencies. The out-of-hours security contact number and Resident Advisors' mobile number are displayed throughout the building and available to all students and residents in the adjoining properties. For major incidents, the call centre has senior management contact numbers. Security breaches are dealt with severely, with all

incidents being logged and serious incidents investigated immediately.

- 0.10 Brunswick is covered by 24 hour CCTV (which focusses in particular on entrance/exit points and the courtyard areas) and a secure door-entry system, and is also managed out-of-hours by RCS security officers.

*Language/summer school (16-18 year olds)*

- 0.11 For language school and summer school students between 16-18 years old, there will be a strong pastoral presence. They will be chaperoned by Course Tutors who will reside within Brunswick House in the same part of the building as the students themselves throughout the contract and operate a duty rota outside office hours. Their presence should also deter anti-social behaviour. Under-age residents will be located in one section of the building and noise levels monitored. As part of the contractual obligations, a curfew will be in place for 16-18 year olds. In all aspects of management, summer and language school students will be handled in the same way as those on 44-week tenancies.

*Neighbourhood and community*

- 0.12 The Management Team actively seeks to engage with local Tenants and Residents Associations. Initially, monthly meetings will be held with local residents, and the academic institutions whose students are staying at Brunswick House will also be invited to attend. The frequency would reduce to quarterly meetings by agreement with the residents association. The terms of the tenancy agreement means that DFM will, if necessary, expel repeat offender students or take criminal proceedings.
- 0.13 Where specific events organised by DFM take place in the courtyard, DFM will provide appropriate notice to the Residents Association who, in turn, can make the residents aware.

*Building design and monitoring*

- 0.14 The building has a reception desk next to the main access to monitor visitors, providing a visible site management staff presence and clear point of contact for residents. Staff

periodically carry out other tasks around the building and, in this way, are therefore able to monitor and manage behaviour. The staff work in partnership with Anglia Ruskin Student Services to ensure nuisance and student misconduct issues are dealt with promptly.

- 0.15 To maintain a good quality environment, communal areas of the building are inspected and cleaned regularly.

*Car parking and vehicular movements including moving in and out process*

- 0.16 No students, other than students with disabilities, will be allowed to bring vehicles to the site or park locally. The car ban is emphasised on booking and at intake. Six parking spaces are provided for disabled residents, staff and visitors. Two spaces are allocated to visitors, which is controlled by the DFM on-site team.

- 0.17 Intake for most students is focussed around two weekends in September. In order to manage traffic flow, arrivals are staggered throughout the weekend, with 15 minute time slots that students are advised of in advance. Any students arriving without a time slot, or arriving early or late, will be turned away. Staff on site control traffic onto and through the site.

- 0.18 In addition to the main intake weekends, students arriving from overseas will arrive on an ad-hoc basis during weekdays. At all times, site staff will be briefed on the process and prepared to accept registrations with minimum disruption. All students are sent a welcome pack in advance, and are also provided with a handbook setting out the rules and responsibilities whilst living at Brunswick House. The need to act as good neighbours is emphasised at the induction evenings.

- 0.19 Students move out over an extended period of time at the end of the academic year.

*Waste/recycling & deliveries*

- 0.20 The position and capacity of bin stores is designed to ensure that the frequency and timing of waste collections avoids disturbance to neighbours.

0.21 Deliveries are made between 7am and 6pm on weekdays.

### **Consultation responses and representations regarding the Student Management Plan**

0.22 The Environmental Health Officer has raised no objections to the submitted Student Management Plan but raises the following comments:

- With regard to the statement relating to language/summer school students, if the amendment to the S106 would enable the development to be occupied by other educational establishments, then the plan should reflect this.
- More detail about the curfew is required, namely times of curfew and if it applies to students being back in the Halls or back in their rooms. If just back in the halls, what additional controls are proposed for the courtyard?
- With regard to the statement about noise audible from outside the accommodation, in addition to Anti-Social Behaviour (ASB), reference should be made to noise nuisance as Environmental Health may take action independent of ASB.

0.23 To date, the occupiers of the following address have commented further following the submission of the Management Plan: All local residents who previously commented on the proposal have been re-consulted. The deadline for responses expires on 16<sup>th</sup> December and any additional representation will be reported in the Amendment Sheet.

- 10 Keynes House

0.24 The additional representation can be summarised as follows:

- The experience of residents is that DFM are not the proactive organisation that they present themselves as in the Management Plan. This raises doubts over whether the plan will be implemented effectively.

- The sanctions are unlikely to have much impact on language students whose length of stay is likely to be over before sanctions take effect.
- The Plan does not provide any assurance that the original concerns raised by residents have been addressed.

0.25 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.

### **Assessment of Student Management Plan**

0.26 When the application was considered at Planning Committee on 2<sup>nd</sup> November 2016, there was a great deal of concern expressed by Members regarding the impact the proposed revision to the S106 Agreement would have upon the amenities of local residents. The application was therefore deferred to enable the submission and consideration of a Management Plan.

0.27 It appears from the comments received to date, and email from the agent regarding a meeting that took place with the Residents Association, that local residents are not entirely assured that the SMP would be sufficiently robust. However, the Environmental Health Officer has reviewed the SMP and is largely satisfied with its measures and conclusions, although has requested some clarification regarding curfew times and a revision that acknowledges that the Council's Environmental Health team can take action using statutory noise nuisance powers. I have requested this information from the applicant's agent and will provide a written update in the Amendment Sheet.

### **Conclusion of Update**

0.28 Subject to clarification of the outstanding matters referred to in paragraph 0.27, approve the application to vary the restrictions contained within Schedule 11 of the existing S106 Agreement subject to the inclusion of the Student Management Plan.

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

- 1.1 Brunswick House comprises a 251 room student accommodation block. It lies on the north side of Newmarket Road, to the rear of Nos. 77-81 Newmarket Road and the National Tyres building, and is bounded by Elizabeth Way to the east and residential units to the north and west.
- 1.2 The property was developed pursuant to planning permission references 09/0179/FUL and 09/0181/FUL under which consent was granted for a mixed development comprising 205 residential units, 251 student accommodation rooms (in lieu of affordable housing), a café and public open space. Planning permission was granted for the development at Planning Committee in July 2009 subject to a S106 Legal Agreement.
- 1.3 The S106 Agreement restricts occupation of the student accommodation block to students attending Anglia Ruskin University or (if none is available to take up the offer) to students attending a college within the University of Cambridge.
- 1.4 The site falls within the Central Conservation Area and is included within the Air Quality Management Area. The site is outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application is made under S106A of the Town and Country Planning Act 1990. It seeks to modify the restrictions contained within Schedule 11 paragraph 3 of the existing S106 agreement relating to the occupation of the student accommodation block.
- 2.2 The obligation currently prevents occupation of the property by students other than those enrolled in full-time occupation at ARU or a college within the University of Cambridge both during and out of term time. The applicant is therefore only able to offer year-long (51 week) tenancies of the student accommodation.
- 2.3 The application proposes to vary this restriction to enable the accommodation to be occupied by the following broader range of students/delegates during the summer vacation period (being the period between the end of the University's academic year and the start of the University's next academic year):

- (i) Full time students attending Anglia Ruskin University (ARU) or the University of Cambridge
  - (ii) Part-time students attending ARU or the University of Cambridge
  - (iii) Delegates attending conferences in the City of Cambridge run by ARU or University of Cambridge
  - (iv) Delegates and students attending other educational institutions situated in the City of Cambridge
- 2.4 It is intended that this relaxation of the existing restriction would enable the applicants to offer shorter, term-time (44 week) tenancies. It would also be consistent with restrictions relating to other student accommodation sites in the City.
- 2.5 The applicants originally sought to vary the agreement in 2012, and wrote to this Council to request a Deed of Variation to the S106 under part 1(a) of S106A of the Town and Country Planning Act 1990. The proposal was supported by Officers and a report was drafted to Planning Committee recommending that the variation be approved. However, Berkeley Homes, who were one of the signatories of the original S106 and owner of the private residential site, were not willing to sign the variation until the private residential units were complete and occupied so that residents could be consulted on the change. The proposal did not progress any further at that stage, as the Deed of Variation route under Part 1(a) can only be pursued if all parties with an interest in the site are bound by the agreement.
- 2.6 Parts 3, 4 & 5 of S106A enables any person upon whom the original S106 was enforceable to apply after a 5 year period to vary its terms without requiring all original parties to be signatories to the variation. This is providing the modification applied for does not impose an obligation on any other person.
- 2.7 The student accommodation restriction in Schedule 11 is not enforceable against any of the other signatories of the original agreement and, as it has been in force for more than 5 years, this application route accords with the relevant legislation.

### 3.0 RELEVANT SITE HISTORY

Reference	Description	Outcome
09/0179/FUL	Erection of 168 residential units, 251 student rooms (in lieu of affordable housing), new vehicular and pedestrian access, public open space (including public throughfare through the site) and associated works	Approved
09/0181/FUL	Erection of 37 residents units, café, new vehicular and pedestrian access, and associated works	Approved

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	4/11 4/13 7/9 7/10



### 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	Planning Obligation Strategy (March 2010)
	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)

### 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 of relevance:

## 6.0 CONSULTATIONS

### Urban Design and Conservation Team

#### 6.1 No objections

## **Planning Policy Team**

- 6.2 Has confirmed verbally that there are no objections to the proposal and that the modifications sought would be consistent with more recent agreements.
- 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:

- 33 Brooke House
- 23 Darwin House
- 10 Keynes House
- 5 Kingsley Walk
- 7 Kingsley Walk
- 28 Marlowe House
- 8 Newton Court
- 18 Newton Court
- 46 Newton Court
- 50 Newton Court
- Cambridge Riverside Management Company
- Cambridge Riverside Residents' Association
- 1 local resident objection, address not supplied

- 7.2 The representations can be summarised as follows:

- Since the student accommodation block was occupied in 2013, the nearby residents have experienced unacceptable levels of noise, nuisance and anti-social behaviour. These issues have been recorded in an incident log.
- Significant public authority resources are expended dealing with these matters.
- Residents are working closely with Environmental Health to try to get the owners to put in place professional night time security rather than leaving it to Student Wardens.
- The Brunswick House management has failed to respond to complaints and to put in place the security procedures needed to prevent the frequent anti-social behaviour.

- Students enrolled in long-term study do not wish to have a disciplinary record. Occupation by short-term residents attending conferences etc. would be inappropriate as the moderating influence of the University would be removed.
- The proposal would increase disturbance during the summer months when nearby residents are likely to have bedroom windows open.
- The proposal would result in the spikes in anti-social behaviour that tend to occur at the start and end of term-time becoming the norm.
- The proposal, which would enable occupation by students attending language and summer schools, would result in an increase in noise, nuisance and anti-social incidents thereby adversely affecting the well-being, health and security of nearby residents.

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 the proposed variation
2. Residential amenity

### **Principle of Development**

8.2 The site was allocated within the 2006 Local Plan for a mixed use housing development and community facilities with the potential for a student hostel for ARU. The student accommodation was permitted in lieu of any affordable housing provision in accordance with the terms of the allocation as well as Policy 7/9 of the Local Plan which seeks to secure the provision of student accommodation for ARU.

8.3 Whilst the development was originally permitted under Policy 7/9, Policy 7/10, which relates to speculative student hostel accommodation, is the policy under which most student accommodation schemes have been considered more recently. Policy 7/10 supports such schemes subject to occupancy

restrictions, and the supporting text to this policy makes it clear that such obligations would only be expected to be in place during the teaching term time.

“In view of the difficult student housing shortages faced by the University, and the limited number of sites and pressure to use the accommodation for other purposes such as language student accommodation, a planning condition or obligation will be imposed on future developments to ensure such accommodation is used by a named institution (either Anglia Ruskin University or the University of Cambridge) during its teaching terms.”

[Note: underline added to paragraph above for emphasis only].

- 8.4 As advised by the Planning Policy Team, the proposed variation would be consistent with the restrictions applied to other student accommodation elsewhere in the City. It would not harm the objectives of Policy 7/9 of the Local Plan, namely to safeguard the provision of student accommodation for ARU, as the amendment is only sought for the summer vacation period. The variation would enable the accommodation to be offered to delegates attending conferences or courses run by the aforementioned Universities, or students attending language and summer schools.
- 8.5 The proposed variation would be consistent with the restrictions applied to other student accommodation elsewhere in the City, and would not conflict with the objectives of either Policies 7/9 or 7/10 of the Local Plan. In my opinion, the principle of the proposed revision to the S106 Agreement is therefore acceptable.

### **Residential amenity**

- 8.6 A number of objections have been received from local residents, including from the Management Company and Residents' Association. These concerns relate to noise and anti-social behaviour issues associated with the existing student accommodation, and the potential for these issues to increase during the summer months particularly as the language/summer school students most likely to occupy the units during this time would fall outside the management control of either ARU or the University of Cambridge.

- 8.7 At present, students are offered 51-week tenancies and it is therefore possible for students who are looking to study for an extended period, or where their course is run on different term dates, to remain in the units outside normal term time, and this would remain the case. Whilst I appreciate that increasing the flexibility of the agreement outside term time is likely to increase the number of people occupying the premises during the vacation period compared to the existing situation, the proposal does not relate to any increase in the number of student units, nor would it result in any material change in the use of the property. This is really a matter relating to how the site is managed in relation to the behaviour of its occupants.
- 8.8 There are no student management plan conditions on the existing planning permission, and the issues raised by local residents are therefore being addressed directly with the Management Company and in conjunction with the Police and Council's Environmental Health Team. This would continue to be an issue that would need to be addressed by the Management Company. Nevertheless, in view of the concerns raised by local residents, I have sought clarification regarding what, if any, measures have been put in place to address concerns that have been raised to date, and what controls would be in place to address the behaviour of occupants that would not be covered by ARU's and the University of Cambridge's Codes of Conduct..
- 8.9 The applicant's agent has submitted a management statement from the management company (Derwent Students). This acknowledges that there have been incidents of anti-social behaviour, in response to which security guards were introduced from September 2016, meaning there is now a physical presence in the building during the evenings and at weekends. This would remain in place during the summer period. Students in occupation during the summer vacation period would be subject to the same conditions of occupation as other students. Language students who are aged 16-18 would also have additional supervisory support living at the building and, in practice, this would mean there would be additional management support on site during the summer period.
- 8.10 As noted above, there are no existing student management planning conditions. As the proposed variation of the S106

would not result in any material change in the use of the property, it would be unreasonable to seek to retrospectively impose controls through the planning process. Any ongoing noise disturbance and anti-social behaviour issues raised by local residents would need to be resolved directly by the Management Company in co-operation with the Police and Council's Environmental Health Team. Nevertheless, the information provided by the applicant's agent indicates that the concerns raised by local residents have been taken seriously by the Management Company and that measures have recently been put in place in response to these problems.

### **Third Party Representations**

8.11 The concerns raised within the third party representations have been addressed within paragraphs 8.6 – 8.10 of this report.

## **9.0 RECOMMENDATION**

**APPROVE** the application to vary the restrictions contained within Schedule 11 of the existing S106 Agreement relating to occupation of the student accommodation block.



## STUDENT MANAGEMENT PLAN

### Introduction to Brunswick House

The aim of the Student Management Plan (SMP) is to provide an overview of the management procedures along with details of the day to day operations at Brunswick House. It will be reviewed on a regular basis to ensure it responds to the on-going management onsite.

Brunswick House provides purpose-built student accommodation in a mixture of studio rooms and cluster flats, housing 251 students from Anglia Ruskin and Cambridge Universities. The development was completed in the summer of 2012. Owned by investors represented by Apache Capital Partners, the day-to-day running and operations are managed by Derwent FM Facilities Management Limited (Derwent FM) an experienced operator in the student accommodation sector. This document sets out the procedures employed by Derwent FM in their management of the property.

Our management ethos is to provide a safe and caring environment in which our student occupiers and our staff can live and work whilst always taking into account the sensitivities of the local community. We employ a 'good neighbour' policy and seek consultation rather than confrontation to settle local issues. As part of this policy, management actively seeks to be part of and work with local community groups in order to become a significant element of that local community. Resident representatives from the community are welcome to visit the development subject to operational demands. We are proud of our close working relationships with the Universities and will take into account their views and opinions in the area when marketing and managing our site.

### Site Management

The onsite team consists of a Scheme Contract Manager & Assistant Manager who are on site during normal working hours as well as a maintenance & housekeeping team. The Onsite Manager is responsible for looking after the premises and the surrounding environment.

The site is managed by our Onsite Manager Monday to Friday 8.00am to 6.00pm (times may vary depending on needs of service) with out of hours site supervision provided by Resident Advisors and a security company called RCS who are on duty from 11pm – 5am 7 days a week. Subject to operational requirements and if required in the interests of good estate management practice, the hours of service undertaken by the security company will be increased at key times during the academic year including the times surrounding exam results and festive holiday times.

Out of core hours are covered by the Resident Advisors with a mature outlook who live at the residence full time and work under the direction of the Scheme Manager. They are



responsible for welfare & pastoral care, discipline & conflict resolution (including any noise complaints), re-admissions, out-of-hours emergency cover, community and social life. Derwent FM employed staff ensure 24 hours onsite coverage. At least one Student Resident Advisor will be on call on a rota basis whenever daytime site management are not on duty. Their role will be to provide a visible presence and a point of contact for all student residents and any other parties. This position will continue to be closely monitored and should it be felt that in the interests of good estate management, an additional management / security presence is required at weekends that resource will be deployed.

Residential Advisors are experienced and usually postgraduate students. The Residential Advisors work as a team and there are always people available at evenings and weekends. The Scheme Manager and Residential Advisors are there to offer support and guidance with problems such as academic difficulties, health or emotional issues, social concerns, and disputes between students. They endeavour to deal with any problems sensitively and confidentially and will never discriminate against anyone because of their age, race, religion, national origin, gender, disability, or sexual orientation. They are supported by a 24 hour helpdesk who are based in Stockton Upon Tees with a published number who take calls from student tenants and coordinate any required response. The site management team are also on-call to deal with any issues that require their attendance. The contact details for the 24/7 helpdesk are 01423 740504

### Building Design

The building has been configured with a reception desk adjacent to the principal access point to monitor visitors, providing both a visible site management staff presence and a clear point of contact for residents. Staff periodically undertake other tasks and move around the building to provide a discreet but effective behaviour monitoring role that enables inappropriate behaviour to be proactively managed. The behaviour of students and their enjoyment of their stay with us are influenced by the quality and standard of their living environment, with a clean, good quality, environment creating respect and appropriate behaviour.

The staff work in partnership with Anglia Ruskin Student Services to ensure those students that need further guidance and support receive it and any nuisance issues are dealt with promptly and professionally. This enhances the support and intervention on offer to resident students and ensures that there is a joined-up and swift approach to the management of any student misconduct.

### Accommodation Schedule – Brunswick House

En-suite 3 Bed	3
En-suite 4 Bed	99
En-suite 5/6 Bed	111





Deluxe Studio	11
Large En-suite	13
Premium En-suite	5
Premium Studio	3
Studio	5
Studio Plus	1
Total	251

To maintain a good quality living environment, all communal areas of the building including the common room outdoor study area and the laundry areas are cleaned regularly and monitored via CCTV. The residents are, as part of their away from home experience, responsible for maintaining the cleanliness of their bed spaces and this is ensured through a program of flat inspections and advice from site staff. The development will be fully compliant with local and other HMO requirements for Fire and Health & Safety.

### **Car Parking Enforcement**

No students, with the exception of students with disabilities, will be allowed to bring vehicles to the site or park locally. Students are not permitted to bring cars to the site. Students are encouraged to use more sustainable means of transport, such as cycling, walking and buses. Derwent FM have considerable experience in enforcing this area of the student tenancy agreement. We will emphasise the car ban on booking and at intake and will continue to work with the University and local residents to enforce this policy.

### **Vehicular Traffic into and out of the site**

There are six car parking spaces that are provided for disabled residents, staff and visitors. Two spaces are allocated to visitors, which will be controlled by the Derwent FM on-site team with prior arrangement. There has been one space allocated for disabled car parking, which is managed by the Derwent FM on-site team. No student parking is allowed on-site, this is enforced via the student tenancy agreement.

### **Student drop off – Key Weekend**

The intake period for the majority of the rooms is focussed around two weekends in September. There will be some residents arriving on an ad hoc basis throughout the weeks either side of this weekend, however staff at all times will be prepared to accept registrations with minimum disruption. Students will be advised of suggested time slots to arrive, in order to stagger arrivals throughout the weekend. Whilst it is understood that the nature of transportation makes it very difficult to pinpoint exactly when people will arrive, experience tells us that operating with these slots improves the flow of arrivals and reduces pressure significantly. Each student is given a 15 minute time slot. Students arriving by car will be

directed into the site off Newmarket Road to keep the street clear. If students arrive on site without a time slot, or arrive early or late they will be turned away.

If students arrive within their agreed time slot, they are directed to one of the parking spaces within the courtyard. If all the spaces are full, as advised by the Parking Marshals, then students will be advised to park in local parking bays nearby.

### Open days and intake days

For the key weekends we have given considerable thought about how to manage traffic flow. This includes:-

- Using additional staff from other sites to manage traffic.
- Providing a specific time slot for arrival and check-in.
- On arrival students will be given 15 minutes to unload.
- The site based team will control traffic onto and through the site to ensure students and parents move through in less than an hour.
- Trolleys are hired to assist parents and students to move luggage from the check-in area into the building.

### Language School / Summer School (16yrs- 18yr olds)

There is a demand for short term contracts from Anglia Ruskin University, Cambridge University and from a variety of other academic institutions who have a presence within the City.

As with all the University's Intercollegiate Halls, there will be a strong pastoral presence within Brunswick House for our under 18 year olds who are allocated a room at Brunswick House. They will be chaperoned by Course Tutors who will provide a visible presence as well as a point of contact for all residents and any other parties. The tutors will reside within Brunswick House in the same part of the building as the students themselves. They will reside throughout the length of the contract and operate on a duty rota outside of office hours. We feel a continual staff presence by the Course Tutors will be welcomed by the local community, as their presence will also deter anti-social behaviour.

The under aged residents will be located in one section of the building to ensure that all areas are sufficiently covered, with noise levels monitored for the benefit of all residents and local neighbours. As part of the contractual obligations there will be a curfew imposed for all 16-18yr old residents whereby they will be required to be inside Brunswick House no later than 10.00pm. By utilising early interventions, pastoral challenges can be raised quickly and confidentially and dealt with equally swiftly before the issue becomes a major concern.

**It is important to note that in all aspects the management of any students who are either Summer School or Language Schools will be handled in exactly the same**

manner as those students who are staying for a 44-week tenancy as detailed in this document.

### General Pedestrian Routes

The site is a short walk or cycle ride from the University. In order to respond to noise complaints Derwent FM will instigate measures in line with the Tenancy agreements to reinforce the need for students to minimise noise disturbance both to other students and neighbours. Students are encouraged to keep noise to a minimum when entering and exiting the building along the principal entrance routes to the building. This message is reinforced both within the terms of the Tenancy Agreement and by the building management team.

### Tenancy Agreement

On entry to the accommodation each occupier is required to enter an Assured Shorthold Tenancy Agreement which outlines the terms and conditions of their stay and covers matters such as anti-social behaviour, disciplinary procedures and all aspects of Health & Safety. A copy of this tenancy agreement can be found in **Appendix 1**. At present tenancies are provided for a 51 week term running from September to September.

The main move in period for new students at the beginning of every academic year will be spread over two weekends. In addition to the main move in week, the site will have further students arriving on an ad hoc basis during the period following the main move in due to differing start dates for each course. This is particularly relevant for Summer Schools.

### Derwent FM Management Approach

Derwent FM bring a wealth of experience in the student accommodation sector, already delivering high quality services with proven expertise in over 15,000 student units for a variety of Universities, Private Owners and Funds. Our team ethos is built on transparency and true partnership working and in building positive relationships throughout the concession period with the University.

Derwent FM is accredited by ANUK, a body recognised by all UK universities, the Student Union and the UK Government for defining a code of standards for Student Accommodation. This means we have demonstrated excellence in fundamental areas such as property condition and management as well as forming sound relationships with students.

Brunswick House is registered with ANUK on behalf of the owners. Compliance with the code ensures that both tenants and site managers enjoy the benefits of good practice. Where problems do occur, protocols are in place to identify and resolve issues as quickly as possible. ANUK accreditation certificate is displayed within the communal areas and further information is available in all our literature.

## Operational Process

To assist with the day to day running of the building, Derwent FM utilises a system created to meet the requirements of the students' residences. Once the students have completed their online application themselves, their guarantors are directed to a comprehensive pre-move in website which clearly outlines their responsibilities as tenants and how to be a good neighbour. The utilisation on social media streams also enables our students to form positive relationships with the wider community.

## Operational Procedures

The onsite team delivers the student services all year round and not just during the term time. The Property Management Agreement between Derwent FM and the building owner sets out the obligations which we are required to meet. A set of standard policies and procedures will be utilised to ensure there is clarity and consistency in the way the Facilities Management team operates. This will ensure students have a positive and safe experience during their stay.

The policies and procedures cover all aspects of the management of the student accommodation, from managing student intake to planning building maintenance, cleaning procedures and all non-term time activities.

Service delivery is in line with agreed Service Level Agreements and Key Performance Indicators set out in the Property Management Agreement between Derwent FM and the building owner. Actual performance will be regularly reviewed by the building owner.

## Day to Day Monitoring

In order to encourage appropriate behaviour, all staff moving around the building provide discreet but effective security and monitor behaviour during the day. To maintain a good quality living and working environment for all students, communal areas of the building including lifts, communal areas, laundry, courtyard, amenity space and all entry and exit points are inspected and cleaned regularly by a team of directly employed cleaning staff.

This provides a further effective method for monitoring the welfare and behaviour of the students. As part of their role the Scheme Manager and the onsite team perform daily inspections to ensure that:

- Operational staff are performing in accordance with applicable service level agreements
- Students are benefiting from a good living and learning environment free from the inconveniences caused by poor service delivery and disruptive behaviour
- Student, University staff and neighbour challenges are dealt with appropriately



This will help guarantee that service delivery is meeting both the University's and students' satisfaction. A focus on high quality service delivery, reducing response times and promoting a beneficial living environment for students will have a positive impact on the local environment.

### **Out of Hours Emergency Management**

Brunswick House is supported by access to a 24/7/365 national call centre which has direct access to our designated maintenance contractors to respond to emergency situations. The security company RCS are present on site every evening from 11pm until 5am – 7 days a week and will respond within 5 minutes to any request for assistance. The security company will provide additional support to the site team. A well-managed and visible presence to both the students and the local community enhances the sense of security, control and consideration for that community. The out of hours security contact telephone number and Resident Advisors' mobile number are displayed throughout the building and available to all students as well as residents in the adjoining properties. In case of major incidents, the call centre also has senior management telephone numbers.

Security breaches are dealt with severely and the management team log all incidents and investigate serious incidents immediately. The Resident Advisors and telephone helpdesk have the ability to call our security officers if required, or the on-call site management team. All daily logs from the out-of-hours helpdesk are reviewed and followed through where required to prevent a reoccurrence and appropriate action taken against the perpetrators.

### **Security Measures**

Brunswick House is covered by 24hour CCTV, a secure door-entry system and is expertly managed out of hours by RCS security officers. The main entrance is from Newmarket Road and there is also an entrance – Elizabeth Way Bridge - both of which are managed through a programmable electronic fob-entry system. Additionally there is CCTV coverage throughout and particularly focused on points of entrance and exits and the courtyard areas.

Management on site treats all breaches of security or anti-social behaviour very seriously. CCTV images and random monitoring of communal facilities ensure a safe and secure environment is provided for all. Management reserves the right to close the communal (Common Room) area if it is found to be used inappropriately or in a way that disturbs other students/local residents. The out of hours security officer also asks students to leave the outdoor areas should the level of noise cause a disturbance.

Management will ensure that a programme of planned and reactive maintenance is in place, supported by the 24 hour helpdesk and electronic fault reporting, to ensure any broken fixtures/fittings are repaired/replaced as appropriate – with high risk items being dealt with as an emergency. All rubbish is stored safely and placed in the designated area for collection

on the relevant days. The onsite team are responsible for bringing the bins to a collection point on each allocated day.

### **CCTV**

Brunswick House has a comprehensive CCTV installation which enables on site staff to monitor the CCTV around the site. This facilitates a seamless management between the out of hours team and the Scheme Manager. The CCTV monitors are situated at the exterior of the accommodation and other internal areas including the courtyard. Furthermore, the entry gates or door cameras will record persons entering or leaving at all hours of the day. Live feeds will be monitored from the main reception desk by the security team. This will supplement the on-site staff and is not considered to be a replacement for the essential personal presence of responsible staff/Resident Advisors on site.

### **Key Fob Entry**

Entry to and from the building, studios and flats is controlled by an advanced electronic key fob security system. Residents are issued personal fobs when they first arrive at the building and these are individually registered and strictly controlled. The onsite team will be able to precisely control the extent of access around the building of all occupants and this can be tailored for specific larger groups of students living within a specific part of the building to encourage greater interaction and a sense of community. In the event of a key being lost or stolen the key is cancelled and a replacement issued to the student.

### **Inspections**

The communal areas within the cluster flats are inspected on a termly basis to control the cleanliness of the properties. Should the property be in a less than satisfactory condition we bring in cleaners to carry out a deep clean and recharge the offending students from their deposits. This ensures that the accommodation conforms to hygienic regulations and minimises pest control issues. At the end of every break in occupation the rooms are inspected, repaired and deep cleaned in readiness for the next student occupier.

### **Repairs**

Derwent FM have a maintenance staff member on site who carries out all of the day to day repairs and testing of the fire alarm and emergency lighting systems. The maintenance staff member is backed up by specialist's subcontractors for gas, electrical testing, water treatment risk assessments, fire extinguisher and fire alarm maintenance etc.

There is a sinking fund in place to deal with major repairs which will be organised by Derwent FM This includes internal and external decoration; re-carpeting; new furniture and roof, window and fabric works as the building ages. This ensures that the building is maintained in a safe and good state of repair.

### **Management of Health & Safety**



Derwent FM is extremely vigilant in their approach to health and safety and has a dedicated Health & Safety Risk Manager. We also utilise the services of an external specialist Health & Safety company to undertake risk assessments of our student schemes.

All staff undertake training in general Health & Safety issues as appropriate for their area of responsibility. A copy of the major incident and emergency evacuation plan is provided to each member of the management team and each student at registration. Students are informed of evacuation assembly sites and notices are posted throughout the building.

### **Waste and recycling management**

The developers of Brunswick House have designed the position and capacity of the bin stores to enable us to ensure that waste collections are of sufficient frequency and at times of day that avoid disturbance to neighbours and avoid the risk of odours from food waste. Bins are stored in an enclosed compound that is accessible for the refuse vehicles. Collections will take place off road in the designated service area. Bin stores and the surrounding areas are kept clear of debris by our dedicated cleaning team and treated to minimise the risk from environmental issues such as vermin infestation. A full preventative pest control regime is in place at the site. Rubbish collection will be as per times agreed with Cambridge City Council.

### **Deliveries**

Any deliveries are to be made between 07.00 and 18:00 on weekdays. Out of hours students are responsible for signing for their deliveries. Postal deliveries are made directly to the reception post-boxes with parcels being handled by the onsite team. All parcels received on behalf of the student are recorded in a post book. The students are notified of the delivery and asked to come to reception with ID to collect it. The student signs the post book to confirm they have received the delivery.

### **Landscaped area management**

Grounds maintenance is carried out by the onsite team and management ensures that all external areas are kept clean, tidy and well landscaped and free from graffiti, litter, weeds, waste and other debris. All signage is kept clean, legible and unobstructed, and where illuminating signs are used, they are maintained in accordance with the general building maintenance requirements.

### **Neighbourhood & Community**

The Management Team actively seeks to engage with local Tenants and Residents Associations and community organisations. In addition to working closely with local residents, the Management Team will initially hold monthly meetings with local residents and groups to discuss and address any issues as and when they arise. The academic institutions

whose students are staying at Brunswick House will also be invited to attend these meetings and encouraged to actively participate in the on-going liaison between the parties.

The frequency would normally drop to quarterly meetings by agreement with the residents association. Derwent FM have robust procedures in place to manage this and the terms of the tenancy agreement means that we if necessary expel repeat offender students or take criminal proceedings if appropriate. We operate a deposit and guarantor policy which provides further security relating to student behaviour.

We also actively engage with student representatives via regular consultations to listen to their concerns and suggestions and at the same time for us to provide feedback to the students on any incidents or underlying issues.

### Move in process

The intake process is carefully planned and coordinated by the management team and whenever possible staggered over this period of two weekends. All students will be advised of the date and time for arrival to take up occupancy of their room. In the weeks prior to move in, as tenancy agreements are returned, welcome packs are prepared for each student. In addition to the principal intake weekends, a proportion of students - particularly those travelling to the UK from overseas – will arrive on an adhoc basis during weekdays. However at all times during the intake period, site staff will be fully briefed and prepared to accept registrations with minimum hassle and disruption. The welcome pack includes details of the site and how it is run, advice on living with us and local information. Preparation of this information enables a swift and largely trouble free process enabling the onsite management team to welcome students and direct them to their rooms quickly and efficiently. It is made clear to students that the allocation of time slots is for their benefit to ensure a smooth and trouble free move in and minimise any localised disruption in terms of vehicular movements. As students will have previously received information on how the moving in process operates, Derwent FM is able to welcome students individually and direct them to their room quickly and efficiently. It is made clear to students that the allocation of time slots (15 min intervals) is for their benefit to ensure a smooth and trouble free arrival experience and to minimise any localised disruption in terms of vehicular movements. In our experience, the vast majority of students comply with these scheduling requirements and arrive when requested.

### Induction Evening

The need to act as good neighbours both within and in the vicinity of the building is emphasised to students by the Management Team and local Police at the induction evenings. All new residents receive compulsory induction “meet and greet” talks from the Fire Service, Environmental Health Representatives and the Police, which take place at the beginning of the academic year. Each gives a short presentation as to life in accommodation blocks and what issues to look out for. This opportunity reinforces the need



to act as good neighbours both within and in the vicinity of the building will be emphasised to students by the Management Team. This meeting delivers a strong message regarding acceptable behaviour and how students should live within the community. The on-site team promotes the message of social responsibility using the variety of social media outlets we have to hand, reinforcing the expectations of the landlord by raising awareness of the impact noise nuisance can cause for other residents. Derwent FM will also provide students with hard copy site-specific safety information as part of their induction packs.

### Move out process

Student move out is not so time constrained as individual courses within the Universities finish at different times. In our experience students move out over an extended period of time at the end of the academic year. All students will be advised prior to the end of their tenancy period of the move out procedure and dates on which they would be expected to finally vacate. Appointments will be made to inspect rooms for damage and cleanliness prior to departure and, where necessary, arrangements made to return deposits or use them to offset the cost of damages.

### Acceptable Behaviour

The encouragement of acceptable behaviour is critical to the success of the Management Team. Derwent FM issues a handbook to all students upon their arrival on the rules and responsibilities whilst living at Brunswick House. Derwent FM works to create a social environment whilst respecting those in the surrounding areas. The tenancy agreement also outlines the students' obligations and the expectations of the Landlord. The students are required to sign an Assured Shorthold Tenancy (AST) which includes details of rules and responsibilities. Any anti-social behaviour – including excessive noise – caused by students which is either observed by the Management Team, reported to them by other students or the occupiers of neighbouring buildings, will be taken seriously by the Scheme Manager, Security staff, Residential Advisors in line with procedures detailed within the tenancy agreement. A contact number is made available for Local Residents to call if they feel there is a nuisance arising from the students living at Brunswick House.

### **The tenancy agreement in Appendix 1 include the following specific clause 4.29:-**

*Not to make any noise which is audible from outside the Accommodation and not to make any noise which is audible from outside the Accommodation and not to make a noise in the Common Parts or outside the Building if it is likely to annoy others. Persistent breach of this clause, particularly where it occurs between **11.00pm** and **8.00am** is likely to be anti-social behaviour which may result in termination of this tenancy agreement and/or enforcement action by the local authority.*

The tenancy agreement covers the disciplinary procedures we use which include verbal, written and formal written warnings. Therefore, if tenants fail to follow the rules in their tenancy agreement, then following warnings, in exceptional circumstances where the

behaviour is unacceptable or persistent, they will be evicted. We work closely with the University in respect of breaches relating to anti-social behaviour and car parking and any appropriate interventions relating to Section 106 requirements from the local authority planning conditions. Additionally, Cambridge City Council's Environmental Health Department has powers to take action against noise nuisance being caused by the students. Any anti-social behaviour/noise during the day is managed by site staff through direct action with the students involved and where appropriate for disruptive behaviour that causes damage or offence to others, Derwent FM operate a series of penalties in accordance with the tenancy agreement. In extreme circumstances or constant repeat incidents, Derwent FM will take action to terminate the tenancy.

Regular patrols of the premises take place to check that all is well and to prevent the occurrence of anti-social behaviour. In addition the Residential Advisors are appropriately trained to take responsibility for what is happening in their area of the building, taking action where necessary. Site management publishes a comprehensive statement on rules and responsibilities and work with the students to create a social environment where all can live and enjoy their university living experience whilst considering and respecting others.

Derwent FM works actively with the University and seeks to build strong personal relationships within both the University accommodation team and the pastoral support groups. We like to meet on a regular basis to be close to issues and activities with the University involved. By developing those relationships with a clear and honest open dialogue, those students who may have problems or difficulties have a clear and transparent support network.

Derwent FM also places great emphasis on pastoral care especially for students who may never have lived away from home and site management do make regular visits to flats for informal chats. Later in the year, surgeries are established to encourage students with concerns to discuss any issues the student tenant find may have. Derwent FM wherever possible seeks to build relationships with the local University student support teams. This enables a proactive approach to pastoral and other behavioural issues which can affect students' and their peers' enjoyment of their time at University.

### **Landlord and managing agent relationship**

The managing Agent provides the landlord with a report on a quarterly basis summarising all on going property and tenancy issues. Emergency repairs and complaints by students or local residents will be reported and actioned immediately.

### **Partnership approach to student accommodation management & community liaison**

To ensure that we make a positive impact on the local community, we will work proactively to develop beneficial long term relationships with neighbours, businesses and others in the

local community. Derwent FM view this approach as critical to ensuring that the numerous local interest groups co-exist harmoniously between the local community groups, police local authority, students and Cambridge Council. The Landlord is committed to and will be resolute in the drive to mitigate the impact of day to day operations on the local residential and business neighbours.

Derwent FM has robust procedures in place to manage this and the terms of the licence means that we can fine and if necessary, expel repeat offender students or take criminal proceedings if appropriate. We operate a deposit and guarantor policy which provides further security relating to student behaviour.

We also actively engage with student representatives via regular consultations to listen to their concerns and suggestions and at the same time for us to provide feedback to the students on any incidents or underlying issues. Our management team actively seek to work with the local tenants and residents associations and local community organisations.

Where specific activities/events organised by Derwent FM are taking place in the courtyard, Derwent FM will provide reasonable notice to the appointed representative of the Residents Association in order that they can in turn make the residents aware.

### **Tenancy Enforcement**

It is in our interests to ensure the scheme maintains a good reputation in order to ensure good demand and high levels of occupancy. The tenants are monitored by a number of means: -

- Complaints from other students
- Complaints from residents
- Staff, warden and security patrols
- CCTV

The tenancy agreement covers the disciplinary procedures we use which includes verbal, written and formal written warnings. Students are also required to sign up to the University's Student Code of Conduct which sets out the institutional expectations related to their behaviour, both on and off campus and when they are engaging with the local community.

All students living at Brunswick House are also required to sign up to the University's terms and conditions, many of which are linked to their behaviour when they are in residence. If students break the terms of their residency or if they contravene the Student Code of Conduct, the University takes appropriate action in accordance with its investigative and disciplinary procedures leading to a range of sanctions, such as the issuing of warnings, through to eviction from the Student Accommodation halls and ultimately expulsion from the institution.



## Appendix 1 – AST Agreement (Extract)

### ASSURED SHORTHOLD TENANCY AGREEMENT OFFLINE



#### Academic year Sept 2016-17

When we receive your signed agreement and we countersign it, a legally binding contract is formed between you and the Landlord. Even if you do not sign, if you accept the keys for the Accommodation, you will occupy it on the terms set out in this agreement.

This tenancy agreement incorporates Derwent FM Students' Cancellation of Student Tenancy Policy, which is available to view or download at [www.Derwent FMstudents.com](http://www.Derwent FMstudents.com)

#### 1 Definitions and interpretation

1.1 In this tenancy agreement the following words shall have the meanings given to them in this clause.

Guarantor                                    The person standing as guarantor for the performance of the Tenant's obligations in the tenancy agreement

Landlord                                     Brunswick (Cambridge) Limited Partnership,

#### ALL COMMUNICATIONS WITH THE LANDLORD REGARDING THE TENANCY AGREEMENT SHOULD BE MADE THROUGH THE LANDLORD'S AGENTS:

Agent                                         Derwent FM Facilities Management Limited (company number 07264667) (trading as Derwent FM Students) of No.1 Centro Place, Pride Park, Derby, DE24 8RF and until further notice No. 1 Centro Place shall be the Landlord's address for all communications (including the service of legal proceedings) in connection with this tenancy agreement

Tenant                                         \_\_\_\_\_



Accommodation	<p>_____</p> <p>(or such other Accommodation owned by the Landlord as the Tenant may occupy from time to time).</p>
Building	<p>Brunswick House</p> <p>The word "Building" includes the Accommodation as well as areas for shared use.</p>
Cluster Flat	<p>A flat within the Building, or a house, comprising individual bedrooms; and a kitchen, bathroom, living area and access ways for the shared use by the occupiers of the bedrooms. "The Cluster Flat" is the Cluster Flat (or house) where the Accommodation is situated.</p>
Common Parts	<p>All structural and exterior elements of the Building, all conducting media serving the Building and any other parts of the Building other than study bedrooms and studios. Common Parts includes any cycle and bin stores, communal gardens, landscaped areas and parking areas serving the Building, those parts of the Landlord's property which are necessary for the purpose of gaining access to the Accommodation, and those parts of a Cluster Flat which are intended for the joint use of all the occupants.</p>
Contents	<p>Fixtures, fittings, furniture, furnishings, equipment and other items provided by the Landlord for the Tenant's use (whether in the Accommodation or elsewhere in the Building).</p>
Deposit	<p>£250.00.</p>
Fees	<p>The fees, expenses and any other sums (apart from Rent) which the Landlord is entitled to charge in accordance with this tenancy agreement.</p>
Inventory	<p>The inventory provided by the Agent to the Tenant.</p>
Rent	<p>£ _____ for the Tenancy Period (equivalent to</p>

£ [redacted] per week). This sum includes charges for gas and electricity of £11.00 per week (any consumption over this allowance being charged to and payable by the Tenant) and charges for water supply.

Rent Dates

The rent is payable  monthly  termly  annually

(the Agent will tick the option that applies).

If rent is payable monthly, the Rent Dates are the [redacted] day of each calendar month.

If rent is payable termly, the Rent Dates are

[redacted]

[redacted]

[redacted]

If rent is payable annually, the Rent Date is [redacted]

Rights

- (a) to use the Common Parts outside Cluster Flats
- (b) if the Accommodation is in a Cluster Flat, to use the Common Parts in that Cluster Flat
- (c) to use the Contents allocated to the Accommodation, for their intended purpose
- (d) to have the Services provided

Use of the Common Parts and the Contents in them is shared with the other residents who are entitled to use them.

Services

- (a) maintenance (including external window cleaning) repair and insurance of the Building
- (b) cleaning and lighting of the main Common Parts (but not Common Parts inside Cluster Flats)
- (c) hot and cold running water supply to Studios and Cluster Flats

(d) electricity and gas supply to Studios and Cluster Flats (subject to additional charges for high consumption, as set out in clause 4.9)

(e) insurance of the Tenant's possessions in accordance with the policy details supplied to the Tenant

(f) disposal of rubbish deposited in proper receptacles provided in the Building

(g) security of the Building.

Studio A self-contained studio apartment in the Building.

Tenancy Period Tenancy Period The period starting on at 12:00 hours on \_\_\_\_\_  
and ending at 12:00 hours on \_\_\_\_\_

1.2 Words indicating a male gender include females; words in the singular include the plural and vice versa.

1.3 Where this tenancy agreement requires notice or consent, that notice or consent must be in writing. This can include email as long as it is sent to the addresses given in this tenancy agreement or subsequently. The Tenant agrees that the Landlord may serve any document relating to this tenancy agreement on the Tenant by email.

1.4 It will be reasonable for the Landlord to refuse consent if the Landlord itself needs permission and is not able to obtain it.

1.5 The word "including" means "including, but not limited to" and any list that follows the word "including" is not an exhaustive list.

1.6 The Landlord's rights in this tenancy agreement may be exercised by the Agent and the Landlord's Obligations may be delegated to the Agent. Notices which should be given by the Landlord or to the Landlord will be properly given if they are given by the Agent or to the Agent. Where the Tenant or the Guarantor is required to seek Landlord's consent, the Landlord's consent is deemed to be given if the Agent consents. Both the Agent and the Landlord are entitled to claim compensation for losses sustained or expenses reasonably incurred as a result of the Tenant's breach of their obligations in this tenancy agreement.

2 Guarantor

- 2.1 The Tenant will within 5 working days of submitting their signed tenancy agreement to the Agent procure that the Guarantor provides a signed guarantee in the Landlord's standard form.
- 2.2 The Landlord may, in its reasonable discretion, waive the requirement for the Tenant to procure a Guarantor.
- 2.3 The Landlord is entitled to insist on a replacement guarantor if the Guarantor is at any time neither in full-time employment nor a home-owner.
- 2.4 If the Tenant does not provide the signed guarantee within 5 working days of submitting their signed tenancy agreement the Agent may advertise the Accommodation as available to let. If the Accommodation is then booked by someone else, this tenancy agreement will end when that person provides their Guarantor. Until the Accommodation is booked and guaranteed by someone else, the Tenant will remain liable for the Rent and Fees due under this tenancy agreement.

### **3 Agreement to Grant and to Take a Tenancy**

- 3.1 The Landlord agrees to grant and the Tenant agrees to take a tenancy of the Accommodation. This tenancy agreement incorporates all additional terms and conditions applicable to the Accommodation and/or the Building as set out on the Agent's website.
- 3.2 Where a person has been provided with a copy of this tenancy agreement but does not sign it and subsequently takes occupation of the Accommodation, that person shall be deemed to have taken a tenancy by the act of collecting keys for the Accommodation, on the same standard terms and conditions as are set out in this tenancy agreement.

### **4 Tenant's Obligations**

- 4.1 To pay the Rent in equal instalments (or, if paying annually, in full by a single payment) in advance on the Rent Dates.
- 4.2 To pay at the time of making the transaction a Fee of 1.5% in addition to any amount paid by credit card or overseas debit card (but not UK debit card). For example, if making a payment of £100, the amount due will be £101.50.



- 4.3 To pay any other Fees which are due within 14 days of the Landlord's invoice. To pay a late payment charge of £25.00 on Rent, Fees or any other sum payable under this tenancy agreement if more than 14 days overdue.
- 4.4 To pay interest at 1% above the base lending rate of National Westminster Bank plc on Rent, Fees or any other sum payable under this tenancy agreement if it is more than 14 days overdue. The Tenant hereby authorises their institution of study to disclose to the Landlord or the Agent, on request, the Tenant's forwarding address if the Landlord or Agent shows the institution that the address is reasonably necessary to enable them to recover unpaid Rent or Fees.
- 4.5 To pay the Landlord's reasonably incurred costs in enforcing the Tenant's obligations in this tenancy agreement and the proper cost of making good any loss or damage arising from the Tenant's breach of them (including where reasonably necessary all reasonable legal costs, judgment enforcement costs and debt collection costs)
- 4.6 Where damage or loss occurs within the Building or a Cluster Flat and it is not possible for the Landlord (acting reasonably) to ascertain who is at fault, to pay a fair and reasonable proportion of the cost of repairing the damage or reinstating the loss PROVIDED THAT:
- 4.6.1 the Landlord shall not charge tenants under this clause where it is apparent that the loss or damage was not caused by a resident or invited visitor; and
- 4.6.2 damage occurring within a Cluster Flat will be charged to the people living in the Cluster Flat.
- 4.7 4.7.1 Unless it is the local authority's policy not to issue them, to hold a current Council Tax exemption certificate and produce it to the Landlord within 7 days of the Landlord's request; and
- 4.7.2 To reimburse the Landlord for any Council Tax charged on the Accommodation (and a fair proportion of any Council Tax charged on the Building or a Cluster Flat) as a result of the Tenant's failure to comply with clause 4.6.1 or as a result of the Tenant not having exempt status for Council Tax purposes.
- 4.8 To pay to the supplier all charges for telephone, telecommunications and satellite or cable television services, to the Accommodation, including calls, line rental, connection and disconnection. Where the Accommodation is in a Cluster Flat, to pay the supplier, jointly with other occupiers of the Cluster Flat who use them, all charges for such services to the Common Parts in the Cluster Flat. If a television licence is required for the Accommodation, to obtain and pay for the licence.

- 4.9 To pay to the Landlord within 14 days of demand the proper and reasonable charges for all electricity and gas used at the Accommodation in excess of the average consumption allowance of £11.00 per week included in the Rent.
- 4.10 To keep the Accommodation and Contents in a clean and tidy condition. Where the Accommodation is in a Cluster Flat, to keep (jointly with other occupiers) the Common Parts in the Cluster Flat and their Contents in a clean and tidy condition. Not to do anything which makes the Common Parts dirty or untidy or which damages them. The Landlord may carry out inspections to ensure compliance with this clause, but will usually give 24 hours' notice before entering the Accommodation. If there is evidence of serious non-compliance, the Landlord may serve a notice on the Tenant (and any other occupiers) requiring corrective action and if that corrective action is not taken (within any reasonably specified timescale), the Landlord may have the work carried out and re-charge the cost (or a fair proportion of the cost where the work concerned is the responsibility of several occupiers) to the Tenant. In addition to the cost of the work, the Landlord may charge an administration fee equivalent to 10% of the cost of the work, to cover the cost of the Landlord having to arrange the work and carry out the re-inspection. The Tenant shall pay these charges within 14 days of the Landlord's invoice for them and shall be liable to pay interest on any late payments.
- 4.11 Not to affix anything (including aerials, cables or satellite dishes, posters, notices and pictures) to the exterior or any part of the Building.
- 4.12 To check the Inventory and report any discrepancy to the Agent within 3 working days of the Tenant starting to occupy the Accommodation.
- 4.13 4.13.1 Not to remove any of the Contents from the Accommodation or the Common Parts to which they are allocated;
- 4.13.2 To use the Contents carefully and not damage them;
- 4.13.3 To pay the Landlord for repair or replacement of any lost or damaged Contents (unless caused by fair wear and tear, or recovered on the Landlord's insurance). Charges for replacing Contents are set out on the Inventory; charges for repair will be the proper and reasonable costs of repair which the Landlord incurs as a result of the damage; and
- 4.13.4 To leave the Contents in their approximate original positions at the end of the Tenancy Period.

- 4.14 4.14.1 Not to remove anything which is attached to any part of the Building;
- 4.14.2 Not in any way to change, damage, re-decorate or attempt to repair any part of the Building or the Contents;
- 4.15 Not to do anything which may cause damage to the electrical installation or equipment in any part of the Building.
- 4.16 Not to put anything harmful in or do anything likely to block the drains or pipes serving the Building and to take reasonable precautions to prevent pipes from freezing in the Accommodation. If the Accommodation is in a Cluster Flat, this is a joint obligation with with other occupiers of the Cluster Flat.
- 4.17 Promptly to report to the Agent any failure of the Services and any damage to the Contents, or the Building, or any part of it.
- 4.18 Not to bring any large electrical appliance into the Building without the Landlord's prior consent and not to bring any room heating or cooking appliances into the Building under any circumstances.
- 4.19 Not to obstruct corridors or fire escapes or do anything which may be a fire risk or in any other way put the health and safety or security of others or the Landlord's or other people's property at risk.
- 4.20 Not to possess or use in or near the Building weapons, replica weapons, BB guns, airguns, firearms (whether or not they are licensed) or everyday items that are being used as weapons. Breach of this clause will be a serious breach of this tenancy agreement and may lead to termination of the tenancy.
- 4.21 In this clause and clause 4.35 'keys' includes all types of device for securing or gaining entry to the Building or any part of it:
- 4.21.1 Not to make any duplicate keys or change any locks at the Building.
- 4.21.2 If the Tenant chooses to move out of the Accommodation before expiry of the Tenancy Period, the tenancy will continue unless and until it is terminated in

accordance with clause 8.1. Returning the keys to the Landlord will not in itself be sufficient to end the tenancy;

- 4.21.3 If at the end of the tenancy the Tenant does not return all keys to the Landlord, the Landlord may change the locks and charge the Tenant the proper and reasonable cost of doing so.
- 4.22 Not to allow anyone else to live at the Accommodation. If the Tenant does not comply with this clause, the Landlord may terminate this tenancy agreement in accordance with clause 7 and take steps to evict the Tenant and/or any person who lives in the Accommodation unlawfully.
- 4.23 Not to allow more than one visitor to stay in the Accommodation overnight and not to have more than 3 visitors in the Accommodation at any one time. No visitor may stay in the Accommodation for more than 2 consecutive nights or more than 2 nights in the same week.
- 4.24 To be responsible for all the Tenant's invited visitors to the Building and to reimburse the Landlord for any damage or loss which the Tenant's visitors cause at the Building.
- 4.25 Not to leave the Accommodation unoccupied for more than one month without the Landlord's consent (which the Landlord will not withhold unreasonably).
- 4.26 Except for visitors permitted by clause 4.23:
- 4.26.1 Where the Accommodation is in a Cluster Flat, to use the Accommodation only as a study bedroom for single residential occupancy;
- 4.26.2 Where the Accommodation is a Studio, to use the Accommodation as a private residence only.
- 4.27 Not to bring any animal (including reptiles, fish, insects and birds) into the Building unless it is a trained assistance animal for a person who has a disability.
- 4.28 Not to cause any nuisance, offence, disruption, harassment annoyance or persistent disturbance to others. Persistent breach of this clause may result in termination of this tenancy agreement (see clause 7).
- 4.29 Not to make any noise which is audible from outside the Accommodation and not to make a noise in the Common Parts or outside the Building if it is likely to annoy others. Persistent

breach of this clause, particularly where it occurs between 11.00pm and 8.00am is likely to be anti-social behaviour which may result in termination of this tenancy agreement and/or enforcement action by the local authority.

- 4.30 Not to cause any obstruction in any access way serving the Building or the Accommodation or neighbouring property.
- 4.31 Not to leave litter or rubbish in any of the Common Parts (other than inside the bins in the bin stores) or any areas neighbouring the Building.
- 4.32 Not to possess, use, supply or deal in stolen goods, controlled drugs or “legal highs”. Breach of this clause will always be treated as a serious breach of this tenancy agreement if it happens in the Building or the surrounding area and may result in termination of the tenancy.
- 4.33 Not to smoke (including using “e-cigarettes” or pipes of any kind) in the Accommodation or in any other part of the Building. Smoking is permitted in the grounds of the Building only in designated areas (if any – not all buildings will have these areas).
- 4.34 To allow the Landlord, and any workers acting on its behalf, access to the Accommodation (and, where applicable, the Cluster Flat) at all reasonable times during the day for the purposes of viewing, inspection, maintenance and repair. The Landlord will normally give at least 24 hours’ notice if access to the Accommodation is required, but will be entitled to have immediate access in an emergency or where the Landlord has reasonable grounds to suspect that the Tenant is in serious breach of this tenancy agreement.
- 4.35 At the end of the Tenancy Period:
- 4.35.1 To clean the Accommodation;
- 4.35.2 To leave the Accommodation, cleared of all the Tenant’s possessions and any rubbish;
- 4.35.3 To make sure all Contents in the Accommodation are in the condition as described in the Inventory and left in their original positions;
- 4.35.4 To hand back the Accommodation to the Landlord in a good re-lettable condition;

4.35.5 To return to the Landlord all keys by 12 noon on the last day of the tenancy;

4.35.6 If the Accommodation is in a Cluster Flat, jointly with other occupiers to clean the Common Parts of the Cluster Flat, clear them of all personal belongings and rubbish, make sure Contents in the Common Parts are as described in the Inventory, in their original positions, and leave them in good re-lettable condition.

4.36 Not to light candles, joss-sticks, Shisha pipes or any portable gas or oil burning fires in any part of the Building.

4.37 To notify the Landlord promptly if a pest infestation is found in the Accommodation or in any of the Common Parts and to pay (within 14 days of the Landlord's invoice) the cost of cleaning the Accommodation (or a share of the cost of cleaning the Common Parts), removal and treatment by a specialised contractor, and replacement or repair of any furnishings damaged or contaminated by the infestation.

4.38 Not to run a business or carry out any trade of any kind from the Accommodation or any other part of the Building.

## **5 Landlord's obligations**

5.1 To provide the Services (subject to the Tenant paying any Fees payable for them).

5.2 Not to interrupt the Tenant's occupation of the Accommodation more than is reasonably necessary.

5.3 If the Agent or Landlord holds the Deposit, to return the Deposit (or balance after making any proper deductions) to the Tenant promptly after the termination of the tenancy and to account for any deductions which are made. Where the Tenant requests the Landlord to send the Deposit (or balance of it) to an overseas bank account the Landlord shall be entitled to deduct the sum of £20 from the Deposit to cover the cost of the banking fee and transfer fee incurred by the Landlord. If any of the Deposit is due to be returned at the end of the tenancy, the Landlord will pay the refund to the Tenant, irrespective of who paid the Deposit to the Landlord at the start of the tenancy. (If the Deposit is held by one of the authorised deposit protection schemes, the Deposit will be returned according to the rules of the relevant scheme).

## **6 Other conditions**

6.1 Subject to the rules of the authorised tenancy deposit protection scheme, the Landlord shall be entitled to use the Deposit (or a proper proportion of it) or invoice the Tenant for:

- 6.1.1 Any damage, or compensation for damage, to the Accommodation and a share of any damage or compensation for damage to the Common Parts and their respective Contents for which the Tenant may be liable, subject to an apportionment or allowance for fair wear and tear, the age and condition of each and any such item at the start of the Tenancy Period, damage by insured risks and repairs that are the responsibility of the Landlord.
- 6.1.2 The reasonable costs incurred in compensating the Landlord and/or the Agent for, or for rectifying or remedying, any major breach by the Tenant of the Tenant's obligations in this tenancy agreement, including those relating to the cleaning of the Accommodation and the Common Parts and their respective Contents.
- 6.1.3 Any unpaid accounts for utilities or other similar services or Council Tax incurred at the Accommodation for which the Tenant is liable.
- 6.1.4 Any Rent, Fees or other money due or payable by the Tenant under this tenancy agreement of which the Tenant has been made aware and which remains unpaid after the end of the tenancy.
- 6.1.5 Any loss arising as a result of any breach by the Tenant of their obligations in this tenancy agreement (including any non-payment of any sum which the Tenant should have paid and the Landlord's and Agent's proper and reasonable costs of enforcing or attempting to enforce the Tenant's obligations and the costs of instructing advisers)
- 6.2 The Tenant and the Guarantor hereby authorise the Landlord and the Agent to use their personal data for all lawful purposes in connection with this tenancy agreement (including debt recovery, crime prevention, allocating rooms or where there is a serious risk of harm to the Tenant or to others at the Building or to the Landlord's or other people's property). The Landlord may share information about the Tenant with the Tenant's educational institution and/or with the Guarantor where it is reasonable and appropriate to do so. Sharing of information will usually only occur where there is a cause for concern regarding student care, welfare or behaviour or material breaches of the Tenant's obligations in this tenancy agreement. For the avoidance of doubt the Tenant hereby authorises the Landlord to share the Tenant's sensitive personal data with the Tenant's educational institution and/or with the Guarantor for all reasonable purposes connected with the tenancy and authorises the Tenant's educational institution to provide the Landlord with the Tenant's home and/or forwarding address. If the Tenant has not complied with their obligations in this tenancy agreement the Landlord may refuse to give a reference, or may give an adverse reference as long as it is factually correct.
- 6.3 The Landlord's and the Agent's liability for loss or damage to person or property is excluded unless the loss or damage is caused by (respectively) the Landlord's or the Agent's negligence, breach of statutory duty or breach of obligation in this tenancy agreement (which includes the acts or omissions of (respectively) the Landlord's or the Agent's employees and agents).
- 6.4 The Landlord is not liable to repair any damage caused by the Tenant (or their visitor) unless and until the cost is met by insurance or by the Tenant (any excess on the policy being payable by the Tenant) or unless and until the Landlord has a statutory obligation to do so. If

the Landlord has a statutory obligation to repair the Landlord may nevertheless claim the cost of doing so from the Tenant where it was the Tenant who caused the need for repair. If the Landlord (acting reasonably and after proper investigation) is persuaded that the Tenant (or their visitor) caused damage deliberately or recklessly, the Landlord may claim the cost of repair from the Tenant instead of claiming against insurance.

6.5 The Landlord may temporarily suspend use of the Common Parts if they are not kept in a clean and tidy condition by the residents using them (provided that this does not create any health risk).

6.6 Items belonging to students.

6.6.1 The Landlord is entitled to remove from the Accommodation or the Common Parts any article which constitutes an obstruction or a fire or health or safety risk or which (in the Landlord's reasonable opinion) is likely to cause damage to the Building but (unless perishable) will if requested return it to the Tenant on the termination of the tenancy (proper and reasonable removal and storage costs being payable by the Tenant).

6.6.2 The Landlord will not be an involuntary bailee. This means that the Landlord is entitled to remove any item left at the Building by the Tenant at the end of the Tenancy Period. The Landlord shall have no responsibility to take care of any item the Tenant leaves at the Building when the tenancy ends or return it to the Tenant.

6.7 The parties to this tenancy agreement are the Tenant and the Landlord. It is not intended that the Agreement confers any benefit to anyone who is not a party to it other than the Agent.

## **7 Termination of this tenancy agreement by the Landlord**

7.1 The Landlord may terminate this tenancy agreement at any time before the first day of the Tenancy Period if the Tenant is not able to start or continue their course of study at their chosen university or college. The Tenant must notify the Agent within 3 working days of becoming aware that s/he will not be able to start or continue his/her course.

7.2 The Landlord may terminate this tenancy agreement at any time before the Tenant takes occupation if the Tenant has not by then paid the Deposit or provided the Guarantor.

7.3 Unless the Tenant has made arrangements with the Landlord for late arrival the Landlord shall be entitled to terminate this tenancy agreement at any time before the Tenant takes occupation, without notice to the Tenant, if the Tenant has not taken up residence within 3 days of the start of the Tenancy Period but the Tenant will be liable for the Rent up to and including the date of termination.



- 7.4 The Landlord shall be entitled to terminate the tenancy and apply to court for possession of the Accommodation if any of the Grounds numbered 2, 8, 10, 11, 12, 13, 14,15 or 17 in Schedule 2 of the Housing Act 1988 exists or arises. This will not release the Tenant from any liabilities the Tenant has already incurred. (The grounds can be seen in detail at [www.legislation.gov.uk](http://www.legislation.gov.uk)).
- 7.5 If the Tenant wishes to cancel this tenancy agreement once the tenancy has started, the Tenant will be liable for the Rent and instalment charge (if applicable) for the full Tenancy Period or, if shorter, for the period until a replacement tenant takes over responsibility for payment. If a replacement tenant is found, the Tenant will be liable for the Landlord's administration Fee of £50.00 for dealing with the changeover. This fee is payable at the time of the changeover or by agreed deduction from the Deposit. On payment of the administration Fee and commencement of the new tenancy, the Landlord will release the Tenant from this tenancy agreement
- 7.6 The Landlord reserves the right to relocate the Tenant to comparable alternative accommodation during the Tenancy Period where it is reasonable to do so but, unless the relocation is at the Tenant's request or because the Tenant is in serious or persistent breach of one or more of their obligations in this tenancy agreement, the Tenant will have the right to terminate this tenancy agreement (without having to comply with the conditions in clause 7.5) as an alternative to relocating.
- 7.7 If the Landlord relocates the Tenant at the Tenant's request or because the Tenant is in serious or persistent breach of one or more of their obligations in this tenancy agreement:
- 7.7.1 the Landlord shall be entitled to charge the Tenant a £50 administration Fee for dealing with the transfer;
  - 7.7.2 the Tenant will surrender their tenancy of the Accommodation on the day they leave it and on the same day take a tenancy of the new accommodation for the remainder of the Tenancy Period;
  - 7.7.3 the tenancy of the new accommodation will be on the terms of this tenancy agreement, except for the description of the Accommodation (which may be amended by a memorandum signed by both parties);
  - 7.7.4 the Tenant and their Guarantor will be liable to pay the higher rent, from the date the Tenant is given access to the more expensive accommodation, if the Tenant requests a move to more expensive accommodation.
- 7.8 If the Accommodation is not immediately available for occupation at the start of the Tenancy Period the Landlord may provide either:
- 7.8.1 temporary alternative accommodation (if the problem is likely to be resolved in the short term); or



- 7.8.2 permanent alternative accommodation (if the problem is unlikely to be resolved in the first 4 weeks of the Tenancy Period).
- 7.9 Temporary alternative accommodation may be in a hotel, hostel, guest house or similar and the Tenant will accept the substitute for a period of 4 weeks without alteration to the Rent. If the Accommodation is still not available for occupation 4 weeks after the start of the Tenancy Period, the Landlord will either:
  - 7.9.1 offer the Tenant permanent alternative accommodation; or
  - 7.9.2 continue to provide temporary alternative accommodation PROVIDED THAT the Tenant shall have the right to terminate this tenancy agreement (without having to comply with the conditions in clause 7.5), if they do not wish to continue living in temporary alternative accommodation.
- 7.10 Permanent alternative accommodation will be in a house, flat, studio or hall of residence of a similar standard to the Accommodation (or better) without alteration to the Rent. The Tenant will accept the permanent alternative if it has similar levels of amenity and is not more than 1 Km further from their place of study than the Accommodation.
- 7.11 If the Accommodation is not available for occupation at the start of the Tenancy Period and the Landlord (despite reasonable endeavours) is not able to provide alternative accommodation, the Tenant is entitled to a refund of all pre-payments s/he has made to the Landlord and shall have no further liability under this tenancy agreement.

**8 Termination of this tenancy agreement by the Tenant**

- 8.1 The Tenant may terminate this tenancy agreement only in accordance with Derwent FM Students' Cancellation Policy which is fully incorporated into this tenancy agreement and is available at [www.Derwent FMstudents.com](http://www.Derwent FMstudents.com)

Signed by the Tenant : .....

On Date: \_\_\_\_\_

Counter-signed by the Agent on behalf of the Landlord .....  .....

Agent – print your name and job title \_\_\_\_\_  \_\_\_\_\_



This page is intentionally left blank

<b>Application Number</b>	16/1164/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th June 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	26th September 2016		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Former Coach Depot Premier Park 4B Kilmaine Close Cambridge CB4 2PH		
<b>Proposal</b>	Erection of 1no. unit to be used as a builders' merchant (sui generis) for display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside display and storage; with associated servicing arrangements, car parking, landscaping and associated works		
<b>Applicant</b>	C/O AGENT		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed use as a builder's merchant would not give rise to unacceptable levels of noise and disturbance, subject to conditions.</li> <li>- The proposed works would not adversely visually enclose or overshadow neighbouring properties.</li> <li>- The design of the building is in keeping with the industrial context of the area.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site comprises a large parcel of former industrial land situated at the end of the cul-de-sac of Kilmaine Close. The land is predominantly formed of hardstanding and some overgrown areas of vegetation. The site is currently vacant but was last used as a bus depot. There were previously two large

industrial buildings which were removed around 2008. There is a 2m high brick wall along the east side of the site adjacent to King Hedges Road. There is an approximately 2m high brick wall with rising trellis which backs onto the gardens of nos. 45 – 51 Amwell Road to the north and a lower 1.7-1.8m high fence running along the backs of properties further to the west along Amwell Road. The site is situated in the Moulton Park Industrial Estate. There are residential properties to the north and west of the site in the cul-de-sac of Amwell Road and these are typically terraced or semi-detached and two-storeys in scale.

1.2 The site falls within a Protected Industrial Site.

## **2.0 THE PROPOSAL**

2.1 Full planning permission is sought for the erection of an industrial unit to be used as a builders' merchant (*sui generis*) for the display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside display and storage.

2.2 The proposed building would occupy a footprint of around 1,130m<sup>2</sup> and would be situated in the north-east corner of the site running parallel to King Hedges Road. The building would be clad in steel externally with a shallow pitched roof. It would consist of a ground-floor and mezzanine level with an eaves height of 7m and ridge height of 8.5m.

2.3 The central and western area of the site would serve as the service yard and outside display space for storage, display of materials, servicing and car parking. There would be tree planting along the eastern and north-eastern boundaries. A 2.4m high paladin fence and 2.4m high close boarded fence are proposed along the boundaries of neighbouring residential properties.

2.4 A *sui generis* use is one which does not fall into the classes of use set out in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is needed to change from *sui generis* to any other use.

2.5 The application is accompanied by the following supporting information:

1. Transport Statement
2. Site investigation report
3. Drainage Statement
4. Energy/ Sustainability Statement
5. Design and Access Statement
6. Lighting Assessment
7. Noise Impact Assessment
8. Drawings

### 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
05/0325/FUL	Change of use from bus depot to use Classes B1(c), B2 and B8 in the alternative	Permitted.
C/02/0262	External alterations including part demolition of and alteration to existing warehouse and creation of four new units for a mix of light industrial (B1(C)	Permitted.
C/01/0233	Erection of tyre store and temporary storage building.	Permitted.
C/97/0216	Physical alterations to existing coach depot (replace and relocated coach washer and fuel storage tank).	Permitted.
C/97/0020	S191 application for existing use as coach depot (24 hours) with ancillary services (sui generis).	Certificate Granted.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/15 4/9 4/13 4/15 7/3 8/1 8/2, 8/3, 8/4, 8/6, 8/9, 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) 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)



## 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 a staff travel plan condition.

#### **Environmental Health**

6.2 No objection subject to confirmation of close boarded fence being 2.4m high and the following conditions:

- Construction Hours
- Collection during construction
- Contaminated Land
- Piling
- Acoustic assessment
- Reversing beepers
- Plant noise insulation
- Hours of use & delivery/ collection hours
- Lighting
- Plant noise insulation informative

### **Landscape Team**

- 6.3 The site has been overdeveloped at the expense of landscape. The area given over to stock storage has been maximised to the edges of the site which is inappropriate, particularly at the edges abutting residential developments. There is insufficient space for the columnar trees along the eastern boundary. The application is not supported.

### **Urban Design Team**

- 6.4 The application is acceptable in design terms.

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

- 6.5 The proposal is acceptable subject to renewable energy condition.

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

- 6.6 No objection subject to drainage condition.

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

- 6.7 No objection subject to drainage condition.

### **Environment Agency**

- 6.8 No objection subject to contaminated land and drainage conditions and informatives.

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

- 6.9 No objection.

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

- 6.10 No objection subject to condition.

## **Access Officer**

6.11 Lift access for staff/customers must be provided for mezzanine level. There needs to be 5% Blue Badge spaces as close to the entrance door as possible. Only 1 at present, there should be at least 2.

## **Anglian Water**

6.12 No objection subject to condition.

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:

- 50 Radegund Road
- 35 Amwell Road
- 39 Amwell Road
- 49 Amwell Road

7.2 The representations can be summarised as follows:

- Health and environmental hazard due to position of diesel tank.
- Overshadowing/ Loss of light
- Additional tree screening along the north-western boundary needed.
- Light pollution

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

## **8.0 ASSESSMENT**

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

1. Principle of development

2. Context of site, design and external spaces
3. Renewable energy and sustainability
4. Disabled access
5. Residential amenity
6. Refuse arrangements
7. Drainage
8. Archaeology
9. Highway safety
10. Car and cycle parking
11. Third party representations

### **Principle of Development**

- 8.2 The application site has been vacant for approximately 6 years and its last use was as a bus depot. The proposed use as a builders' merchant would have a mixture of public display/ sales and storage/ servicing. The site falls within a protected industrial site and policy 7/3 of the Cambridge Local Plan (2006) discourages the loss of industrial/ storage floorspace in these sites. The proposed use as a builders merchant would in my opinion be compatible with the protected industrial site and would bring the site back into use after being vacant for an extended period of time.
- 8.3 In my opinion the principle of development is acceptable and compliant with Cambridge Local Plan (2006) policy 7/3.

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

- 8.4 The proposed change of use would involve the development of a large warehouse building along the north-east boundary of the site. Although the main entrance into the site is situated at the end of a relatively secluded industrial cul-de-sac, the proposed building would, by virtue of its position, scale and mass, occupy a highly prominent location. The proposed building would be visible from the busy thoroughfare of King Hedges Road and the junction with King Hedges Drive.
- 8.5 The Urban Design Team had raised concerns with the originally submitted proposal. The originally proposed building was situated 1.3m from the boundary of King Hedges Road and the east elevation was bare in terms of screening and fenestration, resulting in a long, dominant mass adjacent to the public realm.

- 8.6 In response to this criticism, the layout and design of the building has been amended to try and overcome these design based concerns. The footprint of the building has been moved to just under 3m away from the King Hedges Road boundary with the space between occupied by pockets of tree planting and vegetation. Additional windows are also proposed along the King Hedges Road elevation at mezzanine level to provide a degree of articulation when viewed from the street scene. It is also pertinent to point out that the proposed building would be situated in an industrial context and that there was previously a similar form and style of building in the same location, prior to its demolition around 2008.
- 8.7 The Urban Design Team is supportive of the proposed works following the aforementioned amendments to the proposal. In my opinion, the setback of nearly 3m from the street scene boundary, introduction of planting and alterations to cladding have overcome the previous concerns and the proposal is acceptable in design terms. The screening and additional articulation would help to break up the large expanse of cladding along the King Hedges Road elevation and the additional setback distance would ensure that the building does not read overly prominent or dominant compared to its surroundings. I have recommended a materials samples condition to ensure that the fabric of the building is acceptable in design terms.
- 8.8 In terms of the view from within Kilmaine Close, I consider the design of the proposed building would be in keeping with the surrounding industrial uses. There are other examples of large, steel clad, pitched roof buildings in the wider industrial site and I do not consider the proposal would appear out of context with this pattern of development.
- 8.9 Although the Urban Design Team is supportive of the proposal, the Landscape Team retains their objection. The Landscape Team considers that the site has been overdeveloped at the expense of landscaping. They are of the view that further areas of soft planting should be introduced along the western boundary of the site. Whilst I do not dispute that the addition of further planting along the western boundary would be an enhancement to the appearance of the service yard, I do not consider it necessary in order for the scheme to be acceptable. The site is situated in an industrial context and the existing site

is predominantly formed of hardstanding. The majority of other industrial uses in the area do not benefit from significant levels of landscaping and I am of the opinion that the service yard area does not need this in order to integrate successfully into its surroundings. Landscaping has been deliberately focused on the areas of highest visibility along the eastern boundary which in my view is more appropriate than the service yard and helps the scheme read successfully with the surroundings from the key arterial route of King Hedges Road. I have recommended landscaping and tree replacement conditions to ensure that the proposed landscaping is acceptable for its environment.

### **Renewable energy and sustainability**

8.10 In terms of sustainable design and construction, the following measures are proposed:

- A hierarchical approach to reducing energy demand and associated carbon emissions, for example through the specification of LED lighting across all areas and the use of rooflights for the warehouse and mezzanine storage area to reduce the need for artificial lighting;
- The use of low flush toilets and low-flush taps to reduce water consumption; and
- The specification of construction materials that have an A+ rating in the BRE Green Guide where possible.

8.11 The above measures are supported by the Council's Sustainability Officer. With regard to renewable energy provision and meeting the requirements of policy 8/16 of the Cambridge Local Plan, a number of technologies have been considered, with the final approach being to utilise photovoltaic (pv) panels and an air source heat pump. The Sustainability Officer is also satisfied with the proposed approach to renewable energy production on-site, subject to a maintenance condition.

8.12 In my opinion, subject to condition, the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

## **Disabled access**

- 8.13 The Access Officer has recommended that the number of blue badge spaces is increased from 1 to 2 and that there is lift access to the mezzanine level for staff/ customers. The need for lift access would be covered by building regulations. I have recommended an informative to make the applicant aware of the need for an additional blue badge space.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Residential Amenity**

- 8.15 I consider that there are three main aspects to consider in terms of the impact of the proposed works and change of use on the amenity of neighbouring properties. The first is the impact of the proposed building itself on these neighbours. The second is the impact of the proposed 2.4m high close boarded fence along the garden boundaries which is needed for noise mitigation purposes. The final issue is the noise and disturbance associated with the change of use.

### Impact of the building on neighbouring occupiers

- 8.16 The proposed warehouse building would be situated to the north-west of the adjacent workshop/ office space along Kilmaine Close. The windows facing out in this direction from this adjacent occupier are mainly circulation spaces and there would be a separation distance of over 26m between the proposed building and this existing workshop/ office. As a result, I do not consider the proposal would adversely overshadow or visually dominate views from this adjacent occupier.
- 8.17 The proposed building would not in my view have any significant impact on nos.31 – 43 Amwell Road to the north-west/ west of the site. The proposed building is situated approximately 29m away from the nearest of these neighbour's garden and I am therefore content that there would be no noticeable loss of light or visual dominance experienced.
- 8.18 The proposed building is situated roughly 5.8m to the south-east of the garden at no. 51 Amwell Road and approximately

18m from the nearest rear window of this neighbour. At 7m to the eaves and 8.5m to the ridge it is acknowledged that the proposed building would be a large structure and would inevitably be visible from the gardens and rear windows of these neighbours. Tree planting and soft landscaping is proposed adjacent to the rear garden of no.51 which would help break up the physical mass of the proposed building. In my opinion, the landscape screening at the end of the garden of no.51 would be sufficient to ensure that the garden of this neighbour is not visually oppressed by the proposed building. The nearest rear window of this neighbour is a conservatory window which is set approximately 18m away from the proposed development. The outlook from this window towards the proposed building would also be screened partially by the proposed soft landscaping proposed on-site. In my opinion, the 18m separation distance, coupled with the soft landscaping, is sufficient to not physically overbear the habitable outlooks of this neighbour. The proposed development would likely lead to a degree of loss of light over the end of the garden of this neighbour, particularly in the morning hours. However, after midday there would still be light reaching this neighbour's garden and I am of the opinion that the levels of light would exceed the recommended amount of 50% of the garden for a minimum of 2 hours, as per the BRE Site Layout and Planning guidance document (2011).

- 8.19 The building would be set further away from the gardens of nos. 45 – 49 Amwell Road further west. There would be a separation distance of over 20m from the rear windows of these neighbours and the proposed development which is sufficient to avoid visual enclosure of these outlooks in my view. Although the building would be readily visible from these gardens, the southerly outlooks would be retained for the most part and there would be open views out to the south-west and west from these gardens. On balance, I do not consider the physical mass of the gable end of the building would visually enclose the garden outlooks of this neighbour. It is acknowledged that no.49 has raised a concern regarding the loss of light that would be experienced. Whilst the proposal would likely result in a degree of overshadowing in the morning hours, particularly in the winter months, I do not consider the extent of overshadowing caused would be significant enough to warrant refusal of the application. The tests in the BRE Guidance (2011) document state that gardens should receive at least 50% exposure to light



for a minimum of 2 hours a day at the Vernal Equinox. Based on the separation distances and orientation of the physical development to the south-east, I consider that this test would be met and that the levels of overshadowing would not be harmful to this neighbour's amenity. The 20m separation distance from the windows to the development is sufficient to ensure that there would not be a significant loss of light experienced at these neighbouring properties.

#### Impact of the fence on neighbouring occupiers

8.20 A 2.4m high close boarded fence is proposed along the boundaries of properties on Amwell Road to the north and west of the site. This is needed in order to minimize noise disturbance to these neighbours.

8.21 The current boundary form and height is varied along the back gardens of these properties. The height of the wall adjacent to nos. 45 – 51 Amwell Road is typically 2m high with trellis above. In my opinion, the additional height of roughly 0.4m along this boundary would not adversely dominate or overshadow the gardens of these neighbours. The boundary along nos.31 – 43 however is formed of a timber fence which is approximately 1.7m high. It is pertinent to note however that in terms of fallback position a 2m high boundary wall or fence could be erected along this boundary without planning permission. In my opinion, whilst the additional height of the proposed 2.4m high fence will be more visually dominant than that of present, I am not convinced that the impact would be significant enough to warrant refusal of the application. The applicant has also proposed that the storage beside the boundaries of these properties would be limited to a height of 2.4m and so there would not be any physical storage higher than the proposed fence. A condition has been recommended to control the height of storage in these locations.

#### Noise and disturbance

8.22 The applicants are seeking the following hours of use for the site:

- Monday – Friday: 07:00 – 18:30hrs
- Saturdays: 07:30 – 12:30

- 8.23 The application form states that 12 employees would be present on site. The proposed use of the site as a builder's merchant would have three key implications in terms of likely noise and disturbance impacts.
- 8.24 Firstly, there is the impact from delivery vehicles. The noise assessment provided indicates that there would be approximately 34 two-way HGV movements between the hours of 07:00 – 17:00hrs. The proposed HGV loading bay would be approximately 28m from the nearest noise sensitive receptor (NSR). The forklift trucks servicing the HGV's would operate 18m to the nearest NSR's at nos.35 – 37 Amwell Road. It is anticipated that there would be no more than four HGV deliveries in any 1 hour period and each delivery would be serviced by up to three forklifts at once. The noise calculations, undertaken in accordance with BS4142:2014, indicate that there would be a 'low impact' to the nearest NSR's along Amwell Road. In order to overcome this low impact, it is necessary for a 2.4m high fence to be implemented. In addition to this, the noise report recommends that HGV best practice is followed which includes reducing vehicle speeds, maintenance of roads on-site and management procedures on the service yards, such as slamming doors, leaving engines running and waiting outside entrance gates. It is also relevant to note that the majority of storage would be focused in the central and south-western areas of the site, away from the gardens of residential properties. The Environmental Health Team has assessed the information provided and are satisfied that the noise associated with this function would not harm the amenity of neighbouring properties, subject to conditions. Conditions would include compliance with the noise impact assessment measures, reversing beepers, hours of use restrictions, delivery hours restrictions and artificial lighting restrictions.
- 8.25 Secondly, there is the noise associated with the car parking on-site. Staff car parking is situated hard up against the boundaries of nos. 35 – 39 Amwell Road. The customer car parking would be situated in the center of the site, away from residential properties. The staff car parking would be limited to six spaces and the frequency of movements would therefore likely be low given the limited number and staff only use of this space. There are 24 customer car parking spaces and it is expected that the level of comings and goings from these spaces would be higher than the staff spaces by virtue of their function. However, these

spaces are over 60m from the nearest NSR and this is more than sufficient to protect the amenities of these neighbours. The noise assessment indicates that the likely noise associated with the use of the car parking spaces would not adversely impact the amenity of neighbouring occupiers and the Environmental Health Team agrees with this recommendation.

- 8.26 Finally, the matter of plant noise needs to be assessed. The servicing and plant would be situated adjacent to the eastern elevation of the building, in the south-east corner of the site. It would be over 95m from the nearest NSR and would be shielded from residential properties by the building itself. It is not known at the stage what specific items of plant are proposed and precisely what hours these would be operational. However, noise calculations have been undertaken based on a standard set of data which confirm that plant would not exceed the background noise level in the daytime, evening, and night time. The Environmental Health Team is content that further calculations and confirmation of the hours of use of plant can be addressed through condition. Given the excessive separation distance from the nearest NSR and the preliminary data provided in the noise assessment, I share the view that this can be dealt with through a condition.
- 8.27 The Environmental Health Team has also recommended conditions relating to contaminated land, construction hours, deliveries/ collections during construction and piling to ensure the construction phase does not harm the amenity of neighbouring properties.
- 8.28 Overall, the main forms of noise associated with the use would be from deliveries, and comings and goings to and from the site. However, based on the information provided by the applicant and the advice of the Environmental Health Team, I consider the proposed use of the site as a builder merchant would be compatible with the surrounding uses and would not adversely impact on neighbour amenity in terms of noise and disturbance. Conditions have been recommended to ensure that light and noise pollution is controlled to protect neighbour amenity.
- 8.29 In my opinion, subject to condition, 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, 4/13 and 4/15.

### **Refuse Arrangements**

- 8.30 The plans indicate that servicing, including refuse storage, would be situated in the south-east corner of the site close to the main entrance. The principle of this is acceptable but further information regarding refuse collection points, management and capacity is required. I have recommended a condition for further information to be provided prior to occupation.
- 8.31 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Drainage**

- 8.32 Anglian Water, the Environment Agency, the Lead Local Flood Authority and the City Council's Drainage Officer are all satisfied that the drainage of the site can be controlled through conditions. In respect of their expertise on the matter of drainage, I am minded to agree with this advice and have recommended the conditions accordingly.
- 8.33 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 4/13 and paragraphs 103 and 109 of the National Planning Policy Framework (2012).

### **Highway Safety**

- 8.34 The Highway Authority has raised no objection to the proposal on the grounds of highway safety. A transport statement has been prepared by the applicant and the Highway Authority is satisfied that the increase in vehicle movements to and from the site would not pose a threat to highway safety.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Archaeology**

- 8.36 The County Council Historic Environment Team has raised no objection to the proposal, subject to condition. I am minded to

agree with this advice and have recommended the archaeology condition accordingly.

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

### **Car and Cycle Parking**

- 8.38 Six staff car parking spaces and 24 customer car parking spaces are proposed which accords with the maximum car parking standards of the Local Plan (2006). The County Council Transport Assessment Team is satisfied that the likely trip numbers and levels of car parking are acceptable, subject to a staff travel plan condition.
- 8.39 No cycle parking has been proposed. Although the City Council has minimum standards for cycle parking, on this occasion, I do not consider it likely that customers would visit this site on bicycle. This is because the use, a builders merchant, is dependent on hauling large loads of building goods and supplies which make visits by bicycle highly unlikely.
- 8.40 Notwithstanding the absence of customer cycle parking is deemed acceptable, I do consider that staff cycle parking needs to be provided on-site. There appears to be sufficient space for cycle stands to be integrated in the external area of the site and I am therefore content that this can be dealt with through condition.
- 8.41 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.42 The concern regarding overshadowing has been addressed in the main body of this report.
- 8.43 In response to the request for additional tree screening, I do not consider this necessary for the reasons set out in the residential amenity and design sections of this report.
- 8.44 An external lighting condition has been recommended to ensure that neighbours do not experience harmful light pollution from the development.

8.45 The health and environmental hazards associated with the proposed diesel tank are covered by separate health and safety regulations and the applicant will have to adhere to these when implementing and managing this. The Environmental Health Team has raised no objection to this element of the proposed scheme.

## **9.0 CONCLUSION**

9.1 In conclusion, the proposed building would be in keeping with the industrial character of the area and would provide an acceptable quality of design. The proposed works would not adversely impact nearby residential properties in terms of overshadowing or visual enclosure. Subject to conditions, the proposed use of the site as a builders' merchant would not adversely affect neighbouring properties in terms of noise and disturbance. Approval is recommended.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

3. 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. The noise insulation scheme and mitigation requirements as stated within the Environoise Noise Impact Assessment (ref: 20779R01aCMpak) dated 23rd September 2016 shall be fully implemented, maintained and not altered.

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

12. In accordance with the noise mitigation recommendations of Environoise Noise Impact Assessment (ref: 20779R01aCMpak) dated 23rd September 2016, all forklift trucks shall be installed with low noise broadband reversing alarms. The alarms shall be fully implemented, maintained and not altered.

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

13. Prior to commencement of use and/or installation of any plant, detailed acoustic calculations and hours of use of the plant shall be submitted to and approved in writing by the Local Planning Authority. The calculations and hours of use of plant will need to demonstrate that plant noise limits provided in the Environoise Report ref: 20779R01aCMpak (dated 23rd September 2016) are achieved during the relevant time periods. The plant shall be implemented and operated in accordance with the agreed acoustic calculations and hours of use and maintained thereafter.

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

14. The permitted use hereby approved shall not operate / open outside the hours of 07:00 - 18:30 hrs Monday to Friday and 07:30 - 12:30 hrs Saturday or operate / open at any time on Sundays or public/bank holidays.

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

15. Deliveries to or dispatches from the site shall not be made outside the hours of 07:00 - 18:30hrs on Monday to Friday, 07:30 - 12:30hrs on Saturday or at any time on Sundays or public holidays.

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

16. 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 policy 4/15).

17. The 2.4m high close boarded timber fence along the garden boundaries of properties on Amwell Road, as shown in figure 8.1 within the Environoise Noise Impact Assessment (ref: 20779R01aCMpak) dated 23rd September 2016, shall be fully implemented, maintained and not altered.

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

18. Storage in the areas hatched out in blue on drawing no.7145-P-002 Revision P8 shall not exceed 2.4m in height.

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

19. 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)

20. No development, other than demolition and site preparation works, 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)

21. No development, other than demolition and site preparation works, 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, 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). Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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

22. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development. The landscape plan shall be carried out as approved.

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

23. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/11)

24. No development, other than demolition and site preparation works, 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)

25. No drainage works or hard-standing works shall commence until details of the maintenance and management strategy of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority and until the surface water drainage scheme for the site has been completed in accordance with the submitted details with flow rates restricted to 1.4 l/s. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan for the lifetime of the development.

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 (2012).

26. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

27. 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).

28. The proposed on-site renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development, other than demolition and site preparation works. The renewable energy technologies shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

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

29. 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. 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)

**INFORMATIVE:** Lift access for staff/customers must be provided for mezzanine level. There needs to be 5% Blue Badge spaces as close to the entrance door as possible. Only 1 at present, there should be at least 2.

**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:** Any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Lead Local Flood Authority (LLFA). The LLFA seeks to avoid culverting, and its Consent for such works will not normally be granted except as a means of access. The granting of planning approval must not be taken to imply that consent has been given in respect of the above. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

**INFORMATIVE:** Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available.

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

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

<b>Application Number</b>	16/1044/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd June 2016	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	29th July 2016		
<b>Ward</b>	Abbey		
<b>Site</b>	Land Adj 4 Stanley Road Cambridge Cambridgeshire CB5 8LB		
<b>Proposal Applicant</b>	Proposed New Dwelling House R et M c/o Neale associates		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The development would not have a significant detrimental visual impact on the street.</li> <li><input type="checkbox"/> The proposed new building would not have a significant detrimental impact on neighbouring properties or highway safety.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The site is on the north eastern side of Stanley Road and is located adjacent to No. 4 Stanley Road a two storey end-of-terrace traditional brick built building. It is currently surfaced in hardstanding and used to store bins of Nos. 423, 425, 427 Newmarket Road. Storage sheds are located to the rear of the site which used to belong to a commercial laundry. There is a private right of way along this site to the rear gardens of Nos. 4, 6 and 8 Stanley Road and Nos. 421, 423, 425, 427 Newmarket Road.

1.2 The site is not located within a Conservation Area or within a Controlled Parking Zone.

## 2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a new dwellinghouse.
- 2.2 This dwellinghouse would adjoin No. 4 Stanley Road and become an end of terrace. It would be a two storey property of traditional brick built design with a rear garden and associated shed containing bin and cycle store which would replace an existing shed.
- 2.3 This application is tandem to application 16/1087/FUL which is for the redevelopment of Nos. 423-425 Newmarket Road. 16/1087/FUL proposes the demolition of the existing residential accommodation and erection of development containing four 1 bed flats and 1 studio flat with associated landscaping, bin and cycle store.
- 2.4 The rear garden of Nos. 423-425 is to be narrowed and shortened to improve access along the aforementioned right-of-way by amended drawings.

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/90/0529	Use of land for storage of building equipment and materials and the erection of a steel container unit.	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 Plan 2006	Local	3/1 3/2 3/4 3/7 3/12 4/13 5/1 8/2 8/6 8/10

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

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

## 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 is terms of Highway Safety, however the planning authority must take into account this type of development is likely to impose additional impacts upon on-street parking. If the planning authority is minded to approve, conditions returning the footway kerb and a traffic management plan are sought.

### **Environmental Health**

- 6.2 Objection to original proposal  
Two condensers are located on the rear elevation of the retail unit of No. 241 Newmarket Road (Sami Swoi). The condensers will be in close proximity to the proposed development, within approximately 3m. Therefore it is considered the noise from these units may have a detrimental impact on the future residents of this dwellinghouse.
- 6.3 Further information was provided via an email dated 11/11/2016 stating:
- The ground floor windows on the house into the downstairs cloakroom and the kitchen dining room will be fixed shut.
  - The specification of the glazing will be 34dB acoustic glazing. This is the same specification that we used on the Seven Stars in Newmarket Road.
- 6.4 Environmental Health found these mitigation measures to be acceptable and now has no objection

### **Drainage**

- 6.5 While drainage originally objected, after having received further information from the agent the drainage officer is now content a

condition requesting Sustainable Urban Drainage details prior to commencement of development is sufficient to overcome potential impacts.

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

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations over two periods of consultation:

- No. 427 Newmarket Road
- No. 431 Newmarket Road
- No. 429 Newmarket Road
- No. 433 Newmarket Road
- No. 10 Stanley Road

- 7.2 The representations can be summarised as follows:

- Reduces access to the rear of properties on Newmarket Road for building work and maintenance of trees.
- Also reduces access for the delivery of bulky goods.
- It would appear the proposal encroaches on a public right-of-way and this proposed property would not have access to this right-of-way.
- The driveway is a source of light late afternoon and evening allowing more light to reach the gardens and backs of houses and solar panel of No. 427 Newmarket road.
- The proposal would exacerbate drainage issues along this alleyway.
- If only narrow alleyway existed there would be problems with bin collection day as many bins would have to be collected from Stanley Road.
- Widths proposed of alleyway proposed are far narrower than indicated.
- Tree removal on land of No. 429 should be allowed before development takes place.
- Waste storage would seem to be only adequate for two persons.
- Disagreement with agent that site is vacant as it contains off street parking and access to a number of non-residential storage facilities.

- The proposal shows a solid line blocking access to the rear to Nos. 4, 6, 8 and 10 Stanley Road.
- This proposal together with application 16/1087/FUL will mean there will be upwards of 10 additional vehicles with no provisions for off-street parking.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is, therefore, my view that the proposal complies with policy 5/1 of the Local Plan.

8.3 The principle of developing this underutilised site in this centrally located area is also in principle acceptable. However there are some constraints on this site, the impact of the proposal on these constraints will be assed in the paragraphs 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**

### Response to context

- 8.5 The proposed dwellinghouse replicates the proportions and design of the adjoining terrace. The main dwellinghouse has the same ridge and eaves height and depth as the adjoining No. 4 Stanley Road. Its two storey rear return is also of the same height and depth. The replication of the adjoining neighbours is not just in scale but also matching materials and openings are proposed to be used. It is therefore considered this proposed dwelling responds well to its context and its scale and massing are acceptable. A condition will be added to ensure material match adjoining properties as best as possible.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

### Access

- 8.6 Many residents have cited that the combination of this proposed development and that of 16/1087 will limit access to the rear of properties on Newmarket Road and Stanley Road. Currently the access is 4.7 metres wide. Having been on site I concurred that the original proposal coupled with that of 16/1087/FUL would make this access very difficult as widths were 0.7 metres at its narrowest, with the majority being 1 metre wide. The amended proposal has improved this access width. The majority of this access is now 1.4 metres wide and the narrowest point is 1.2 metres wide. This compromise is acceptable as the fallback position of the applicant fencing off their land yet maintaining a right-of-way without planning permission could lead to a narrower access.

### Overshadowing and enclosure

- 8.7 No element of this proposal will detrimentally overshadow windows to habitable rooms of neighbouring properties. One first floor bedroom window of No. 2 Stanley Road faces the side elevation of the proposal, as this room is dual aspect and 3.1 metres away a slight loss of light to this window is considered acceptable. The other windows of No. 2 Stanley Road at first

and second floor facing the proposal are both to a stairwell therefore a loss of light is considered acceptable.

- 8.8 The tandem application to this application is 16/1087/FUL which proposes the redevelopment to Nos. 421, 423 and 425 Newmarket Road. This application proposes to demolish single storey outbuildings that adjoin the boundary with No. 427's rear garden. It is therefore considered the erection of this two storey dwelling, 4 metres away (from 2 storey element) west from the rear boundary of No. 427, would have a similar minor level of enclosure to the existing situation. All other neighbouring properties are considered to be a sufficient distance away to dispel any potential detrimental impacts.

#### Overlooking

- 8.9 Three of the proposed windows in the dwelling face the south-eastern boundary. One is a secondary window to a kitchen in the ground floor and the other two are to bathrooms on the ground and first floors. All of these windows will be conditioned to be obscurely 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 and 3/12.

#### **Amenity for future occupiers of the site**

##### Amenity space

- 8.11 Amendments to this proposal have made the rear amenity space of the subject dwelling smaller in size. However, at 13.2 square metres this lawned area it is large enough for a two bedroom dwelling.

##### Noise impacts of condensers

- 8.12 Two condensers are located on the rear elevation of the retail unit of No. 241 Newmarket Road (Sami Swoi). The condensers will be in close proximity to the proposed development, within 3.2 metres. I agree with Environmental Health that permanently fixing shut the secondary kitchen window facing these units along with the use of a 34dB acoustic glazing window would

overcome any detrimentally impacts to this proposal. This will be conditioned. As the other windows proposed on this elevation are to bathrooms noise impacts are acceptable.

- 8.13 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**

- 8.14 Currently Nos. 423, 425, 427, 429, 431 and 435 (flat 1 and flat 2) all use the subject site as an area to store their bins. Nos. 423 and 425 are proposed to get a bin store to the rear of the subject site as part of their application. All other properties do not have express permission to store their bins on the applicants land or on the right-of-way which should be not obstructed. It is considered the left over alleyway is an acceptable width for wheeling bins to navigate on bin day at 1.4 metres in width for the majority of the alleyway.

- 8.15 The bin store is located just to the rear of the rear garden and is considered satisfactory for a two bedroom dwelling and complies with the RECAP Waste Management and Design Guide 2012.

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

### **Drainage arrangements**

- 8.17 Currently the entire site is surfaced in hardstanding. Both this proposal and that of 16/1087/FUL propose some soft landscaping which is an improvement on the existing situation. However, the Drainage Officer states further details are required and must be signed off on prior to commencement. A drainage condition is therefore proposed.

### **Car and Cycle Parking**

- 8.18 The Highway Authority does not have concerns regarding impacts on highway safety subject to condition on a construction management plan. However, they note that the

development is likely to impose additional parking demands upon the on-street parking on the surrounding streets which the planning authority may wish to consider.

8.19 Neighbours reiterate these concerns regarding the proposal adding further pressure to on-street parking, especially when viewed with the tandem application 16/1087/FUL for four 1 bed flats and 1 studio flat. Policy 8/10 promotes lower levels of private car parking particularly where good transport accessibility exists. The subject building is located just off Newmarket Road which has excellent transport links to the city centre and contains many shops/services.

8.20 The three secure cycle parking spaces to the rear are sufficient to comply with policy 8/6.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

#### 8.22 **Third Party Representations**

<b>Concern</b>	<b>Response</b>
Reduces access to rears of properties	See paragraphs 2.4, 8.6 and 8.13
Encroaches on public right-of-way	This is a not a planning matter but a civil matter. This is not a public right of way.
Reduction in light to the rear gardens of properties on Newmarket Road	See paragraphs 8.8 and 8.9
Bin collection	See paragraph 8.13
Tree removal on land of No. 429	This is not a planning matter, however an informative will be added.
Drainage issues	See paragraphs 6.5, 6.6, 6.7 and 8.16
Solid line blocking access to the rear to Nos. 4, 6, 8 and 10 Stanley Road.	This has been amended on subsequent amended plan.
Inadequate waste storage	See paragraph 8.14
Impact on on-street parking	See paragraphs 8.17 and 8.18

## 9.0 CONCLUSION

The proposed development is considered in keeping with the terrace it adjoins, as it would have similar proportions, design and similar type of materials. The traditional design would have a positive contribution to the streetscene. The amended layout of the proposal would ensure appropriate access width to the rears of neighbouring properties bin and cycle access.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. Prior to occupation the private right of way access to the south east of the hereby approved dwelling must be constructed at the widths of 1.2 metres (at the entrance) and 1.4 metres (throughout the rest) of the access as shown on the approved block plan 16/1429/05 A and retained in perpetuity.

Reason: In the interests of residential access for bins and cycles (Cambridge Local Plan 2006 policies 3/4, 4/13 and 8/6).

4. 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

5. The redundant vehicle crossover of the footway must be returned to normal footway and kerb.

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

6. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site 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 details and management and maintenance plan.

Reason: To ensure appropriate surface water drainage. (National Planning Policy Framework 2012)

7. On the south-eastern elevation the two ground and one first floor windows shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use of the dwellinghouse. The ground floor kitchen window shall be permanently fixed shut and 34dB acoustic glazing will be used. Both bathroom windows on the first and second floor 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).

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

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

9. The bin and cycle storage shall be provided in accordance with approved plans prior to the occupation of the new dwelling.

Reason: To ensure appropriate provision for the secure storage of bins and bicycles. (Cambridge Local Plan 2006 policy 3/12, 4/13 and 8/6)

**INFORMATIVE:** The principle areas of concern that should be addressed in the Traffic Management Plan are:

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

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.



<b>Application Number</b>	16/1087/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th June 2016	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	8th August 2016		
<b>Ward</b>	Abbey		
<b>Site</b>	423-425 Newmarket Road Cambridge CB5 8JJ		
<b>Proposal</b>	Demolition of existing and construction of 4no 1 bed and 1no studio, replacement flats.		
<b>Applicant</b>	R et M c/o Neale associates		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The development would not have a significant detrimental visual impact on the street.</li> <li><input type="checkbox"/> The proposed new building would not have a significant detrimental impact on neighbouring properties or highway safety.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The site is on the north western side of Newmarket Road. The site contains two buildings which are both two storeys tall. Previously these buildings would have been terraced dwelling but both have been heavily altered. The first floors of these buildings are currently used as flat accommodation. The ground floors are vacant. Previously facing Newmarket Road there was a commercial unit involved with hiring employment. To the rear of these buildings there is a long single storey extension which fills the entire site. This is also currently vacant and previously contained a commercial laundry.

1.2 The site is not located within a Conservation Area or is within a Controlled Parking Zone.

## 2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the demolition of existing buildings and construction of 4no. 1 bed and 1no. studio flats.
- 2.2 All existing buildings on site are proposed to be demolished. The proposed building is split level with the side adjoining No. 421 Newmarket Road/No. 2 Stanley Road being two and half storeys tall with a flat roofed dormer to the rear. The other half of the building adjoining No. 427 Newmarket Road is two storeys tall with a gable ended rear return.
- 2.3 The rear amenity space of this proposal has been reduced in depth (by 0.7 adjoining the boundary with No. 427 Newmarket Road) to widen the private right-of-way behind this site. Bin and cycle storage has been moved to a separate store across the rear lane. Soft landscaping has also been added to this space.
- 2.4 The application has been submitted concurrently with application 16/1044/FUL, which is for the erection of a two storey end of terrace dwellinghouse adjoining No. 4 Stanley Road on land located to the rear of the site.

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0008	Change of use of ground floor from retail (Class A1) to car and van rental booking office at 423-425 Newmarket Road and use of vacant land at the rear of 22 Stanley Road as vehicle parking area in association with car rental booking office (sui generis).	Approved
C/94/0688	Change of use from retail shop (A1) to hot food take away (A3) - ground floor only.	Refused

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

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 detrimental impacts to highway safety are envisaged subject to a condition securing a Construction Management Plan. Concerns are raised that this development provides no off-street parking and may generate additional pressure on on-street parking in the surrounding area.

### **Environmental Health**

- 6.2 No objection to the proposal subject to conditions limiting construction hours and delivery hours, piling and dust.

### **Urban Design**

- 6.3 Urban Design objected to the original scheme as the proposed amenity space was inadequate for the number of units that would share it. It was also considered the space being entirely hard surfaced and shared with the bin and bike store was not of an acceptable quality.
- 6.4 Urban Design support the amended scheme stating the relocation of the cycle and refuse stores to the rear of the 429-431 Newmarket Road increases the available amenity space at the rear of the proposed units.

## **Landscaping**

- 6.5 Landscaping objected to the original scheme as they considered the proposed amenity space was not of a sufficient size or quality. They also stated the rear open space provided would be uncomfortable to use by any occupant other than the ground floor flats and that entering the rear of the site between the bins is not appropriate. I will report any further comments from the landscaping officer regarding the amended plans on the amendment sheet or orally at the meeting.

## **Drainage**

- 6.6 No Objection.

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:

No. 427 Newmarket Road

- 7.2 The representation received on the original scheme can be summarised as follows:

- The proposed two storey rear return adjoin the boundary with No. 427 would overshadow and enclose the rear garden and solar panels of No. 427.
- The construction of the proposal would cause a lot of disturbance.
- Proposal would exacerbate existing drainage problem within an alleyway severely narrowed by 16/1044/FUL.
- If only an alleyway existed, bins would have to be put out on Stanley Road to be collected, and there is inadequate space on the pavement; put outside doors and windows on this side of Stanley Road.

- 7.3 The representation received on the amended scheme can be summarised as follows:

- Asbestos components have been disregarded as part of the demolition of some launderette huts.
- Indenting the front wall could weaken No. 427's front wall.
- Airflow and light will still be reduced to No. 427' rear garden.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is, therefore, my view that the proposal complies with policy 5/1 of the Local Plan.

8.3 The principle of demolishing the current building on site is also acceptable in principle. This is because it is not of architectural merit and parts are in bad disrepair.

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**

### Scale and Bulk

- 8.5 The submitted scheme retains the stepped roofline between the adjacent convenience shop (No. 2 Stanley Road) on the corner of Newmarket Road and Stanley Road and residential house (No. 427 Newmarket Road). The proposed replacement chimney between the application site and No. 2 Stanley Road retains the articulation of the roofline. The overall scale and massing is considered acceptable.

### Impact on Streetscene

- 8.6 The building has been setback approximately 1m behind the existing building line and back edge of pavement and aligns with the corner of No.2 Stanley Road. The area in front of the flat block comprises of a small entrance porch and thresholds which are defined by railings. It is therefore considered the design is in keeping with adjoining properties and the streetscene as a whole. The proposed window proportions of the front façade reflect adjoining properties and are an improvement from the current window openings.

### Design of rear façade

- 8.7 The rear elevation reflects the modern building to the west, the footprint of the existing building and its relationship to its immediate neighbour to the east. This is considered an acceptable design solution that reflects its immediate surroundings.

### Materials

- 8.8 Materials proposed include brickwork walls, timber windows and slate roof tiles on the pitched roofs. These would appear to be acceptable, however, further details will be sought via condition to ensure the palette and quality of the materials are in keeping. Further details of the entrance porch are also conditioned including treatment, roof covering and glazing.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

### **8.9 Overshadowing and Enclosure**

The occupant of No. 427 Newmarket Road has voiced concerns that the bulk of the proposal adjoining their boundary would have a detrimental impact on light to their property. A two storey gable ended rear return extends 3.1 metres along this boundary. It then indents 0.9 metres and extends a further 2 metres. This element of the proposal is 5 metres tall to the eaves and 6.6 metres tall to ridge. As recommended by 2015 BRE Guidance a 45 degree vertically falling plane was taken from the eaves of this element. This plane did not cut above the middle point of the kitchen/dining room of No. 427. This assessment therefore determines the loss of light to this room will not be of the significantly detrimental to warrant further formal daylight assessments. It is therefore considered on balance the loss of light to this room is acceptable. No other windows are considered to be detrimentally overshadowed using this test.

No. 427 has a 12 metre long rear garden and while some westerly light will be lost to this this garden it is considered much of this light was already curtailed by the development at No. 2 Stanley Road. It is noted that the design of the proposal has done much to try and make this impact as minimal as possible with indentation and a low eaves height. It is also noted currently the vacant storey single launderette is the entire depth of the site and proposal will demolish this, allowing more westerly light to the rear garden of No. 427 Newmarket Road. It is therefore considered that the proposal would not create further enclosure impacts and would improve on the existing situation.

As the proposal does not surpass the rear façade of No. 2 Stanley Road no overshadowing or enclosure impacts are envisaged to this property. All other properties are considered to be located a sufficient enough distance away to dispel any detrimental overshadowing or enclosure impacts.



## 8.10 Overlooking

No windows directly overlook neighbouring properties. The amended design has only a single opening door to a Juliette balcony to both kitchen/dining rooms in the first floor. This will minimise any potential overlooking of the rear gardens of No. 421 Newmarket Road/No. 2 Stanley Road and No. 427 Newmarket Road.

The application for the proposed dwelling is 8.6 metres northwest of the first and second floor windows of the current scheme to the side of no.4 Stanley Road. These windows would face the side elevation of this proposed property and the three windows in this elevation would be obscurely glazed. This relationship is therefore considered acceptable.

- 8.11 Whilst there would be a degree of overlooking from newly created windows from the upper floors of the scheme, my view is that the impact on privacy would be minimal, especially considering the built-up nature of the surroundings. 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 3/12.

Amenity for future occupiers of the site

### Amenity Space

- 8.12 The latest amendments to the scheme have directly addressed the initial concerns raised by Landscaping and Urban Design Officers. The rear amenity space of the proposal has been marginally reduced in depth (by 0.7) and the private right-of-way behind the site widened to improve bin and cycle access for occupants of properties that use it. The bins and bikes for the flats themselves have been relocated from the immediate rear into a separate store across the rear passageway and is within easy access of the site. Soft landscaping has been added to the rear of the flats as a result. I agree with Urban Design and Conservation Team that this has created an acceptable amenity space that is not dominated by bin and cycle storage and the use of soft landscaping improves its quality.

## Outlook

- 8.13 All proposed openings are considered to give future occupiers of these flats an acceptable outlook and provide sufficient daylighting to the proposed apartments.
- 8.14 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**

- 8.15 The bin store has been relocated just to the rear of the garden and is considered satisfactory for the number of units proposed and complies with the RECAP Waste Management and Design Guide 2012. The left over passage, together with the development of application 16/1044/FUL, provides an acceptable width for wheeling bins to navigate on bin day at 1.4 metres for its majority of affected length.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.17 The Highway Authority does not have concerns regarding impacts on highway safety subject to a construction management plan being secured through condition. However, they note that the development is likely to impose additional parking demands upon the on-street parking on the surrounding streets which the planning authority may wish to consider.
- 8.18 Neighbours reiterate the concerns regarding adding further pressure to on-street parking, especially when viewed with application 16/1044/FUL. Policy 8/10 promotes lower levels of private car parking particularly where good transport accessibility exists. The subject building is located just off Newmarket Road which has excellent transport links to the city centre and contains many shops/services. Policy does not require a minimum level of parking to be provided and the small size of these units indicates to me that car ownership by future occupants is not a certainty.

8.19 The six secure cycle parking spaces to the rear are sufficient to comply with policy 8/6.

8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

**8.21 Third Party Representations**

<b>Concern</b>	<b>Response</b>
Overshadowing of No. 427's rear garden	See paragraph 8.10
Overshadowing solar panels	Not a planning consideration
Disturbance during construction	See paragraph 6.2
Drainage	See paragraph 6.6
Waste storage arrangement	See paragraph 8.18
Disposal of asbestos	Not a planning consideration however a condition will be added to ensure proper disposal.
Indenting the front wall could weaken No. 427's front wall	A building control consideration, not a planning consideration.
Curtailling airflow	Not a planning consideration.

**9.0 CONCLUSION**

The proposed development is considered in keeping with the adjoining buildings, as it would have similar proportions, design and use similar types of materials. The proposal would have a positive contribution to the streetscene when compared to the existing building which is of little architectural merit. The amended layout of the proposal would ensure access to the rears of neighbouring properties and give future occupants a useable high quality space.

**10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

3. Prior to occupation the private right of way access to the north of the hereby approved dwelling must be constructed at the widths of 1.2 metres (at the entrance) and 1.4 metres (throughout the rest) of the access as shown on the approved block plan 16/1429/05 A and retained in perpetuity.

Reason: In the interests of residential access for bins and cycles (Cambridge Local Plan 2006 policies 3/4, 4/13 and 8/6).

4. 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

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

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

6. 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)

7. 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)

8. 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)

9. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation requirements) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To protect the amenity of future occupants of this development from high ambient noise levels in the area (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. The bin and cycle storage shall be provided in accordance with approved plans prior to the occupation of the new dwelling.

Reason: To ensure appropriate provision for the secure storage of bins and bicycles. (Cambridge Local Plan 2006 policy 3/12, 4/13 and 8/6)

**INFORMATIVE:** The principle areas of concern that should be addressed in the Traffic Management Plan are:

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

- iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

**INFORMATIVE: Dust condition informative**

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

This page is intentionally left blank



<b>Application Number</b>	16/1464/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd August 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	18th October 2016		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	Cherry Hinton Hall Cherry Hinton Road Cambridge CB1 8DW		
<b>Proposal</b>	Proposed demolition of existing extensions and their replacement with a new glazed link extension, multi-purpose building, internal reorganisation and refurbishment.		
<b>Applicant</b>	International Schools Partnership C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed external and internal alterations to the hall and cottage would not have any adverse impact on the special historic interest of the listed building and would not have a detrimental impact on views into the site from the surrounding parkland.</li> <li>- The design, scale and form of the new buildings within the school site are of high quality and would appear subservient to the main buildings.</li> <li>- The proposals would not have any adverse impact on the residential amenity of surrounding neighbours or on the public that use the park.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is located within Cherry Hinton Park which is north of Cherry Hinton Road. The site is occupied by Cherry

Hinton Hall which was built in 1839 as a country house for John Okes, and is a Grade II Listed Building (on 19 September 2002). Cherry Hinton Hall is currently owned by Cambridge City Council who also own and manage the parkland. The hall is set within informally landscaped parkland with winding footpaths, a managed brook and areas of open space. Cherry Hinton Park is an area of protected open space.

- 1.2 The hall is a large detached Victorian building with prominent chimneys, expressive window detailing, high eaves line with parapets and some tudor detailing. The Hall has been sectioned off from the parkland and internally adapted and externally extended over the years. There is a 2 metre high rail fence that encloses the curtilage of the hall. The main entrance, which is on the south elevation, is accessible from the public footpath which runs past the front elevation. There are several trees within and adjacent to the site boundary.
- 1.3 There is also a two storey pitched roof building to the west of the Hall which is known as the cottage which is connected to the Hall by a wall. The main entrance into the Hall is located in the south elevation. To the north of the Hall and cottage is the main outdoor play space which is mainly hardstanding. There is also a play space to the west of the cottage.
- 1.4 To the north of the site is an area of land that is a storage area which is used for events in the park such as the Folk Festival. The storage space also includes a single storey 'at-cost' building. To the east of the site is park land and Cherry Hinton Brook. To the south of the site is park land. To the west of the site are the main footpaths that run through the park, park land and equipped play area and tennis courts adjacent to the rear of the properties in Walpole Road. There is also a public car parking adjacent to the main entrance into the park and a single storey cottage which is used as a private dwelling.
- 1.5 The school is run by Cambridge International School which opened in 2006 and now is part of International Schools Partnership. The school has a focus on international families locating to Cambridge and also local families who want an internationally focussed education. The school has a current capacity of up to 180 pupils and have 160 pupils on the register at any one time. The hall provides junior school education for nursery ages to Key Stage 2 (11 years). The school operates

over two sites; Cherry Hinton Hall and The Temple site in Little Abington. The Temple is a secondary school with a capacity of 190 pupils.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for internal reconfiguration and refurbishment and external alterations including removal of existing extensions to the existing hall and cottage buildings. The proposal also includes a new glazed link extension between the hall and cottage, detached single storey multi-purpose building and a covered free-standing classroom/play space.
- 2.2 The proposal also includes alterations to the grounds, landscaping and boundaries and additional cycle and scooter parking.
- 2.3 The existing extensions to be removed are mainly flat roof additions located on the rear (north) and side (west) elevations.
- 2.4 The internal alterations to the hall do not require planning permission and so will not form part of the assessment. However, they do require Listed Building Consent (ref: 16/1465/LBC) and so an assessment of the alterations will be carried out in the committee report for this.
- 2.5 The proposed multi-purpose building would be located adjacent to the northern boundary with the main opening facing into the school grounds. The building has been designed with brick construction and includes timber detailing to define the main openings.
- 2.6 The covered classroom would be located between the cottage and hall. It would be a timber structure giving it a light weight feel and open from all sides. A steel slide is proposed on the east elevation with provides access to a mezzanine platform.
- 2.7 The two storey glazed link would connect the cottage and hall building but would mainly serve the cottage as it would provide the main entrance to the ground floor nursery in the cottage and access to the main office and staff room accommodation within the first floor of the cottage. Access to the link would be provided to the hall via a door. The link would be extensively

glazed and use reclaimed bricks in the side wall. Only the first floor element of the link would be visible from the public realm.

#### Pre-app and public consultation

- 2.8 The principle of proposed development has been considered and assessed at the pre-application stage which included several meetings and a written response. The proposal has also been considered by the design and Conservation Panel on 8 July 2016.
- 2.9 The applicant also engaged local residents prior to submission of this application through a public exhibition. Notification of this event involved a flyer/leaflet drop to 450 properties which included Friends of Cherry Hinton Hall and local ward councillors. A separate consultation event for school parents was also held.
- 2.10 The Statement of Community Involvement documents contain details of the public exhibition and responses received.
- 2.11 The applicant has also carried out a public exhibition which was attended by around 20 local residents and councillors on 7 December 2016. The exhibition was set to try and address concerns from local residents about potential impact on the parkland, traffic and increase in number of pupils. If any further information is submitted by the applicant of this consultation event I will either report this orally at the Committee meeting or summarise it on the amendment sheet.
- 2.12 The application is accompanied by the following supporting information:
1. Planning Statement
  2. Design and Access Statement
  3. Statement of Community Involvement
  4. Preliminary Ecological Appraisal
  5. Preliminary Bat Roost Assessment
  6. Heritage Statement
  7. Tree Survey and AIA
  8. Tree Survey plan
  9. Transport Statement
  10. Draft Travel Plan
  11. Landscape Strategy

### 3.0 SITE HISTORY

Reference	Description	Outcome
16/1465/LBC	Proposed demolition of existing extensions and their replacement with a new glazed link extension, multi-purpose building, internal reorganisation and refurbishment.	PENDING
11/0785/LBC	Internal alterations including new door in existing 20th century wall, removal of 20th century cupboard and formation of opening in existing masonry wall to create large classroom.	APPROVED
08/0856/FUL	Installation of temporary log cabin in playground for use as art room.	APPROVED
07/0151/FUL	Change of use from general store to dog warden / pet control services facilities and installation of new windows and doors.	APPROVED
06/0621/FUL	Change of use from educational training centre to school.	APPROVED

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

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

## 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)**

First comments:

- 6.1 The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development.
- 6.2 It should be made clear on table 3.1 Pupil Travel to School, where the split between nursery, infant and junior is.
- 6.3 3.39 Staff Travel to School - This is agreed as suitable for use in the assessment of the proposed development
- 6.4 3.44 Cherry Hinton Car Park in the Morning - It is noted that on the day the car park was surveyed there was a coach trip to Thorpe Park, which was not a normal activity for the car park. It is unclear how this affected the operation of the car park, did it generate more activity in the car park than normal?
- 6.5 Additional information is required regarding the use of the Cherry Hinton car park for pupils of the Temple school. Will the junior pupils from Cherry Hinton be relocated to the Temple School? If so then it would appear parents could still park in this car park to use the mini bus service to get pupils to the actual school. It is therefore questionable if there will be a reduction in numbers using the car park.
- 6.6 3.54 Cherry Hinton Car Park School in the Afternoon - This is agreed as suitable for use in the assessment of the proposed development
- 6.7 5.9 Expected Changes in Peak hour and Daily Trips - An assessment should be made of the proposed impact the

additional vehicular trips will have on cars turning from Cherry Hinton Road into the site and whether there will be an issue with queuing.

- 6.8 Full details of a travel plan will need to be agreed with CCC, should planning permission be granted then this will be conditioned.

#### Second comments

- 6.9 3.37 Pupil Travel to School - This is agreed as suitable for use in the assessment of the proposed development
- 6.10 3.44 Cherry Hinton Car Park in the Morning - This is agreed as suitable for use in the assessment of the proposed development
- 6.11 5.9 Expected Changes in Peak hour and Daily Trips - This is agreed as suitable for use in the assessment of the proposed development
- 6.12 Full details of a travel plan will need to be agreed with CCC, should planning permission be granted then this will be conditioned.

#### **Urban Design and Conservation team**

- 6.13 The proposal is acceptable subject to conditions relating to:
- Sample panel;
  - Details of the railings and gates;
  - Joinery details;
  - Glazing and joinery details;
  - New partitions;
  - New plasterwork;
  - All/repairs to plasterwork;
  - Section for new screen details;
  - Details of the masonry wall cleaning system

#### Response to context

- 6.14 The applications propose to demolish the majority of the additions to the building. The only ones to remain will be the 20<sup>th</sup> century lift shaft and the billiard room, which dates from the late 19<sup>th</sup> century. By doing this the original layout of the building



and the adjacent coach house, which is curtilage listed, will be seen.

- 6.15 The proposed new buildings are an open air classroom, which will be in the outdoor space between the hall and the coach house, and a multi-purpose room which will be along the boundary to the rear of the site and turning towards the coach house. The principle of development in this area is supported provided that the new building is of appropriate design, scale and massing.
- 6.16 The proposed multi-purpose space is single storey, with a broken roof line to break up the massing. There will be windows at varying levels on the hall side and none over-looking the park. It will also have a green roof which would give some additional interest. By turning the end of the building to line up with the coach house, this helps to create a recognisable entrance to the school and forms a courtyard within the site which is reminiscent of the former service/stable area of the hall.

#### Movement and Access

- 6.17 The accesses to the school will be via the playground and through a re-worked main entrance to the hall. By erecting the new multi-purpose space, this will help to sign-post the entrance, and will create an enclosed space for the smaller children at the school.

#### Layout

- 6.18 The proposals for the re-modelling of the interior of the hall are acceptable.

#### Scale and massing

- 6.19 The scale and massing for each of the two new structures within the boundary of the hall is acceptable. They do not dominate views and they are of a scale that works with the character of the main listed building.

## Open Space and Landscape

- 6.20 The spaces and landscaping within the site will be altered by the new buildings. However, they will not have a negative impact on the setting of the listed building which is generally seen as a large building within parkland.
- 6.21 There are to be new gates to enter the nursery/reception class area. This needs to ensure that it remains open and is only closed when the children are outside. This will retain views through the site as there are currently.
- 6.22 The details of these gates and how they will be fixed to the buildings will need to be submitted for written approval prior to the commencement of the works.

## Elevations and Materials

- 6.23 Where the modern extensions are removed, there will need to be some patching in of the brickwork and in some cases the removal of paint where an internal wall becomes an external one. This will need to be done with care to ensure that there is no unnecessary loss of the brick faces and the method proposed submitted for approval. Patching in of brickwork should re-use existing bricks where they are a good match, or use others to match where there are not enough.
- 6.24 The new buildings are of appropriate materials for this location and will not dominate the listed building or jar with its setting and the parkland location. Samples of the materials for the new structures need to be submitted for written approval prior to the commencement of works.

## Environmental Services

- 6.25 Clarification on hours of use and proposed activities within the multi-use building for community use is required in order to comment on the proposed development. Subject to clarification on these issues, the following conditions and informatives are recommended:
- Construction hours;
  - Collection/deliveries;
  - Piling;

- Dust and informative; and
- Plant noise insulation and informative

### **Landscape Officer**

6.26 The proposal is supported in principle. The scheme is compelling and its success will be dependent on detail of construction. The play areas utilise existing areas of hard paving to reduce impact on trees and landscape. It appears planting areas under trees are expanding. This approach is supported. However, notwithstanding this, the following issues require attention:

- There is a vulnerability to trampling for the landscape strip between the scooter parking point and the hard play area. Recommend that a timber fence (potentially temporary) is used to restrict access while any hedging or planting matures.
- The hedge to the rear of the new multi-use building is shown in most drawings but not on the TS/AIA drawing. It is unclear what is happening to this hedge. It must either be protected during construction or reinstated with an 'instant hedge' to retain the coverage and screening that the current hedge provides. Without the hedge, the visual impact of the multi-use building from the view shown on page 54 of the DAS would be significant and we feel the screening of the hedge to be of importance to the scheme. Clarification required and an update to the AIA as required to ensure all the surrounding hedges are considered and protected as needed.
- The following conditions are recommended:
  - Hard and soft landscaping;
  - Landscape maintenance and management plan;
  - Boundary treatment

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

6.27 No objections subject to the following conditions:

- Arboricultural Impact Assessment and Tree Protection Plan;

- Implementation of Arboricultural Impact Assessment and Tree Protection Plan

### **Nature Conservation Officer**

6.28 The bat surveys have identified four day roosts for small numbers of Common Pipistrelle bats, these roosts would be disturbed or lost if the proposed application is approved without mitigation. EPS Licence will be required after planning approval and prior to any works being undertaken. The following conditions are recommended:

- Bat Mitigation Method Statement;
- Internal or external bat boxes

### **Access Officer**

6.29 The site needs 5% Blue Badge marked parking. Some accessible toilets do not meet Part M Building Regulations, ie toilet doors opening inwards. The building needs good colour contrast to aid visually impaired people. A scheme of hearing loops needs to be installed at receptions, assembly rooms, etc and decisions made how to support hearing impaired students in every classroom.

### **Cambridge Past, Present and Future**

6.30 Support the proposed development subject to conditions relating to the retention of the original flooring, joinery and brick.

### **Policy**

6.31 The existing area of open space that will be used to provide a new multi-purpose building is currently a hard surfaced area for play and therefore only protected for recreational purposes. The revised plans illustrate how the area of lost protected open space will be replaced on-site with a series of smaller areas (with the removal of different external fixtures and external buildings) achieving an aggregated size larger than the total area to be lost. These recovered areas connect with the existing open spaces on-site and should therefore create better quality play areas. Furthermore, a marked out area of outdoor play is also proposed adjacent to the new building.

6.32 The new building and replacement areas of open space should improve the overall quality of the site's layout with improved areas for play while providing

6.33 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 Councillors Ashton, Dryden and Macpherson have commented on this application and requested that it be called into planning committee due to the amount of local interest in the proposals. Cllr Ashton has raised concerns with the proposed intensification of use and activities in terms of parking intensity, changes of the listed building, possible encroachment onto the public space and compatibility with the aspirations and objectives of the masterplan for Cherry Hinton Hall.

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

- 29 Greystoke Road;
- 42a Greystoke Road
- 20 Doggett Road
- 1 local resident representation but address not supplied

A petition from 21 Greystoke Road has also been submitted with signatures from the following addresses:

- 92 Birdwood Road;
- 9 Conway Close;
- 20 Doggett Road;
- 51 St Bedes Gardens;
- 106 Malvern Road;
- 21 Kelvin Close;
- 3 Greystoke Road
- 15 Greystoke Road;
- 19 Greystoke Road;
- 23 Greystoke Road;
- 5 Mill Croft;
- 61 Greystoke Road;
- 57 Glenmere Close;
- 43 Malvern Road;
- 58 St Bedes Gardens;

- 2 Chartfield Road.

### 7.3 The representations can be summarised as follows:

- Concerns with more alterations to the grounds because of the school's requirements;
- The artist impression drawing is not in keeping;
- The plans seem to extend into the hall grounds with much of the area fenced off;
- Concerns with privileged few having access to grounds which should be enjoyed by all the general public ;
- Is there a limit set by the Council on the number of children in the school and are there plans for more children in the future?
- Concerns with the impact of the alterations and loss of the Victoria tiles in the hall;
- The proposed replacement windows and doors are too modern and not in keeping with the original building;
- The building work would require construction equipment and materials to be transported across the grounds. Therefore precaution should be taken to transport equipment and materials by having a member of the contractor's staff assigned to supervise transport to avoid impacting users of the park;
- No provision for extra vehicles that will come with the proposal to increase pupils;
- Car parking is already well used by the school during term time and overly used at picking up and dropping off times;
- Concerns the proposal will lead to no parking for the public;
- Concerns with new entrances being created in the rear of the building and school extending into the park.

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

### Principle of development

8.1 Policy 5/12 (New Community Facilities) of the Local Plan 2006 refers to allowing extending existing community facilities, for which there is a local need. The development of City-wide or Sub-regional community facilities will be permitted if they are

provided in sustainable locations. This policy relates to schools, particularly if privately run.

- 8.2 The school is privately run and the proposals are to enhance and upgrade the school buildings. The school is located close to a bus stop which is located a few metres from the entrance into the park and there is public car parking within the park grounds. Part of the proposed enhancements is to provide more cycle parking and introduce scooter parking to encourage parents, staff and visitors to use more sustainable modes of transport.
- 8.3 The principle of the development is acceptable and a satisfactory justification is given for the site being in a sustainable location in accordance with policy 5/12.
- 8.4 Policy 4/2 (Protection of open space) of the Local Plan 2006 is of particular relevance to this proposal. This policy reads *'development will not be permitted which will be harmful to character the of, or lead to loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced elsewhere and the site is not important for environmental reasons'*.
- 8.5 The parkland is an area of protected open space and this includes the school site. Concerns were raised by Officers at the pre-application stage about the potential loss of open space through the introduction of the MPB and outdoor classroom and additional increase in pupil numbers. Policy 4/2 of the Local Plan (2006) states that development will not be permitted which would be harmful to the character of, or lead to the loss of, open space of environmental and/or recreational important unless open space uses can be satisfactorily replaced elsewhere and the site is not important for environmental reasons.
- 8.6 The applicant was specifically asked to respond to the following matters:
- a) The current amount of usable play space;
  - b) The amount of play space that would be recovered from the proposed removal of existing extensions/alterations;
  - c) The amount of existing play space the proposed multi-purpose space and outdoor class room would take up and where replacement space (if any) would be provided;

- d) A plan showing a comparison of the existing play space and proposed play space would be useful;
  - e) The amount of play space per pupil before and after proposed extensions;
  - f) Explanation on why there would be no material harm to the character, use and visual amenity of the area;
  - g) What future proofing provisions are proposed to ensure any future increase in pupil capacity can be accommodated on site without affecting the play space/protected open space?
- 8.7 The applicant has submitted an addendum to the Design and Access Statement (Addendum B) which responded to the above issues.
- 8.8 The applicant has confirmed that there is currently 1191m<sup>2</sup> of existing outdoor play space within the school site and excludes areas such as ramps, raised area, cycle parking and bin store.
- 8.9 In terms of the amount of space recovered through the removal of existing alterations and relocation of the bin and cycle stores, this would total 143m<sup>2</sup>. This would offset the floor space taken up by the MPB which is 127m<sup>2</sup>. In terms of the amount of play space proposed this would total 1,112.5m<sup>2</sup> (including the outdoor classroom) which means there would be a loss of 78.5m<sup>2</sup>. This would be less than 10% of the existing play space. However, this does not account for the cycle/scooter and bin stores which equate to 72m<sup>2</sup> and 33m<sup>2</sup> which would be given over to new planted beds.
- 8.10 In terms of play space per pupil, it is important to note that the school currently has capacity to accommodate 180 pupils and there are 160 pupils on the school register. The proposal is to increase the capacity to 200 over a five year period. Therefore the current play space per pupil at full capacity would be 6.6m<sup>2</sup>. This would reduce slightly to 6.18<sup>2</sup> (a reduction of 0.44m<sup>2</sup>).
- 8.11 In terms of future proofing, the applicant has confirmed that the school plans to relocate years 3, 4, 5 and 6 to new Key Stage 2 setting in the next 2 to 5 years. However, this is subject to overall pupil growth. The applicant has also confirmed that the school will not exceed the capacity of 200 pupils and the play space will be protected.



- 8.12 The Council's Policy Team was consulted on this additional information and asked to provide a policy response. The Policy Team advised that based upon the information provided the recovered areas connect with existing open spaces on site and should therefore create a better quality of play areas. The new building and replacement areas of open space should improve the overall quality of the site's layout with improved areas of play.
- 8.13 In light of the additional information provided and following consultation with the Policy Team, I am satisfied that the proposed alterations to the layout and enhancements of the existing play spaces would improve the quality of the outdoor play provision without having a detrimental impact on the character of area or setting of the listed building.

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

- 8.14 Cherry Hinton Hall is located within a public park which also contains a car park close to the main entrance and other associated amenities such as car park, tennis court and play area. There is also a single storey cottage close to the entrance which is used as a private dwelling and is fenced off from the parkland. Due to the boundary treatment and number of mature trees the hall is not particularly visible from Cherry Hinton Road or from the wider surrounding housing development. Nevertheless, the hall building is visible from within the parkland and contributes to the character and setting of the park and vice-versa. The 'at-cost' building to the north of the site detracts from the setting of the listed building and is located in a highly visible part of the park, particularly when viewed from north. The views of the hall from the north are important as it is from this location that the hall is at its most open in terms of views. The northern boundary of the school is defined by a combined hedge and rail fence line which is no more than 2 metres in height. Therefore, the ad-hoc extensions which detract from the character of the original building are visible. The proposal is to remove the ad-hoc extensions and improve the appearance of the hall and cottage. I set out below my assessment of the main alterations.

## Removal of existing extensions

- 8.15 The proposal is to remove five existing extensions including a spiral fire escape. The extensions include a single storey flat roof structure, a first floor structure, a two storey and single storey lean-to structure and a single storey lean-to structure. None of these additions are considered to be worthy of retention as they are of out keeping with the character of the hall. Therefore, the removal of the extensions is acceptable and would improve the appearance of the hall.
- 8.16 As a result of the removal of the extensions, work will be required to patch up the brick work to return the building to its original composition. In order to ensure this is achieved to a high standard I have agreed to the conditions recommended by the Urban Design and Conservation Team, particularly regarding brick work detailing. I am therefore satisfied that the removal of the extension will make a positive contribution to the appearance and setting of the hall from within the parkland. This would also help to achieve the objectives of the Cherry Hinton Park Masterplan.

## Multi-purpose building

- 8.17 The multi-purpose building has been designed to appear as a contemporary single storey structure which matches the width of the existing cottage building. The roof is proposed to be clad in a lightweight sedum. The building would be built from brick with over emphasised openings and bay-window. The building is essentially a linear structure that would be 17.35 metres in length, between 9 metres and 6.7 metres wide and between 3.65 metres and 4 metres in height. The building would occupy space that is currently used as an outdoor play area adjacent to the northern boundary of the site.
- 8.18 The building has been designed to reflect the proportion of the existing hall building and particularly the cottage. The widest end of the building would be the same width as the cottage and extend up to the western elevation of the hall. This would create an outdoor space courtyard area which is accessible from the hall, cottage and proposed building. This would also provide definition to the play areas rather than the informal arrangement that currently exists. The scale of the proposed building is appropriate in terms of its relationship with the hall and cottage.

It would appear as a subservient structure and would not impede views of the hall or cottage from the north. The proposed building would contrast successfully with the more period structures with the use of alternative/playful materials and uneven/broken profile. I am therefore satisfied that the multi-purpose building (MPB) is of good design, of an appropriate scale and of a form that would allow it to assimilate into the curtilage of the school site without compromising views of the hall and cottage and play space. The building would represent a modern intervention into the site which would contrast successfully with the setting of the listed building.

#### Outdoor classroom

8.19 The outdoor classroom would be a semi-open covered structure. The southern and eastern elevations would contain the main elevation treatment which would be in the form of timber slats. The structure would also contain a small mezzanine level/platform which would be accessible via the steel slide. The structure would have a timber decking base with a single ply membrane roof. The structure would be used as a covered play space with two rooflights to provide shelter from the sun and rain. The external appearance of the structure would use floor to ceiling timber slats which would contrast with the brick built hall and cottage buildings. The structure would be located in the centre of the courtyard play space and provide an alternative outdoor play space for younger children. The structure would not be visible from the public realm due to its location in the middle of the site and hidden from the parkland by the MPB.

8.20 The proposed outdoor classroom structure is acceptable due to its lightweight design and use of soft material and would not have a detrimental impact on the setting of the listed building or parkland. There is an existing holly tree in front of the southern boundary where the glazed link is proposed. The proposal is to remove the tree which is classed as a category C (low quality).

#### Glazed link

8.21 The proposed two storey flat roof glazed link would be located between the cottage and hall and would partly replace an existing lean-to structure which is connected to the hall. The link would serve as the main entrance to the nursery which is

proposed to be provided on the ground floor of the cottage. There would also be a link into the hall from the ground floor into a multi-function space and access beyond into other rooms in the hall. There would be no link between the hall and cottage from the first floor.

8.22 The link would be located behind the existing boundary wall so only the first floor element, which would be extensively glazed would be visible. The first floor would be used as a work area for admin staff. The link would also serve as the main access to the first floor of the cottage which is proposed to be used as the main administrative (head's and admin staff office) space for the school and staff room. The link would be set well below the ridge lines of the cottage and hall and has been designed so the southern elevation is recessed to give the link a subservient character.

8.23 The construction of the link would use recycled brickwork to create the side wall. The northern and southern elevations of the link have been designed to appear slightly different. The northern elevation facing into the curtilage would contain a zinc trim roof, louvred ventilation grilles, dark grey aluminum curtain wall glazing and hardwood timber slats. The southern elevation would be less detailed in terms of materials. It would contain the zinc trim roof which would overhang the double glazed concealed framed window. The link would result in a modern intervention, which contrasts successfully with the existing buildings. It would not appear unduly out of character or detract from the setting or special interest of the listed building.

#### Other external alterations

8.24 The proposal also includes a new bin storage and new cycle and scooter parking provision, and landscaping of the external areas to provide kick about area, nursery play space, learning courtyard, teaching space, a small area called the nook and a giant's playground. I set out my assessment of each element below:

#### Bin store

8.25 The bin store would be located adjacent to the western boundary of the site. No specific details of the bin store have been provided other than what material would be used. The

applicant is proposing to use timber slatted screens. Whilst the location of the store and use of timber screens are acceptable I have recommended a waste condition so that specific details of the store can be provided and details of how waste is managed.

#### Cycle and scooter parking

- 8.26 The proposal would relocate the existing cycle parking provision which is currently located along the north elevation of a class room block adjacent to the eastern elevation of the cottage. There are 8 cycle hoops. The proposal is to provide a dedicated cycle parking area along the western boundary which consists of 52 cycle parking spaces and 35 scooter parking spaces adjacent to the northern elevation of the nursery store/kitchen room. The increase and better provision of cycle parking and scooter provision is to reduce staff and parent/pupil car travel. However, whilst the location of cycle and scooter parking and the increased provision is welcomed no specific details have been provided as to whether the spaces would be enclosed. I have therefore recommended the standard cycle parking condition which require the cycle and scooter stands to be covered unless an alternative approach is considered acceptable.

#### Landscaped areas:

- 8.27 The proposal to improve the existing outdoor space is supported. The proposal is to create areas of defined play spaces which serve the different needs of the children. The Landscape Strategy contains information related to each area of play space and gives an explanation as to how these areas are envisaged to be used. Whilst the strategy provides a conceptual basis for how these spaces would be modelled and there is an outline materials schedule of how the ground in each area will be treated, I have recommended a hard and soft landscape condition so that all aspects of landscaping are submitted for consideration. The principle of these play spaces would significantly improve the appearance of the site and quality of the play space provision and how they relate to the existing and proposed buildings. This would be to the benefit of the children.
- 8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

## **Impact on the Listed Building**

- 8.29 The proposed external alterations to the hall and cottage, through the restoration of the buildings and removal of the modern extensions/alterations, would not harm the special historic interest of the listed building. The northern elevation of the hall and cottage which faces the parkland would be significantly improved and benefit the objectives of the draft Cherry Hinton Park Masterplan. Furthermore, the Design and Conservation Panel concluded; in respect of the pre-application submission, that the proposal is an excellent opportunity to reveal the qualities of the original building. The panel also welcomed the intention to retain the various original Victorian and Edwardian internal features such as the fireplaces and staircase.
- 8.30 The proposed buildings and landscaped play areas would not detract from the setting of the listed building due to their scale and low level treatment. The Conservation Team have not raised any concerns with the proposed external alterations subject to conditions. I agree with the recommendation by the Conservation Team and have applied their recommended conditions.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/10.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.32 It is important to note here that the proposed alterations and proposed new structures would not encroach into the existing parkland. The proposed works would be confined within the red line boundary (curtilage) of the school site. The school has access to the parkland from gates in the northern boundary which are to be retained to allow pupils organised recreational activities.
- 8.33 The proposal is also seeking to increase their pupil capacity from 180 to 200 over the next five years (net increase of 20 pupils). This is not considered to be a significant increase over a five year period. I do not consider the proposed increase in

pupils numbers will have a significant material impact on how the school currently functions or in terms of intensification of traffic or movement in terms of comings and goings. The impact of this and any increase in noise levels is unlikely to have a significantly detrimental impact on the residential amenity of the surrounding residents. This is mainly because of the level of separation from the school. The Environmental Services Team has raised concerns with the use of the MPB out of school time and possible new plant. The applicant has offered the building to be used for community uses during the evening and weekends. The school currently offers use of the hall to a language club every Sunday and during the holiday there is an arts and craft club. The applicant has commented that it is keen to ensure any use of the MPB outside school time is for similar activities and low key meetings by local groups. Other than some new external extractor vents, the proposal does not include any new external plant to the building. If any plant were to be installed then this may require separate application to be made. I have sought further clarification on the likely nature of proposed uses and hours of operation and will provide an update either in the Amendment sheet or orally at Committee.

- 8.34 In my opinion, subject to resolving the Environmental Health Officer's comments regarding the use and hours of operation, 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.

### **Highway Safety**

- 8.35 The County Highway Authority originally requested clarification on the information contained in the Transport Assessment. The applicant was requested to clarify how pupils travel to school, to provide a survey of the car park and an assessment of the proposed impact additional vehicular trips will have on cars turning from Cherry Hinton Road into the site. The County Highway Authority also requested a Travel Plan condition. Following the submission of the requested information the County Highway Authority is satisfied the original issues had been overcome but maintained their request for a Travel Plan to encourage sustainable modes of transport.

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

### **Car and Cycle Parking**

8.37 The school does not have any dedicated on site car parking provision. There is an existing public car park (total capacity 50 spaces) close to the entrance of the Cherry Hinton Park which is used by staff and visitors to the school. There is also a bus stop adjacent to the main entrance into the park. However, the school is keen to encourage sustainable modes of transport to staff and parents/pupils. They believe by proposing to increase and improve the cycle parking provision this will help them to achieve this. This is supported by Officers and subject to a Travel Plan condition to ensure the school provides a strategy for encouraging sustainable modes of transport is proposed development would not need to provide any car parking.

8.38 The proposal is to increase cycle parking provision from 16 spaces to 52 spaces and provide new provision for 35 scooter parking spaces. This is compliant with the Cycle Parking Standards.

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

### **Third Party Representations**

8.40 I set out below my response to the comments raised from third party representations:

<b>Representation</b>	<b>Response</b>
Concerns with more alterations to the grounds because of the schools requirements;	See para 8.1 to 8.14
The artist impression drawing is awful and not in keeping;	The artist impressions are for visual purposes only. The proposed internal and external alterations would restore and improve the appearance of the hall and cottage and play space provision.
The plans seem to extend into the hall grounds with area	The proposal does not include any encroachment into the



fenced off;	parkland.
Concerns with privileged few having access to grounds which should be enjoyed by all the general public ;	None of the publically accessible parkland will be impact or diminished by the proposals.
Is there a limit set by the Council on the number of children in the school?	The school want to increase their capacity to 200 (from 180) over the next five years. There are no plans to expand beyond this.
Concerns with the impact of the alterations and loss of the Victorian tiles;	The proposed alterations would significant improve the appearance of the site from the parkland and the proposal does not include any loss of the Victorian tiles.
The proposed replacement windows and doors are too modern and not in keeping with the original building;	The majority of the windows in the hall (east and south elevations) are to be retained and repaired where possible. The windows in the cottage are single glazed metal Crittal windows and are not in good condition and are not original to the building. The proposal is to retain these windows and fit secondary glazing.
The building work would require construction equipment and materials to be transported across the grounds. Therefore precaution should be taken to transport equipment and materials by having a member of the contractor's staff assigned to supervise transport to avoid impacting users of the park;	I have recommended a contractor management plan to show where materials and contractor vehicles will be stored during construction. The proposed works are not of a large enough scale to warrant a banksman (or similar).
No provision for extra vehicles that will come with the proposal to increase pupils;	The proposal to increase capacity of the school from 180 to 200 is over a five year period. Therefore the additional increase in pupils numbers over this period will

	not have a material impact on the car park or highway safety.
Car parking is already well used by the school during term time and overly used at picking up and dropping off times;	The applicant has demonstrated through the submission of a transport assessment that the proposal would not materially increase picks and drop offs. The County Highway Authority agrees with the assessment subject to a travel plan condition to encourage sustainable modes of transport.
Concerns the proposal will lead to no parking for the public;	As above.
Concerns with new entrances being created in the rear of the building and school extending into the park.	The proposal includes one new door in the north elevation of the hall which is considered to be acceptable. The proposed development will not extend into the park.

## 9.0 Conclusion

- 9.1 The proposed alterations to the hall and cottage buildings consist of external alterations to the hall which include removal of existing modern additions which are not original. The removal of the existing modern additions is acceptable as it would almost restore the hall and cottage to its original appearance. The internal alterations and replacement windows do not require planning permission and so have not been considered as part of this application.
- 9.2 The proposal also includes three new additions; a single storey multi-purpose building (MPB) adjacent to the northern boundary, a covered outdoor classroom which would be located between the cottage and hall and a new glazed link. The proposed MPB is of contemporary design and ancillary scale. The broken roof form, use of brick and timber materials and exaggerated openings, particularly on the east, west and south elevations gives the building a playful appearance, which is appropriate for its setting and would not detract from the setting of the listed building. The building would not have an adverse

impact on views into the site from the parkland. Whilst the building would introduce a new form adjacent to the northern boundary, due to its relatively low height and existing boundary hedge, it would not appear dominant or affect views of the listed building. The outdoor classroom is essentially a covered play area to provide an alternative play space for the pupils. The structure is accessible from all four sides and includes a small mezzanine platform which is accessible from the steel slide. The structure uses floor to ceiling timber slats which gives it a lightweight appearance with a timber deck. The structure is considered to be acceptable and would not affect the setting of the listed building. The glazed link would partly replace an existing single storey office block between the cottage and hall. This element of the proposal is considered to be acceptable in terms of its design and scale. It would also relate sympathetically to the existing buildings due to its simple appearance and extensive glazing. Only the first floor would be visible from public view points.

- 9.3 The proposal includes completely re-landscaping the entire play space provision which would not be significantly impacted or reduced by the introduction of the two proposed structures. The retained play space provision would be comparable with the existing provision. However, the proposal is to create distinctive areas of play to serve the different age groups and needs of the pupils. The proposal for the play space would be a significant improvement on the existing area of hard standing that is currently provided.
- 9.4 Overall therefore the proposals would improve the appearance of the site both in terms of the external expression of the existing buildings and amenity of the school. The proposal includes increased cycle and scooter parking provision which would encourage more parents/visitors to cycle to the school.
- 9.5 None of the external alterations or proposed structure or landscape features would have a detrimental impact on views into the site from the parkland or detract from the setting of the listed building.

## 10.0 RECOMMENDATION

**APPROVE**, subject to the following conditions:

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

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

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

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

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

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

4. There should be no 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)

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

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

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

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

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

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

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

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

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

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

10. Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

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

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

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

12. 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)

13. No development shall commence until a plan has been submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal and / or external bird boxes on the new buildings. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To ensure that the development of the site conserves and enhances ecology (Cambridge Local Plan 2006 policies 4/3, 4/6, 4/7 and 4/8).

14. No development shall take place (including any demolition, ground works or site clearance) until a bat mitigation method statement has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.



Reason: To ensure that the development of the site conserves and enhances ecology (Cambridge Local Plan 2006 policies 4/3, 4/6, 4/7 and 4/8).

15. No development shall commence until the site wide Framework Travel Plan submitted in support of the planning application dated August 2016 has been reviewed and updated as necessary, and submitted to and approved in writing by the Local Planning Authority. A scheme for the monitoring of the effects of the measures identified in the implementation plan as set out in the Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The transport measures shall be carried out in accordance with the approved Framework Travel Plan.

Reason: In order to deliver sustainable transport objectives (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12, 8/2, 8/3 and 8/4)

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

i) contractors access arrangements for vehicles, plant and personnel (wherever possible all such parking should be within the

curtilage of the site and not on street),

ii) contractors site storage area/compound,

iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles (wherever possible all loading and unloading should be undertaken off the adopted public highway).

v) movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

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

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

17. Prior to commencement of development of the proposed bin and cycle and scooter provision, full details of the design, to include elevations of enclosure and external materials, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is appropriate and avoids harm to the setting of the Listed Building. (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/14 and 4/10)

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

This page is intentionally left blank

<b>Application Number</b>	16/1465/LBC	<b>Agenda Item</b>	
<b>Date Received</b>	23rd August 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	18th October 2016		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	Cherry Hinton Hall Cherry Hinton Road Cambridge CB1 8DW		
<b>Proposal</b>	Proposed demolition of existing extensions and their replacement with a new glazed link extension, multi-purpose building, internal reorganisation and refurbishment.		
<b>Applicant</b>	International Schools Partnership C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed external and internal alterations to the hall and cottage would preserve the historic fabric of each building without harming the special interest of the listed building.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located within Cherry Hinton Park which is north of Cherry Hinton Road. The site is occupied by Cherry Hinton Hall which was built in 1839 as a country house for John Okes, and is a Grade II Listed Building (on 19 September 2002). Cherry Hinton Hall is currently owned by Cambridge City Council who also own and manage the parkland. The hall is set within informally landscaped parkland with winding footpaths, a managed brook and areas of open space.
  
- 1.2 The hall is a large detached Victorian building with prominent chimneys, expressive window detailing, high eaves line with parapets and some tudor detailing. The Hall has been sectioned

off from the parkland and internally adapted and externally extended over the years. There is a 2 metre high rail fence that encloses the curtilage of the hall. The main entrance which is in the south elevation is accessible from the public footpath which runs past the front elevation. There are several trees within and adjacent to the site boundary.

- 1.3 There is also a two storey pitched roof building to the west of the Hall which is known as the cottage which is connected to the Hall by a wall. The main entrance into the Hall is located in the south elevation. To the north of the Hall and cottage is the main outdoor play space which is mainly hardstanding. There is also a play space to the west of the cottage.
- 1.4 To the north of the site is an area of land that is a storage area which is used for events in the park such as the Folk Festival. The storage space also includes a single storey 'at-cost' building. To the east of the site is park land and Cherry Hinton Brook. To the south of the site is park land. To the west of the site are the main footpaths that run through the park, park land and equipped play area and tennis courts adjacent to the rear of the properties in Walpole Road. There is also a public car park adjacent to the main entrance into the park and a single storey cottage which is used as a private dwelling.
- 1.5 The school is run by Cambridge International School which opened in 2006 and now is part of International Schools Partnership. The school has a focus on international families locating to Cambridge and also local families who want an internationally focussed education. The school has a current capacity of up to 180 pupils and have 160 pupils on the register at any one time. The hall provides junior school education for nursery ages to Key Stage 2 (11 years). The school operates over two site; Cherry Hinton Hall and The Temple site in Little Abington. The Temple is a secondary school with a capacity of 190 pupils.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for internal reconfiguration and refurbishment to the hall and cottage in order to improve circulation, and external alterations including removal of existing extensions to the existing hall and cottage buildings. The proposal also includes a

new glazed link extension between the hall and cottage and single-storey multi-purpose building.

2.2 The existing extensions to be removed are mainly flat roof additions located on the rear (north) and side (west) elevations.

2.3 The application is accompanied by the following supporting information:

1. Planning Statement
2. Design and Access Statement
3. Statement of Community Involvement
4. Preliminary Ecological Appraisal
5. Preliminary Bat Root Assessment
6. Heritage Statement
7. Tree Survey and AIA
8. Tree Survey plan
9. Transport Statement
10. Draft Travel Plan
11. Landscape Strategy
12. Plans

### 3.0 SITE HISTORY

Reference	Description	Outcome
16/1464/FUL	Proposed demolition of existing extensions and their replacement with a new glazed link extension, multi-purpose building, internal reorganisation and refurbishment.	PENDING
11/0785/LBC	Internal alterations including new door in existing 20th century wall, removal of 20th century cupboard and formation of opening in existing masonry wall to create large classroom.	APPROVED
08/0856/FUL	Installation of temporary log cabin in playground for use as art room.	APPROVED
07/0151/FUL	Change of use from general store to dog warden / pet control services facilities and installation of new windows and doors.	APPROVED

06/0621/FUL Change of use from educational training centre to school. 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	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 Circular 11/95
-----------------------------	---

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**

6.1 The proposal is acceptable subject to conditions:

- Sample panel;
- Details of the railings and gates;
- Joinery details;
- Glazing and joinery details;
- New partitions;
- New plasterwork;
- All/repairs to plasterwork;
- Section for new screen details;
- Details of the masonry wall cleaning system

6.2 The changes to some of the interior spaces appear to be dramatic, creating large spaces. However, as set out in the documentation, the hall is highly unlikely to ever return into residential use as it is surrounded by a public park. Therefore its use as an educational establishment seems to be appropriate and to be used successfully as such, it needs to accommodate the needs of the school, but without compromise to the few architectural details of the hall that remain.

6.3 The applications propose to demolish the majority of the additions to the building. The only ones to remain will be the 20<sup>th</sup> century lift shaft and the billiard room, which dates from the late 19<sup>th</sup> century. By doing this the original layout of the building and the adjacent coach house, which is curtilage listed, will be seen.

- 6.4 The proposed new buildings are an open air classroom, which will be in the outdoor space between the hall and the coach house, and a multi-purpose room which will be along the boundary to the rear of the site and turning towards the coach house. The applicants have provided historic maps as reference to what had previously been on the site, and this includes outbuildings to the rear, in a similar location to the proposed new multi-purpose space. Therefore the principle of development in this area is supported provided that the new building is of appropriate design, scale and massing.
- 6.5 The proposed multi-purpose space is single storey, with a broken roof line to break up the massing. There will be windows at varying levels on the hall side and none over-looking the park. It will also have a green roof which would give some additional interest. By turning the end of the building to line up with the coach house, this helps to create a recognisable entrance to the school and forms a courtyard within the site which is reminiscent of the former service/stable area of the hall.

#### Movement and Access

- 6.6 The accesses to the school will be via the playground and through a re-worked main entrance to the hall. By erecting the new multi-purpose space, this will help to sign-post the entrance, and will create an enclosed space for the smaller children at the school.

#### Layout

- 6.7 The proposals for the re-modelling of the interior of the hall are acceptable.

#### Basement:

- 6.8 This space is not used for anything other maintenance as it has running water in it. However, where the basement is accessed,

the applicants need to create a new fire exit which will go out of the building, under the secondary staircase.

- 6.9 The proposal is to move the existing doorway to the top of the steps which go down to the basement. The steps are modern concrete and the door will have to open outwards as, due to the sloping of the ceiling over the steps, there is not enough room for it to open into the basement space. This is not shown on the amended plans where the door is opening inwards, under the staircase.
- 6.10 The underside of the secondary staircase is lath and plaster, but this has lost some of its plaster. This will need to be repaired using an appropriate lime plaster mix. Amended plans are notated to show that the landing for the steps down to the basement will be built up with timber framing to give a level fire exit route under the stairs and out of the building through the re-opened doorway. The raising of the landing will alter the door lintel which will need to be raised so that there is an appropriate fire escape with a full height door. These details will need to be submitted for written approval prior to the commencement of these works.

Ground Floor:

- 6.11 Where alterations are to be made internally, they are acceptable subject to details.
- 6.12 The proposals for the reception area would improve the existing situation by removing the desk into another adjacent room, currently a classroom, which would give a more appropriate arrival space to the hall. There is evidence that there was a door from the hall into that area previously, and there is an existing door and architrave, which is currently from the lobby into the classroom, which will be re-used in that location as shown in the addendum to the Design and Access Statement. This is an original door which has an interesting door handle which must be retained. There is evidence that this door is not

in its original position as it has an elaborate hood over the top which is too decorative for an informal space. The window into the new reception area is new, but this would not be harmful to the character or special interest of the listed building subject to the details being submitted and agreed. It will be a clear window opening with no architrave to show that it is a modern intervention. There are no sections showing the size of this opening and this information needs to be submitted and agreed in writing prior to the commencement of these works.

- 6.13 Where the new glazed lobby is to be constructed, which was not shown on the original floor plans but is on the amended ones, more details will be required. The amended plans show the position of the glazing, but not its details. These will need to be submitted and agreed, for example the design of the door in the screen. The glazing should be scribed round any architectural details such as skirtings and covings and it should also be located so that it does not affect the original tiling which is just inside the entrance door.
- 6.14 Replacement of the Perspex in the arches with glass will improve the character of this space. The type of glass has not been discussed and a sample should be provided for written approval. The placing of seats in the alcove, against the glass is acceptable, provided that they are not fixed into the frame of the arches. The replacement of the semi-glazed screen and door from the main entrance into the area at the bottom of the main staircase could be supported subject to details as the existing screen and door are of no historic interest. Details of this new screen need to be submitted for written agreement prior to the commencement of the works.
- 6.15 The amended plans showing the door schedule have labelled the door into the library (GF.04) as a new 6-panel door to match the existing. My recollection is that there was already a suitable door in this area that could be re-used. Clarification is required regarding this.

- 6.16 The re-working of the G.02 and G.03 classrooms to form the library and admin rooms is acceptable. The lobby is not part of the original layout of the hall, and the original doors will be re-used.
- 6.17 In classroom G.12 the removal of the screen to form the layout space reception is acceptable as it is a modern insertion. Unfortunately when it was put in, the screen was not scribed around the architectural details but cut through them. When it is removed, those details need to be repaired on a like-for-like basis.
- 6.18 There is proposed to be a couple of doorway alterations in the former billiard room, now classroom G.27. The door into the glazed link will line up with that from GF.12. This is acceptable provided that the existing door and architrave into the office are re-used as these match those of others on this floor. It is understood that the applicants wish to uncover the rooflight in this room. This could be supported subject to the submission of appropriate details of any refurbishments which may be required.
- 6.19 There is to be a new set of double doors from GF.20 to the courtyard area. This will be the fifth entrance/exit from this room which seems to be a bit excessive. However, provided that the details of the doors is submitted and agreed, the exterior wall to this room, when viewed from the courtyard, would not be harmed by the introduction of the opening, in fact it would give some interest to this otherwise bland expanse of brickwork.
- 6.20 Other openings on this floor are to be formed where there are reconfigured WCs and between G.20, G.22, G.23 and G.24. On the original plans these were shown to be full openings but with a downstand. After the recent site visit, it was agreed that there would be nib walls left as the downstands will need to rest on something for support, and this is now shown on the amended plans. This will ensure that the present layout of the rooms will be read in the building. Where there are new openings, these

will be to the same height as the top of adjacent windows, and they will read as openings within the wall rather than the removal of the wall.

- 6.21 The glazed link to the cottage will be a light-weight addition and the alterations to the cottage itself, on both floors, are acceptable as there is not any historic fabric left internally.

#### First Floor:

- 6.22 The removal of the 1.14 corridor is supported as it is a modern intervention. As with the ground floor, the resultant openings were discussed during the recent site visit and it was agreed that nib walls would be left here to support the downstands. Again this is shown on the amended plans. We also discussed the doors and which could be upgraded to meet current fire regulations. These are now shown on the door plan as being retained. The division of 1.01 into two rooms is supported as it is fully reversible. The openings between this divided space and their adjacent classrooms should be finished appropriately and these details need to be submitted.
- 6.23 The amended plans label some new doors as hardwood with fire screen and door. These details need to be submitted for written approval prior to the commencement of the works.

#### Scale and massing

- 6.24 The scale and massing for each of the two new structures within the boundary of the hall is acceptable. They do not dominate views and they are of a scale that works with the character of the main listed building.

#### Open Space and Landscape

- 6.25 The spaces and landscaping within the site will be altered by the new buildings. However, they will not have a negative

impact on the setting of the listed building which is generally seen as a large building within parkland.

- 6.26 There are to be new gates to enter the nursery/reception class area. This needs to ensure that it remains open and is only closed when the children are outside. This will retain views through the site as there are currently.
- 6.27 The details of these gates and how they will be fixed to the buildings will need to be submitted for written approval prior to the commencement of the works.

#### Elevations and Materials

- 6.28 Where the modern extensions are removed, there will need to be some patching in of the brickwork and in some cases the removal of paint where an internal wall becomes an external one. This will need to be done with care to ensure that there is no unnecessary loss of the brick faces and the method proposed submitted for approval. Patching in of brickwork should re-use existing bricks where they are a good match, or use others to match where there are not enough.
- 6.29 The new buildings are of appropriate materials for this location and will not dominate the listed building or jar with its setting and the parkland location. Samples of the materials for the new structures need to be submitted for written approval prior to the commencement of works.

#### **Historic England**

- 6.30 The proposed introduction of openings within the main entrance hall and room over could cause low level of harm to the significance of the grade II listed building. However no objection to the works subject to conditions to reduce harm to the historic character and appearance of the interior.
- 6.31 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 Councillors Ashton, Dryden and Macpherson have commented on this application and requested that it be called into planning committee due to the amount of local interest in the proposals. Cllr Ashton has raised concerns with the proposed intensification of use and activities in terms of parking intensity, changes of the listed building, possible encroachment onto the public space and compatibility with the aspirations and objectives of the masterplan for Cherry Hinton Hall.

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

- 29 Greystoke Road;
- 42a Greystoke Road
- 20 Doggett Road
- 1 local resident representation but address not supplied

A petition from 21 Greystoke Road has also been submitted with signatures from the following addresses:

- 92 Birdwood Road;
- 9 Conway Close;
- 20 Doggett Road;
- 51 St Bedes Gardens;
- 106 Malvern Road;
- 21 Kelvin Close;
- 3 Greystoke Road
- 15 Greystoke Road;
- 19 Greystoke Road;
- 23 Greystoke Road;
- 5 Mill Croft;
- 61 Greystoke Road;
- 57 Glenmere Close;
- 43 Malvern Road;
- 58 St Bedes Gardens;
- 2 Chartfield Road.

7.3 The representations can be summarised as follows insofar as they relate to the Listed Building issues. The planning issues within these representations have been set out in the linked planning report:



- Concerns with more alterations to the grounds because of the school's requirements;
- The artist impression drawing is not in keeping;
- The plans seem to extend into the hall grounds with much of the area fenced off;
- Concerns with the impact of the alterations and loss of the Victoria tiles in the hall;
- The proposed replacement windows and doors are too modern and not in keeping with the original building;
- The school should look for alternative locations and leave the hall alone.

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**

### **Impact on the Listed Building**

- 8.1 The guiding principle of the proposed works is to retain and to restore the external appearance of the hall building by removing later unsympathetic alterations/extensions which detract from the special historic appearance of the listed buildings. The proposed glazed link, which would form the main entrance to the cottage, would not detract from the historic character of the listed buildings. It would appear as a subservient and innocuous addition which would assimilate into the site without appearing out of character with the special interest of the hall and cottage. The Conservation Officer and Historic England are satisfied that the proposed works will adequately respect the special interest of the listed buildings subject to the incorporation of a number of conditions.
- 8.2 The proposal also includes a multi-purpose building (part of this application) and covered outdoor classroom, cycle/scooter parking provision, bin store and landscaped play space (these are within the planning application). These proposals have been fully assessed in the report for the linked planning application 16/1464/FUL, and I therefore do not consider it necessary to repeat the assessment of the other proposals as part of this application.

8.3 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/10.

### **Third Party Representations**

8.4 I set out below my response to the comments raised in the third party representations:

<b>Representation</b>	<b>Response</b>
Concerned with more alterations to grounds of the hall to suit the requirements of the school;	The proposed alterations to the school and cottage would improve the appearance of the Listed buildings.
The school should look for alternative locations and leave the hall alone;	The school does not need to look for alternative locations and proposed alterations would improve the appearance of the hall not only for the school but also for the public.
Artist impression is not in keeping with the hall;	Artist impressions help to give an indication of how the alterations would appear but are not relied upon. The alterations are in keeping with the hall.

### **9.0 Conclusion**

9.1 The proposed external and internal alterations to the hall and cottage are acceptable and would not harm the special historic interest of the listed buildings. The proposed multi-purpose building would not harm the setting of the listed building.

### **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, 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 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)

4. Prior to the commencement of fitting of railings/gates to walls, the means of fixing the railings/gates to or into the walling, piers, copings or other elements shall be submitted to and approved in writing by the local planning authority. Where a traditional design is proposed, railings should normally be lead 'caulked' into sockets in stone or other copings. 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)

5. No new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

6. Prior to the commencement of installation of glass/glazing, full details of all glass to be installed in doors / windows / screens, etc., shall be submitted to and approved in writing by the local planning authority. Mirrored, reflective, metallic coated or other non-transparent glass are unlikely to be approved. 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)

7. Where new partition walls intersect with or abut historic walls, the new work must be scribed around any decorative cornice, picture, dado or plate-rail, fireplace and/or surround, skirting board or any other projecting feature unless otherwise agreed in writing by the LPA. Under no circumstances whatsoever shall such partitions or other new work be cut into historic fabric. Where fixings have to be made into historic fabric, this shall be done in a reversible way.

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

8. All new / altered / repaired / reinstated internal plasterwork is to match exactly in every respect the existing historic work in terms of materials, substrates, fixing, texture, finishing technique, etc. 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).

9. All plasterwork / render repairs are to match the existing exactly in every respect and to meet the requirements of English Heritage Technical Handbook, Volume 3. The use of traditional, lime-based materials is mandatory. 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).

10. Prior to installation of the new screens full details showing sections of the screens shall 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. Prior to the commencement of development, full details of all masonry cleaning systems shall be submitted to and approved in writing by the local planning authority. This may require the submission of test patches of cleaning to assess suitability for the masonry in question. High-pressure blast systems or those utilising coarse abrasives are unlikely to be approved. Masonry cleaning shall thereafter only be carried out in accordance with the approved system.

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

This page is intentionally left blank

<b>Application Number</b>	15/2121/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th December 2015	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	11th February 2016		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Netherhall Farm Worts Causeway Cambridge Cambridgeshire CB1 8RJ		
<b>Proposal</b>	Retrospective change of use of former agricultural barns and paddock to incidental residential use and garden land. Proposed modification to roof form of Barn 2 to a pitched roof.		
<b>Applicant</b>	Mr Tim Summers C/o Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- Subject to conditions, the works have not harmed the architectural and historic interest of the Buildings of Local Interest.</li> <li>- The proposed change of use of the barns to an incidental residential use would not adversely impact residential amenity.</li> <li>- The openness of the Green Belt has been preserved.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 Netherhall Farm is located off Wort's Causeway, to the south of the city centre, and is accessed via a private driveway. The site is within the Green Belt, and close to an area of Protected Open Space and the paddock to the south of the farmhouse is designated as a County Wildlife Site and Site of Local Nature

Conservation Importance. The site is not within a Conservation Area.

- 1.2 The application site consists of three interconnected barns and a detached barn along with paddock land. The barns and the farmhouse, which stands just outside the application site, are Buildings of Local Interest (BLI). The land is covered by a group Tree Preservation Order.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission for the retrospective change of use of the former agricultural barns and paddock to incidental residential use and garden land. Planning permission is also sought for the reinstatement of the roof of barn 2 to its original pitched roof.

- 2.2 The barns have been the subject of repair and internal works which have taken place predominantly to make the barns structurally sound and watertight.

- 2.3 The proposal seeks to regularise the use of these barns for incidental residential purposes in association with the Netherhall Farmhouse. At the time of writing this report, the repair works have commenced but the barns have not been fully occupied for the intended incidental use.

- 2.4 The application is accompanied by the following additional information:

1. Drawings
2. Covering Letter
3. Structural Report
4. Heritage Statement
5. Contaminated Land Assessment Report
6. Ecology Report
7. TPO Report

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/0441/FUL	Conversion of farmbuildings to 4no. dwellings	Permitted.
08/0410/FUL	Conversion of former cart lodge	Permitted.



C/91/1025 to form new dwelling.  
 CHANGE OF USE OF FARM BUILDINGS TO LIGHT INDUSTRIAL (CLASS B1) OR STORAGE (CLASS B8). Refused.

**4.0 PUBLICITY**

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

**5.0 POLICY**

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/2 3/4 3/7 3/11 3/14 4/1 4/2 4/3 4/4 4/6 4/12 4/13 4/15 8/2

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A) Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015
-----------------------------	--

<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Affordable Housing (January 2008)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p> <p>Old Press/Mill Lane Supplementary Planning Document (January 2010)</p> <p>Eastern Gate Supplementary Planning Document (October 2011)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Criteria for the Designation of Wildlife Sites (2005)</p> <p>Cambridge City Wildlife Sites Register (2005)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Buildings of Local Interest (2005)</p>

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

6.1 No objection subject to traffic management plan condition.

### **Environmental Health**

6.2 No objection subject to conditions.

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

6.3 No objection subject to conditions relating to the reinstatement of barn 2 and re-use of pantiles for barn 4.

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

6.4 No objection.

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

6.5 No objection subject to landscaping, maintenance and boundary treatment conditions.

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

6.6 No objection subject to drainage condition.

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

6.7 No objection subject to bat mitigation and owl nesting conditions.

### **Natural England**

6.8 No objection.

### **The Wildlife Trust**

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/occupiers of the following addresses have made representations:

- 39A Almoners Avenue
- Netherhall Grange
- The Cartlodge, Netherhall Farm

7.2 The representations can be summarised as follows:

- The application lacks detail and is unclear.
- Building work and delivery hours have been excessive.
- Blocking of access by contractor parking and deliveries to the site.
- A site management/ traffic management plan condition should be put in place if approved.
- Highway safety concerns regarding lack of visibility splay.
- Further information regarding contaminated land is needed.
- Impact on local ecology
- Works to the BLI have taken place without consent.

- A heritage statement is needed
- Restrictions on permitted developments rights should be imposed to ensure appearance of barns and openness of green belt are preserved.

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. Highway safety
5. Ecology & drainage
6. Third party representations

### **Principle of Development**

8.2 The application site lies within the Green Belt. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The purpose of the Green Belt is also to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.3 In the Green Belt there is a general presumption against inappropriate development, and such development should not be approved except in very special circumstances, as by definition inappropriate development is harmful to the Green Belt. Paragraph 90 of the NPPF states that the re-use of buildings, provided that the buildings are of permanent and substantial construction, is not inappropriate in the Green Belt, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

- 8.4 In my opinion, the change of use preserves the openness of the Green Belt. The application relates to a cluster of barns, which have been converted with very minor works to the roofs and walls. The existing farm access road will continue to be used to access the site, and this road will remain as an unadopted, farm lane. In my opinion, because the scale and bulk of the built form has remained largely unaltered; and because the existing access lane remains in use, it is my opinion that the structural works and change of use have not prejudiced the openness of the Green Belt.
- 8.5 Barn 5 has effectively been doubled in footprint to create an additional storage area. Paragraph 89 of the NPPF states that one of the exceptions to inappropriate development in the green belt is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This barn is the smallest of the barns on-site and the extension has been designed in matching materials and with an identical roof form and scale. In my opinion, the extension does not appear disproportionate and has preserved the openness of the Green Belt.
- 8.6 The works and change of use have not interfered with the protected open space to the south-west of the site and I am therefore of the opinion that the development was not harmful to the character of, or led to the loss of, open space of environmental importance.
- 8.7 In my opinion, the proposal is not inappropriate development in the Green Belt, and accords with policies 3/2, 4/1 and 4/2 of the Cambridge Local Plan and guidance provided in the NPPF.

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

- 8.8 The barns on site are identified as buildings of local interest and are situated within a rural context. The barns and the farmhouse as such are considered to be non-designated heritage assets as defined by the NPPF (2012). The works that have taken place have been internal alterations and re-roofing works to improve the structural quality of the barns.

- 8.9 The roof of barn 2 was changed from its original hipped form to an unorthodox sloping roof when the new temporary roof cover was implemented. The applicant is seeking to reinstate the original hipped roof to restore the barn to its original state. The Conservation Team is supportive of this, provided that a condition is imposed requiring the roof to be completed within a set time frame. I agree with this and consider that the original hipped roof should be reinstated promptly for the benefit of the character and appearance of the area, as well as the historic and architectural importance of the building itself. I have recommended that this aspect of the development is implemented within 6 months of the date of the decision being issued.
- 8.10 The pantiles of barn 4 were also removed and replaced with a basic lining. The applicant has stated that the original pantiles of this barn have been saved and are intended to be put back in its place. The Conservation Team has recommended that the original pantiles are put back in place within a set timeframe to preserve the historic fabric of the building. I agree with this advice and have recommended a condition requiring these to be re-used on the roof of barn 4 within 6 months of the date of the decision being issued.
- 8.11 Barn 5, on the eastern side of the site, has also been extended out to the south and doubled in footprint. This barn is not designated as a BLI. The Conservation Team has raised no objection to this element of the retrospective works. I am of the opinion that the extension is reflective of the original barn building and does not appear out of context with the rural setting of the site.
- 8.12 I have recommended conditions which restrict the permitted development rights of the barns. If conditions were not in place then the residential use would allow these barns to be extended or altered without the consent of the Local Planning Authority. Any works to these barns could result in this historic fabric of the BLI's being affected or lost and could also give rise to residential amenity concerns that require the consideration of the Local Planning Authority.
- 8.13 The Tree Officer has raised no objection to the works as the retrospective works did not, and the proposed works would not, involve the loss of any of the protected trees. The Landscape

Officer has raised a concern regarding the impact that the change of use may have on the surrounding landscape. The Landscape Officer is satisfied that their concern can be addressed by way of hedge planting along the access road from Worts Causeway leading to Netherhall Grange by way of conditions. Given the sensitive nature of the site and its constraints, I consider the imposition of the boundary treatment condition necessary and have recommended this condition accordingly. I have not recommended the hard and soft landscaping or maintenance conditions given the lack of hard and soft landscaping elsewhere on the site and consider the boundary treatment condition sufficient to provide the necessary hedge planting.

- 8.14 Overall, I consider the retrospective repair and structural works that have taken place are acceptable and have not adversely affected the historic and architectural interest of the BLI's, provided that conditions are included which require the re-use of the original pantiles for barn 4 and the original roof of barn 2 to be restored within a set timeframe.
- 8.15 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/4 and 4/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.16 The physical works to the barns are a significant distance away from the nearest residential properties to the north of the site and I am confident that these neighbours have not been adversely overshadowed or visually dominated.
- 8.17 It is acknowledged that concerns have been raised from the adjacent properties regarding the overlooking that could occur from the residential use of the barns. The barns are intended for use as storage and not for any habitable living space. The barns would only be used for incidental purposes to the enjoyment of the main farm house. This incidental use excludes the use of the barns for any normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as bedrooms, bathrooms, or kitchens. As a result, I do not consider



the use of the barns for incidental residential use compromises the privacy of neighbouring properties given the restrictive use of these barns. In addition, the noise and disturbance associated with this use would also be relatively low in terms of comings and goings and I am of the view that the neighbours would not be detrimentally impacted in this respect. If the applicant seeks to use the barns for an ancillary purpose then this will require a new application which will be assessed on its own merits. An informative has been recommended to make the applicant aware of this use.

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

### **Highway Safety**

- 8.19 It is acknowledged that concerns have been raised from neighbours regarding the blocking of the access road from deliveries and contractor parking/ movements that has taken place as a result of the works to date and the impact this has had on highway safety. The Highway Authority is supportive of the application provided that a plan showing that no vehicles would stop or reverse onto the public highway is secured by way of a condition. I am of the view that a traffic management plan condition would ensure that there are no highway safety issues arising from further development on this site.
- 8.20 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Ecology & Drainage**

- 8.21 The Drainage Officer is satisfied that the development is acceptable subject to a condition relating to surface water drainage. I agree with this advice.
- 8.22 The site is situated close to a County Wildlife Site and Site of Local Nature Conservation Importance. An ecology report has been submitted with the application which demonstrates that barn 1 has been confirmed as a Common Pipestrelle day roost. In addition previous bat surveys (2010 & 2011) prior to the retrospective works confirmed the presence of small numbers of

roosting Brown Long Eared Bats and a single Barbastelle bat (schedule 1 species). A single Barbastelle bat was recorded in flight in 2016 and therefore could continue to use the building. The Ecology Officer has raised no objection to the works provided that a bat mitigation and enhancement method statement is secured through condition. In addition, a condition requiring details of the specification and location of a Barn Owl nesting box has been recommended. I have recommended these conditions accordingly.

### Third Party Representations

8.23 The third party representations have been addressed in the table below:

<b>Comment</b>	<b>Response</b>
The application lacks detail and is unclear.	The application has been amended to include further detail. I am of the view that the application is now clear and sufficient to be assessed.
Building work and delivery hours have been excessive.	Construction and delivery hours of any further works would be controlled by way of condition.
Blocking of access by contractor parking and deliveries to the site. A site management/ traffic management plan condition should be put in place if approved.	A traffic management plan condition has been recommended.
Highway safety concerns regarding lack of visibility splay.	The Highway Authority has raised no objection to the proposal. A boundary treatment condition has been recommended and this would ensure that any hedging does not interfere with the visibility splay.
Further information regarding contaminated land is needed.	A contamination assessment report has been submitted and the Environmental Health Team is satisfied with its contents. An unexpected contaminated land condition has been

	recommended.
Impact on local ecology	See paragraph 8.21.
A heritage statement is needed	A heritage statement has been submitted.
Restrictions on permitted developments rights should be imposed to ensure appearance of barns and openness of green belt are preserved.	Conditions have been recommended on this.
Works to the BLI have taken place without consent.	The application seeks to regularise the works that have taken place.

## 9.0 CONCLUSION

9.1 The repair works and alterations that have taken place to the barns have not had a significant impact on the architectural or historic interest of the BLIs. The works undertaken have preserved the openness of the Green Belt. Conditions have been recommended to ensure that the roof profile of barn 2 and the original pantiles of barn 4 are retained in a timely manner. The proposed change of use of the barns to an incidental use in connection with the farm house would be compatible with the amenity of the nearby 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. 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)

5. If previously unidentified contamination is encountered whilst undertaking the development, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the LPA. Remedial actions shall then be implemented in line with the agreed remediation scheme and a validation report will be provided to the LPA for consideration.

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.

6. Where materials have been imported onto site for purposes of landscaping or amenity or prior to importation/reuse of materials intended for the same purpose, 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 already imported or reused on site and/or materials proposed to be imported or reused
  - b) Include details of the source(s) (or proposed source(s)) of the imported/reused material

c) Include details of the chemical testing for ALL material either already reused/imported onto site or prior to placement on 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 material movements, 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.

7. No demolition or construction works to barns 2 or 4 (as labelled on drawing no. L109 SITE PLAN) shall commence on site until a traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall show include details of how contractor parking and deliveries to and from the site are managed. The plan shall then be implemented in accordance with the approved details.

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

8. Within 6 months of this permission being granted the roof of barn 2 shall be restored to its original form as per drawing no.02 REVISION 29-02-2016 unless any other variation to this timetable is agreed in writing by the local planning authority.

Reason: To avoid harm to the special interest of the Building of Local Interest (Cambridge Local Plan 2006 policy 4/12).

9. Within 6 months of this permission being granted the roof of barn 4 shall be recovered in the original pantiles, or pantiles to match the original pantiles in type, colour and texture, unless any variation to this timetable is agreed in writing by the local planning authority.

Reason: To avoid harm to the special interest of the Building of Local Interest (Cambridge Local Plan 2006 policy 4/12).

10. No building hereby permitted shall be used in accordance with this permission until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 30% an allowance for climate change. The submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to achieve a 20% reduction in peak flows and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - ii. provide a management and maintenance plan for the lifetime of the development.
  - iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

11. No development to barns 2 and 4 (as labelled on drawing no. L109 SITE PLAN) shall take place (including any demolition, ground works and site clearance) until a bat mitigation and enhancement method statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed mitigation and enhancement works;
  - b) Detailed designs and working methods necessary to achieve the stated objectives (including, where relevant, type and source of materials to be used);
  - c) Extent and location of proposed works shown on appropriate scale maps and plans;
  - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of any remaining works;

- e) Persons responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: To avoid disturbance to foraging bats on the adjacent County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

12. No development to barns 2 and 4 (as labelled on drawing no. L109 SITE PLAN) shall take place (including any demolition, ground works and site clearance) until a plan showing the specification and location of a Barn Owl nesting box has been submitted and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: To provide ecological enhancement to the surroundings of the adjacent County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

13. No development to barns 2 and 4 (as labelled on drawing no. L109 SITE PLAN) shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented and to provide ecological enhancement to the surroundings of the adjacent County Wildlife Site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 4/3 and 4/6)

14. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the barns, hereby permitted for incidental residential use, shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties, to preserve the openness of the Green Belt and to avoid harm to the special interest of the Building of Local Interest (Cambridge Local Plan 2006 policies 3/4, 4/1 and 4/12).

15. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse of any hard surfacing, shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties, to preserve the openness of the Green Belt and to avoid harm to the special interest of the Building of Local Interest (Cambridge Local Plan 2006 policies 3/4, 4/1 and 4/12).

**INFORMATIVE:** Permission is granted solely for the incidental use of the barns in connection with the main farm house. This incidental use excludes the use of the barns for any normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as bedrooms, bathrooms, or kitchens.



<b>Application Number</b>	16/1794/S73	<b>Agenda Item</b>	
<b>Date Received</b>	8th October 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	6th December 2016		
<b>Ward</b>	East Chesterton		
<b>Site</b>	FORMER Penny Ferry 110 Water Street Cambridge Cambridgeshire CB4 1PA		
<b>Proposal</b>	Section 73 application to vary condition 14 of planning permission Reference Number: 14/0731/S73 dated 09/07/2014 to read: The carport levels hereby approved shall remain open in perpetuity and the finished floor level at the rear set no higher than +5.42OSD.		
<b>Applicant</b>	Mr Ursell The Maltings Millfield Cottenham Cambridge CB24 8RE		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed variation in condition would not harmfully increase flood risk.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site lies between Water Street and the River Cam and comprises a 0.185 hectare parcel of land that comprises five dwellings under construction on the site of the former public house known as ‘Penny Ferry’. To the west of the site lie allotments, whilst to the immediate east lies a public car park. Across Water Street to the north lies residential development of mixed character and design. To the south lies the River Cam with open common land known as Stourbridge Common beyond.

1.2 The site lies within the Flood Plain as designated on the Proposal Map of the Cambridge Local Plan (2006) and has a number of trees fronting the river that are the subject of Tree Preservation Orders.

## 2.0 THE PROPOSAL

2.1 The proposal seeks to vary condition 14 of planning permission reference 14/0731/S73. The original condition is worded as follows:

*“The carports hereby approved shall remain open in perpetuity and the finished floor level shall be set no higher than 300mm below the 1 in 100 year flood level of 5.42m Above Ordinance Datum.*

*Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.”*

2.2 The proposed variation in wording is as follows:

*“The carport levels hereby approved shall remain open in perpetuity and the finished floor level at the rear set no higher than +5.420m Above Ordinance Datum*

*Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.”*

2.3 The applicant has sought to vary this condition due to the impracticalities of implementing the original finished floor levels of the carport due to the change in gradient from the back of the carports to the highway.

2.4 Development has commenced on-site but is currently postponed pending the outcome of this application.

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/0731/S73	S73 application to vary condition 2 of planning permission ref: 09/1200/FUL (allowed on appeal) to permit the addition of windows to second and first floors, the	Permitted.

	addition of rooflights and changes to internal layouts.	
12/0428/CAC	Demolition of the Penny Ferry public house and clearance of site.	Refused – Allowed at Appeal
09/1200/FUL	Erection of five 4-bed houses (following demolition of former public house).	Refused – Allowed at Appeal

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 4/13

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

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

Material Considerations	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) 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 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.

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

6.2 No comment.

### **Environment Agency**

6.3 No objection.

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

## **7.0 REPRESENTATIONS**

7.1 The owner/occupier of the following address has made a representation:

- 169 Water Street

7.2 The representation can be summarised as follows:

- The carports are too narrow to accommodate any vehicle other than a small hatchback
- Possible impacts on the flood plain
- Inadequate parking provision on site.
- Loss of roadside parking due to current highways works.

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. Flooding and Drainage
3. Third party representations

## **Principle of Development**

- 8.2 The principle of development has been established under the previous planning permissions for this site. The proposed variation in wording of condition 14 would have no bearing on the principle of development.
- 8.3 The proposed variation to condition 14 would have no material impact on the physical scale and appearance of the development. I am therefore of the opinion that the proposal would not introduce any residential amenity or design based issues to consider and that the assessments of the previous permissions are pertinent to this new application.

## **Flooding and Drainage**

- 8.4 Condition 14 of the previous permission was recommended to ensure that the finished floor levels of the car ports are set lower than the main buildings. This was deliberately worded to allow water, in the event of flooding, to flow through this open carport space to avoid flooding of the main buildings of the dwellings. It was part of the original mitigation measures to minimise the loss of the floodplain by keeping the non-essential areas at flood risk.
- 8.5 The original condition effectively restricted the finished floor levels to 5.12m above ordnance datum. The proposed re-wording seeks to allow this level to be increased up to 5.42m above ordnance datum to allow a level access into the carports which the original condition would not practically allow. The Environment Agency, Highway Authority and Council's Drainage Officer have raised no objection to the increase in finished floor level of the carports. In respect of the expertise of these consultees I am minded to agree with this advice and consider the revised wording to be acceptable.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 4/13 and paragraph 103 of the NPPF (2012).

## **Third Party Representations**

- 8.7 The concern regarding the narrow width of the carports is not relevant to this assessment. The width of the carports was

assessed under the previous permission (09/1200/FUL) and the proposal does not seek to alter the width of the carports.

- 8.8 The concerns regarding lack of car parking and limited on-street car parking are not relevant to this assessment. These matters were addressed under the previous permission (09/1200/FUL) and the proposal does not seek to alter the level of development or quantity of car parking.

## **9.0 CONCLUSION**

- 9.1 The proposed variation in the wording of condition 14 would not have an adverse impact on flood risk and is considered acceptable.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. The development shall be carried out in accordance with the approved plans as listed on this decision notice of planning permission reference 14/0731/S73.

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. Conditions 3-24 of planning permission 14/0731/S73 (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 14/0731/S73 and 09/1200/FUL have been discharged, the development (16/1794/S73) shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.

Reason: To define the terms of the application.

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

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

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

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

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

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



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

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

7. 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)

8. 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)

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Schedule 2, Part 1 of this Order shall be undertaken at any time.

Reason: In the order that an assessment can be made of the impact of alterations in this context, Cambridge Local Plan policy 3/4.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

11. The communal area to the south of the application site shall remain as an open garden area with delineated sections. No buildings, fencing, walls or ground raising shall be permitted in this area.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

12. No ground raising, heaps or spoil shall be deposited within the 1 in 100 year floodplain as defined by the 5.42m Above Ordnance Datum contour, during or after the construction of development.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

13. The finished floor level of the residential units hereby approved shall be set at least 5.92m Above Ordnance Datum.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

14. The carport levels hereby approved shall remain open in perpetuity and the finished floor level at the rear set no higher than +5.42 Above Ordnance Datum.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

15. No development shall commence until a scheme for the surface water drainage has been submitted and approved in writing by the Local Planning Authority. All surface water disposed to soak away systems as part of the scheme shall be designed and constructed in accordance with BRE365. Development shall be carried out in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

16. The undercroft to the residential units hereby permitted shall remain open in perpetuity. The undercroft shall be designed in accordance with the Flood Risk Assessment and the lowest underside beam (soffits) of the buildings shall be no lower than 5.80m Above Ordnance Datum.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

17. The hard invert level of the void beneath the residential dwellings hereby approved shall be set no higher than 4.85m Above Ordnance Datum.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

18. Prior to the first occupation of the units hereby approved warning signs, warning of the dangers of flooding to the garden and undercrofts, shall be erected within car parking and carport areas and the communal garden area. The signage shall be retained in perpetuity. The design and proposed locations of the signage shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

19. Prior to first occupation of any of the residential dwellings hereby approved a full topographic survey of the site including land levels, finished floor levels, soffit levels, shall be carried out in metres O.D.N. and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flood prevention in this context, Cambridge Local Plan policy 3/4.

20. Prior to the first occupation of the residential units hereby permitted, the on-site storage facilities for waste, recyclables and cycle parking detailed on the approved plans shall be provided and retained as such thereafter.

Reason: In order that adequate facilities are provided Cambridge Local Plan 2006 policy 3/12.

21. 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: In the interests of the amenities of residential properties, Cambridge Local Plan 2006 policy 4/13.

22. 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)

23. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

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

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

i) contractors access arrangements for vehicles, plant and personnel,

ii) contractors site storage area/compound,

iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

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

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

This page is intentionally left blank

## PLANNING COMMITTEE

4<sup>th</sup> January 2017

<b>Application Number</b>	16/0837/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd May 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	18th July 2016		
<b>Ward</b>	Newnham		
<b>Site</b>	95 Barton Road Cambridge CB3 9LL		
<b>Proposal</b>	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.		
<b>Applicant</b>	Mr & Mrs Morris c/o agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would not harm the character or appearance of the area.</li> <li>- The proposal would not harmfully overlook, visually dominate or overshadow neighbouring properties.</li> <li>- The proposed works would not result in a significant increase to flood risk, subject to conditions.</li> <li>- The proposal would not harm protected species, subject to conditions.</li> </ul>
RECOMMENDATION	APPROVAL

### 0.0 UPDATE

0.1 The Planning Committee considered a report on this application at the meeting on 2 November 2016. The Planning Committee determined to approve the application in accordance with the officer recommendation.

- 0.2 My recommendation and Planning Committee's decision was based on a superseded shadow study and not a revised shadow study that took into account the repositioning of the proposed dwelling 1.6m further to the east of its originally proposed location.
- 0.3 A revised shadow study was submitted by the applicant as part of the amended drawings package but this was not identified when collating the additional information that was submitted. The revised shadow study was not uploaded to the website and local residents did not have the chance to see it before a decision was made on the application. The recommendation was made on the basis of original shadow study and an officer assessment of what the additional impact of the new dwelling being relocated to east would be. I made this clear in my report and in my response to questions during the debate.
- 0.4 Following the vote to approve the application at the Planning Committee meeting, representations were received from the occupiers of 93 Barton Road and a representative of the occupier of 97 Barton Road. The representations from the occupiers of 93 Barton Road argued that the issues raised by them had not been fully addressed by Planning Committee in reaching their decision. The issues referred to were overshadowing/loss of light, flooding, visual impact of the garage/cycle shed, construction activities, security lighting and ecology. In my view with the exception of overshadowing/loss of light the issues raised by residents were fully considered.
- 0.5 For the avoidance of doubt, and to ensure that members of the Planning Committee are fully informed in making their decision, I consider that the application should be re-considered by Planning Committee. This will enable the impact of overshadowing to be addressed in the light of the updated shadow study. I have updated paragraph 8.23 of my report in relation to the impact of overshadowing on the occupiers of 93 Barton Road. My conclusion is that the officer assessment of the increased overshadowing of 93 Barton Road over and above that shown on the original shadow study was correct and my recommendation remains one of approval.
- 0.6 The representation on behalf of the owner of 93 Barton Road raised a concern with the loss of light that would be experienced



at the rear patio/ terrace at 18:26hrs when late afternoon sun is received.

- 0.7 Whilst I accept that there may be overshadowing at the time stated by the neighbour, I do not consider this loss of light would cause significant harm to their amenity. The rear patio of this neighbour would still receive sunlight from the morning until approximately 17:00hrs which is well in excess of the two hours of sunlight recommended by the BRE Site Layout Planning For Daylight and Sunlight: A Guide to Good Practice (2011). The proposed development would also remain outside of the 45<sup>0</sup> lines from the neighbour's nearest habitable windows. Paragraph 8.19 of the committee report has been updated to address this point and again I have concluded that my original recommendation of approval was appropriate.
- 0.8 I have apologised to both neighbours for the fact that the updated shadow study was not available when the application was first presented to Planning Committee.

## **CONCLUSION OF UPDATE**

- 0.9 Following review of the revised shadow study I am satisfied that the impact of the proposal on neighbouring occupiers is acceptable and would not significantly harm residential amenity in terms of overshadowing. My recommendation of approval in unchanged as set out in section 10 below.

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

- 1.1 The application site, no.95 Barton Road, is comprised of a large two-storey detached rendered property situated on the south side of Barton Road, opposite the junction with Gough Way. There are two vehicular accesses from Barton Road with on-site parking at the front of the property. The front of the site is lined with landscaping. There is a large garden to the rear which is heavily landscaped by trees and hedges and has a small pond. The building appears to date back to the 1920's and is constructed with a pitched tiled roof. The surrounding area is predominantly residential in character and is formed of large detached and semi-detached properties set within spacious plots.

- 1.2 The site is partially covered by Flood Zone 2.  
A tree along the eastern boundary of the site is protected by a TPO.  
The Barton Road Pool to the south-east of the site is a Site of Local Nature Conservation Importance and a County Wildlife Site.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission for the demolition of the existing dwelling and the subsequent erection of a new dwelling together with garage and ancillary studio, bin and cycle storage, access and landscaping.
- 2.2 The proposed replacement dwelling would be two-and-a-half storeys in scale and would be constructed in brick with a tiled hipped roof measuring approximately 6.8m high to the eaves and 9.8m to the ridge line. The height to the chimneys would be approximately 11m. The proposed dwelling would be designed in a Neo-Georgian fashion with a consistent rhythm of windows and doors, further emphasised by a triangular pediment above the door and use of sash windows. Flat roof dormers would protrude out from the roof plane to provide usable internal space at roof level. The proposed building would occupy a floor area of roughly 225m<sup>2</sup>, approximately 90m<sup>2</sup> greater than the footprint of the existing building.
- 2.3 The proposed garage and ancillary studio building would be situated at the front of the site in the north-east corner of the plot. The building would be one-and-a-half storeys in scale, constructed in brick with a pitched tiled roof measuring approximately 3.3m up to the eaves and 5.75m to the ridge. The ground-floor would provide car parking spaces for two vehicles and space for cycle storage. There would be a staircase leading up to the ancillary studio room in the roof space.
- 2.4 Bins would be stored along the western elevation of the proposed dwelling and the car parking turning area at the front of the site would be increased in size by setting the building back deeper into the plot than the existing dwelling. A summerhouse would be constructed at the end of the garden.
- 2.5 The application has been called in by Councillor Gehring for determination by the Planning Committee due to concerns

raised regarding drainage and impact on the character of the area.

2.6 The application has been amended since it was originally submitted. The footprint of the building has been moved approximately 1.6m to the east compared to its original position and additional information has been submitted in respect of overshadowing, flood risk and ecology matters.

### 3.0 SITE HISTORY

3.1 There is no relevant planning history.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Barton Road Suburbs and Approaches Study (March 2009)</p>

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

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

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

#### 6.0 CONSULTATIONS

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

6.1 No objection, subject to the following conditions and informatives:

- No unbound material
- No gates erected
- First use of vehicular access
- Highways drainage
- Manoeuvring area free of obstruction
- Access as shown
- Highways Informative
- Public Utility Informative

##### **Environmental Health**

6.2 No objection, subject to the following conditions and informatives:

- Construction hours
- Collection during construction
- Piling

- Dust
- Noise Assessment / Insulation Scheme
- Artificial lighting
- Dust condition informative
- Housing Health & Safety Rating System Informative
- Asbestos Informative
- Noise insulation informative
- Amenity standards informative
- Contaminated land informative

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

#### Original Comments (26/05/2016)

- 6.3 A Phase 1 habitat and protected species scoping survey is requested to be undertaken for the site given the proximity of the County Wildlife Site.

#### Second Comments (28/06/2016)

- 6.4 The preliminary Ecology Report identifies two potential bat roost features within the building proposed for demolition. In accordance with best practice, further emergence surveys are required to establish if bats are present and any subsequent mitigation and licencing requirements, prior to determination. Bird nesting informative recommended.

#### Third Comments (25/07/2016)

- 6.5 The additional report further confirms our understanding that the adjacent County Wildlife Site provides a valuable foraging resource for a variety of bat species. These species are using the lake and surrounding mature gardens. The proposal to extend 95 Barton Road does not directly affect the County Wildlife Site or the foraging opportunity for bats, provided external lighting of the CWS or its boundary is not proposed. The following conditions are recommended:

- Restriction of external lighting
- Bird and Bat box details

### Comments on third party ecology report (31/07/2016)

- 6.6 The Ecology report and critique prepared by Tim Reed (August 2016) does not identify bat roosting sites within the building proposed for demolition, it does provide interesting additional information on the significant use of the adjacent Barton Road Pool County Wildlife Site by foraging bat species. However, it does not follow that the proposed application (which is not a change of use and does not encroach onto the designated site) will have a detrimental effect on these species continuing to forage, if a precautionary sensitive lighting strategy is conditioned as per second comments dated 28/06/16.

### **Environment Agency**

- 6.7 This application falls within Flood Risk Standing Advice. In line with current government guidance on Standing Advice, it will be necessary, in this instance, for your Council to respond on behalf of the Environment Agency in respect of flood risk and/or surface water drainage issues.

### **Landscape Team**

#### Original comments (31/05/2016)

- 6.8 We require the Tree Protection Plan to extend to retained trees within the primarily landscaped rear portion of the garden. If equipment or vehicles are used to enable clearance of the plot, adequate protection is required for retained trees. The retained trees are important to mitigate any impacts of the development on the greenbelt, which the current scheme achieves and we would seek to ensure the retention of these trees is implemented.
- 6.9 The low wall and railings is out of keeping with the rest of Barton Road. This road is on the very edge of Cambridge and leads out into countryside and greenbelt. We feel the formality of a wall and railings would be out of character. We recommend that a hedge is retained as the primary boundary. A fence or low wall may be accommodated behind the hedge but the hedge must be generally as high or higher than any other boundary treatment so as to be seen as the primary boundary.

### Second comments (01/07/2016)

- 6.10 The amendments and additional information are satisfactory. The application is supported, subject to a boundary treatment condition.

### **Drainage Officer**

### Original comments (02/06/2016)

- 6.11 No sequential test has been provided as is required by the NPPF. The proposal is for a new dwelling therefore this is required. The proposals increase flood risk as they are located further into flood zone 2 than the existing application. The flood risk assessment is incorrect in its understanding of the flooding mechanisms. The flooding in this area is a consequence of the flooding of the Bin Brook, which has flooded on numerous occasions. Flood resistant and resilience measures will be required if the sequential test is passed.

### Second comments (11/07/2016)

- 6.12 No additional information has been submitted and therefore my original comments still remain valid.

### Final comments (04/10/2016)

- 6.13 The development is acceptable subject to conditions.

### **Streets and Open Spaces (Trees)**

- 6.14 No comments received.
- 6.15 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 Gehring has made comments objecting to the application:
- Moving the building line further down the garden and impacting on an area that is prone to flooding.



- Destruction of an existing old building that shapes the character of the Barton Road entry to the city.

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

- 3 Croftgate, Fulbrooke Road
- 93 Barton Road
- 97 Barton Road
- 16 Grantchester Road
- 77 Loompits Way, Saffron Walden

7.3 The representations can be summarised as follows:

- Impact on ecology and the County Wildlife Site.
- Insufficient information within the application to assess impact on ecology.
- The proposed new house is larger in scale and extends deeper into the plot than other properties.
- Out of character with the area.
- Loss of light/ overshadowing.
- Removal of hedging/ trees along boundary not supported.
- Highway safety concerns regarding proximity of cycle store entrance to road.
- Increase in height of drive would result in greater surface water run-off and risk of pollutants running towards lake.
- No information regarding foundations.
- The proposed summerhouse is very large and could be converted to another use in the future.
- The removal of trees/ hedging to allow a view of the lake is not supported.
- Noise and disturbance from demolition/ construction.
- Contractor parking along Barton Road/ Gough Way
- Vibrations from construction could damage structural stability of neighbouring properties.
- Increased flood risk.
- No site notice/ public notification of the application was made.
- Inaccuracies in existing plans.
- Proposed garage is intrusive and may impede vision of vehicles leaving western exit of 93 Barton Road.
- Ancillary studio may be adapted as an independent residential unit.
- Existing trees in rear garden used for bird nesting.

- Presence of Japanese Knotweed should be kept under rigorous surveillance.
- The hedge at the front should be retained as the primary boundary.
- Visual enclosure/ dominance due to proximity of building to western boundary.
- The west facing wall should be painted white to improve light levels.

7.4 A petition has been signed by the following addresses:

4 Grantchester Road	12 Grantchester Road
16 Grantchester Road	14 Barton Road
79 Barton Road	81 Barton Road
87 Barton Road	91 Barton Road
93 Barton Road	97 Barton Road
99 Barton Road	100 Barton Road
104 Barton Road	107 Barton Road
109 Barton Road	2 Croftgate, Fulbrooke
5 Croftgate, Fulbrooke	5 Spens Avenue
10 Fulbrooke Road	25 Tenison Avenue
14 Boardwalk Place, London	20 Brookhouse Avenue, Leicester

7.5 The petition raises the following issues:

- Replacement by a larger and taller house that extends beyond the rear building line of other houses.
- Damage to neighbouring properties though vibrations
- Health implications on elderly neighbours either side.
- Increase in flood risk and pollution to lake.
- Contractor vehicles and associated traffic congestion.
- Potential fracture of water pipes from heavy plant.
- Additional height due to proposed building being built on a ground level that matches Barton Road.
- Lack of consideration regarding deep foundations.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Trees
4. Residential amenity
5. Ecology
6. Drainage
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligations

### **Principle of Development**

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.

8.3 The proposal seeks to replace the existing dwelling with a new dwelling and there is no net loss or increase in the number of residential units proposed on the site.

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

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

8.5 The application site falls within the Barton Road Suburbs and Approaches Study (2009). The character assessment map of this document identifies the existing building at no.95 as being of a neutral level of significance. The site is identified within the character 2 grouping which describes the south side of this character area as:

*“Proceeding east from the City boundary, nos 111-79 form part of the interwar ribbon development along Barton Road. No. 111 is a slightly more neo-Georgian version of 112, and 83 is a later replacement, set well back from the road in a wide plot. The other properties are unremarkable and many have been altered with modern replacement UPVC windows, dormers etc.”*

- 8.6 The existing building is of a relatively plain form and design and I do not consider the demolition of this building would adversely impact on the character or appearance of the area. The site is not within the Conservation Area and is not a Building of Local Interest or a Listed Building. I therefore have no objection to the loss of the existing building.
- 8.7 The proposed replacement building would be two-and-a-half storeys in scale with small flat roof dormers projecting from the hipped roof. Properties along Barton Road are predominantly two to two-and-a-half storeys in scale and the proposal would be in keeping with this scale of development. The eaves and ridge line would be similar to its neighbours and I do not consider the building would appear out of proportion with the area. There are also many examples of tall chimneys in the area and the proposed chimneys would not appear as incongruous features.
- 8.8 The building has been designed in a Neo-Georgian style which is reinforced by the use of evenly spaced windows in a uniform rhythm, as well as the ornamental emphasis on symmetrical design and the triangular pediment above the main door. There is an eclectic mix of housing typologies in the area and I do not consider the proposed development would appear alien in the context of the area. The building would be constructed in brick externally with a tiled roof. The dormers would be zinc clad and the single-storey rear extension element would have a green roof. A condition has been recommended for materials samples of external facing materials to be submitted prior to development.
- 8.9 The proposed building would occupy a wider footprint than the existing building which highlights the grand nature of the building. Nevertheless, when read from the street scene of Barton Road there would still be a comfortable separation distance between the site and its immediate neighbours. As a

result, I do not consider the increase in the width of the building line would appear cramped or overdeveloped.

- 8.10 It is acknowledged that concerns have been raised from neighbours regarding the proposed setting back of the front building line and how this would appear out of character of the area. The building line between nos.95 – 87 Barton Road to the east is typically set back between 6.5 – 7.5m and is relatively consistent. The building line between nos.97 – 111 Barton Road to the west is far more varied, ranging from between roughly 8 – 14m back from the road. The opposite side of Barton Road is also relatively staggered. In my opinion, I do not consider there to be a strong enough uniformity to argue that the setting back of the building line deeper into the plot would appear out of character with the area. If the building line were being brought forward, whereby the building would be more prominent in the street, then I consider this could harm the aesthetic of the street scene. However, as the building line is recessed into the site modestly, thus reducing its visual prominence, I do not share the concern raised by neighbours.
- 8.11 The proposed garage and ancillary studio building at the front of the site would in my view be read as a subservient structure when compared to the main building of the site and the two adjacent two-storey properties. It would be designed in a material palette to match the existing property and would be largely screened from public viewpoints by the row of hedging at the front of the site.
- 8.12 The proposal has been amended to include soft boundary treatment along the front boundary of the site as this is a consistent feature along this stretch of Barton Road. The Silver Birch TPO tree along the eastern boundary of the site would be retained. The Landscape Team is supportive of the works, subject to a boundary treatment condition which would ensure that sufficient levels of boundary treatment are implemented and retained on site, for visual purposes and incidentally for ecology protection. Car parking would be situated at the front of the site and in the internal area which is consistent with the surrounding area. A condition has been recommended for elevational and material details of the summerhouse at the end of the garden to be submitted prior to commencement of development.

- 8.13 The applicant has confirmed that the protected tree along the eastern boundary in the rear garden is proposed to be retained. There was originally a discrepancy in the documents as the Tree Survey demonstrated the removal of this tree and the Landscape Strategy Plan showed the tree as remaining but this has now been clarified.
- 8.14 The cluster of trees along the north-east corner of the site would be removed and replaced with two new trees and a hedge which the Landscape Team is supportive of. The western side of the driveway would be built with a no dig construction to protect the adjacent tree at no.97 Barton Road. I have recommended a compliance condition for the measures of the tree survey to be implemented, with the exception of the removal of the protected silver birch tree in the rear garden.
- 8.15 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12 and 4/4.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.16 The main consideration is the impact of the proposed works on nos.93 and 97 Barton Road.

#### Impact on no.93 Barton Road

- 8.17 No.93 Barton Road is a two-storey detached property situated to the east of the application site. Concerns have been raised regarding overshadowing and visual enclosure from this neighbour. The other objections raised have been addressed in the third party representations section of this report. The proposed building would be set approximately 4.2m from the boundary of this neighbour and 9m from the side of this neighbour's property.
- 8.18 I am of the opinion that the privacy of this neighbour would not be compromised by the proposed development. The proposed side (east) dormer window would allow for views towards the side elevation of this neighbour. However, this would be similar to the existing first-floor east facing windows on the property which already allow for this. The views out from the rear first-

floor and dormer windows would allow for views across the latter part of this neighbour's garden. Again though, this relationship already exists and I am of the impression that this would not result in a harmful loss of privacy being experienced at this neighbouring property.

8.19 I consider the proposal would not harmfully overshadow this neighbouring property. The applicant has produced a shadow study to compare the existing and proposed levels of shadowing predicted. In the Vernal/ Autumn equinoxes it is demonstrated that there would be an increase in overshadowing over the side (west) garden and front drive area of this neighbour. As the main outdoor amenity space of this neighbour is to the south, I do not consider this overshadowing to be harmful. The BRE Site Layout Planning for Daylight and Sunlight (2011) guidance document recommends that 50% of the garden should receive at least 2 hours of sunlight during this equinox period. This neighbour's garden would receive significantly more than 2 hours' worth of sunlight throughout the day. In the summer equinox there would likely be a marginal increase at and after 17:00hrs over part of this neighbour's southern garden aspect and rear patio. I do not believe this would have a significant impact on this neighbour's amenity. During the winter equinox the levels of light reaching this neighbour would be similar to that of present and this is considered acceptable. Overall, the main garden and habitable windows of this neighbour would receive adequate levels of light in the morning, midday and early afternoon and the proposed works would not harmfully overshadow this neighbour.

8.20 The proposed works would not in my opinion visually dominate this neighbour's outlooks. The proposed garage building would be situated against the boundary of this neighbour. However, the front drive/ side garden area is not the main outdoor amenity space of this neighbour. Furthermore the nearest ground-floor side (west) facing window of this neighbour is a dual aspect window as it also has a large window on the front (north) elevation. Therefore, I consider the visual presence of the garage building would not harm this neighbour's amenity. At 9m separation distance wall-to-wall, I do not consider the side facing windows of this neighbour would be visually enclosed by the proposed development. The proposed works would not break the 45° line of this neighbour's main south-facing rear

windows and the 4.2m separation distance is sufficient to ensure this neighbour's rear garden would not be visually oppressed.

#### Impact on no.97 Barton Road

- 8.21 No.97 Barton Road is a two-storey detached property situated to the west of the application site. This neighbour has objected on the grounds of overshadowing and visual enclosure of their side facing windows. The proposed development would be set 2.9m off the shared boundary with this neighbour and roughly 6.2m from the nearest wall.
- 8.22 In terms of overlooking I am of the opinion that the proposal would not compromise the privacy of this neighbour. The only side (west) facing window proposed is an en-suite dormer at roof level. This would allow for a view towards this neighbour which does not currently exist. Given the private nature of this room, I am content that this matter can be addressed by way of an obscure glazing condition. The views out across this neighbour's garden from first-floor and roof level dormers would be no worse than the existing first-floor rear views.
- 8.23 I consider the levels of overshadowing would not be significant enough to adversely impact on this neighbour's amenity. In the Vernal and Autumn equinoxes, there would be some overshadowing of the ground-floor side kitchen windows, conservatory windows and side garden of this neighbour at 09:00hrs. After this time, the levels of light reaching these spaces would remain similar to that of present. The main garden space of this neighbour is also further to the south-west and is unaffected. Whilst there will be an increase in overshadowing, I do not consider this impact would be significant enough to warrant refusal of the application given the limited period of the day that these spaces would be overshadowed. In the summer, the rear conservatory windows and side garden space would likely be overshadowed at 09:00hrs but would again be unaffected for the remainder of the day. In the winter there would be a slight increase in overshadowing of the front drive area of this neighbour in the early morning but this would not be significant. I consider the levels of light reaching this neighbour would be acceptable.



- 8.24 There are a number of windows on the side (east) elevation of no.97 which face towards the application site. The impact on each of the rooms will be assessed in turn below.
- 8.25 At ground-floor level there are two kitchen/ dining room windows and a glazed door. The outlook from the northern-most ground-floor side window currently looks out onto the side gable end of the existing dwelling. The southern-most ground-floor side window, above the kitchen sink currently has an outlook to the east, with the property of no.95 in peripheral view. By pushing the proposal deeper into the plot, this relationship will effectively be shifted. The northern-most window will have a line of sight out to the east and the southern-most outlook will be blocked by the proposal. In my opinion, as this habitable room will still have a visual outlook out to the east, I do not consider the visual presence of the proposed works would dominate this habitable room to such an extent as to warrant refusal.
- 8.26 On the south-east corner of no.93 there is a conservatory. This has outlooks to the east and south. The proposal would be visible from the eastern windows of this conservatory but there would still be an open outlook from the south facing windows. The single-storey element of the development would project deeper into the site but at 2.9m in height, I do not envisage this to be visually oppressive on this habitable room or the garden space of this neighbour.
- 8.27 There is a side bedroom window at first-floor level which needs to be considered. At present the view out to the north-east of this window is interrupted by the existing building. The proposal to shift the building deeper into the site would open this up but at the cost of blocking the south-eastern line of sight from this window. Similar to the relationship with the ground-floor kitchen windows, I am of the view that this first-floor window would still have a reasonable outlook and retain a sufficient level of amenity for the users of this room. The other first-floor side window is a bathroom and the impact on this window is therefore considered to be acceptable.
- 8.28 I have recommended conditions to restrict permitted development rights for the proposed dwelling. These would prevent the dwelling from being extended any further (class A), any new structures or enclosures being erected on the site (class E) and any hard surfacing being implemented (class F)

without obtaining planning permission. This is because any further extension of the property without due consideration may impact negatively on neighbour amenity. Furthermore, the additional footprint of the extension or any new outbuilding would be within the flood zone and so any physical development in this area may increase flood risk or harm ecology in the immediate area. If the rear garden was to be block paved, other than that shown within the proposed landscape plan, this would also need to be considered as it could impact on flood risk in the area.

### Noise and disturbance

- 8.29 The number of bedrooms in the proposed dwelling would be identical to the existing property. I do not anticipate that the day-to-day use of the main property and the garden space would result in any significant increase in noise and disturbance.
- 8.30 The movements from the proposed ancillary studio to the main dwelling would not be visible from neighbouring properties and the comings and goings would not in my opinion detract from neighbour amenity. It is noted that concerns have been raised regarding the potential for the ancillary studio to be occupied independently. The studio does have all of the components of everyday living. The agent has explained that the studio is intended to be used by a family member which would provide a functional link to the main property. Nevertheless, I am of the view that given the detached nature of this building, there is the potential for this to be used separately. Therefore, I have recommended a condition to prevent this from being separately used, occupied or let.
- 8.31 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.

### **Ecology**

- 8.32 The Bolton's Pit Lake, approximately 65m to the south-east of the existing property, is a site of Local Nature Conservation Importance and a County Wildlife Site. Concerns have been raised from neighbouring properties regarding the potential impact on protected species nearby and have produced their

own independent ecology report. The applicant has also produced an ecology report following the request by the Nature Conservation Projects Officer.

8.33 The Nature Conservation Projects Officer has reviewed both of these documents and acknowledges that there is evidence of bat foraging in the area. Nevertheless, the Nature Conservation Projects Officer is satisfied that the proposal is acceptable, subject to conditions regarding lighting and bird/ bat boxes. The boundary treatment condition recommended by the Landscape Team would also ensure that the heavy planting at the end of the garden is retained for the benefit of protected species. A bird nesting condition has also been recommended to restrict any tree clearance outside of the bird breeding period of March – August.

8.34 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 4/3 and 4/6.

### **Drainage**

8.35 The flood zone (2) covers all of the rear garden and part of the existing property. The proposal would involve shifting the built form further to the south into the garden which naturally increases flood risk. The Drainage Officer objected to the application originally because of this and the lack of information provided to demonstrate how this increased risk would be mitigated.

8.36 After much discussion, the agent submitted a sequential test assessment and a flood risk assessment. The Sequential Test requires that all new development is located on sites at the lowest possible risk of flooding (i.e. located in Flood Zone 1) unless it can be demonstrated that there are no reasonably available, suitable, and achievable alternative sites at a lower risk of flooding (Flood Zone 1) upon which the proposed development can be located, in which case development in Flood Zone 2 is considered to become acceptable. The flood risk assessment explains that the ground level towards the front of the property will be lowered to offset the reduction in flood plain storage by the footprint of the development. This test, as well as the flood risk assessment, has been assessed by the Drainage Officer who is satisfied with the contents of these reports. Conditions have been recommended by the Drainage

Officer in terms of flood resilient measures and finished floor levels.

- 8.37 In my opinion, subject to conditions, the proposal is compliant with paragraph 103 of the NPPF (2012).

### **Refuse Arrangements**

- 8.38 The position of bins along the western boundary of the building is considered to be acceptable and there would be a straightforward access out onto Barton Road on collection days.

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

### **Highway Safety**

- 8.40 The Highway Authority has raised no objection to the application, subject to conditions.

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

### **Car and Cycle Parking**

- 8.42 The level of car parking would not be changed as a result of the proposed development.

- 8.43 The number of cycle parking spaces would be increased to five spaces which is technically below the minimum cycle parking standards. Six cycle parking spaces should be provided as there are six bedrooms on site. Nevertheless, there would be adequate room within the internal garage or cycle store to comfortably accommodate this additional space. As a result, I consider the cycle parking arrangements acceptable.

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

### **Third Party Representations**

- 8.45 The third party representations have been addressed in the table below:

<b>Comment</b>	<b>Response</b>
Impact on ecology and the County Wildlife Site. Insufficient information within the application to assess impact on ecology.	See paragraphs 8.28 – 8.30
The proposed new house is larger in scale and extends deeper into the plot than other properties. Out of character with the area. Replacement by a larger and taller house that extends beyond the rear building line of other houses.	See paragraphs 8.5 – 8.12
Loss of light/ overshadowing.	See paragraphs 8.16 and 8.20
Removal of hedging/ trees along boundary not supported. The removal of trees/ hedging to allow a view of the lake is not supported. Existing trees in rear garden used for bird nesting.	This would be protected by a boundary treatment condition.
Highway safety concerns regarding proximity of cycle store entrance to road.	The Highway Authority has no objection to the proposed works.
Increase in height of drive would result in greater surface water run-off and risk of pollutants running towards lake.	The ground level is to be lowered at the front of the property and this would be controlled by way of condition.
No information regarding foundations. Vibrations from construction could damage structural stability of neighbouring properties. Damage to neighbouring properties though vibrations Potential fracture of water pipes from heavy plant.	These are building control/ civil matters.
The proposed summerhouse is very large and could be converted to another use in the future.	A condition has been recommended for details of the summerhouse to be provided in

	<p>terms of elevations and materials. A summerhouse use would be considered to be incidental to the main dwelling. If the summerhouse was to be used for ancillary or separate use purposes then this would require a planning application.</p>
<p>Noise and disturbance from demolition/ construction. Health implications on elderly neighbours either side.</p>	<p>The Environmental Health Team is supportive of the application. Conditions have been recommended to protect neighbour amenity during construction/ demolition works.</p>
<p>Contractor parking along Barton Road/ Gough Way</p>	<p>A traffic management plan condition has been recommended to ensure that there is no threat to highway safety from contractor parking.</p>
<p>Increased flood risk. Increase in flood risk and pollution to lake.</p>	<p>See paragraphs 8.31-8.33</p>
<p>No site notice/ public notification of the application was made.</p>	<p>No site notice or wider public notification is required for this type of development in this location, as per article 15 of the Development Management Procedure Order (2015).</p>
<p>Inaccuracies in existing plans.</p>	<p>The existing plans do not form part of the approved drawings on the decision notice. I therefore do not consider this undermines the validity of the application.</p>
<p>Proposed garage is intrusive and may impede vision of vehicles leaving western exit of 93 Barton Road.</p>	<p>See paragraph 8.17. The Highway Authority has raised no objection to the proposal.</p>
<p>Ancillary studio may be adapted as an independent residential unit.</p>	<p>See paragraph 8.26.</p>
<p>Presence of Japanese Knotweed should be kept under rigorous surveillance.</p>	<p>The Ecology and Landscape Officers have not raised any concern regarding this matter.</p>

The hedge at the front should be retained as the primary boundary.	The proposal has been amended to take this into account.
Visual enclosure/ dominance due to proximity of building to western boundary.	See paragraphs 8.21 – 8.24.
The west facing wall should be painted white to improve light levels.	I do not consider this necessary.
Additional height due to proposed building being built on a ground level that matches Barton Road.	The height measurements of the proposed dwelling are taken from the site section which is from the ground level adjacent to the proposed building. It is acknowledged that the street elevation does not factor in the change in gradient physically on the site.

## **Planning Obligations**

8.46 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.

8.47 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 proposal would not harm the character and appearance of the area and would respect the amenity of neighbouring properties. The proposed works would not adversely impact on flooding and would preserve the ecology of the area which

would be secured through conditions. Approval is recommended.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. 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)



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

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

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

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

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

7. Prior to the commencement of development/construction, a noise assessment of external and 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 dwelling (having regard to the building fabric, glazing and ventilation) and other mitigation to reduce the level of noise experienced externally and internally at the dwelling as a result of high ambient noise levels in the area (predominantly traffic noise from Barton Road ) shall be submitted to and approved in writing by the local planning authority. The scheme shall have regard to the external and internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and or passive background / purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed. 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 of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policy 4/13)

8. 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)

9. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

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

10. 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 and 3/12)

11. Prior to commencement of development details of the summerhouse shown on drawing no. PL(90)01 Rev P4, including elevations and material types, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity of the area and in the interests of preserving the adjacent ecological assets (Cambridge Local Plan 2006 policies 3/4, 3/12, 4/3 and 4/6)

12. The studio building hereby permitted shall be used solely in conjunction with and ancillary to no.95 Barton Road and shall not be separately used, occupied or let.

Reason: To protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

13. The window serving the room labelled "lby enS" on drawing number PL(21)01 on the west elevation at second floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to use of the room 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).

14. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties and to minimise flood risk (Cambridge Local Plan 2006 policies 3/4 and 3/12, and Paragraph 103 of the NPPF (2012)).

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

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

16. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse(s), shall not be allowed without the granting of specific planning permission.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

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 treatments to be erected including plant specification details if the boundary is a hedge and details of new trees. 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 and in the interests of preserving the adjacent ecological assets. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12, 4/3 and 4/6)

18. The development shall be carried out in accordance with the tree protection measures identified in the Arboricultural Implication Assessment document demonstrated in drawing no.TIP 16 150:1 dated March 2016 unless otherwise agreed in writing by the Local Planning Authority. The protected tree, identified as tree no.10 on drawing no.TIP 16 150:1 dated March 2016 shall be retained and no works to this tree shall take place unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and for the protection of trees (Cambridge Local Plan 2006 policy 4/4).

19. Prior to the installation of any external lighting on the rear elevation or in the rear garden of no.95 Barton Road, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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

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

Reason: To avoid disturbance to foraging bats on the adjacent County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

20. No development shall commence until a plan has been submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal and / or external bird and bat boxes on the new buildings and retained trees. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancement to the surroundings of a County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

21. Any clearance of trees, introduced shrubs or scrub, shall only be completed outside of the bird breeding period of March - August in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid disturbance to nesting birds in relation to the adjacent County Wildlife Site (Cambridge Local Plan 2006 policies 4/3 and 4/6).

22. The main property shall have a finished floor level of 10.95m A.O.D (above ordnance datum)., the garage shall have a finished floor level of 10.20m A.O.D. and the external ground level shall not exceed 10.20m A.O.D.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

23. Prior to commencement of development, details of the flood resilient measures employed on the garage and rear patio should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To minimise flood risk (Paragraph 103 of the NPPF (2012)).

**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:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

- 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](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](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.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:** Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

**INFORMATIVE:** To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the internal and external noise standards recommended in BS8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice".



Internal noise standard shall be achieved in habitable rooms with external windows / doors open and closed. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer comfort acoustically treated mechanical and or passive free area ventilation may also need to be considered within the context of this internal design noise criteria.

For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. If these levels cannot be achieved then an acoustic barrier may be required around this amenity area.

**INFORMATIVE:** Please note that any proposed floor area which has a ceiling height below 1.53m (5ft) will be discounted from useable floor space measurements.

Where a tenant has integral cooking facilities in their own bedsit they must be provided with at least the following facilities:

- A two ring gas or electric hob plus an oven and grill (ideally positioned so that the hobs are at worktop level.)
- A sink and integrated drainer with a tiled splashback provided and a constant supply of hot and cold running water for food preparation.
- Adequate worktop with a minimum of 1000mm long and the standard depth of generally 600mm.
- A single food storage unit of standard depth (300mm) and height (720mm) x 400mm width, or base unit (not a sink unit) of equivalent volume.
- Standard refrigerator, there is no requirement for a freezer to be provided.
- Adequate internal lidded rubbish bin.
- At least 4 plug socket outlets in addition to those servicing major appliances.

In addition to the grant of planning permission the development should be in accordance with these standards and if any further information / clarification and advice is required please contact the ward officer within the Residential Team, Claire Adelizzi via e-mail: [claire.adelizzi@cambridge.gov.uk](mailto:claire.adelizzi@cambridge.gov.uk) / tel: 01223 457724.

**INFORMATIVE:** Number 95 Barton Road was previously part of an area occupied by Brick and Tile Works in the late 1800s to early 1900s. However, the property was never part of a Brick pit.

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

<b>Application Number</b>	16/1234/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th July 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	29th August 2016		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	17 Hills Avenue Cambridge Cambridgeshire CB1 7UY		
<b>Proposal Applicant</b>	Erection of a new dwelling. Drs O'Sullivan & Howard 17 Hills Avenue Cambridge CB1 7UY		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would be in keeping with the character and appearance of the area.</li> <li>- The proposed works would not harm the amenity of neighbouring properties.</li> <li>- The proposal would provide a high quality living environment for future occupants.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site, no.17 Hills Avenue, is comprised of a large two-storey residential property set within a generous plot. There is a driveway at the front of the site with two vehicular entrances onto Hills Avenue. There is a single-storey outbuilding at the end of the garden which is sub-divided internally and used by both no.18 Cavendish Avenue and no.17 Hills Avenue. The surrounding area is predominantly residential in character and is formed primarily of large detached properties.

1.2 There are four tree preservation orders on site.

## 2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the sub-division of the garden to accommodate a new single-storey dwelling.
- 2.2 The proposed dwelling would occupy a floor area of 215m<sup>2</sup> and would be constructed with a shallow pitched roof measuring 2.5m to the eaves and 3.7m to the ridge. The proposed building would be designed in stone cladding with a zinc roof. There would be a driveway running close to the western boundary of the garden which leads to a turning head to provide two car parking spaces. A bin store would be provided along the driveway and a cycle store in the north-west corner. There would be a small herb garden and decking space for the future occupants of the proposed dwelling whilst the remainder of the existing garden would remain within the curtilage of the existing dwelling.
- 2.3 The application has been accompanied by the following information:
1. Drawings
  2. Design and Access Statement
  3. Drainage Statement
  4. Tree Survey, Arboricultural Implications Assessment and Arboricultural Method Statement
  5. Shadow Study

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/93/0409	ERECTION OF A DETACHED DOUBLE GARAGE (ANCILLARY TO CLASS C3 USE) (AMENDED BY LETTER DATED 10.08.93 and ACCOMPANYING DRAWINGS).	Approved
C/92/0616	END REDUCE BRANCHES OVERHANGING HOUSE BY 3M TO CLEAR PROPERTY, RAISE LOWER CANOPY TO GIVE CLEARANCE OF 3M.	Approved.
C/89/0791	CHANGE OF USE AND EXTENSION (CONVERSION OF	Withdrawn.

C/89/0281	EXISTING HOUSE TO PROVIDE SHELTERED ACCOMMODATION AND ERECTION OF A SINGLE STOREY REAR EXTENSION).	Refused
C/88/1035	CONTROLLED FLATS. ERECTION OF BUNGALOW (OUTLINE APPLICATION).	Refused.
C/87/1011	OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. BUNGALOW.	Refused.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95 (Appendix A)</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

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

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

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

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

## **6.0 CONSULTATIONS**

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

6.1 No objection subject to conditions and informatives.

#### **Environmental Health**

6.2 No objection subject to conditions.

#### **Refuse and Recycling**

6.3 No comments received.

#### **Landscape Team**

##### Original Comments (29/07/2016)

6.4 Further information and changes to boundary treatment required.

##### Comments on Additional Information (13/09/2016)

6.5 The revised landscape plan is supported.

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

### Original Comments (03/08/2016)

6.6 The application is not supported.

### Comments on Additional Information (09/11/2016)

6.7 No objection subject to Arboricultural Implications Assessment (AIA) compliance condition.

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

6.8 No objection subject to nesting bird and lighting conditions.

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:

209 Hills Road	4 Sedley Taylor Road
12A Cavendish Avenue	16 Cavendish Avenue
18 Cavendish Avenue	20 Cavendish Avenue
18 Chaucer Road	

7.2 The representations can be summarised as follows:

- The proposal would set a precedent for other backland developments.
- Loss of garden space would result in deterioration of the character and green amenity of the area.
- Cambridge has sufficient housing to meet its 5 year housing supply plan and this type of development does not need to be accepted.
- The proposal would harm the character of the area.
- Loss of trees not supported.
- The proposal is contrary to policies 3/4, 3/10 and 4/4 of the Cambridge Local Plan (2006).
- Impact on local habitats.



- Loss of green corridor between Hills Avenue and Cavendish Avenue.
- Pollution from car fumes.
- Loss of privacy
- Visual enclosure

7.3 Councillor Moore has stated that the densification of this locality will be to the detriment of the green back garden corridor along Hills Avenue.

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. Ecology
8. Third party representations
9. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.

8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the

amenity of neighbouring properties. These, and other relevant issues, are assessed below.

- 8.4 As the proposal is for the subdivision of an existing residential plot, Local Plan policy 3/10 is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the subdivision of existing plots, subject to compliance with specified criteria. However, in this instance, Section d and f of the policy are not relevant as the proposal would not adversely affect the setting of a listed building (d) and would not prejudice the comprehensive development of the wider area (f).
- 8.5 Residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) have a significantly adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic or noise nuisance;
  - b) provide inadequate amenity space, or access arrangements and parking spaces for the proposed and existing properties;
  - c) detract from the prevailing character and appearance of the area.
  - e) would not adversely affect trees, wildlife features or architectural features of local importance
- 8.6 I consider that the proposal complies with the four criteria set out in policy 3/10 for the reasons set out in the relevant sections of this report.

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

- 8.7 The proposed dwelling would not be visible from public viewpoints by virtue of its position at the end of the existing garden.
- 8.8 It is acknowledged that concerns have been raised from neighbours regarding the lack of precedent for the sub-division of the garden and have critiqued the examples put forward by the applicant in their design and access statement. In my

opinion, the pattern of development in this area does include an element of garden sub-division and backland development and the proposed development would not be out of context with the grain of built form present in the area. The developments at nos.6a and 12a Cavendish Avenue in close proximity to the application site demonstrate that the character of the area has changed over time and I am of the view that the proposal would blend in with this character in terms of the principle of sub-division.

8.9 Comments have also been raised regarding the lack of garden space associated with the proposed dwelling and how this would be out of keeping with the area given that the majority of properties benefit from ample sized gardens. Whilst I appreciate that the vast majority of properties in the area have large gardens I do not consider the lack of garden for the proposed dwelling would have a harmful impact on the character or appearance of the area. The sub-division at no.6a for example, has limited outdoor amenity space and is mainly surfaced with shingle rather than having a grassed garden. The proposed development would be relatively secluded in that the site is not visible from the public realm and the dwelling would be enclosed by existing trees in the rear garden. In addition, the host garden would retain a reasonable amount of its original garden for private use and I do not consider the site would appear overdeveloped or constrained as a result of the proposed development.

8.10 The surrounding context is mixed in terms of housing typology with properties ranging in age, roof form, materials and fenestration. The most notable late intervention in the area is that of no.18 Cavendish Avenue, a post-modern style dwelling constructed in the 21<sup>st</sup> Century. The proposed dwelling has been designed aesthetically to read as a subtle and modest addition to the area. It would be clad in stone with some render and constructed with a zinc low pitched roof. At 3.7m in height, the scale of the dwelling is deliberately low to both avoid impacting on neighbours physically and to ensure that the sub-division does not conflict with the prevalent two-storey mass present in the immediate area. The proposal would utilise the sun's path by orientating the main amenity space and windows to the south. In my opinion, the design of the dwelling is acceptable and would complement the range of architectural forms and styles present in the diverse context along Cavendish

Avenue and Hills Avenue. A materials sample condition has been recommended to ensure that the finish of materials would not appear out of context with the area.

8.11 The rear gardens of properties along Cavendish Avenue and Hills Avenue are characterised by a strong presence of trees and vegetation which contribute to forming a green corridor running west to east along the backs of gardens. The proposal would involve the removal of 3no. category C grade trees and 3no. category C grade shrubs. Two of the trees and one of the shrubs proposed to be removed are situated at the far end of the garden in the dense area which helps to form the aforementioned green corridor. The proposed works would retain the four protected trees on site by way of implementing a no-dig construction zone along the proposed drive to ensure the roots of these trees would not be damaged. A new tree is also proposed to be planted along the north-western boundary of the site. There would be a decking post system along part of the northern boundary to protect the category B Grade shrubs in the north-east corner and the neighbouring cedar tree in the garden of no.16 Cavendish Avenue. The Landscape and Tree Officers are satisfied with the proposed tree protection measures put forward in the Arboricultural Method Statement, subject to conditions which have been recommended accordingly. In my opinion, although the removal of the trees and shrubs will deteriorate the green corridor of vegetation to an extent, I am of the view that the trees and shrubs of highest value would be retained and that the overall character of the corridor would be sufficiently preserved.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.13 There would be over 20m separation distance between nos.17, 17A and 19 Hills Avenue and the nearest windows of the proposed dwelling. There would also be a fairly dense layer of vegetation to prevent views of the host dwelling and the two neighbours either side. The proposed works would also be situated northwards of these adjacent properties. In my opinion,

given the single-storey scale of the building and the generous separation distance involved, I am of the opinion that the proposed development would not harmfully overlook, visually enclose or overshadow these adjoining occupiers.

- 8.14 The main consideration is the impact of the proposed works on the neighbouring properties to the north at nos.16 and 18 Cavendish Avenue.
- 8.15 There are two bathroom windows on the north elevation which would face towards no.18 Cavendish Avenue. In respect of the private nature of these rooms I have recommended an obscured glazing condition to protect the privacy of both the future occupants and the neighbour. There is also a bedroom window which would face out in this direction. However, this would be facing out onto the re-consolidated outbuilding at the end of no.18 Cavendish Avenue which would limit the views available. Notwithstanding the presence of the adjacent outbuilding, there would still be over 30m separation distance between the proposed window and this neighbour's rear windows which is considered to be acceptable. The two nearest windows on the west elevation, serving a lobby and utility room respectively, would have relatively limited views towards this neighbour and there would be sufficient planting along this neighbour's boundary to prevent any noticeable overlooking.
- 8.16 I do not consider the proposed works would visually dominate the outlooks from these neighbouring properties. At approximately 2.5m to the eaves with the pitch of the roof sloping away from these neighbour's rear garden boundaries, I do not consider the physical presence of the building would visually enclose these neighbour's gardens. The building would be screened by a combination of vegetation and the reconsolidated outbuilding at the end of no.18 Cavendish Avenue and I am confident that these neighbours would still have open southerly outlooks from their respective gardens.
- 8.17 The applicant has produced a shadow study to demonstrate the likely overshadowing impact of the proposed dwelling on neighbouring properties. During the Summer Equinox, when the sun is at its highest point, the levels of light reaching the gardens of Cavendish Avenue would be virtually unaffected. At the Vernal and Autumnal Equinoxes, there would be a marginal increase in overshadowing over the gardens of nos.16 and 18

in the morning and midday hours respectively. This would be restricted to the far ends of these neighbour's gardens and the levels of light reaching the vast majority of their amenity spaces would be preserved. The likely loss of light would be most evident during the Winter Equinox hours when the sun is at its lowest point. However, the majority of the gardens of these neighbours would still benefit from sufficient sunlight at this time of year and the levels of overshadowing would not be significant enough to demonstrate an adverse impact on the amenity of these neighbours. Overall, given the length of the neighbour's gardens, coupled with the single-storey scale of the proposed building, I am of the view that the proposal would not harmfully overshadow neighbouring properties.

### Noise and Disturbance

- 8.18 I do not consider the proposed use of the dwelling or outdoor amenity area would result in significant noise and disturbance to neighbouring occupiers. The site is situated in a residential context and the main amenity area would be well screened from adjacent properties.
- 8.19 The proposed driveway would introduce vehicle movement to the rear garden area which could potentially impact on the amenity of neighbouring occupiers. The proposed driveway would accommodate two car parking spaces. There are no habitable windows on the east elevation of no.17A Hills Avenue and the majority of the trees running along the west side of the proposed driveway would be retained. In my opinion the visual and audible impacts of cars entering and exiting the site would not harmfully impact on the amenity of this neighbour due to the low number of vehicle movements, presence of trees along the boundary and lack of habitable outlooks along the east elevation of no.17A Hills Avenue. I have recommended a hard and soft landscaping condition to ensure that the driveway is finished in a hard surface and not a loose material, such as gravel, which could exacerbate levels of noise when cars are maneuvering on-site.
- 8.20 Similar to the above, the main habitable windows of the host dwelling at no.17 Hills Avenue are situated on the rear elevation rather than the side (west) elevation and the presence of vehicles and pedestrian movements would not be noticeable from the main outlooks of the host dwelling. There would be a

grouping of shrubs and trees retained in the north-west corner of the revised garden curtilage of the host dwelling which would screen the majority of vehicle and pedestrian movements. A 2m high wooden fence would be implemented along the boundary as well. In my opinion, the movement of future occupiers on foot and by vehicle would be low and would not have a significant impact on the private garden of the host dwelling.

8.21 The driveway would be a comfortable distance from the main rear amenity spaces of the neighbours to the north along Cavendish Avenue. It is noted that the neighbour at no.16 Cavendish Avenue has raised concerns with the air pollution from car fumes that would be caused by vehicle movements. However, I do not consider the fumes that would be generated from two vehicles on a daily basis would be significant enough to represent an adverse impact on the amenity of neighbours. The Environmental Health Team has raised no objection to the car fumes associated with the vehicle movements.

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

#### Amenity for future occupiers of the site

8.23 The proposal would provide a three-bedroom dwelling with acceptable visual outlooks for all of the proposed habitable rooms. There would be a small herb garden and decking space for the future occupants to use as outdoor amenity space. Whilst the level of outdoor amenity space is less than that of the majority of other properties in the surrounding area, the City Council does not have minimum space standards externally or internally for new dwellings. The proposed herb garden and decking area would be south facing and would provide room for future occupants to sit out and enjoy the outdoor space. In my opinion, the level of outdoor amenity space is sufficient to provide a high quality living environment for future occupants.

8.24 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**

- 8.25 An enclosed bin store would be provided close to the front of the site which would be over 30m from the main entrance of the proposed dwelling. This distance is considered to be too far for future occupants to move waste to the designated storage area and is contrary to the guidance contained within the RECAP Waste Management Design Guide (2012). However, there would be scope to move this bin enclosure closer to the proposed dwelling without being too far from the roadside of Hills Avenue for bins to be wheeled out on collection days. I am of the opinion that the re-located bin store can be agreed by way of condition.
- 8.26 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.27 The Highway Authority has raised no objection to the proposed works, subject to conditions. The driveway would utilise the exiting vehicle access onto Hills Avenue and would not introduce any highway safety issues.
- 8.28 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.29 The proposed development would provide two car parking spaces which is in accordance with the maximum car parking standards of the Cambridge Local Plan (2006).
- 8.30 Three cycle parking spaces are proposed in an enclosed store at the end of the driveway. There would be a gate close to the front of the drive to prevent and deter unauthorised access to the rear of the site. I am of the opinion that the level and type of cycle parking proposed is acceptable.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.



## Ecology

8.32 It is acknowledged that concerns have been raised from neighbours regarding the potential impact on local habitats from the loss of the trees and the presence of the pond at no.16 Cavendish Avenue. There are no planning site constraints in respect of ecology. The Ecology Officer has been consulted and considers that, provided that site clearance/ construction do not take place during the bird breeding season and that details of any external lighting are agreed by way of condition, the proposal is acceptable from an ecology perspective. The Ecology Officer has also stressed the need for the mature trees on site to be retained and protected both during and post construction and this would be covered by the relevant tree conditions.

8.33 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 4/3.

## Third Party Representations

8.34 The third party representations have been addressed in the table below

<b>Comment</b>	<b>Response</b>
The proposal would set a precedent for other backland developments.	See paragraph 8.7. Any future applications for residential sub-division would be assessed on their own merits and against the relevant development plan policies.
Loss of garden space would result in deterioration of the character and green amenity of the area. The proposal would harm the character of the area. Loss of trees not supported. The proposal is contrary to policies 3/4, 3/10 and 4/4 of the Cambridge Local Plan (2006). Loss of green corridor between Hills Avenue and Cavendish	See paragraphs 8.7 – 8.11.

Avenue.	
Cambridge has sufficient housing to meet its 5 year housing supply plan and this type of development does not need to be accepted.	The principle of development accords with policy 5/1 of the Cambridge Local Plan (2006). The development of windfall sites, such as this proposal, is accounted for in the 5 year housing supply of the City Council.
Impact on local habitats.	See paragraph 8.31.
Pollution from car fumes.	See paragraph 8.20.
Loss of privacy	See paragraphs 8.12 and 8.14.
Visual enclosure	See paragraphs 8.12 and 8.15.

### **Planning Obligations**

8.35 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.

8.36 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 residential development would not harm the character and appearance of the area and would respect the amenity of neighbouring properties. The proposal has been designed to read as a sensitive and modest addition to the rear garden that would not physically intrude on neighbours or the character of the area. The proposed works would retain the trees of highest value which help to contribute to the green corridor running along the rear gardens of Cavendish Avenue

and Hills Avenue and preserve the four protected trees on-site. Approval is recommended.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. 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)

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

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

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

6. No 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)

7. 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).

8. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order (England) 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 2006 policy 8/2).

9. 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).

10. 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).

11. Prior to commencement of development, a site visit will be arranged with the retained arboriculturalist, developer and LPA Tree Officer to agree tree works and the location and specification of tree protection barriers and temporary ground protection. The development shall be carried out in accordance with the agreed tree works and protection measures unless otherwise agreed in writing by 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)

12. The development shall be carried out in accordance with the arboricultural method statement document titled 0986D-1065/CJO/Rev 2 (dated 7 December 2016). The agreed means of protection shall be implemented throughout the development and retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

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

13. Any clearance of trees, introduced shrubs or scrub, shall only be completed outside of the bird breeding period of March - August in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid disturbance to nesting birds (Cambridge Local Plan 2006 policy 4/3).

14. Prior to the installation of any external lighting in the garden or on the building of the dwelling hereby permitted, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To avoid disturbance to foraging bats (Cambridge Local Plan 2006 policy 4/3).

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

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

16. Prior to occupation of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: hard surfacing materials, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate 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)

17. The windows on the north-west elevation serving bathrooms shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the rooms) 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, 3/10 and 3/12).

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the 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.



<b>Application Number</b>	16/1733/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	29th September 2016	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	24th November 2016		
<b>Ward</b>	Coleridge		
<b>Site</b>	Land Adjacent To 2 Gray Road Cambridge Cambridgeshire		
<b>Proposal</b>	Demolition of existing garage and erection of two bed dwelling with associated site works.		
<b>Applicant</b>	Mr & Mrs Dean Theobald 31-33 Hall Street Soham CB7 5BN England		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>o The proposed design is considered acceptable and would not harm the character of the area.</li> <li>o The proposal would not harm the amenity of the surrounding occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is former garden land of 40 Birdwood Road. The site is accessed from Gray Road. The area is predominantly in residential use but has a mixed character with a variety of different house types and materials used. The existing site has already been formed by close board fencing and no longer appears to serve as garden space to the host dwelling at 40 Birdwood Road. There is a garage on the southern end of the plot.
- 1.2 The adjacent properties on the other side of Gray Road are detached houses. The immediately adjacent properties to the south of the site are semi-detached. Further to the south there are several rows of terraced houses on both sides of the road. The area is predominantly brick with a mixture of red and yellow

brick houses, although a number of properties on Birdwood Road have been rendered. Many of the brick built properties have rendered accents such as around the front bay window surrounds.

## **2.0 THE PROPOSAL**

- 2.1 The application proposes the demolition of an existing garage and the erection of a two bed single storey dwelling.
- 2.2 The proposal is a resubmission following the withdrawal of 16/0926/FUL because it was not supported by officers. The proposal has been revised to address concerns raised by the case officer during the previous application in terms of design and impact on residential amenity.
- 2.3 The proposal would be finished in a mixture of brick and render with lean to roofs. It would be accessed from Gray Road. There would be a paved amenity area to the side and rear. Bike and bin storage is to the front of the property. The total height of the proposal would be 3.6m dropping to 2.4m at the eaves.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/0926/FUL	Erection of one-bed dwelling with site works & parking utilising existing access following demolition of existing garage.	Withdrawn
09/0909/FUL	Erection of new dwelling (following demolition of existing garage) with access off Grey Road.	Refused

## **4.0 PUBLICITY**

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material considerations	<u>Citywide guidance</u> Cycle Parking Guide for New Residential Developments (2010)

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

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

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

#### 6.0 CONSULTATIONS

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

- 6.1 No car parking provision is proposed for the residents of this development, which also displaces the provision for the existing dwelling. The development is therefore likely to 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. He recommends a condition, relating to restoration of the footway, and 3 informatives.

##### **Environmental Health**

- 6.2 The proposal is acceptable subject to the imposition of two conditions. These relate to construction hours and piling.

##### **Refuse and Recycling**

- 6.3 No comments received.

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

6.4 No comments received.

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

6.5 Originally the Sustainable Drainage Engineer raised concerns regarding surface water drainage. Following discussions with the applicant she is now satisfied that this can be dealt with via condition.

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

## **7.0 REPRESENTATIONS**

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

- 42 Birdwood Road
- 4 Gray Road

7.2 The representations can be summarised as follows:

- Property would be at risk of flooding and could increase flood risk for surrounding existing properties
- Out of character
- Cramped
- Would enclose 40 Birdwood Road and 2 Gray Road
- Will remove parking from site which will increase on street parking demand and endanger cyclists; junction with Birdwood Road is already dangerous

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. Planning Obligations (s106 Agreement)
8. Third party representations

### **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 former garden land of 40 Birdwood Road. Whilst not in active residential use by these occupants, the lack of a planning permission for its alternative use means that 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**

8.5 The area has a mixed character as described in paragraph 1.2. Both representations express concerns that the proposed building would be out of character. Whilst I note that all of the

surrounding properties are two storey, I consider there to be a variety of different properties types in the area. The three detached properties at the opposite side of the road, at 1, 1A and 3 Gray Road, are all different in terms of design and proportions. As a result I do not consider that this proposal would negatively impact on the streetscene.

- 8.6 The proposal incorporates three elements. The longest element to the north accommodates both bedrooms. This element sits furthest forward in the plot with a lean to roof. The middle element includes the entrance way and WC. This would appear as a linking element between the two longer pitched roof elements. The southern element incorporates the kitchen/living room. This is shorter than the bedroom element and set further back from both the rear boundary wall and footway to the front.
- 8.7 Whilst the proposal would sit closer to the street than the adjacent semi-detached properties at 2 and 4 Gray Road, given its design, broken into different elements and low height, on balance, I do not consider it would appear dominant. Planting is proposed to the front of the property. This would act as a buffer as well as providing some defensible space around the long window to bedroom 1. A condition is recommended requiring details of hard and soft landscaping to be approved prior to commencement of work.
- 8.8 The Sustainable Drainage Engineer has raised concerns regarding surface water flooding. This issue has also been raised by one of the representations. Following discussions with the applicant the Sustainable Drainage Engineer is satisfied that details of surface water drainage can be agreed via condition.
- 8.9 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

- 8.10 The height of the proposal has been significantly reduced since the previous submission. The western side of the building incorporates the wall of bedroom 2 close to the boundary with 38 Birdwood Road for a length of 4.3m. The bathroom and

kitchen elements are set off the boundary by 1.9m and 1.6m respectively. The proposal would have a low height of 3.6m and would be broken down into three elements, as discussed in paragraph 8.6. As a result I consider it would not appear unduly dominant from the garden area of No.38 Birdwood Road.

- 8.11 There would be a distance of just over 6m between the proposed new dwelling and the host property at 40 Birdwood Road. The roof of the new dwelling would slope away from the boundary with the height at the boundary dropping down to 2.4m. As a result, I do not consider the proposal would result in any significant overshadowing or enclosure to the rear garden of No.40.
- 8.12 The dwelling would be set away from the common boundary with no. 2 Gray Road by 3.8m. There are no windows in the side elevation of no. 2 that would be impacted by the development. Whilst the roof of the proposal does slope upward towards this boundary given the set away and lack of windows I do not consider it would have any impact in terms of enclosure or overshadowing.
- 8.13 There are no windows proposed to the north elevation and as a result there will be no overlooking of the garden at No. 40. The one window on the rear elevation serves a bathroom and a condition is recommended to ensure that this would be obscure glazed. There are glazed sliding doors facing towards the side of No.2 Gray Road. These will face the flank wall and as noted above there are no windows in this side elevation immediately facing the site.
- 8.14 The Environmental Health Officer has not raised any concerns regarding the proposal. Two conditions are recommended relating to piling and construction hours. Subject to the imposition of these conditions I do not consider the proposal would have any significant adverse impact on the amenity of the surrounding occupiers.
- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.



## Amenity for future occupiers of the site

- 8.16 The proposal would accommodate two bedrooms. Bedroom 1 is in close proximity to the public footway but some low level planting is proposed which will provide some defensible space to serve this room. The proposal would provide 42sqm of usable outdoor amenity space. This sits to the southern side of the property. The area to the south of the building is rectangular in shape, measuring 3.8m x 7.8m and would be the main amenity space. This would be partly flanked by the two storey gable wall of No. 2 Gray Road but as there are no upper floor windows on this wall there would be no overlooking issues. This space would also be screened from view from the street by the bike and bin stores. Although the outdoor amenity space is smaller than many of the surrounding properties and would be partly enclosed I consider it to be adequate.
- 8.17 Approx. 56sqm of outdoor amenity space would be retained by the property at 40 Birdwood Road. I consider this to be acceptable.
- 8.18 In my opinion 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**

- 8.19 A covered bin store is proposed to the front of the property. This would provide sufficient space for 3 bins. Whilst the Refuse and Recycling Officer has not commented on the proposal, I consider this arrangement would be acceptable.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.21 The Highway Engineer does not consider the proposal would have a significant adverse impact upon highway safety. A condition is recommended requiring the applicant to return the vehicle crossover to footway. I consider this to be acceptable.

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

### **Car and Cycle Parking**

8.23 The application does not propose any off-street parking. The Highway Engineer notes that this may increase demand for on-street parking in the surrounding streets. Given the sustainable location of the site, within close proximity of cycling and public transport infrastructure, I consider the lack of parking to be acceptable.

8.24 Both representations raise concerns regarding parking. They note that the site is currently used for car parking for tenants of the HMO at 40 Birdwood Road. I can find no application for change of use relating to No.40 so it would appear to operate as a small HMO i.e. housing not more than 6 individuals which would not itself require planning permission. Whilst the proposal does remove one garage to the rear, one car parking space is retained to the front of no.40. In my view, given the sustainable location, this is an adequate car parking provision.

8.25 A covered secure cycle store is to be provided to the front of the property. In my view this would be adequate to accommodate the required 2 cycle parking spaces.

8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 8/6 and 8/10.

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

8.27 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.

8.28 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.

### **Third Party Representations**

8.29 I have addressed the third party representations within the body of my report.

## **9.0 CONCLUSION**

9.1 The proposed new dwelling is considered acceptable in design terms. I have some reservations concerning the projection of the scheme towards the road but on balance I do not consider significant harm would arise given the mixed character of the area. The proposal would not adversely impact on the amenity of the surrounding occupiers in terms of overshadowing, enclosure or overlooking. Whilst no car parking is to be provided and a garage is to be removed, I do not consider this would have an unacceptable impact in terms of demand for on-street parking given the sustainable location of the site. The Sustainable Drainage Engineer recommends a condition is imposed regarding surface water drainage. In my view, the proposal would provide an acceptable living environment for future occupiers of the site.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

3. No development shall take place until details 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, 3/11 and 3/12)

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

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

5. Prior to the occupation of the dwelling, the redundant vehicle crossover of the footway on Gray Road must be returned to normal footway.

Reason: for the safe and efficient operation of the public highway in accordance with policy 8/2 of the Cambridge Local Plan (2006)

6. 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)

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. 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)

**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:** 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.

<b>Application Number</b>	16/1695/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd September 2016	<b>Officer</b>	Nathan Makwana
<b>Target Date</b>	18th November 2016		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	8A Babraham Road Cambridge Cambridgeshire CB2 0RA		
<b>Proposal</b>	Part two-storey, part single-storey rear/side extension and single-storey side extension.		
<b>Applicant</b>	Mr Rajan 8a Babraham Road Cambridge CB2 0RA		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would not harm the character or appearance of the area.</li> <li>- The proposal would not unacceptably harm the amenities of occupiers of neighbouring properties.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

- 1.1 The application site, no 8A Babraham road is a two-storey semi-detached residential property situated on the north-western side of Babraham Road. The property is in possession of a large driveway at the front providing off-road parking, a large garden to the rear and a small single storey rear extension. The surrounding area is residential in character and is formed primarily of similar sized semi-detached properties and larger detached properties on either side of Babraham Road.
- 1.2 The application site is not within a conservation area nor is it a listed building (or building of local interest). There are no tree preservation orders on the application site and it does not fall within a controlled parking zone.

## 2.0 THE PROPOSAL

- 2.1 The proposal seeks full planning permission for a two storey and part single storey rear and side extension along with an additional single storey side extension.
- 2.2 The current front, rear and side elevations of the property consist of brickwork with soldier-course detailing and a clay pantile roof. The proposed rear extension extends at differing points on each floor level. On the ground floor, the rear extension extends 1.7m along the boundary that is adjacent with no 8 Babraham Road. At the end of this 1.7m extension, it then angles southwards 4.3m at 45 degrees away from the adjacent boundary. It then extends 0.9m south-east to join with an existing ground floor extension which is 4.8m in depth from the existing rear elevation. It is approximately 3m in height to its flat roof. There is no first floor extension to this element of the rear extension; instead, it contains a sedum/wild flower roof and a slot roof light. To accommodate this 1.7m extension, a small portion of an existing hedge is to be removed. After this 1.7m section, the existing hedge is to be retained with pruning on the side of 8A Babraham Road.
- 2.3 The first floor element of the proposed rear extension also extends 4.8m in depth from the rear elevation. It runs adjacent to the sedum/wild flower roof garden and is approximately 5.4m in width, covering the existing ground floor extension. Finally, the roof of the proposed first floor element of the rear extension incorporates a semi-hipped form with an open gabled end. The proposed eaves for this roof would stand at 5.3m, bringing it in line with the eaves height of the existing roof. It would have a ridge height of 8m. This element of the extension will remain subservient to the main ridge of the existing dwellinghouse roof measuring at approximately 8.5m.
- 2.4 The proposed porch/side extension would provide a new front entrance to the dwellinghouse. This element measures at 1.1m in width and 3.3m in length. It would also be approx. 3m in height and contain a sedum/wild flower roof. It is also to include a full height window using composite materials. All of the ground floor walls of the proposal are to be white render with the first floor constructed of diagonal larch/cedar cladding with open joint detailing. The roof is to be constructed of standing seam zinc. The window on the 45 degree element is to comprise of



opaque glass blocks. Adjacent to these would be a low-level planted bed with a bench. The rear ground floor element of the extension into the main house is to include new sliding doors leading onto a raised terrace measuring 0.3m in height, which is the same measurement that is allowed under permitted development.

- 2.5 The 1.7m extension adjacent to the boundary will not have any side windows facing 8 Babraham Road, there will be a small angled roof light (along with 2 other rooflights on each roof slope). There is also to be a composite window for bedroom no 2 that faces the rear garden. Bedroom 3 (that is the modified bedroom on the east elevation) is to incorporate a new wider window matching an existing one on the south east side elevation. On the east elevation of the property, there are two existing side windows; these are to be replaced, with one being made 0.5m wider and the other replaced like for like (using the composite theme that is used throughout this application). An existing carport, located at the front of the property, along with old storage sheds are to be removed to facilitate room for the proposed side extension/porch and additional parking space. Furthermore, an existing left hand chimney stack is also to be removed.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/82/0698	Erection of car-port.	Permitted
C/71/0330	Extension to existing house.	Approved subject to conditions.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 4/13

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
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 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.
- 6.2 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The proposal has been called in for determination at Planning Committee by Councillor Page-Croft on the grounds that light will be lost to a window located at the south side of 8a Babraham Road facing the proposed extension. Councillor Page-Croft is also concerned that a hedge will be destroyed, there are errors within the plans and that a light survey should accompany the application so that any overshadowing impact that may occur as a result of this application proposal can be assessed.

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

8 Babraham Road

- 7.3 The representations can be summarised as follows:

1. There will be a significant loss of light from the proposed ground and first floor extensions. This will have an impact on the residential amenity of the main living area (lounge and sunroom/dayroom) and the immediate patio and rear garden area.
2. The proximity of the proposed ground floor extension, right up to the boundary with No. 8 will lead to a sense of

enclosure, loss of privacy and removal of the boundary hedge.

3. The Design and Access Statement contains inaccuracies and omissions, as do the application drawings.
4. The application fails to comply with policies contained within the Cambridge Local Plan (2006): Respond to Context, Policy 3/4 (not drawn inspiration from key characteristics of the surroundings and Extending Buildings, Policy 3/1 (by causing unreasonable overshadowing and visually dominating).

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 the main issues to be:

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 dwelling is set well back from Babraham Road. The proposal involves additions to rear of the dwelling and a small side porch. As such the proposal will not be readily visible within the public domain and will not in my opinion result in any adverse visual impact on the street scene.

8.3 Concerns have been raised from third parties regarding the height, character and design of the proposed extension, both the 45 degree diagonal single storey element and the further rear two storey element. The 45 degree diagonal element measures 3m high and is consistent with what is allowed under permitted development. The existing eaves and ridge height of the main dwellinghouse measure at 5.3m and 8.5m respectively. In comparison, the ridge and eaves height of the proposed rear extension measure at 5.3m and 8m respectively. As such, I consider that the proposed rear extension will remain subservient to the existing dwellinghouse. The plans indicate

that a small element measuring approximately 0.6m will extend beyond the south elevation of the dwellinghouse. A similar amount of the roofline measuring approximately 0.5m will also extend beyond that of the original roofline on the south elevation. Whilst this will be partially visible from the street scene it will be set well back and I do not consider it will result in any detrimental impact on the street scene.

- 8.4 Alongside these minor extensions on the south elevation, also visible on the east elevation is the proposed flat roofed side extension/porch. The plans indicate that there will be some visibility on the streetscene. As referenced above, the amounts are marginal. Furthermore, the distance from the porch /side extension to the public footway on Babraham Road measures at approximately 20m. 8A Babraham Road, like all properties along this section of Babraham road (as illustrated above) are set back and remain a significant distance away from the streetscene. Therefore, whilst a small amount may be visible, factoring in the significant distance from the furthest most point of the extension to the public highway, I do not believe this to be at all detrimental to the character or appearance to the street scene of Babraham Road.
- 8.5 In terms of materials to be used for the proposed rear extension, I also do not consider these to be detrimental to the character of the area. The utilisation of zinc coping/seam for the roof, the open cedar cladding and white render for the walls adds a contemporary design for the proposed rear extension. Also, as stated above, given that this extension is to the rear of the property and only fractional amounts maybe visible from the public domain I do not consider the proposed use of materials or design to have a significant impact on the character and visual quality of the area. Furthermore, the properties in this part of Babraham Road do not fall within a conservation area, and there is no particular uniform character in terms of styles, building forms, appearance, colour and materials. Properties along this section of Babraham Road have a variety of roof types (pitched and flat), roof dormers, brick walls and rendered walls.
- 8.6 There are other rear two-storey extensions in the surrounding area that vary in terms of style, mass, scale and design. I consider this proposal to modest in comparison to what already exists. .

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 The main consideration is the impact on the amenity of the occupiers of the two adjacent dwellings, Nos. 8 and 10 Babraham Road. For the reasons given below I do not consider the proposal will have an unacceptably detrimental impact.

#### Overshadowing/loss of light

- 8.9 A key concern raised by the neighbours at No. 8 Babraham Road is that there will be a significant loss of light/overshadowing resulting from both the ground floor and first floor elements of the proposal. Of particular concern is the impact on a west facing ground floor window serving a lounge (window 1) and a south facing ground floor window serving a sunroom/dayroom (window 2). Concern is also expressed regarding the loss of light to the rear garden.
- 8.10 The neighbours state that the sunroom/dayroom is served by additional west facing windows but they note the shading effect of large mature protected trees within the garden which necessitate regular maintenance and pollarding to ensure that the sunroom/dayroom is not unduly overshadowed. They feel the south facing window (window 2) to be more significant in relation to light gain into this room.
- 8.11 In response to these concerns, and at the request of Councillor Page-Croft, the applicants were required to carry out a daylight/sunlight assessment. The assessment and its conclusions are detailed later in the report.
- 8.12 In addition to the concerns regarding loss of light, the occupiers of No. 8 were concerned that the plans submitted contained inaccuracies, in particular regarding the size and positioning of windows shown in their property. Whilst it is not a validation requirement to show windows in adjacent properties the applicants were nevertheless invited to consider the stated

errors and address them. The following details the subsequent amendments made:

- Drawing 1075/PO1 (Proposed Floor Plans) became 1075/PO1 REV A – this previously did not include the ground floor south facing window of Number 8. This has now been included. It also shows the accurate positioning of a hedge that was shown to be more on the boundary of Number 8, the bulk of it however is located on the boundary of 8A Babraham Road. It shows an amount of hedge that is to be removed and it also labels the west facing window on the ground floor.
- Drawing 1075/S02 (Existing Ground and First Floor Plan) became 1075/S02A. The revision depicts the labelling of the above windows and also the hedge positioning as above.
- Drawing 1075/S04 (Existing Elevations) became 1075/S04 REV A, this depicts the hedge being on the correct side, a dotted line showing a more accurate portrayal of the ground floor west facing window longer than had been previously drawn and a dotted outline portraying the location of the south facing window.
- Drawing 1075/P02 (Proposed Elevations) became 1075/P02A, this also matches the above by displaying both the south and west facing ground floor windows. It also includes both the 25 Degree rule of thumb test and the 45 Degree rule of thumb test. It shows the accurate portrayal of the ground floor west facing window adjacent to the proposed extension passing the 45 degree test as per the BRE guidelines. It does however depict the south facing window failing the 25 degree rule of thumb test when measuring overshadowing/loss of light. This has been raised in new correspondence received by the applicant which I will refer to later in this section.
- Drawing 1075/S01 (OS Map and Site Plan) became 1075/S01 REV A. The OS Map and Site plan depicts the hedge in the correct positioning, that it falls more within the boundary of 8A Babraham Road

8.13 The applicants commissioned *Right of Light Consulting* to undertake the daylight/sunlight assessment. A number of recognised tests, in accordance with Building Research Establishment assessment criteria, were applied. These consider Vertical Sky Component (VSC), Daylight Distribution (No Sky Line) and Average Probable Sunlight Hours (APSH).

The assessment looked at the impact of the proposal on rooms served by 12 windows in the rear of No. 8 and on its garden. It included the impact on windows 1 and 2, referred to above.

- 8.14 The assessment concluded that the impact of the proposal on No. 8 Babraham Road is acceptable. A detailed officer consideration of the assessment is attached as an appendix to this report.
- 8.15 The occupiers of No. 8 raised additional concerns that the assessment was based on inaccurate data as they felt that inaccuracies remained in the amended plans. They commissioned *Cambridge Architectural Research* to review the assessment. The review concluded that the centre point of window 2 is shown incorrectly at 2m on the submitted plans, when in reality it is 1.68m and that this lower centre point increases the effects of the proposal slightly such that window 2 fails the VSC component of the tests.
- 8.16 This point is accepted, however, failure of the VSC test alone does not mean that the proposal is unacceptable. This is one test and one factor in the overall assessment. In order for the proposal to fail it must also fail other parts of the assessment. It is worth noting that even taking the centre window height for window 2 at 2m the proposal marginally failed the VSC test. As stated above, a detailed consideration of the initial assessment and the applicant's submitted review is attached as an appendix to the report. In it I conclude that the proposal passes the relevant BRE tests and that I am satisfied that even taking into account the neighbour's commissioned review and its revised data that the proposal meets the tests.
- 8.17 In relation to window 1, the assessment concludes that there will not be an unacceptable loss of light to the lounge. It is worth noting that the applicants have designed the single storey extension so that it only extends 1.7m along the boundary with No. 8 and then angles away at 45 degrees so as to pass the 45 degree rule in relation to this window. An extension under permitted development could be erected along this boundary with a wall 3m in length and of a similar height. As such I consider that this element of the proposal would have less impact on this window than an extension that could be erected under permitted development.



- 8.18 In relation to window 2, again the assessment concludes that there will not be an unacceptable loss of light to the sunroom/dayroom. It is worth noting that this is an open plan room that is lit by 5 separate windows including directly by 2 large windows in the west elevation that are considerably larger than window 2.
- 8.19 In my opinion, there will be no material loss of light to the sunroom/dayroom or the lounge of No. 8 Babraham Road or to any other rooms or the garden area of this dwelling. I consider the proposal has been shown through the submitted daylight/sunlight assessment to have an acceptable impact even taking into account the neighbour's highlighted discrepancies. I therefore conclude that the proposal will not result in an unacceptable loss of light to either habitable rooms or to the garden area of No. 8 Babraham Road.

#### Overlooking/loss of privacy

- 8.20 In terms of potential overlooking/loss of privacy impact, I believe the two areas that have the most likely potential to cause this would be the 45 degree angled section of the ground floor extension which is made of obscure glass blocks and the second storey element on the proposed first floor extension. I do not consider the ground floor sliding windows nor the front porch/side extension to cause any issues regarding overlooking/loss of privacy due to their ground floor positioning and front south elevation positioning respectively.
- 8.21 Firstly, it should be noted that the proposal seeks to retain the hedge where the 1.7m wall extension ends and then angles at 45 degrees. On this 45 degree angle, to allow additional light into this room, the applicants are proposing to use opaque sand blasted glass blocks. This will allow additional light into the room but will remove any potential for loss of privacy. Furthermore, this element is to be located behind a shared hedgerow between Nos. 8 and 8A Babraham Road.
- 8.22 The first floor element of the proposal will have a new composite window, this will be the new window for the expanded bedroom (referred to as bedroom 2 in the plans). This element of the extension is set back approximately 3.2m from the rear shared boundary of both properties. Therefore, as it is not against the boundary, I do not consider there to be any

immediate direct overlooking. As a point of comparison, the rear extension of 8 Babraham Road extends 3.5m compared with approximately 4.6m with the proposed extension at 8A Babraham Road (the set-back first floor element). I do not believe that this additional length in extension will cause any detrimental impact in terms of overlooking or loss of privacy. Consultee comments from 8 Babraham Road have stated that their main outside garden amenity area is a patio area immediately outside their sunroom/dayroom. Again, this area is already overlooked from the rear of 8A Babraham Road due to the existing bedroom windows on the first floor and I do not consider that the new window and depth from the first floor extension will cause any significant overlooking/loss of privacy impact nor do I consider it to exacerbate what is currently experienced.

8.23 On the South elevation there is also a proposal to create a slightly larger window for the existing bedroom 2. The window is approximately 0.5m in width and the proposal will add an additional 0.5m element to the side elevation. This does face the property, No. 10 Babraham Road. However, the two elevations are approximately 15m away and they already have side facing windows looking onto each other. I do not believe that an extension of an existing side facing window by 0.5m will cause any issues regarding overlooking or loss of privacy. As mentioned, both elevations have windows facing each other, in my opinion the addition of the extra window will not alter what is currently experienced.

8.24 In my opinion I do not consider the proposed extension to cause any detrimental or significant impact in terms of overlooking/loss of privacy on either No. 8 Babraham Road or No. 10 Babraham Road.

#### Enclosure/loss of outlook

8.25 The occupiers of No. 8 Babraham Road have stated that the proximity of the ground floor element of the proposal will lead to a sense of enclosure. This element is to extend 1.7m in depth along the adjacent boundary with No. 8 and then angle away at 45 degrees. It would be approximately 3.2m in height. There is also to be a 0.3m raised platform outside of the proposed extension.

- 8.26 As stated above, under permitted development the applicant would be able to extend beyond the rear wall of their original dwellinghouse by up to 3m with an eaves height of up to 3m. The proposal is by contrast 1.7m and 3.2m respectively. There is also no first floor element that is being built right on the boundary. The use of white render as a material has been factored in to mitigate any sense of enclosure compared with that of using existing brick, which can reinforce any sense of enclosure. With reference to the two-storey element, it is set back 3.2m from the shared boundary; its eaves are in line with that of the existing dwellinghouse and the ridge remains subservient to that of the existing dwellinghouse.
- 8.27 Considering the set in of the proposed first floor extension, its subservience to the main roof ridge, the 45 degree angle of the ground floor extension and the dimensions that could be constructed under permitted development, I believe that whilst there may be some sense of enclosure and loss of outlook, I consider this impact is not unacceptable and the proposal would not therefore lead to an unacceptable degree of harm to amenity in this regard.

#### Hedge

- 8.28 At present there is a hedge along the boundary with No. 8 and No. 8a. The hedge is rather compact and it acts as a natural barrier between both of the properties. As stated above in the report, a small section of the hedge (1.7m) will be removed to allow for the side wall of the proposed ground floor element of the rear extension. The remaining hedge along the shared boundary will remain. Significant consultation documentation has been received from the residents of No. 8 Babraham Road regarding the impact of the proposal on this hedge.
- 8.29 Much of the objection outlines issues with hedge maintenance, visual amenity, its acting as a natural barrier, disputes over hedge height between both neighbours and the proposed proximity of new build on the boundary with No. 8 Babraham Road. Having been on site and having considered the arguments and reasons put forward I acknowledge that the hedge possesses significant value to the occupiers of No. 8 and it plays an important part in the enjoyment of their garden.

8.30 However, I have assessed the proposal from both sides of the boundary and I consider the removal of the section of the hedge to allow the 1.7m wall to be put in place to be acceptable and not to have a detrimental impact on residential amenity or on the visual quality of the area. The hedge is not protected and its removal does not constitute development. Furthermore, under permitted development, as detailed above, more of the hedge could be removed subject to any disputes regarding hedge boundaries, positioning, ownership, maintenance which are all civil matters that require resolution outside of the planning system.

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

### **Third Party Representations**

8.32 Additional third party representations have been addressed in the table below. I have summarised these and responded to them accordingly. Where matters have already been addressed in the main body of the report I reference the relevant paragraphs.

#### **Hedge**

<b><u>Comment</u></b>	<b><u>Response</u></b>
Confused regarding position of hedge in the proposed drawings. There are inaccuracies in the plans regarding the boundary. It is important for the plans to reflect the boundary, hedge height and positioning.	The application as amended shows the hedge in a slightly different position to that originally submitted in relation to the boundary between Nos 8 and 8a. As stated in paragraph 8.30, the issue of ownership of the hedge is a civil matter and in this regard its precise location is not material to the consideration of the planning application.
Hedge boundary height is currently under dispute, as joint owners reluctant to	See paragraphs 8.28 – 8.31

reduce hedge height.	
Hedge has been maintained by 8 Babraham Road for 24 years (with permission of previous owner of 8A). They have blocked maintenance and demanded height of 3m.	See paragraphs 8.28 – 8.31
The proposed development will also have an adverse effect on the viability of what remains on the mutual hedge and will impact a natural boundary/use of habitat by birds.	See paragraphs 8.28 – 8.31
Topographical plans showing the hedge have been amended and changed. Drawings that were submitted and revised are compromised and cannot be used as the basis for a planning application.	The plans submitted with the application contain sufficient information to enable the application to be determined. The precise location of the hedge along the boundary is not a material planning consideration.

### **Design and Access Statement Issues**

<b><u>Comment</u></b>	<b><u>Response</u></b>
Under the layout section there is an inaccurate sentence comparing the extension of 8 Babraham Road and the proposed application at 8A Babraham Road.	This is not a material factor in considering the merits of the proposal.
The proposed extension does not take reference to the original house and is therefore not responsive nor in keeping with a planning application at 8 Babraham Road.	This is not a material factor in considering the merits of the proposal.
A statement in Design and Access Statement that the application proposal is proportionate and sympathetic to the existing building and neighbouring properties is one	This is a subjective opinion expressed by the applicants. Members will consider the design merits of the proposal.

that is contested.	
Specifically the unusual design of the 45 degree wall is out of character, as are the materials and proposed finish.	See paragraphs 8.2 – 8.7.
There is a lack of mirroring and proportion in terms of scale for the proposed application compared to the existing extension at 8 Babraham Road.	See paragraphs 8.2 – 8.7.
Language used regarding the impact, mirroring and dominance of the proposed extensions are contradictory.	This is not material to the consideration of the proposal.

**Inaccuracies still present in drawings**

<b><u>Comment</u></b>	<b><u>Response</u></b>
The Daylight/Sunlight assessment was conducted without a surveyor entering our property.	See paragraphs 8.9 – 8.19 and attached appendix.
The South facing window termed “Window #2” and “secondary” by RoLC is not a secondary window. It is in fact a main source of light.	Window 2 is a small window that is one of several that light the room. In this regard it is considered ‘secondary’. The detailed impact of the proposal on this window and the sunroom/dayroom is contained within paragraphs 8.9 – 8.19 and in the attached appendix.

**Further representations received**

The following is a summary of additional representations received from the occupiers of No. 8 Babraham road in response to a further letter received by the applicants’ agent. Only representations raising new issues are included.

<b>Comment</b>	<b>Response</b>
The kaleidoscope of different colours in the materials proposed is not in keeping with or with reference to the original building. It contradicts policy 3/14, Section A of the Cambridge Local Plan 2016.	See paragraphs 8.2 – 8.7.
No 8 propose that the applicants build the extension away from the boundary, 2m, so that it mirrors no 8, 2.65m away, allow right to light, change the use of materials and is sympathetic to existing. The applicants can modify their proposal. There is alternative space within the plot to design an extension suitable for their space requirements.	The Local Planning Authority must consider the planning application submitted. If the proposal is considered to comply with the development plan it should be approved. Whilst alternative proposals may result in less impact, refusal of planning permission for this reason is not justified.
There have been wrong assertions regarding hedge height. No 8 state they have the right to have the height maintained at 2m under Part 8 of the Anti-Social Behaviour Act.	This is a civil matter between the neighbours that falls outside of planning consideration.

## **9.0 CONCLUSION**

- 9.1 I consider this proposal to be of a contemporary and complementary design to the existing dwelling and to be in keeping with the character of the area. It is set well back from the street and will not be readily visible within the street scene. I consider the impact on the residential amenity of occupiers of both adjacent properties to be acceptable. As such I consider the proposal complies with Cambridge Local Plan 2006 policies 3/1, 3/4, 3/7, 3/11 and 3/14.

## 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)



## **Appendix 1: Officer Assessment of Agent and Objector Daylight and Sunlight Assessments**

### **Agent Daylight and Sunlight Assessment Summary**

The daylight and sunlight assessment (produced by Right of Light Consulting dated 3<sup>rd</sup> November 2016) assesses the Vertical Sky Component (VSC), Daylight Distribution (No Sky Line) and Average Probable Sunlight Hours (APSH) for 12 windows in No. Babraham Road in accordance with BRE assessment criteria (Site Planning for Daylight and Sunlight a Guide to Good Practice, 2<sup>nd</sup> Edition 2011)

All of the windows assessed, except for Window 2 (secondary window to the sunroom/dayroom) meet the BRE recommendations for VSC and Daylight Distribution (no sky line) by virtue of retaining 0.8 times their current value. Window 2 receives 0.79 of the current VSC value but achieves a before/after ratio of 1 (i.e. no loss) for the Daylight distribution (no sky line) test. The window receives less than the minimum 27% VSC in the existing (22.8%) and with the development in place (18.1%). The reduction in diffused daylight is acceptable given the room will be lit by secondary windows (windows 3 and 10), furthermore the daylight distribution test reveals the daylight distribution (no sky line) will be unchanged within the room.

The BRE guidance note (paragraph 3.2.11) lists three detailed criteria used to assess the sunlight impacts to existing windows. The ROLC daylight and sunlight assessment (appendix 2) shows that of the windows assessed, windows 1 and 2 would fail one of the assessment criteria for total sunlight hours, but fail two tests for the winter sunlight hours test. However, all windows exceed the minimum recommended APSH both for the whole year and for winter months (achieving more than 25% of APSH for the year and 5% APSH for winter) after the proposal is in place. The BRE overshadowing to gardens and amenity spaces test provided for the rear garden of No. 8 Babraham Road shows that the area of garden receiving at least two hours of sunlight on the 21<sup>st</sup> March (98% of the garden) will be unchanged as a result of the proposal. The impact on the garden is therefore in accordance with BRE recommendations.

### **Objector Daylight and Sunlight Assessment Summary**

Cambridge Architectural Research (CAR), acting on behalf of the occupiers of the neighbouring dwelling 8 Babraham Road has submitted a review of the daylight and sunlight assessment produced by ROLC. The review report highlights that the center point of window 2 is shown incorrectly at 2m, when in reality it is 1.68m. The lower center point increases the effects of the proposal slightly and results in a VSC reduction of 22% to 15% (0.71 compared to 0.79). The CAR study therefore shows that window 2 fails the VSC criteria (receiving less than 0.8 times the former value).

### **Officer Conclusion**

The BRE guidance note (para 1.6) states that '...the advice given here is not mandatory and the guide should be seen as an instrument of planning policy; its main aim is to help rather than constrain designers. Although it gives numerical

guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'.

The loss of daylight and sunlight to the sunroom/dayroom area in No. 8 Babraham Road is considered acceptable; this room is arranged as an open plan room and is lit by 5 separate windows (windows 2, 3, 4, 5, 6). Whilst window 2 fails the BRE assessment for VSC and ASPH with either the assessment criteria or the CAR review, the other 4 windows (windows 3, 4 and 5) are all in excess of the minimum BRE requirements. The level of daylight within this room is therefore unlikely to be affected by the proposal and this is evidenced in the daylight distribution test (appendix 2) of the ROLC assessment which shows no loss of daylight distribution across the room with the proposed development in place.

<b>Application Number</b>	16/1457/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th August 2016	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	29th September 2016		
<b>Ward</b>	West Chesterton		
<b>Site</b>	125 Milton Road Cambridge Cambridgeshire CB4 1XE		
<b>Proposal Applicant</b>	Redevelopment of vacant site to provide two flats Mr Philip Muir 78 Riverside Place Cambridge CB5 8JF		

<b>SUMMARY</b>	<p>The development fails to accord with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposal would fail to provide an acceptable level of amenity for future occupants.</p> <p style="padding-left: 40px;">The proposal would have an unacceptable overbearing and overshadowing impact on neighbouring residential units.</p> <p style="padding-left: 40px;">The proposal has failed to demonstrate adequate provision of bin and bike storage.</p>
<b>RECOMMENDATION</b>	<b>REFUSAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site consists of land to the rear of No. 125 Milton Road. The proposed site access would be from the shared access known as 'Pye Alley'. During the course of the application, the site boundary was amended to include the shared access to the public highway.
  
- 1.2 No. 125 is part of the parade of shops along this part of Milton Road. The ground floor is used as a hairdressing salon and the first floor consists of two flats. The area at the rear of the

property is open to the Pye Alley frontage. There is a hedge and trees along the boundary with No. 123 to the west.

- 1.3 The site is within the local centre along this part of Milton Road, which is characterised by commercial uses on the ground floor and residential uses above. The area at the rear of Milton Road properties includes garages, storage sheds and other small-scale outbuildings opening onto Pye Alley.
- 1.4 To the east of the site there is development under construction at the rear of No. 127 Milton Road. Planning permission was granted on appeal for the erection of a two storey building comprising four flats, with associated car parking, amenity space, bin and bike stores (APP/Q0505/A/14/2227129). I have referred to this appeal decision where relevant in this report.
- 1.5 The site is not within the Conservation Area. No. 125 is not a Listed Building and is not a Building of Local Interest. The site is outside the controlled parking zone. There are no tree preservation orders on the site. Pye Alley is a private road and is not adopted Public Highway. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a two storey building to provide two flats, with associated landscaping and bin stores. The units would be 1-bed and would be arranged with one unit on the ground floor and the other unit above, each with their own entrance.
- 2.2 The proposed building would have a pitched roof, with a gable on the northern end and a hipped roof on the southern end facing towards No. 125. There would be a first floor balcony and windows on the northern elevation. The materials would be buff brick and slate tile roof.
- 2.3 The building would be located centrally within the site and provides two car parking spaces. No details have been submitted about bin and cycle storage, although a 'service area fence' is shown indicating space that may be available.
- 2.4 During the course of the application, a revised site location plan was submitted which included the access via Pye Alley to the public highway within the red line of the application site. The

ownership certificates were updated to confirm the applicant has served notice on the owners of this access ('Mulberry Close Residents Society'). These were subject to public consultation.

2.5 The application is accompanied by the following supporting information:

1. Planning and Design Statement
2. Tree Survey and Tree Protection Plan
3. Drawings

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/04/0860	Conversion of existing first floor flat into 2 no. 1 bed flats and a single storey rear extension to shop.	Approved subject to conditions
07/0040/FUL	Installation of a dropped kerb.	Approved subject to conditions

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1, 3/4, 3/7, 3/10, 3/11, 3/12 4/4, 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 (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 Control)**

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

### **6.2 Landscape Officer**

Objection.

The Landscape Team considers the proposed development unacceptable from a landscape and amenity perspective, contrary to Policy 3/11 of the Local Plan 2006.

The size and quality of the amenity spaces are unacceptable for the following reasons:

- The ground floor amenity space is small, an awkward shape and has no relationship with the proposed living space. Furthermore it will be heavily overlooked by both the flat above and the surrounding properties.
- The balcony is not considered deep enough to be functional. Best practice standards state a minimum of 1.5m to accommodate a table and chairs.

- It is questionable whether or not the ground floor amenity space will meet BRE sunlight guidelines (half of amenity space to receive minimum of 2 hours sunlight on 21<sup>st</sup> March)

### **6.3 Sustainable Drainage Engineer**

No objection, subject to recommended condition for surface water drainage scheme.

### **6.4 Environmental Health**

No objection, subject to recommended conditions for construction hours, collection hours, piling, contaminated land and plant/commercial noise assessment and mitigation.

### **6.5 Tree Officer**

Objection.

The proposed new dwelling is located close to a neighbouring tree. It is proposed to construct the new dwelling in a way that minimises root damage and allows the tree's retention. However the tree would need to be pruned to clear all overhanging branches from 125, to allow construction.

A specialised construction that allows root retention is likely to have an impact of internal floor levels, ceiling and potentially ridge heights and it has not been shown that this is acceptable from a planning perspective.

The assessment of the tree as presented by the arboriculturalist is accepted and the tree is not considered to be a reasonable constraint to an otherwise acceptable development. However pruning all overhanging branches will have a material impact on the tree's appearance and health and a more suitable solution to the conflict would be to offer removal and replacement.

In addition to the above I have concerns regarding the amenity space associated with the proposal and the lack of space for replacement/new tree planting.



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

## 7.0 REPRESENTATIONS

7.1 Councillor Sargeant has commented on this application:

- The proposal is contrary to policies 3/11 and 8/2 of the Local Plan 2006.
- The ground floor amenity space is small, an awkward shape and has no relationship with the proposed living space. It will be heavily overlooked by both the flat above and the surrounding properties.
- The balcony is not considered deep enough to be functional.
- It is questionable whether or not the ground floor amenity space will meet BRE sunlight guidelines.
- The vehicular access is by a private track, which is mainly used by pedestrians and cyclists, and is particularly heavily used by school children and further cars. This would have a serious safety impact.

7.2 The Mulberry Close Residents Society has commented on this application:

- The submitted drawings are poor quality.
- The consent granted at No. 127 Milton Road should not be taken as a precedent.
- Overlooking and loss of privacy for Mulberry Close.
- Overshadowing for the residents of the flat above No. 125, the adjoining properties, the amenity spaces at Nos. 123 and 127, and the amenity space for the proposed units.
- The amenity space is unusable and unsuccessful.
- Increase in noise and disturbance affecting Mulberry Close.
- Over-development of the site.
- Standard of living accommodation for future residents.
- Remove car parking, amenity area and bin storage for residents of No. 125A, and displace existing staff car parking to Mulberry Close.
- Unclear whether the proposed car parking spaces would be fit for use and vehicle turning space.
- There is no right of way to the proposed units.

- No notice has been served on Mulberry Close Residents Society as the owners of the access under the appropriate planning process.
- Loss of an important tree.

7.3 The owners/occupiers of the following addresses have made representations **objecting** to the proposed development:

- 33 Mulberry Close
- 34 Mulberry Close
- 35 Mulberry Close
- 36 Mulberry Close
- 40 Mulberry Close
- 53 Mulberry Close
- 115C Milton Road
- 209 Milton Road
- 65 Hurst Park Avenue
- 17 Twickenham Court

7.4 The representations can be summarised as follows:

#### Response to context

- The site is not vacant, as claimed by the applicant, but is part of the garden of the Milton Road property.
- Over-development of the site.

#### Residential amenity

- Overlooking towards Mulberry Close properties.
- Felling and reduction of trees would remove natural screen.
- The floor space would be below housing standards.
- The amenity space would be unusable and the balconies are too small.
- Overshadowing of existing flats above Nos. 123-127.
- Overlooking towards the communal green within Mulberry Close.
- Loss of light to gardens at rear of Milton Road properties.
- Bin storage and collection arrangements unknown.

#### Highways

- Lack of car parking.
- Concern about turning space for cars.

- If parking is not provided, there would be parking on Mulberry Close.
- If parking is provided, there would be increase in the maintenance costs of the shared access.
- No parking should be allowed at the development.
- Concerns about emergency Fire Service access.
- Impact on safety for all users of Pye Alley.
- The shared access is in a poor condition.
- No right of access to the proposed units.
- City Deal initiatives proposed to use Pye Alley for cycle route and the proposal would make this route less attractive to cyclists.
- Cambridge Joint Area Committee considering new yellow-line waiting restrictions and residents parking spaces which will restrict the available spaces for employee parking.

### Other

- Environmental impact from loss of trees and vegetation on biodiversity of the area.
- Mulberry Close is built on an old brick works and have concerns about drainage on clay soils.
- The submitted drawings are poor quality.
- The owners of the shared access have not been notified about the application.

7.5 The owners/occupier of the following addresses have made representations **in support or neutral** to the proposed development:

- 55 The Valley, Comberton (co-owner of 127 Milton Road)
- 123 Milton Road

7.6 The representations can be summarised as follows:

- The proposed development will breathe life into a currently unloved area.
- Neighbours will benefit from an upgrading and this in turn may deter some of the anti social behaviour.
- Re-use of a small brownfield site.
- The owner needs to respect the site boundaries and not encroach on neighbouring properties.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Residential amenity
3. Context of site, design and external spaces
4. Impact on trees
5. Car parking
6. Highway safety
7. Cycle parking
8. Refuse arrangements
9. Third party representations
10. 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'. 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 proposal is for residential development on an unallocated site and therefore Cambridge Local Plan (2006) policy 5/1 applies. This supports residential development on windfall sites subject to the existing land use and the compatibility with adjoining uses. The site is within a mixed use residential and commercial area. While residential use on the site would be acceptable in principle, for the reasons set out in this report, in my opinion the proposed units would not be compatible with the

surrounding area. As such, the proposal fails to comply with policy 5/1.

- 8.4 The applicant has stated that the site is 'vacant' and that it has long been separated from the frontage use, having been 'physically divorced/screened' from the frontage use. When I visited, the site was being used for car parking, bin storage and hanging washing. While there is a timber fence across half of the plot which provides some partial screening, there is access between the front and rear of the site. In my opinion, the site forms part of the same plot as the commercial and residential units at No. 125, as it is physically connected and appears to be used in association with this property. The site may be currently under-used as part of the curtilage, however this does not make it a 'vacant' site.
- 8.5 Cambridge Local Plan (2006) policy 3/10 for the sub-division of existing plots therefore applies. This supports residential development within the garden area or curtilage of existing properties unless 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 disturbance;
  - 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.
- 8.6 I have assessed the application against these criteria. The proposal would not affect any heritage assets and would not prejudice the comprehensive development of the wider area, so criteria c and f are met. For the reasons set out in this report, in

my opinion the proposal fails to meet criteria a, b, c and e of policy 3/10.

- 8.7 As such, the proposal fails to comply with policies 5/1 and 3/10 and the principle of development is unacceptable.

## **Residential Amenity**

### Amenity of future occupants

- 8.8 I consider that the proposal would not provide an acceptable level of amenity for the future occupants. The living room/kitchen window of the ground floor unit would be directly adjacent to the proposed car park spaces, with resultant disturbance and comings and goings, as well as a poor outlook from the window on the northern elevation. The bedroom window of the ground floor unit would have a poor outlook towards the boundary fence, which may be further compromised by the need for bin and bike storage, which has not been shown on the submitted plans. Moreover, there would be a lack of privacy to the ground floor bedroom window as there is no private or defensible space in front of the window, which would provide no privacy from passer-by accessing the commercial unit at No. 125. This would be worsened if this area needs to be used for bin and bike storage.
- 8.9 The proposal would not provide an acceptable amount and quality of amenity space. The area around the building would be used for car parking to the north; a narrow strip to the south, which would need to be kept clear for access to the rear of No. 125; and a small area to the south. In my opinion, this would not provide an acceptable amount of amenity space. Moreover, the limited amount of external space would have a high degree of enclosure and overshadowing. The quality of the space would be comprised by the need for bin and bike storage, which has not been shown on the plans, and the need to maintain access to the commercial properties for bin storage and collection. This would also result in a lack of privacy for the space with comings and goings to the commercial unit. The Landscape Officer has commented that the balcony on the northern elevation would not be large enough to provide useable amenity space for the first floor unit, and I agree with this assessment.

- 8.10 In my opinion the proposal fails to provide an acceptable level of amenity for future occupants and I consider that it conflicts with part b of policy 3/10, and Cambridge Local Plan (2006) policies 3/4, 3/12 and 4/13.

Impact on amenity of neighbouring occupiers

*No. 125 Milton Road*

- 8.11 While the ground floor of No. 125 is in commercial use, the first floor is residential. The applicant has explained that there are two flats on the first floor: one overlooking the rear of the property and the other overlooking the front of the property. There are large windows on the first floor rear elevation facing towards the application site. There would be approximately 9m between the southern elevation of the proposed building and the nearest window. There are also windows on the rear elevation approximately 11.5m from the southern elevation. While the rooms this windows serves is unknown, these are large windows so it is highly likely they serve habitable rooms where a good standard living environment is generally expected. In my opinion, the proposed two storey building with a hipped roof would have an enclosing and overbearing impact on these windows, which would have unacceptable impact on the residential amenity of the occupiers of this flat. Due to the orientation of the proposed building to the north of these windows, I am not concerned about any overshadowing impact.

*No. 127 Milton Road*

- 8.12 The proposed building would be located to the south of the development under construction at the rear of No. 127. The approved scheme on this site includes four residential units with ground and first floor windows facing towards the application site and amenity space on the southern part of the site. This provides the only amenity space for the four units and therefore the quality of this space is important for the residential amenity of the future occupants. In my opinion, the two storey building with a pitched roof along the boundary would have an overshadowing and overbearing impact on this amenity space, which would have an unacceptable impact on the residential amenity of the future occupants. There are no windows on the northern elevation of the proposed building, so there would be no overlooking.

*No. 123 Milton Road*

- 8.13 Third parties have raised concerns about the impact on the amenity space of No. 123. Due to the set back and the orientation to the north of No. 123, I am not concerned about any overbearing or overshadowing impact. There would be no first floor windows on the side elevation facing towards No. 123 and there would be a low roof to prevent views from the first floor balcony. In my opinion, there would not be any overlooking. As such, I am satisfied there would not be an unacceptable impact on the amenity space of this property.

*Mulberry Close residents*

- 8.14 Third parties have raised concerns about the overbearing, overshadowing and overlooking impact on the Mulberry Close properties which would impact on their residential amenity. The Mulberry Close properties are orientated so that their rear elevations face towards the application site and have rear gardens. Nos. 36-41 are separated from the application site by the single storey garages so that the rear elevations are approximately 30m from the northern elevation of the proposed building. Nos. 30-35 are offset from the application site and the rear elevations are approximately 20m from the northern elevation. While there would be first floor windows and a balcony on the northern elevation facing towards the rear of the Mulberry Close properties, due to the separation distance, in my opinion there would be no unacceptable overlooking towards windows or the rear garden.
- 8.15 In my opinion the proposal fails to respect the residential amenity of its neighbours and the constraints of the site and I consider that it conflicts with part a of policy 3/10, and Cambridge Local Plan (2006) policies 3/4, 3/12, 4/13 and 5/1.

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

- 8.16 The proposal is for a two storey building fronting onto Pye Alley. The general character of the area is for commercial properties on the ground floor fronting Milton Road and residential uses above. These properties are generally open at the rear fronting onto Pye Alley. The Mulberry Close estate to the north is characterized by terraced properties with rear gardens. To the



north of the site are single storey garages associated with the Mulberry Close properties.

- 8.17 The appeal decision at the rear of No. 127 sets a precedent for backland development accessed via Pye Alley. In my opinion, the principle of a building on this site would not be contrary to the character of the area or the pattern of development in the area. The Inspector for the appeal at No. 127 did not find a building in this location to be unacceptable, and I have no reason to come to a different conclusion on the current site.
- 8.18 The proposal would be for a two storey building with a pitched roof, with a gable at the northern end and a hipped roof on the southern end. The elevations would include a balcony on the northern elevation, blind windows on eastern elevation. The materials would be buff brick with a slate tile roof. In my opinion, the scale and design of the two storey building would be similar to the development at No. 127 and would be acceptable in design terms.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12 in this regard.

### **Impact on Trees**

- 8.20 The proposed building would be located close to a neighbouring tree, as shown on the tree survey. The Tree Officer has commented that a specialised construction that allows root retention would be required which is likely to have an impact of internal floor levels, ceiling and potentially ridge heights. This has not been shown on the proposed plans and therefore has not been shown to be acceptable from a planning perspective. The Tree Officer has also commented that the tree would need to be pruned to clear all overhanging branches from 125, to allow construction.
- 8.21 Notwithstanding this, the Tree Officer accepts that the tree is not considered to be a reasonable constraint to an otherwise acceptable development. The Tree Officer has suggested that a more suitable solution to the conflict would be to offer removal and replacement. This tree is not protected and could be felled without permission, however as it is on neighbouring land and not within the application site, the loss of the tree and the planting of a replacement would be outside the applicant's

control. The application must therefore be assessed on the basis that the tree is retained.

- 8.22 In my opinion, as the tree is not protected, I can give limited weight to the harm to the health and amenity of the tree, as the works to the tree within the root protection area and pruning of the canopy could be done without the need for permission. For this reason, in my opinion the proposal does not conflict with Cambridge Local Plan (2006) policy 4/4.

### **Car Parking**

- 8.23 The proposal includes two car parking spaces. This would accord with the adopted car parking standards for the proposed units, however there would be a loss of car parking associated with No. 125 which currently park on the site (as observed on my site visit). Notwithstanding this, the lack of car parking for these units would comply with the maximum car parking standards. The Inspector for the appeal at No. 127 commented that as a result of the highly sustainable location, 'the appeal location would not result in a dependency on the use of the private car' and 'lower levels of private car parking at the appeal site would appropriately encourage modal shift without significant detriment to local highway safety' (para 11). For these reasons, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/10.

- 8.24 Third parties have raised concerns about overspill parking within Mulberry Close impacting on residential amenity. The Inspector for the appeal at No. 127 commented:

*I have no compelling evidence that the appeal proposal would result in displaced car parking to surrounding residential streets, most notably the adjacent Mulberry Close. Whilst there is some unrestricted on-street parking in Mulberry Close I noted that significant parking areas were clearly signed as being restricted for residents only. As such I am not persuaded that the appeal proposal would adversely affect highway safety in Mulberry Close by virtue of increased on-street parking' (para 12).*

- 8.25 The current proposal includes two car parking spaces, which is more than the appeal proposal at No. 125 which was also for more units. I have no reason to come to a different conclusion to the Inspector on the current site.

## **Highway Safety**

- 8.26 The access to the site would be via Pye Alley which is a private road. Third parties have commented that the access would not be suitable and that increased intensity of the use of the access would pose a safety risk for all users. The Inspector for the appeal at No. 127 commented that 'While there is a tight 'L' shaped turn in Pye Alley into the track I am satisfied that it [is] sufficiently wide that it can be safely negotiated by private cars accessed in the appeal proposal without significant conflict with other users of Pye Alley' (para 12). The Highways Authority has not objected to the proposal on highway safety grounds. For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.
- 8.27 In addition, third parties have commented that the applicant has right of access to the proposed units and that the proposal would increase the cost of maintaining the access. These are not relevant planning matters that I can take into consideration, however they are civil matters that the applicant will need to consider, should planning consent be granted.

## **Cycle Parking**

- 8.28 The proposal does not include a cycle store for the proposed residential units. Given the limited space available, I am concerned that a cycle store would further reduce the amount of amenity space and impact on the amenity of the occupiers of the ground floor unit. As such, I am not convinced that this could be dealt with through conditions. Without this information, in my opinion the proposal fails to comply with Cambridge Local Plan (2006) policy 8/6.

## **Refuse and Waste**

- 8.29 The applicant has advised that waste is collected via Pye Alley at the rear of the site. This includes commercial waste from the ground floor uses and the upper floor residential units. The proposal does not include a bin store for the existing residential and commercial units and the proposed units. Given the limited space available, I am concerned that a bin store would further reduce the amount of amenity space and impact on the amenity of the occupiers of the ground floor unit. As such, I am not

convinced that this could be dealt with through conditions. In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policy 4/13.

### Third Party Representations

8.30 The representations regarding the principle of development, response to context, residential amenity and highway have been taken into consideration in the relevant sections above. The other matters are considered as follows:

<b>Comment</b>	<b>Response</b>
Loss of tree will harm the biodiversity of the area.	See paragraphs 8.20 – 8.23.
Mulberry Close is built on an old brick works and have concerns about drainage on clay soils.	The Sustainable Drainage Officer has no objection, subject to a condition for a surface water drainage scheme, and I accept this advice.
The submitted drawings are poor quality.	I am satisfied that the drawings available for public view are an acceptable quality.
The owners of the shared access have not been notified about the application.	I am satisfied that the interests of the owners (Mulberry Close Residents Society) have not been compromised, as I have received representations from them confirming they are aware of the proposal.

## 9.0 CONCLUSION

9.1 In my opinion, while residential development on windfall sites is supported in principle, the current proposal fails to provide an acceptable level of amenity for the future occupants. The scale, proximity and orientation of the building would have an unacceptable impact on the amenity of the units at the rear of No. 127 and the occupants of the residential unit at the rear of the first floor of No. 125. The application has not demonstrated that it would provide adequate bin and bike storage. For these reasons, in my opinion, the proposal fails to comply with development plan policy.

## 10.0 RECOMMENDATION

**REFUSE**, for the following reasons:

1. The proposal, by virtue of the scale, proximity and orientation, would have an overshadowing and overbearing impact on the amenity space of the units at the rear of No. 127; and would have an overbearing impact on the rear windows of the first floor residential unit of No. 125. This would have an unacceptable impact on the residential amenity of the occupants of these units. As such, the proposal would be contrary to policies 3/4, 3/7, 3/10, 3/11 and 3/12 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
2. The proposal fails to provide an acceptable level of amenity for future occupants. The ground floor unit would have an unacceptable level of amenity, due to the poor outlook from the living room/kitchen and bedroom windows; noise and disturbance affecting the living room/kitchen; and a lack of privacy for the bedroom window. The external space would not provide an acceptable amount and quality of amenity space, due to the high degree of enclosure and overshadowing and lack of privacy. As such, the proposal would be contrary to policies 3/4, 3/7, 3/10, 3/11 and 3/12 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
3. The proposal fails to demonstrate that the provision of cycle parking for future occupants would meet the requirements of the guidance within the Cycle Parking Guide for New Residential Developments (2010) as it does not provide a secure and covered enclosure for the storage of bicycles. As such, the proposal would be contrary to policies 3/12 and 8/6 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).

4. The proposal fails to demonstrate that the provision of refuse and recycling storage would meet the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). As such, the proposal would be contrary to policies 3/12 and 4/13 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).

<b>Application Number</b>	16/0624/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	5th April 2016	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	31st May 2016		
<b>Ward</b>	West Chesterton		
<b>Site</b>	10 Milton Road Cambridge Cambridgeshire CB4 1JY		
<b>Proposal</b>	Change of use from A2 to two residential apartments on first and second floor including roof extensions.		
<b>Applicant</b>	Mr G Ritchie Knoll House 10 Riddy Lane Bourn Cambs CB23 2SP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The change of use to C3 (dwelling house) would fall under permitted development, and the proposal is acceptable compared to this fall-back permitted development scenario.</p> <p style="padding-left: 40px;">The roof extension would not significantly harm the street scene.</p> <p style="padding-left: 40px;">The proposal would provide an acceptable level of amenity for future occupants and neighbouring occupiers compared to the fall-back permitted development scenario.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No. 10 Milton Road is a mid-terrace property in mixed use. The property has previously been extended with a three storey element at the rear. The ground and first floors are used as offices and the second floor of the rear extension is in

residential use. This unit is accessed via the entrance off Milton Road, which is shared with the office units. The residential unit has no external amenity space, car parking or bike/bin store.

- 1.2 The property has planning permission granted in 1999 for 'change of use from offices (class B1) to offices and residential use in the alternative on the first and second floors (C/99/1182). This allowed the first and second floors to be changed from B1 (office) use to C3 (dwelling house) use and vice versa without the need for planning permission providing such a change does not take place more than 10 years after the date of this planning permission.
- 1.3 The ground and first floor offices are currently occupied by a solicitors firm. The applicants have described this use as A2 (financial & professional services). The difference between this use and B1 (office) use is that services are provided to visiting members of the public. Some solicitors firms which do not include visiting clients can fall within B1 use, however use for A2 would be in breach of the lawful use for B1 (there is no permitted change of use from B1 to A2 use classes). No enforcement action has been taken against this potential unlawful use as it is unlikely to be in the public interest to do so.
- 1.4 The surrounding area is a mix of commercial units on the ground floor with small offices. The site is not within a Conservation Area. The building is not Listed and is not a building of local interest. The site is within the air quality management area and outside the controlled parking zone. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for change of use of the first and second floors to create two residential apartments, including a rear roof extension. The units would be accessed via the existing main entrance from Milton Road, which is shared with the ground floor which would be retained in office use. There is no amenity space on the site, and the proposal makes no provision for bin or bike storage or car parking.



2.2 During the course of the application, the following amendments were submitted to address concerns of officers and consultees:

- The dormer on the front roof slope was removed;
- The ridge height was raised to match the neighbouring property;
- The fenestration on the rear elevation of the dormer on the rear roof slope was amended to include obscure glazing of the lower part of the window;
- The plant equipment was relocated from the first floor flat roof to the roof of the existing two storey rear extension.

2.3 The application is accompanied by the following supporting information:

1. Acoustic Assessment
2. Drawings

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
11/1102/FUL	Installation of solar panels on flat roof of 2nd floor domestic flat.	Approved subject to condition
C/99/1182	Change of use from offices (class B1) to offices and residential use in the alternative on first and second floors.	Approved subject to conditions

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1, 3/4, 3/7, 3/11, 3/14 4/13 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 (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) 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**

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

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

### 6.2 **Environmental Health**

#### Comments on original submission 03.05.2016

Unacceptable.

There is insufficient information and inadequate assessment of potential noise impacts to allow an informed decision to be reached and it has not been demonstrated that significant or any other adverse noise impacts can be reduced and minimised to an acceptable level.

## Comments on acoustic assessment 30.08.2016

Acceptable.

The revised proposed site plans illustrate that the heat, ventilation and air conditioning (HVAC) units have now been removed from the 1<sup>st</sup> floor flat roof and have been relocated on the main roof. It is important to note that at present, the noise impact of the relocated plant units on the roof has not been assessed. I recommend the plant condition and informative. It is possible that a future plant assessment could recommend an acoustic enclosure to reduce the noise levels. This would have a visual impact and would likely result in a further planning application being submitted.

The site location is known to be busy with traffic. Some of the bedrooms appear to only have openable windows overlooking Milton Road and would unlikely achieve recommended internal levels with windows open. The acoustic assessment advises that the mechanical ventilation heat recovery (MVHR) system for each habitable room within the development should be selected to ensure specific noise reduction levels are achieved. The stated levels are reasonable and require implementation to ensure that operation noise does not discourage/dissuade use. I recommend a compliance condition to ensure the recommendations concerning the building envelope insulation and noise reduction levels are implemented.

Recommended conditions/informatives:

- construction hours
- ventilation scheme
- traffic noise compliance
- plant noise insulation
- plant informative

### **6.3 Refuse and Recycling**

#### Verbal advice

The collection of bin bags from the public highway – rather than wheelie bins – can be acceptable, however it is not a desirable arrangement as leads to public nuisance when bins are left out on collection day.

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

## 7.0 REPRESENTATIONS

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

- 6 Milton Road
- 8 Milton Road

7.2 The representations can be summarised as follows:

- Access to the site for construction;
- Lack of amenity space for future occupiers;
- Roof extension would have a tunnelling effect which would impact on potential future development of No. 8 Milton Road;

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

## 8.0 ASSESSMENT

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

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

### **Principle of Development**

8.2 The proposal includes the change of use from the lawful B1 (office) use to C3 (dwelling houses). The change of use can be done under permitted development rights, subject to a prior approval process. Class 0, Part 3 of Schedule 2 of the Town

and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out the conditions under which the change of use is permitted development. I have assessed the proposed change of use against these conditions, and I have found that the proposed use would be permitted development subject to a prior approval process.

8.3 The prior approval process requires the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required before the change of use can occur. The only relevant matters that the local planning authority can consider under the prior approval process are:

- a) transport and highways impacts of the development,
- b) contamination risks on the site,
- c) flooding risks on the site, and
- d) impacts of noise from commercial premises on the intended occupiers of the development.

8.4 This means that, the principle of change of use of the existing B1 (office) accommodation is established under permitted development rights, subject to the acceptability of criteria a – d above. If these are found to be acceptable, then planning permission is not required for the change of use. In which case, this would be the fall-back permitted development scenario against which the current application must be assessed.

8.5 I have assessed the transport and highway impact and the environmental health considerations (criteria a and d) in the relevant sections below, and I find these to be acceptable. The property is not within an area of flood risk or contamination risk, and hence criteria b and c are met. In my opinion, the change of use would be permitted development and, as this is the fall-back permitted development scenario, I must conclude that the principle of development is acceptable. The main consideration for this application is the impact of the proposed roof extension, which is not permitted development.

8.6 I have noted in the site description section above that the ground and first floors are currently occupied by a solicitors' firm and that the applicants have described this use as A2 (financial & professional services), which is in breach of the lawful B1 (office) use. In order for the A2 use to be lawful, the applicants would need to demonstrate through the submission of an

application for a lawful development certificate that the A2 use has been continuous for a period of 10 years. As enforcement action has not been taken against this use, the lawful use as A2 has not been established.

- 8.7 Nonetheless, should the lawful use be found to be A2 (financial & professional services) and not B1 (office), the property would benefit from permitted development rights to change from A2 to C3 (dwelling house), subject to a prior approval process. This is set out in Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I have assessed the proposed change of use against the conditions and prior approval requirements, and I have found that the proposed use would be permitted development.

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

- 8.8 The property is located on the eastern side of Milton Road in a row of terraced properties in mixed use. The site is not within a conservation area, however it is a prominent location on a main road. The rear of the property is visible from Milton Road as it turns the corner, within the context of the various extensions within the vicinity, which have a mixture of building styles. The property has been substantially extended at the rear, and in my opinion, the existing extension does not make a positive contribution to the street scene or the character of the area, although the use of brick and slate is in keeping.
- 8.9 During the course of the application, the scheme was amended to remove the dormer on the front elevation. This was in response to concerns from officers that the large box dormer originally proposed would harm the street scene. The revised plans include raising the ridge height to match the neighbouring property No. 12. While the ridge line of No. 10 currently matches No. 8, in my opinion, there such a variety of ridge lines including the adjoining property No. 12 that it would not be reasonable to refuse the application on these grounds. Rather than being a pair with No. 8, the property would match No. 12. In my opinion, there is a precedent for raising the ridge and this would not significantly harm the street scene.
- 8.10 The proposal includes a box dormer on the rear roof slope. During the course of the application, the fenestration on the rear

elevation of the dormer was amended to address officers' concerns about overlooking. The revised proposal includes three windows with the lower part of the two windows serving the living room being obscure glazed. The dormer would be zinc clad and would be set up from the eaves. In my opinion, the design of the dormer would be acceptable. Views of the rear roof slope are obscured by the property's rear extension and neighbouring extensions, so that the dormer would not be prominent from Milton Road at the rear. In my opinion, it would not harm the street scene.

- 8.11 For these reasons, in my opinion the design of the proposed roof extension is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

### **Residential Amenity**

#### Amenity for future occupiers of the site

- 8.12 The Environmental Health team is satisfied that the future occupants would have an acceptable level of amenity, subject to conditions regarding noise insulation and ventilation. During the course of the application, the existing heating, ventilation and air conditioning units (HVAC) on the flat roof were relocated to the roof of the existing extension, in order to minimise the impact of noise on the residential units. The Environmental Health team is also satisfied that traffic noise could be reduced to an acceptable level through mitigation measures, subject to a condition. I accept their advice that the proposal is acceptable.
- 8.13 Officers have concerns about the overlooking between the bedroom window on the first floor of Unit 1 and the living room of Unit 3. These are existing windows and there would be direct views between the windows over a distance of approximately 6.5m. This is much lower than the usual separation distance that would be acceptable. However, as these are existing windows and the units could be used for residential under permitted development rights, I have to conclude there would not be planning grounds to refuse the application on this basis. This degree of overlooking could occur regardless of whether consent is granted, and this is the fall-back position, which is a relevant consideration for this application.



- 8.14 The proposed roof extension would not be permitted development and therefore the impact of the roof extension on residential amenity, and the amenity of the future occupants of this unit, can be controlled through this application. During the course of the application, the fenestration on the rear elevation of the dormer on the rear roof slope was revised in order to address officers' concerns regarding the overlooking to and from these windows and the second floor kitchen window of Unit 2. The separation distance between the windows would be approximately 7m. The revised proposal includes obscured glazing of the lower part of the two windows serving the living room to a height of approximately 1.7m above the internal floor level. I have recommended a condition to ensure the obscure glazing is implemented prior to first occupation of the units. The third window which has no obscure glazing serves a hallway and would not have any direct views to living accommodation, so I satisfied that this does not need to be obscured. In my opinion, the roof extension would not have a significant overbearing or overshadowing impact on the windows of Units 2 and 3.
- 8.15 Third parties have commented that the proposal does not include any private amenity space for the future occupants. The existing residential units within the rear extension do not have any amenity space. While the lack of amenity space would usually be considered to be unacceptable, the provision of such space is not one of the criteria for Classes M or O of the permitted development rights. As such, since the fall-back scenario is that the office units could be used for dwelling houses under permitted development, there would be no planning grounds on which to refuse the application on the basis of lack of private amenity space.

#### Impact on amenity of neighbouring occupiers

- 8.16 The adjacent properties are No. 12 to the north and No. 8 to the south, which are also mid-terrace properties. No. 12 has a two storey rear extension and in my opinion, the proposed roof extension would not impact on the residential amenity of the occupiers of this property. In my opinion, No. 6 would not be affected by the proposed roof extension. I have recommended conditions to control construction and delivery hours in order to minimise the noise and disturbance affecting nearby residential properties.

- 8.17 I have assessed the impact on No. 8, which has a two storey outrigger with windows on the side and rear elevations. The upper floors appear to be in residential use. There is one window on the first floor side elevation, which has direct views into one of the side windows of No. 8. This is an existing window which would serve a communal landing. In my opinion, this would not have an unacceptable overlooking impact compared to the existing office use, or the fall-back permitted development scenario.
- 8.18 Third parties have commented that the proposal would have a tunnelling effect on No. 8. In my opinion, the proposed roof extension would not increase the sense of enclosure from the outlook of the windows of No. 8, as this property has no second floor windows. Due to the orientation of the proposed roof extension to the north of No. 8, there would be no overshadowing.
- 8.19 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

### **Refuse Arrangements**

- 8.20 The proposal does not include a bin store or storage area. There is no store for the existing residential accommodation. The applicant has explained that refuse and recycling is collected using bin bags left out on the public highway. The arrangements for the proposed units would be the same as existing. The Refuse and Recycling Team have commented that this is not an ideal situation and I agree that this is not a desirable arrangement. However, as refuse and recycling arrangements are not a relevant consideration for the prior approval process, in my opinion, there would be no planning grounds on which to refuse the application on the basis of lack of bin storage. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/13.

### **Car and Cycle Parking**

- 8.21 The proposal does not include any car or cycle parking. The existing accommodation is not served by any cycle parking.

While I appreciate that this is not a desirable arrangement, the provision of car and cycle parking is not a relevant consideration for the prior approval process. As such, in my opinion, there would be no planning grounds on which to refuse the application on the basis of lack of car and cycle parking. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

8.22 These are considered as follows:

<b>Comment</b>	<b>Response</b>
Access to the site for construction;	The granting of planning consent would not permit the applicant to access private land in third party ownership. This is a civil matter.
Lack of amenity space for future occupiers;	See paragraph 8.16.
Roof extension would have a tunnelling effect which would impact on potential future development of No. 8 Milton Road;	See paragraph 8.19. The application must be assessed on the basis of the existing situation and not potential future development of neighbouring properties.

## **9.0 CONCLUSION**

9.1 The property has permitted development rights for change of use to residential use. This is the fall-back permitted development scenario which must be given weight in the assessment of this application. As such, I must conclude that the principle of residential use is acceptable. While I accept that the degree of overlooking, the lack of amenity space, and the arrangements for bin and bike storage would not usually be acceptable, in light of the permitted development scenario, in my opinion these would not be reasonable planning grounds to justify refusing this application. The roof extensions have been amended during the course of the application, so that in my opinion, the proposed rear dormer and raised ridge would not harm the street scene, would prevent any overlooking, and

would not harm the amenity of neighbouring properties. I accept the advice of the Environmental Health Team that noise and ventilation impacts can be mitigated through conditions.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. There should be no 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)

5. Prior to the commencement of the use hereby permitted, 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 the road. The ventilation scheme shall achieve at least two air changes per hour. The scheme shall be installed before the use hereby permitted is commenced and shall not be altered.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 4/13).

6. Prior to commencement of the use hereby permitted, the noise insulation scheme and mitigation requirements as stated within the Cass Allen acoustic assessment dated 05 August 2016 (ref: RP01-16398) shall be fully implemented. Thereafter they shall be maintained and not altered without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 4/13)

7. Prior to commencement of the use hereby permitted, 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. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and retained thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 4/13).

8. The windows identified as having obscured glass on drawing number '0378 131 B' shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use hereby permitted and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

**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.

If noise sensitive premises are located within the site boundary, then the glazing of the premises and/or amenity areas will also be a location for the rating level of all plant not to exceed the existing background level (L90).

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 a 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. Sound 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, frequency spectrums, 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 acoustic 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.

This page is intentionally left blank



CAMBRIDGE CITY COUNCIL

---

**REPORT OF:** Arboricultural Officer

**TO:** Planning Committee

4<sup>th</sup> January 2016

**WARD:** ECH

**TREE WORKS, 211 NOTICE, Newnham Croft  
Primary School CB3 9JF, works to fifteen trees.**

---

## **1.0 INTRODUCTION**

- 1.1 A 211 Notice was received to carry out works to fifteen trees outside Newnham Croft Primary School and fronting Chedworth Street
- 1.2 An objection to the proposed works was received from a resident of Chedworth Street.
- 1.4 As the objection to the proposed works were maintained, an assurance was sought from the applicant that no works would be undertaken until after a decision has been made by committee
- 1.5 Members are asked to decide to
  - (1) Not object to the works or
  - (2) To serve a TPO let the applicant apply for works under the TPO

## **2.0 RECOMMENDATION**

- 2.1 No objection be raised to the proposed work

## **3.0 BACKGROUND**

- 3.1 The 211 Notice was made by Mr Puddefoot of 'Gardens by Ray Puddefoot' on behalf of Newnham Primary School.

Proposed works are to trees and shrubs growing in a narrow strip of land referred to, in the notification, as a 'woodland'. The works listed in the notification are:

T2 – Sycamore (group of 2) – remove  
T3 - Crab apple – Head lifted by 10%, remove dead wood  
T4 - Dogwood – Head lift by 10%  
T5 - Sycamore (group of 2) – remove  
T6 – Ash – remove  
T7 – Crab apple – Head lift by 10%  
T8 – Blackthorn (group of 2) – remove  
T9 – Ash – remove  
T10 – Sycamore (group of 3) – remove  
T11 – Swedish whitebeam – head reduction by 20%  
T12 – Sycamore - remove

3.2 Exceptions to the Town and Country Planning (Tree Preservation)(England) Regulations 2012 under Regulation 15, state that people are not required to submit a section 211 notice to the local planning authority for:

- the cutting down, topping or lopping or uprooting of a tree whose diameter does not exceed 75 millimetres; or
- the cutting down or uprooting of a tree, whose diameter does not exceed 100 millimetres, for the sole purpose of improving the growth of other trees (e.g. thinning as part of forestry operations).

In either case, the diameter of the tree is to be measured over the bark of the tree at 1.5 metres above ground level. These exemptions do not apply in circumstances where a tree has more than one stem at a point 1.5 metres above the natural ground level if any stem when measured over its bark at that point exceeds the relevant minimum..

3.3 Following a site visit by the Arboricultural Officer it was determined that:

T2 – Sycamore (group of 2) – remove  
T5 - Sycamore (group of 2) – remove  
T6 – Ash – remove  
T8 – Blackthorn (group of 2) – remove  
T9 – Ash – remove  
T10 – Sycamore (group of 3) – remove  
T12 – Sycamore - remove

fall into the above exception (at 3.2) and do not require a Section 211 and as such have not been considered.

3.4 Therefore the tree Works being considered under this notification are:

T3 - Crab apple – Head lifted by 10%, remove dead wood

T4 - Dogwood – Head lift by 10%

T7 – Crab apple – Head lift by 10%

T11 – Swedish whitebeam – head reduction by 20%

#### **4.0 CONSULTATIONS**

4.1 It is Council policy to consult Ward Councillors and residents of proposed works in Conservation Areas and allow the opportunity for people to comment/object.

4.2 Following such consultation an objection has been received a from resident on Chedworth Street. The objection which can be viewed in full through idox or public access has been made on the following grounds.

4.2.1 The work will affect the character the ‘woodland’

4.2.2 The trees provide shade to the street in the summer

4.2.3 T1 – sycamore – hides the school

4.2.4 T3 & T7 provides variety and fill the space

4.2.5 Evergreen bushes should be retained

4.2.6 The pruning specification is not clear

#### **5.0 CONSIDERATIONS**

5.1 The exceptions to the Town & Country planning Act mean that much of the work proposed is outside of the scope of local authority control (see section 3), as such objections 4.2.3 – 4.2.5 cannot be considered.

5.2 Is there sound arboricultural or practical justification for the works to the tree(s) in the manner proposed?

5.2.1 The Applicants' reasons for proposing the works are as follows: To plant up a wildflower / woodland walk for which a local authority grant has been awarded.

5.2.2 The proposed management is designed to enhance the character of area. It will remove many unsuitable self-seeded trees (ash & sycamore) which have the potential to reach over 20m in height at maturity and retain the more suitable trees (Gingko, whitebeam, blackthorn), whilst improving the ground flora through wildflower planting.

5.2.3 The proposed pruning is considered minor and will not significant impact on the amenity of the area or the shading of the street. It is accepted that the specifications given for trees to be pruned, currently in terms of percentages, could be misleading as such it is recommended an informative be added to any decision notice that may be issued which would more accurately defining the scope of the works.

5.3 Is a TPO appropriate/expedient.

If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of TPO.

5.3.1

Expedience

If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

### 5.3.2

#### Amenity

While amenity is not defined in the Town and Country Planning Act, government guidance suggests that trees suitable for TPO should be

visible to the public, at the time of making the TPO or in future.

#### Trees

may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore. Consideration should also be given to environmental benefits and historic/commemorative significance.

### 5.3.3

#### Suitability

The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

5.4 The Arboricultural Officer's assessment for the necessity of serving a TPO.

#### 5.3.1 Expedience

In this instance. A TPO is not considered necessary for the long term protection of the trees as it is considered they are under good management

#### 5.3.2 Amenity

The trees are a prominent feature of the Chedworth Street, from where they are most easily viewed. They are a significant feature of the area, they screen the school property and they contribute to the street scene. The works will have an initial impact but in the long term will enhance the character of the area.

### 5.3.2 Suitability

T3 - Crab apple, T4 – Dogwood, T7 – Crab apple, T11 – Swedish whitebeam are the only trees that could be considered suitable for a TPO

## 6.0 CONCLUSIONS

6.1 A TPO is not considered appropriate to maintain the necessary level of protection. It is considered the area is under good arboricultural management. It is therefore recommended that no objection is raised to the Section 211 notification but that the following informative is included to more accurately define the scope of works:

*The description of works provided in the notification to the following trees is vague. The works authorised by this notice to these trees shall consist of:*

*T3 - Crab apple – Crown lift up to 2.5m, minor branches only, remove dead wood*

*T4 - Dogwood – Crown lift up to 2.5m, minor branches only*

*T7 – Crab apple – Crown lift up to 2.5m, minor branches only*

*T11 – Swedish whitebeam – Crown reduce by up to 1m only*

*If additional tree work to these trees is required a further and more detailed notification is required to be submitted for consideration*

## 7.0 IMPLICATIONS

(a) <b>Financial Implications</b>	None
(b) <b>Staffing Implications</b>	None
(c) <b>Equal Opportunities Implications</b>	None
(d) <b>Environmental Implications</b>	None
(e) <b>Community Safety</b>	None

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

- TWA 16/462/TTCA
- Tree Preservation Orders and trees in conservation areas (<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/> )
- Comment received from resident

To inspect these documents please either view Public Access or contact: Matthew Magrath on extension 8526

The author and contact officer for queries on the report is Matthew Magrath on extension 8526

Report file: N:\POLICY & PROJECTS\Arboriculture\ARB 060 Tree Works Applications\063 TWA - CA applications\Cons Area Tree Works Applications

Date originated: 16 December 2016

Date of last revision: 16 December 2016

Appendix 1 Plans  
Image showing the area



Map of area with subject trees numbered.

